

1 YUKON-KUSKOKWIM DELTA FEDERAL  
2 SUBSISTENCE REGIONAL ADVISORY COUNCIL

3  
4 PUBLIC MEETING

5  
6  
7 VOLUME I

8  
9 Yupiit Piciryarait Cultural Center  
10 Bethel, Alaska  
11 October 10, 2012  
12 9:00 a.m.

13  
14 COUNCIL MEMBERS PRESENT:

15  
16 Lester Wilde, Chairman  
17 Robert Aloysius, Secretary  
18 William Brown  
19 James Charles  
20 Noah Andrew  
21 Evan Polty  
22 Harry Wilde, Sr.  
23 Mary Gregory  
24 John Andrew

25

26

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28

29 Regional Council Coordinator, Alex Nick

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P R O C E E D I N G S

(Bethel, Alaska - 10/10/2012)

(On record)

(Note: Lester Wilde and Mary Gregory were not present at the start of the meeting)

SECRETARY ALOYSIUS: I don't have a big club. Good morning. Good morning.

IN UNISON: Good morning.

SECRETARY ALOYSIUS: Yeah. Everybody not awake yet. Well, I got stuck with chairing the meeting, and so you have to bear with me. I'm not mentally, emotionally and spiritually organized in this kind of a set-up, so I'm going to ask Don Rivard to kind of be the sergeant-at-arms. So if we get out of line in any way, me especially, to, you know -- can you do that for me?

MR. RIVARD: Yes, sir.

SECRETARY ALOYSIUS: Thank you. So, Alex, I don't have a gavel. I don't have one either, but, our Yukon-Kuskokwim Delta Subsistence Regional Advisory Council meeting will come to order at exactly three minutes after nine, October 10th, 2012.

Alex, can you do the roll call, please.

MR. NICK: Thank you, Mr. Chair. William Brown.

MR. BROWN: Here.

MR. NICK: James Charles.

MR. CHARLES: Here.

MR. NICK: Noah Andrew.

MR. N. ANDREW: Here.

MR. NICK: Evan Polty.

MR. POLTY: Here.

1 MR. NICK: Lester Wilde. Mr. Chair,  
2 for the record Lester Wilde will be traveling this  
3 morning from Hooper Bay to Bethel. He should be in by  
4 about noon.

5  
6 SECRETARY ALOYSIUS: Thank you.

7  
8 MR. NICK: Paul Manumik. Mr. Chair,  
9 Paul Manumik has canceled due to personal reasons.

10  
11 Andrew Brown. Mr. Chair, Andrew Brown  
12 also canceled last minute because he needs to go to his  
13 doctor's appointment, which is kind of a mandatory  
14 thing I think for him.

15  
16 Mr. Harry Wilde.

17  
18 MR. H. WILDE: Here.

19  
20 MR. NICK: Mary Gregory. Mary Gregory.  
21 Mr. Chair, I saw Mary Gregory yesterday and I reminded  
22 her that there's a meeting today, so she's aware of it.

23  
24 Greg Roczicka. Mr. Chair, I contacted  
25 Greg Roczicka yesterday. Well, actually he left me a  
26 message that he will not attend the first day of hoe  
27 meeting. He's on travel status. He should be here  
28 tomorrow.

29  
30 Robert Aloysius.

31  
32 SECRETARY ALOYSIUS: Here.

33  
34 MR. NICK: John Andrew.

35  
36 MR. J. ANDREW: Here.

37  
38 MR. NICK: Mr. Chair, you have a  
39 quorum.

40  
41 SECRETARY ALOYSIUS: Thank you. James,  
42 could you please do our invocation this morning.

43  
44 MR. CHARLES: Okay. Lord, we thank you  
45 for this chance again to get together and we thank you  
46 for all the resource that you have given us throughout  
47 the year, health and safety for the people travel far  
48 and near. And we ask you to lead us throughout the  
49 meeting and let us understand that whatever the  
50 decisions we make, and it may be good for the people we

1 serve up and down the Kuskokwim, up and down the Yukon,  
2 and other areas who use the resource and regulations we  
3 go by. And we ask you to be with us throughout the  
4 meeting. Thank you in Jesus' name. Amen.

5

6 IN UNISON: Amen.

7

8 SECRETARY ALOYSIUS: Well, right off  
9 the bat I switched two items. Okay.

10

11 Welcome and introductions. Thank you  
12 all for being here this morning. Isn't that a  
13 beautiful day out there? I haven't seen the sun maybe  
14 eight times in one year.

15

16 (Laughter)

17

18 SECRETARY ALOYSIUS: From October 2011  
19 until today, we've had grey and cold, grey and cold.  
20 And it's just been really frustrating. And during the  
21 middle of winter, I understand why there's such a thing  
22 as cabin fever. And it's a good thing I live in a  
23 village instead of out in the woods, otherwise I would  
24 have gone ah-ah-ah. But it's so nice to see blue sky  
25 and the moon and the stars this morning when you first  
26 get up. And I hope it's a sign for the rest of the  
27 year, that the first day today will carry on until one  
28 year from now.

29

30 My name is (In Yup'ik). That is my  
31 first name given to me by my grandfather when he  
32 delivered me. I was born over in a fish camp on the  
33 Yukon River. And the Eyepiece name is (In Yup'ik), and  
34 that translates to medicine or spirit. So be careful.

35

36 (Laughter)

37

38 SECRETARY ALOYSIUS: I'm very honored  
39 to be here this morning, and very humbled that these  
40 guys, whoever is responsible, having me chair this  
41 meeting this morning, and I'll do my best, and I have  
42 Don over there to straighten me out.

43

44 And I think we'll start from James, go  
45 around this way, and then we'll get the audience to  
46 introduce themselves.

47

48 Oh, I'm from Chiglik (ph), contrary to  
49 what that says. My village is Chiglik.

50

1 MR. CHARLES: (In Yup'ik)  
2  
3 SECRETARY ALOYSIUS: (In Yup'ik)  
4  
5 MR. CHARLES: I'm James Charles from  
6 Tuntutuliak. My village is way downriver by the mouth,  
7 close to the mouth of Kuskokwim. Thank you.  
8  
9 MR. POLTY: My name is Evan Polty from  
10 Pilot Station, Yukon area. Lower Yukon.  
11  
12 MR. N. ANDREW: My name is Noah Andrew.  
13 My Yup'ik name is (In Yup'ik). I'm from Kuskokwim  
14 River here, from Tuluksak.  
15  
16 MR. H. WILDE: My name is Harry Wilde  
17 from Mountain Village.  
18  
19 MR. J. ANDREW: Yeah, my name is John  
20 W. Andrew from Kwethluk. My Yup'ik name is (In  
21 Yup'ik). Thank you.  
22  
23 MR. BROWN: My name is William Charlie  
24 Brown from Eek. Eek is by the mouth of hoe Kuskokwim.  
25 Thank you.  
26  
27 MR. NICK: Good morning. I'm Alex  
28 Nick, Council coordinator for Yukon-Kuskokwim Delta RAC  
29 and also for Seward Pen RAC.  
30  
31 SECRETARY ALOYSIUS: You guys introduce  
32 yourselves. Stand up and tell us really loud, from  
33 where you are, and where you're from and what you're  
34 doing so we can feel it.  
35  
36 MR. MASCHMANN: All right. I'm Gerald  
37 Maschmann. I'm with the Fish and Wildlife Service in  
38 Fairbanks. I work for Fred Bue who's the Federal Yukon  
39 River salmon manager. And today I'll be presenting to  
40 the Council the 2012 Yukon season summary.  
41  
42 MS. SWANTON: My name is Nancy Swanton.  
43 I'm with the National Park Service in Anchorage. Thank  
44 you for making us feel so welcome this morning. I'm on  
45 the InterAgency Staff Committee, so I advise our Board  
46 member, Sue Masica, who is with the National Park  
47 Service. Thank you.  
48  
49 MS. PETRIVELLI: I'm Pat Petrivelli,  
50 and I'm the BIA subsistence anthropologist, and my

1 office is in Anchorage.

2

3 DR. JENKINS: Good morning. My name is  
4 David Jenkins. I'm the subsistence policy coordinator  
5 for the Office of Subsistence Management, and you'll  
6 hear me speak today quite a bit about customary trade.

7

8 MR. TOWARAK: Good morning. I'm Tim  
9 Towarak. I'm from Unalakleet. I'm the Chairman for  
10 the Federal Subsistence Board, and I'm glad to be here.

11

12 This is my first meeting I think with  
13 you folks in the Yukon-Kuskokwim area. I've been to  
14 Bethel -- I mean, the Fairbanks area in the years past,  
15 and then at the end of this month, I'll be in  
16 Dillingham meeting with their RAC.

17

18 The Board is making an attempt to get  
19 more Board members out to all the meetings here in the  
20 Regional Councils, and we think it's a good way for us  
21 to communicate. We'd like to hear more from what you  
22 guys do in your Board meetings and how you make your  
23 decisions, the rationale for your decisions.

24

25 Since I've been the Chairman, I've been  
26 working very hard to get direction from the Regional  
27 Advisory Councils. The Chairman of each Regional  
28 Advisory Council attends the meetings, our meetings,  
29 and I defer to them as much as possible. So your input  
30 to the Chairman is very important for our process, and  
31 we appreciate sitting in on your meetings.

32

33 Good to be back in Bethel. I used to  
34 live here back in 1969/1970 when Bob was a young man.

35

36 (Laughter)

37

38 MR. TOWARAK: And me.

39

40 SECRETARY ALOYSIUS: All you guys, you  
41 hear what he said now? He's here to get information  
42 from us, so we can straighten him out.

43

44 (Laughter)

45

46 SECRETARY ALOYSIUS: I just had to say  
47 that, because old Eddie Hoffman, that was his theory,  
48 we've got to straighten them out.

49

50 (Laughter)

1 MR. TOWARAK: I remember, and he was a  
2 good friend of mine also. I used to -- I was the  
3 manager for hoe first Bethel Native store back in 1969  
4 when it was down at the old Bethel trading area. We  
5 bought it from Mendolez. Anika did. And then while I  
6 was here, it burned down. Everybody thought I burned  
7 it down, but I didn't.

8

9 (Laughter)

10

11 MR. TOWARAK: And then it was moved out  
12 to the housing area, so that's my past with Bethel.  
13 And this is also where I met my wife, and my wife is  
14 Rose Beans from St. Mary's. And we've been living in  
15 Unalakleet for 40 years. We've just had our 40th  
16 anniversary in August. And she wanted to be here, but  
17 we've got grandchildren that we're taking care of, so  
18 she's going to meet me in Anchorage tomorrow.

19

20 Thank you for inviting us.

21

22 MR. RIVARD: Good morning, Council  
23 members. My name is Don Rivard. I'm the fish  
24 biologist for the Yukon and the Kuskokwim with the  
25 Office of Subsistence Management. Thank you.

26

27 MR. KESSLER: Good morning. I'm Steve  
28 Kessler. I'm with U.S. Forest Service, one of hoe  
29 member groups of the Federal Subsistence Program. And  
30 I'm on the InterAgency Staff Committee representing  
31 Beth Pendleton who is our Board member. And I will be  
32 presenting to you today -- at this meeting on the  
33 memorandum of understanding and how we addressed your  
34 comments in that memorandum of understanding, and also  
35 getting comments from you on the revised version. And  
36 I presume we'll probably be doing that tomorrow.

37

38 Thank you.

39

40 MR. ESTENSON: Good morning, Council  
41 members. My name if Jeff Estenson. I'm with the  
42 Alaska Department of Fish and Game in Fairbanks, and I  
43 serve as the fall season manager for the Yukon area.  
44 And I'm here just to talk about the fall season and  
45 summer seasons and answer any questions you might have.

46

47 MS. BURTON: Good morning. I'm also  
48 glad to be here. I'm Gene Burton, regional director of  
49 BIA, and a Board member. Like Tim, I'm here to learn  
50 from you. I did attend one Y-K Delta RAC meeting up in

1 Mountain Village a couple years ago. Happy to be here.

2

3 MS. CHAVEZ: Good morning. My name is  
4 Roberta Chavez and I am the Partner's fishery  
5 biologist for ONC.

6

7 MR. SHELDEN: Good morning. I'm Chris  
8 Shelden. I am the ADF&G project leader for the  
9 Kuskokwim River Salmon Management Working Group.

10

11 I also want to mention that Jennifer  
12 Yuhas, the State's Federal subsistence liaison is  
13 probably on the teleconference. She has an ear  
14 infection and couldn't attend in person. And I believe  
15 that Travis Elison, the ADF&G Kuskokwim manager is also  
16 on teleconference.

17

18 MR. PARK: Hello. My name is Jeff  
19 Park. I'm with the Alaska Department of Fish and Game,  
20 Subsistence Division in Fairbanks. And I'd like to  
21 thank you for allowing me to be here. I'd like to give  
22 a very brief presentation on what the Subsistence  
23 Division has been doing the past few months. A lot of  
24 projects.

25

26 MR. BARTLEY: Hello. My name's Kevin  
27 Bartley. Originally I'm from Louisville, Kentucky.  
28 I'm here with the Office of Subsistence Management.  
29 I'm also a student at the University of Alaska-  
30 Anchorage.

31

32 And I'm here to give a brief  
33 presentation today. I've got a research project that  
34 I'm hoping to get your support for that would involve  
35 studying -- or interviewing RAC members and other  
36 advisory council members in the area about their  
37 experiences working with managers.

38

39 Thank you.

40

41 MS. KLEIN: Hi, good morning. My name  
42 is Jill Klein, and I'm with the Yukon River Drainage  
43 Fisheries Association, which is also known as YRDFA,  
44 and I'm their executive director. And YRDFA works on  
45 behalf of subsistence and commercial fisheries, and  
46 also fishing families on the Yukon River.

47

48 And I'd like to update you or present  
49 today on one of our Board of Fish proposals, and also  
50 give you a salmon bycatch update, and talk about a

1 couple of our projects, one being an OSM-funded project  
2 where we host in-season salmon management  
3 teleconferences and hire local people in 10 villages to  
4 get data on Chinook salmon, and then also a fish camp  
5 project we've been running.

6  
7 MR. RIVARD: Mr. Chair, you may want to  
8 ask for people on line as well.

9  
10 SECRETARY ALOYSIUS: Go ahead.

11  
12 MR. RIVARD: Go ahead. Anybody on line  
13 please introduce yourself. Anybody there?

14  
15 MR. ELISON: Yeah, this is Travis  
16 Elison with Alaska Department of Fish and Game,  
17 Kuskokwim area commercial fisheries manager.

18  
19 MR. RIVARD: Travis Elison with ADF&G.  
20 Anybody else.

21  
22 MR. McKEE: Chris McKee with OSM out of  
23 Anchorage.

24  
25 MR. LIEBICH: Trent Liebich with OSM  
26 out of Anchorage.

27  
28 MR. RIVARD: Thank you.

29  
30 SECRETARY ALOYSIUS: Thank you all. We  
31 have a very diverse.....

32  
33 MR. CHARLES: Mr. Chairman. (In  
34 Yup'ik)

35  
36 SECRETARY ALOYSIUS: Oh, I'm sorry.  
37 Please forgive me.

38  
39 REPORTER: You're forgiven, sir.  
40 Meredith Downing with Computer Matrix out of Anchorage.

41  
42 SECRETARY ALOYSIUS: Okay. Moving  
43 right along. Anybody have a chance to review the  
44 agenda? Any of hoe Council members?

45  
46 MR. NICK: Mr. Chair. There were a  
47 couple of people who would like to add agenda topic or  
48 item for presentation. I believe YRDFA.....

49  
50 SECRETARY ALOYSIUS: I'll get to that

1 as soon as, you know -- any of the Council members have  
2 an opportunity to review the agenda before today. Do  
3 you have anything that you want to add to the agenda.

4

5 MR. NICK: Mr. Chair. I think the  
6 Council members.....

7

8 SECRETARY ALOYSIUS: And if there's no  
9 -- oh, Noah.

10

11 MR. ANDREW: Mr. Chairman. I think you  
12 need to read the public comments so that they know to  
13 fill out that paper that is mandatory for presenting.  
14 And maybe give us that information on whether or not  
15 you will hold an evening meeting here. That  
16 information out to us. I think we need to bring that  
17 out as information here.

18

19 Thank you, Mr. Chairman.

20

21 SECRETARY ALOYSIUS: Thank you. Okay.  
22 Here we go. Right.

23

24 Public comments. Public comments are  
25 welcome for each agenda item and for regional concerns  
26 not included on the agenda. Not included on the  
27 agenda. The Council appreciates hearing your concerns  
28 and knowledge. Please fill out a comment form to be  
29 recognized by the Council Chair. Time limits may be  
30 set to provide opportunity for all to testify and keep  
31 the meeting on schedule. Okay.

32

33 All right. Any other Council members  
34 have any concerns on the agenda. Additions.  
35 Deletions.

36

37 (No comments)

38

39 SECRETARY ALOYSIUS: Okay. Hearing  
40 none, anybody from the agencies have additions or  
41 changes they want on the agenda.

42

43 MS. KLEIN: Thank you. My name is Jill  
44 Klein for the record with YRDFA.

45

46 And I wanted to ask if I could do all  
47 my reports together at the same time. I have a -- and  
48 to do it today if possible. And I'd spoken with Lester  
49 Wilde, the Chair, and he had it shouldn't be a problem,  
50 but since he's not here, I wanted to make sure to run

1 that by you.  
2  
3 SECRETARY ALOYSIUS: Any of hoe Council  
4 members have any objections to her request.  
5  
6 (No comments)  
7  
8 SECRETARY ALOYSIUS: Hearing none. Did  
9 you have a.....  
10  
11 MR. CHARLES: Mr. Chairman. I think we  
12 should adopt agenda first and then.....  
13  
14 SECRETARY ALOYSIUS: No.  
15  
16 MR. CHARLES: .....on discussion we can  
17 put that on.  
18  
19 SECRETARY ALOYSIUS: No, we can't do  
20 that. We have to adopt the agenda only after the  
21 changes have been made.  
22  
23 MR. NICK: For discussions, yeah.  
24  
25 SECRETARY ALOYSIUS: Any objections to  
26 her request.  
27  
28 MR. H. WILDE: No objection.  
29  
30 SECRETARY ALOYSIUS: No. Alex, will  
31 you find where we can put that.  
32  
33 MS. KLEIN: So after C today where it  
34 says Board of Fish proposals, I could update you on our  
35 Board of Fish.....  
36  
37 SECRETARY ALOYSIUS: Is that item 11.C.  
38 you think?  
39  
40 MS. KLEIN: I'm sorry, I don't have my  
41 book with me.  
42  
43 MS. SWANTON: After 9.C.  
44  
45 MR. RIVARD: 9.C.  
46  
47 MS. KLEIN: 9.C.  
48  
49 SECRETARY ALOYSIUS: Pardon?  
50

1 MS. KLEIN: 9.C.  
2  
3 SECRETARY ALOYSIUS: 9?  
4  
5 MS. KLEIN: C. So you could make a  
6 9.D. I heard someone say.  
7  
8 SECRETARY ALOYSIUS: Okay. All right.  
9  
10 MS. KLEIN: Okay. Thank you.  
11  
12 SECRETARY ALOYSIUS: Anyone else.  
13 Chris, you had your hand up.  
14  
15 (Mary Gregory arrives)  
16  
17 MR. SHELDEN: Mr. Chairman. I just  
18 wanted to make the comment that I believe under the  
19 rules of order that James is correct, that you make a  
20 motion to accept the agenda, that's seconded and then  
21 you ask for discussion. And then once the agenda is  
22 amended then you can vote as amended.  
23  
24 SECRETARY ALOYSIUS: Well, choice of  
25 words. Okay. All right. It was my understanding that  
26 we were reviewing the agenda and not adopting it at  
27 this time.  
28  
29 Any other changes, I mean, requesting  
30 changes for the agenda.  
31  
32 MR. N. ANDREW: Mr. Chairman.  
33  
34 SECRETARY ALOYSIUS: Any additions.  
35 Noah.  
36  
37 MR. N. ANDREW: I think it would be  
38 best if you read the agenda, and then when it comes to  
39 comment period, then we can put those into it in  
40 addition to the category that they apply to. And this  
41 would cease our confusion here. Read the agenda that  
42 way and then adopt it and then for our comment we add  
43 it or delete it.  
44  
45 Thank you.  
46  
47 SECRETARY ALOYSIUS: Anybody else.  
48  
49 (No comments)  
50

1                   SECRETARY ALOYSIUS: Well, okay. The  
2 draft agenda is on Page 1 of your handout, and I'll  
3 just go ahead and review the agenda.

4  
5                   The first item is call to order. The  
6 second item, invocation. Third item is roll call and  
7 establish quorum. Item 4, welcome and introductions.  
8 Item 5, review and adopt agenda. 6, review and approve  
9 previous minutes.

10  
11                   Number 7, reports. A, Council member  
12 reports. B, Chair's report.

13  
14                   Number 8, public and tribal comments on  
15 non-agenda items.

16  
17                   Number 9, regulatory proposals. A,  
18 2012 fishing season review Yukon and Kuskokwim Rivers,  
19 ADF&G and Fish and Wildlife Service.

20  
21                   B, review and make recommendations on  
22 fisheries proposals. 1, FP13-01, rescind Federal  
23 permit requirement. FP13-02, revise marking  
24 requirements. 3, FP13-03, revise harvest limit for  
25 pike. 4, FP13-06, 07, 08, revise customary trade  
26 regulations. 5, FP13-09 and 10, prioritize use of  
27 Chinook. 6, FP13-11, define significant commercial  
28 enterprise. Number 7, FP11-08, deferred, prohibit  
29 customary trade.

30  
31                   9.C, review Board of Fish proposals.

32  
33                   Number 10, old business. Review the  
34 draft memorandum of understanding between Federal  
35 Subsistence Board and the State of Alaska and develop  
36 comments/recommendations.

37  
38                   Number 11, new business. A, discussion  
39 of open Council application/nomination period and  
40 outreach to increase the number o applications and  
41 nominations for Regional Advisory Council membership.  
42 11.B, regulatory cycle review, comments and  
43 recommendations. C, review Federal Subsistence Board's  
44 annual report reply. D, Fisheries Resource Monitoring  
45 Program priority information needs, Donald Rivard.  
46 11.E, identify FY2012 annual report topics. 11.F,  
47 Council charter review.

48  
49                   Item number 12, agency reports. A,  
50 OSM. A.1, staffing update. A.2, budget report --

1 sorry. Budget update. A.3, Council membership  
2 application/nomination update. A.4, rural  
3 determination process and method review. A.5, briefing  
4 on consultation policies.

5  
6 12.B, U.S. Fish and Wildlife Service.  
7 B.1, Yukon Delta National Wildlife Refuge updates.  
8 B.2, Togiak National Wildlife Refuge updates. B.3,  
9 building effective collaborative management in Western  
10 Alaska, Kevin Bartley.

11  
12 12.C, BLM. 12.D, ADF&G. 12.E, YRDFA.  
13 E.1, season report. E.2, Bering Sea salmon bycatch  
14 update. 12.F, Native organizations.

15  
16 13, future meetings. A, confirm date  
17 and location of winter 2013 meeting, February 27 and 28  
18 in Bethel. 13.B, select date and location for fall  
19 2013 meeting.

20  
21 Okay. Number 14, closing comments.  
22 And number 15, adjournment.

23  
24 Okay. Go back to -- we're still in the  
25 review, so at this time I would ask a formal request  
26 for any changes in the agenda that you reviewed,  
27 besides adding 9.D to the agenda, and replacing the  
28 time for -- is that YRDFA? Yes. Okay. We'll change  
29 12.E. to be in 9.D.

30  
31 Any other requests for changes in the  
32 agenda. Alex.

33  
34 MR. NICK: Mr. Chair. Greg Roczicka  
35 requested that he be part of -- excuse me, Greg  
36 Roczicka be part of the escapement goals discussion  
37 when he returns tomorrow. Mr. Chair. I think it -- I  
38 believe it's part of ADF&G's presentation.

39  
40 SECRETARY ALOYSIUS: All right. Any  
41 objections.

42  
43 (No comments)

44  
45 SECRETARY ALOYSIUS: Hearing none.  
46 Now, anybody else.

47  
48 (No comments)

49  
50 SECRETARY ALOYSIUS: Hearing none, I

1 will entertain a motion to adopt the agenda as amended.  
2 James.

3

4 MR. CHARLES: Mr. Chairman. I move to  
5 adopt this agenda as amended.

6

7 MS. GREGORY: Second.

8

9 SECRETARY ALOYSIUS: There's a motion  
10 and a second to adopt the agenda as amended. All those  
11 in favor -- oh. Discussion. Sorry about that.  
12 Getting ahead of myself again.

13

14 MR. N. ANDREW: Mr. Chairman.

15

16 SECRETARY ALOYSIUS: Noah.

17

18 MR. N. ANDREW: I think it would be  
19 appropriate now to put that 9.D. into it since our  
20 young lady there wanted to, and I didn't hear any  
21 objection to that, that we put 9.D. What was the  
22 title?

23

24 SECRETARY ALOYSIUS: Mr. Andrew, the  
25 motion takes care of that concern you have. Any other  
26 discussion on the motion.

27

28 (No comments)

29

30 MS. GREGORY: Question on the motion,  
31 Mr. Chair.

32

33 SECRETARY ALOYSIUS: The question's  
34 been called. All those in favor of hoe motion to adopt  
35 the agenda as amended signify by saying aye.

36

37 IN UNISON: Aye.

38

39 SECRETARY ALOYSIUS: All those opposed  
40 say nay.

41

42 (No objection)

43

44 SECRETARY ALOYSIUS: I forgot to say  
45 aye for the approval. Motion carries unanimously.

46

47 Okay. Item number 6, review and  
48 approve previous meeting minutes. Is there a motion to  
49 approve the -- to review and approve the previous  
50 meeting minutes as found on Page 5. Okay. That's the

1 February 23, 2012 RAC meeting we had.

2

3 MR. NICK: Mr. Chair. Alex Nick,  
4 Council coordinator.

5

6 I would recommend that you review the  
7 minutes when Chair and Vice Chair is her. They are  
8 going to be here tomorrow, but it's up to you. If you  
9 want to go ahead and do that, get rid of it right now,  
10 it's okay. But Greg Roczicka is the one that usually  
11 makes some changes besides several of you.

12

13 SECRETARY ALOYSIUS: Well, it would  
14 have been nice if we had that request during the time  
15 of hoe review and adoption of hoe agenda, but I'm  
16 flexible.

17

18 Anybody want to move that we, what do  
19 you call it, suspend the rules and move the review and  
20 approval of hoe previous minute meeting to a later  
21 time.

22

23 MS. GREGORY: Mr. Chair. I so move.

24

25 MR. N. ANDREW: Second, Mr. Chair.

26

27 MR. CHARLES: Second the motion.

28

29 MS. GREGORY: To suspend the reading of  
30 the minutes until later.

31

32 SECRETARY ALOYSIUS: There's a motion  
33 and a second to delay the review and adoption of the  
34 minutes from the February 23rd, 2012 meeting. Any  
35 discussion.

36

37 MR. N. ANDREW: Mr. Chairman.

38

39 SECRETARY ALOYSIUS: Noah.

40

41 MR. N. ANDREW: Our Chairman may have  
42 something to put in here and discuss with us if that  
43 motion to delay this approval, I think we are in an  
44 appropriate situation here. He may have something to  
45 come up with.

46

47 SECRETARY ALOYSIUS: Who?

48

49 MR. N. ANDREW: Thank you.

50

1                   SECRETARY ALOYSIUS: Who has?  
2  
3                   MR. N. ANDREW: Lester. Lester Wilde  
4 when he come by. He is our Chairman and he should have  
5 an opportunity to bring up something here in this  
6 question.  
7  
8                   Thank you, Mr. Chairman.  
9  
10                  SECRETARY ALOYSIUS: The motion  
11 addresses that concern you have. We're going to wait  
12 until the Chair and the Vice Chair come back, or are  
13 here at the meeting to review the minutes.  
14  
15                  Any other discussion on the motion.  
16 John.  
17  
18                  MR. J. ANDREW: Mr. Chairman. (In  
19 Yup'ik) Thank you.  
20  
21                  SECRETARY ALOYSIUS: Any other  
22 discussion.  
23  
24                  (No comments)  
25  
26                  MS. GREGORY: Question.  
27  
28                  SECRETARY ALOYSIUS: The question's  
29 been called. All those in favor of the motion to delay  
30 the reading of, and reviewing and adopting the previous  
31 minutes meeting say aye.  
32  
33                  IN UNISON: Aye.  
34  
35                  SECRETARY ALOYSIUS: Opposed.  
36  
37                  (No objection)  
38  
39                  SECRETARY ALOYSIUS: Hearing none,  
40 motion carries. And, Alex, would you find a time when  
41 those guys are going to be here and remind the chair  
42 when he comes back to address that issue. Thank you.  
43  
44                  Reports, Council member reports. Any  
45 Council member have reports.  
46  
47                  James.  
48  
49                  MR. CHARLES: Thank you, Mr. Chairman.  
50

1                   My report is not written, so I don't  
2 have anything to pass around.

3  
4                   It's the season we've had this year, I  
5 wanted to report that since I'm with the Kuskokwim  
6 Salmon Management Working Group, too, the people -- a  
7 lot of people were not happy with our decisions that  
8 the working group and the -- or they complain about the  
9 working group, even the Department and Fish and  
10 Wildlife Service really make those decisions, but as  
11 you know, they say that the working group's decision is  
12 to close the Kuskokwim salmon, but we'll be talking  
13 about that later I think.

14  
15                   And this morning I did not see the  
16 Bethel office staff who would be -- who has been at  
17 that working group meetings. I see Robert here, he  
18 walked in later, but Bethel office people has been at  
19 that working group meetings. That's what I wanted to  
20 see about, because we want to work together. That's --  
21 when we have Kuskokwim Salmon Management Working Group,  
22 Bethel people as Don know, Don is always there either  
23 in person or on teleconference. Him and Alex are there  
24 and so is Robert, he come down. And we want to work  
25 together, even the State people. The people who has  
26 worked with us at the Kuskokwim Salmon Management  
27 Working Group. The State people, Federal people and us  
28 working group members, because people don't understand  
29 that we try to work together, but not all the time.

30  
31                   And why I bring that out is because  
32 people complain about us, how we manage the Kuskokwim  
33 salmon this year or in hoe past, too. People, as you  
34 know, Federal is for subsistence and State is for  
35 commercial fishing. And we many times don't -- Bob  
36 knows, too, because Bob is with the working group, and  
37 he know sometimes we are not happy with the decisions  
38 that we get throughout the season. This year we  
39 requested to have opportunity to go fishing a little  
40 bit, and that was not approved.

41  
42                   That's my comment here at this time,  
43 that we were not given chance to go out fishing a  
44 little bit there. That was early in the season. So  
45 they have their own way to close the Kuskokwim salmon  
46 when the king salmon were on the river. And after  
47 their time is up, they extended it. That was what  
48 people -- made the subsistence users get upset, and  
49 there were too many poachers and stuff like that, and  
50 that I'm not -- I don't like that, because I myself

1 don't like to do illegally fishing and hunting.

2

3 So that's my report.

4

5 Thank you, Mr. Chairman.

6

7 SECRETARY ALOYSIUS: Thank you, James.

8 Anybody else on the Council. Mary Gregory.

9

10 MS. GREGORY: I don't have a report as  
11 such, or is it comments? I'm confused on the.....

12

13 SECRETARY ALOYSIUS: Comments are in  
14 the last item on the agenda. They're on Page 2.

15

16 MS. GREGORY: I have that bear claw  
17 whatever, that committee I'm on. We never meet for a  
18 long time, and I haven't been called to advise anything  
19 since the last meeting.

20

21 MR. N. ANDREW: Mr. Chairman.

22

23 SECRETARY ALOYSIUS: Noah.

24

25 MR. N. ANDREW: In line with what James  
26 is talking about, out of my experience, fish has a  
27 tendency of wandering around in the mouth of the  
28 tributary. I've been arguing about this with the  
29 Department -- or hoe Army Corps of Engineers, that it  
30 was in my village area. The barges that haul gravel  
31 and things like that type and dump in alongside the  
32 Kuskokwim River causing the channel to reverse or  
33 change anyway. And unless these are work that they're  
34 going to cover a lot of these tributaries and make a  
35 different channel that would avoid them coming into the  
36 spawning area and wander around more there in that  
37 area, and that would not be sufficient for spawning  
38 purposes. So at this time the river there, Kuskokwim  
39 River, what the fish used to went up there, our  
40 channels are changing. There are sandbars now where  
41 there used to be a main channel, and unless we want to  
42 get the spawning more effective, and get this big fish  
43 to spawn, I think we need to help them rechannel this  
44 spawning tributaries.

45

46 And this is serious. Fish are  
47 declining, and we're not being helped here. And we  
48 need to get this across legislature or whoever can work  
49 on this type of situation.

50

1 I told the -- when the Fisheries  
2 Department was meeting up there to get us fishermen at  
3 least buy dynamite so we can blow up some of these  
4 areas that beavers are causing the fish to come through  
5 the river channel and spawn up. We've argued about  
6 this several times, but we're not being heard.

7  
8 I have a couple of recommendations from  
9 upriver and what happened this summer to us fishermen.  
10 And you all know, I'm going to bring my comments into  
11 my comment period also, Mr. Chairman, 2012.....

12  
13 SECRETARY ALOYSIUS: Please reserve  
14 your comments until the end of hoe meeting, because  
15 that's an agenda item, number 14. We're asking for  
16 reports not comment or.....

17  
18 MR. N. ANDREW: Okay. Mr. Chair.

19  
20 SECRETARY ALOYSIUS: .....compared  
21 right now.

22  
23 MR. N. ANDREW: On the report, maybe  
24 this will bring out something a little bit brighter.

25  
26 As the result of the moose (In Yup'ik)  
27 moratorium?

28  
29 MR. CHARLES: Uh-huh. (Affirmative)

30  
31 MR. N. ANDREW: We began to see some  
32 moose in the area. Just about four days ago, a bull  
33 moose just walked by my house, and people are starting  
34 to see -- airport is about two miles up from the  
35 village, when they use that to go up and back and forth  
36 from the airport, they're starting to see moose coming  
37 across so somehow the population is expanding.

38  
39 That's my report.

40  
41 SECRETARY ALOYSIUS: Charlie Brown.

42  
43 MR. BROWN: Thank you, Mr. Chair. I  
44 have a report from my village. I live in the mouth of  
45 the Kuskokwim all my life, and before I come here, they  
46 didn't like the system that the Fish and Game made last  
47 summer, last past summer, that by sections they didn't  
48 like that. It didn't work out. Instead that number 1  
49 section on my area for that first opener for  
50 subsistence harvest, we hopefully was going to work out

1 that way like it was planned by the Fish and Game. And  
2 we applied for it. Instead they gave us more closures  
3 instead of -- that section's supposed to close like 5,  
4 10 days. They kept extending it and it stuck in our  
5 area. That number 1. I think it was kind of a mess.  
6 So the people start calling us. I'm one of your  
7 working group member, and I told them those Fish and  
8 Game, they're write to us, suppose to work out, but it  
9 didn't work out that way. I hope you guys fix that  
10 planning for this year. I hope it don't work out that  
11 way again.

12

13 Thank you.

14

15 SECRETARY ALOYSIUS: John.

16

17 MR. J. ANDREW: Thank you, Mr.  
18 Chairman. My name is John Andrew from Kwethluk.

19

20 I met with the working group around  
21 working group at the village. There's the city,  
22 corporation and the tribe. They expressed their  
23 frustration with the Kuskokwim Salmon Working Group  
24 meetings this summer. They were saying, yeah, we all  
25 saw that we had a very, very, late subsistence fishing  
26 season. They kept extending the closures. By the time  
27 we had -- in June we only had two days chance, only two  
28 days of possible fishing, because a lot of us at the  
29 village fish for several households at a time. We  
30 weren't able to do that this summer. Some of them did  
31 not meet their subsistence needs on salmon, because the  
32 time was too short. On top of that, we got caught on  
33 the rainy season. There was spoilage and some of them  
34 were complaining about their fish not being able to dry  
35 well, and that some were spoiled by flies. They got  
36 maggots on them. And it was pretty disappointing.

37

38 And personally for me I usually go out  
39 four or five times in hoe month of June. I only had  
40 two days, and the first day I went out, there were too  
41 many boats in one small area. We really had to hustle  
42 and try to get enough fish to take home. but the  
43 following week I did well when I went out early in the  
44 morning, got 70 one morning, and I ended up giving away  
45 about 50 of them. I only kept about 20 for my own  
46 family.

47

48 They were saying -- some of them said  
49 that they weren't able to get enough, not enough time  
50 and the weather wasn't agreeing with us. It's been one

1 rainy summer all summer long. Water levels too high.  
2 A lot of debris on the river. That was one frustrating  
3 summer we had this past summer.

4  
5 Thank you.

6  
7 MR. POLTY: Mr. Chair.

8  
9 SECRETARY ALOYSIUS: Evan.

10  
11 MR. POLTY: Yes, Mr. Chair. My name is  
12 Evan Polty. I'm from Lower Yukon.

13  
14 There was a gathering at home just  
15 before commercial -- subsistence fish were starting for  
16 the summer, and our Chinook were late coming in,  
17 midpart, around the 18th. And they had a meeting prior  
18 to that. They had a gathering that they -- I don't  
19 know where the information came, and let them know  
20 there was no subsistence duration of the summer. There  
21 was people were testifying and they were planning on  
22 video and send it down to Washington, D.C. I sat down  
23 and listened to them, and I finally was the last one to  
24 speak out and let them know that we had the schedule  
25 from -- excuse me. Excuse me. We had a schedule from  
26 Fish and Wildlife that there will be a window for us,  
27 time for subsistence when the first pulse coming, so we  
28 took that opportunity for us.

29  
30 But the ones that were concerning about  
31 it and testified on the last day of closure when the  
32 fish started running heavier right there at Pilot, they  
33 just had to have their Eskimo dance. And they wind up  
34 not getting enough of those Chinook that were passing  
35 through Pilot. And the window closed and they waited  
36 another week before they decide to open it for chums.

37  
38 So I'd like to have someone, whoever  
39 gives those reports, to send them ahead of time,  
40 priority of subsistence opening for our Yukon area,  
41 like around June, so I'll have to reassure them that  
42 Federal Board discussed that and Fish and Game  
43 discussed that earlier during our meeting, and let them  
44 know there will be an opening for subsistence, and  
45 that's what make them more aware of that they'll be  
46 doing some subsistence during the summer.

47  
48 Thank you. Thank you, Chairman.

49  
50 SECRETARY ALOYSIUS: Mr. Harry Wilde,

1 anything?

2

3 MR. H. WILDE: Yeah. Mr. Chairman.  
4 Pilot Station and Kuskokwim is not the only having a  
5 problem. In Mountain Village, we do have a problem,  
6 too. First time I ever -- when I used to be a  
7 commercial fisherman, the first time I ever seen four  
8 hours commercial fishing. It's not something new. I  
9 think we have a problem all over. It's really some  
10 hurt or can't even get no king salmon. I never even  
11 catch no king salmon this summer. Not even one. And  
12 I've been doing subsistence, and my grandson, he do  
13 commercial. And people come down from all over, mouth  
14 of Yukon, all the way up to around Mountain Village,  
15 commercial fishing in that area. Something it have to  
16 be done. And I think this is something new to us this  
17 year, all the problems, we have. No king salmon and  
18 people are -- that we had meeting twice right there in  
19 Mountain Village and some of them come down from St.  
20 Mary's. I think something have to be done, and we have  
21 to -- need some kind of help in that area. When a  
22 person come from all the way down from mouth of Yukon  
23 to Mountain Village area, St. Mary's area, people in  
24 that area don't have no way to fish in their fishing  
25 area.

26

27 Mr. Chairman, it is very important for  
28 the elders like them, and they're telling us just take  
29 your time, and you've got to have some kind of help. I  
30 think we need help. Some time that I used to work with  
31 Fish and Game and that they're doing us a really good  
32 thing. What time the schedule would be for subsistence  
33 in Nunam Iqua, sometime they never announce it right  
34 away. That was a problem this summer. It's not only  
35 problem in Kuskokwim River, also, because there was  
36 some problems in Yukon area.

37

38 Thank you, Mr. Chairman.

39

40 SECRETARY ALOYSIUS: Thank you, Harry.  
41 I don't know if Lester had a report prepared. Is there  
42 one prepared?

43

44 MR. NICK: Mr. Chair. I talked to  
45 Lester yesterday, and he was in a meeting and this  
46 morning he was getting, excuse me, ready to travel, so  
47 he didn't indicate that he has one, but I'm pretty sure  
48 he has something to say.

49

50 SECRETARY ALOYSIUS: I'm sure he'll

1 have something to say tomorrow. Thank you.

2

3                   For me, there's only one thing that has  
4 come up over and over again this summer. Where is the  
5 Yukon-Kuskokwim Delta Regional Advisory Council and the  
6 Federal Subsistence Board, because we are dealing with  
7 subsistence. Where are they? Where are they? They're  
8 here to help us and they're not here. I hear that  
9 everywhere I go. And a lot of times I'm ashamed to  
10 admit that I'm on the RAC Council, because we're  
11 helpless. Everybody else is doing things to dictate to  
12 us what we can eat and when we can eat it. And yet the  
13 Federal Subsistence Board is there supposedly to  
14 protect us and help us get the subsistence food that we  
15 need.

16

17                   We've been there for 30,000 years. The  
18 Fish and Wildlife and Fish and Game are new entities.  
19 The only education they have is based on paper. And  
20 I'll say this loud and clear, time and time again, our  
21 people say, the people who run Fish and Game and Fish  
22 and Wildlife do not know what the subsistence way of  
23 life is. They don't live in a village, they don't live  
24 in a fish camp.

25

26                   It's very hard for people like me to  
27 stop what I've been taught to do ever since I can  
28 remember. And it's very frustrating for elders, and  
29 especially the young people who look up to the elders  
30 to say, what can we do? And the elders' response is,  
31 we can't do anything. Our hands are tied. Very  
32 frustrating.

33

34                   So, you know, there has to be something  
35 done.

36

37                   And the other thing, you know, we get  
38 -- the subsistence hunters, fishers, trappers,  
39 gatherers are always dictated without their input.  
40 They have no input. That's what they say, that we have  
41 no input. How come they never come and ask us what we  
42 need? How come they never ask us, you know, how we can  
43 help them, because we know, we live here. This is our  
44 way of life. We depend on the four seasons. We don't  
45 have a lifestyle that we do every day, every day, every  
46 day. We have a way of life dictated to us by the  
47 seasons. There's a hunting season. There's a fishing  
48 season. There's a gathering season. And a season to  
49 prepare. And that's our way of life. And it's  
50 dictated to us by nature. We have no control over

1 nature. Nature controls what we do. And this is  
2 something that has to be understood by the Federal  
3 Subsistence Board and the people who make that Board.

4  
5           Our people live on this land. And we  
6 live on this land, because it offers us food to  
7 survive. And all of our elders, our real elders, tell  
8 us, when the food is there, you gather it, because it's  
9 only there for a very short time. Right in the peak of  
10 hoe salmon season up there in the Tuluksak, Kalskag  
11 area, we were shut down for 12 days. Twelve days. We  
12 couldn't do what we're entitled to do, because of  
13 paper. Numbers on paper saying that there is not  
14 enough fish going up the river. So again the  
15 philosophy of the working people is the pen is mightier  
16 than the sword. And the pen that rights on paper is  
17 mightier than the way of life of the people that live  
18 here.

19  
20           There has to be some kind of a solution  
21 to make sure that the people that depend on the fish  
22 and the game of this land have the opportunity year  
23 after year to harvest what they need, because the  
24 window of opportunity is only three months long at the  
25 longest, because we have three other seasons that we  
26 have to prepare for. And, you know, that's our way of  
27 life and that's the way we think. It's in our mind,  
28 our hearts and our spirits. The land provides for us  
29 at only a certain time of the year, and we have to be  
30 able to harvest those foods at those times of the year.  
31 It's hard for people to understand that that do not  
32 live that way. And this is what I get from the people  
33 at home. My elders. The young people who are anxious  
34 to practice what they see the adults and the elders  
35 doing. They want to be involved. And yet we have to  
36 stop it, no, we can't do that, we can't do that. Why  
37 can't we? Well, it's on paper. The Federal Government  
38 and the State Government said you can't fish, and our  
39 hands are tied.

40  
41           And if we go out and do that, we're  
42 breaking the law like the people in Akiak. They went  
43 out to harvest what they needed, and they had to suffer  
44 the consequences of that.

45  
46           The thing that really caught me was I  
47 went out -- the water was so high all -- even this  
48 spring. I went out, I made two efforts to fish. I  
49 caught one king in one drift in one place, and one red  
50 salmon in another, and that was the harvest I got for

1 the whole summer. One king and one red. And because I  
2 have gear, I have boat, engine, nets, I was able to let  
3 the able-bodied relatives of mine use my boat, engine,  
4 and nets when it was open, because I wasn't going to go  
5 out there, you know, because gasoline up there is \$7 a  
6 gallon. Even the fish are right in the river right  
7 across the river from us, upriver from us, when they're  
8 not there, we have to travel upriver or downriver in  
9 the area that's open, and it costs a lot of money to  
10 buy gas just so you can put food on the table, or put  
11 food in the freezer, or put fish in the smokehouse to  
12 dry for the fall, winter and spring seasons.

13

14                   So that's my personal report. And take  
15 it for what it's worth. You know, we, the people who  
16 live on the Yukon and the Kuskokwim Rivers depend on  
17 the food that comes to us. We didn't go chasing after  
18 it like our brothers and sisters in the Lower 48 where  
19 they had to follow the migratory bison. We wait in our  
20 fish camp for the fish to come to us. And if we don't  
21 have the opportunity to gather that, it's not good.  
22 It's not good mentally, emotionally and spiritually.  
23 It's not good for our young people. And they wonder  
24 why. You taught us how to do this, now we can't do it.

25

26                   Thank you.

27

28                   At this time I'd like to have a 15-  
29 minute break. Be back here at 10:25, not according to  
30 that clock, but this one.

31

32                   (Laughter)

33

34                   (Off record)

35

36                   (On record)

37

38                   SECRETARY ALOYSIUS: Good morning.  
39 Okay. Continuing on with our agenda, our next item on  
40 the agenda is public and tribal comment on non-agenda  
41 items. Who wants to be first? Anybody from the public.

42

43

44                   (No comments)

45

46                   SECRETARY ALOYSIUS: Anybody from the  
47 tribes.

48

49                   (No comments)

50

1                   SECRETARY ALOYSIUS: (In Yup'ik) I'm  
2 sure somebody from the.....  
3  
4                   MR. J. ANDREW: Mr. Chair. (In Yup'ik)  
5  
6                   SECRETARY ALOYSIUS: Okay. Thank you.  
7 We'll just hold off a little bit. I think we'll have a  
8 couple of our wandering Council members somewhere.  
9 Anybody have any good jokes? I'm sure Tim has.  
10  
11                  MR. TOWARAK: I've got a couple of  
12 comments I'd like to make though. I wanted to point  
13 out that in our last meeting when we had.....  
14  
15                  SECRETARY ALOYSIUS: Could you wait  
16 until our other two members show up?  
17  
18                  (Off record conversation, microphones  
19 off)  
20  
21                  SECRETARY ALOYSIUS: And since we  
22 didn't hear any comments from hoe public or the tribes,  
23 we're rescued by the Chairman of the Federal  
24 Subsistence Board to make a few comments. Go ahead.  
25  
26                  MR. TOWARAK: Thank you. I -- while  
27 you were making your comments earlier, I took a note of  
28 everything everyone said, and I appreciate those, the  
29 concerns that you have about the inability to seem to  
30 affect the regulations on subsistence Even for  
31 ourselves as Board members, we've got some of our hands  
32 tied on some things that -- there's certain things we  
33 can do, there's certain things we can't do, but I won't  
34 get into that. I'd like to make that an educational  
35 process. I think maybe I could do it through a letter  
36 to all the Regional Advisory Councils.  
37  
38                  But something that you reminded me of  
39 is that at our last two meetings in January I think, we  
40 seated two new Board members. One is Charlie Brower  
41 from Barrow. And the other is Tony Christianson from  
42 Metlakatla. So now we've got three actual subsistence  
43 users that are on the Board out of a total of -- we've  
44 got eight Board members. And so I think ever since  
45 that took place, I've been very happy with the input  
46 that we've received from those additional subsistence  
47 users.  
48  
49                  The other thing that I wanted to point  
50 out is that I still put an emphasis on listening to the

1 Regional Advisory Councils. So you guys are like  
2 ground zero for making changes on subsistence  
3 regulations. If you see something that needs to be  
4 changed, make a proposal for the Board to address, and,  
5 you know, I'll be one to put it through the process and  
6 make sure that it gets heard. And I just want you to  
7 feel very confident that with this Board, at least as  
8 long as I'm the Chairman of the Federal Subsistence  
9 Board, we want to listen to the Regional Advisory  
10 Councils. We want your input. We use you as a  
11 direction on how we should vote, and I just want you to  
12 know that's very important in my -- during my regime.

13

14 And that's all I wanted to point out.

15

16 SECRETARY ALOYSIUS: I the first  
17 Federal Subsistence Board meeting I went to, I don't  
18 know, four, five years ago maybe, and when I walked  
19 into the room and I saw all these people from up there,  
20 up there, and when it was my turn to speak, I said, you  
21 know, when I first came in here, I was overwhelmed.  
22 And it just -- you know, something came over me, and I  
23 said, if I had anything to do with it, all of you  
24 people wouldn't be up there. We have 13 regions in the  
25 State of Alaska representing 13 different diverse  
26 Native peoples. I said, every one of those 13 nations  
27 would be represented up there as the Federal  
28 Subsistence Board, because they are the ones who live  
29 that life. And they should be the ones up there  
30 listening to the public and expressing to the public  
31 what their concerns are from their region, and bring  
32 that to D.C. and not have it come down from D.C.  
33 through the departments and you appoint this and you're  
34 appointed this, you're appointed that, and it just --  
35 it doesn't make sense because it has to come from the  
36 people, and that, you know, I'm -- and I'm always of  
37 that mind, that some day that Federal Subsistence Board  
38 is going to be all Native people, men and women.

39

40 MR. TOWARAK: I just might point out  
41 that the Federal Subsistence Board was created  
42 Congressionally, and it was our Senators and our  
43 Representative Young that helped put that whole package  
44 together, and that's -- you know, it was done fairly  
45 quickly, and I recall how it was done. And if there's  
46 going to be any changes, that's where the changes need  
47 to come from, through Senator Murkowski or Senator  
48 Begich, or Representative Young in changing ANILCA or  
49 changing any regulations or any laws that help create  
50 the Federal Subsistence Board.

1                   The other thing that we could go is ask  
2 the State of Alaska to change their constitution to  
3 allow subsistence be recognized as a priority in case  
4 of a shortage so that the State of Alaska can manage  
5 everything, and we could combine, rather than having a  
6 Federal agency and a State agency doing different  
7 things and trying to work together, but sometimes  
8 they're not, we could just have the State of Alaska.  
9 But then that's something that the Legislature has to  
10 do; it's something that the Governor has to promote.

11  
12                   You know, everywhere I go, I try to  
13 promote for the State to take over management of  
14 subsistence. The Federal Government is doing a great  
15 job; it's doing as good as they could, but in the  
16 Federal system there's restrictions on what they can  
17 do. With the State we've got a little bit more leeway  
18 I think. They're the ones that do all the biological  
19 work, and they have ground zero information available  
20 for us. We as a Federal agency rely on the State's  
21 biologists to give us information about how the fish  
22 are running, how much moose we have. You know, all  
23 that is collected by the State of Alaska. The Federal  
24 Government has some biologists, but not near as much as  
25 what the State Government has.

26  
27                   So in private conversations, if I ever  
28 had a chance to sit down with the Governor, I would,  
29 you know, request that they take a deep look at how  
30 things could improve if the State took over management  
31 of subsistence, but that's a bigger issue. That's  
32 something that we don't have any control over.

33  
34                   And this is not a reflection on the  
35 Federal Staff. They're doing the best job they could.  
36 I've seen it. There's five directors that you  
37 mentioned earlier that, you know, come our state  
38 directors, BLM, BIA and so forth. Those people have a  
39 desire to do the right thing, but it -- a lot of it  
40 will come from Regional Advisory Councils like  
41 yourselves.

42  
43                   So again I point out that if you want  
44 to see changes, you propose changes and we'll take a  
45 look at it. That's the best way to I think communicate  
46 with -- you were talking about, you know, the elders  
47 are disappointed that they don't seem to be heard. And  
48 it's through the Regional Advisory Council that they  
49 can get heard.

50

1                   But there was requests I think from  
2 other Regional Councils to hold meetings in other  
3 places other than the regional offices like here in  
4 Bethel, to have hearings on the Yukon or hearings up  
5 the Kuskokwim or down at the mouth. Regrettably the  
6 Federal Government is having all kinds of problems with  
7 budgets, so everything is being cut. Our subsistence  
8 budget is decent. It's -- we're doing okay. We're not  
9 going to get hurt as much as some other agencies, but  
10 it's still a problem. We can't have meetings  
11 everywhere.

12  
13                   Just a couple months ago we had our  
14 first meeting in Juneau with the Southeast Regional  
15 Advisory Council, a joint meeting between the Federal  
16 Subsistence Board and the Regional Advisory Council.  
17 If we had money, I'd like to see the Board come out  
18 here to Bethel, because I was pointing out to one of  
19 the Staff members that I think the Yukon-Kuskokwim area  
20 is probably the canary in the mines so to speak, that  
21 if -- for subsistence. It's a major, major issue for  
22 the folks that live in this region, a lot more so than  
23 in other regions, you know. Other regions have other  
24 resources. And I understand that fully, and I can read  
25 your frustrations with the system, but there's ways to  
26 make the system work if we work together.

27  
28                   I won't take too much more of your  
29 time. I know you guys have got a long agenda, and I'm  
30 here to listen to the rest of it.

31  
32                   Thank you.

33  
34                   SECRETARY ALOYSIUS: Thank you.

35  
36                   MR. N. ANDREW: Mr. Chairman.

37  
38                   SECRETARY ALOYSIUS: You have a comment  
39 for him?

40  
41                   MR. N. ANDREW: Yeah. I heard you.  
42 I'm one of hoe people that is on the bottom  
43 experiencing what the law put onto us. You overrule --  
44 because I read Tundra Drums, too, that you've been here  
45 this summer, of what the officials, enforcement  
46 division did to our people that are subsistence on our  
47 rivers. I kind of be contrary to some point when  
48 people want to change the State constitution. Article  
49 XII, Section 12, needs to be exercised. It's a State  
50 law in the constitution. We need to look further into

1 it. When State takes over, I'm experiencing deeper  
2 problem. And I'd like for you to be aware of that. I  
3 was glad when Federal Subsistence Board come about and  
4 when the Secretary of Interior and Secretary of  
5 Agriculture to say on behalf of the Native under  
6 Obama's legislation. They didn't make their own  
7 decision. The people went over there and they spoke to  
8 them. And we need to speak to them, let them  
9 understand. Earlier Bob was commenting on this. And  
10 he didn't roll down that target. I mean, he took  
11 effort to communicate.

12  
13 Four words, don't forget them.  
14 Observe. Comprehend. Acknowledge. Execute. When you  
15 think of something, it will come about.

16  
17 Thank you, Mr. Chair.

18  
19 SECRETARY ALOYSIUS:

20  
21 MR. TOWARAK: Thank you.

22  
23 MR. J. ANDREW: Doi?

24  
25 MR. N. ANDREW: Yeah.

26  
27 SECRETARY ALOYSIUS: John.

28  
29 MR. J. ANDREW: Yeah. Thank you, Mr.  
30 Chairman.

31  
32 I'd like to express my heartfelt  
33 appreciation for you coming out here. For many of us  
34 that come from the villages to testify before the Board  
35 or the Board of Game, like Bob said there, we always  
36 feel pretty humble by the people we don't know. It's  
37 always scary to do presentations, especially if you  
38 come from the villages and present your traditional  
39 environmental knowledge to the Board and Staff. Too  
40 often a dismissal says our testimony being folklore or  
41 rhetoric. It's a frustration, because we're the people  
42 that live all our lives over here. We know our own  
43 conditions out there. And people that come in from the  
44 outside to manage it, too often they say, you don't  
45 have no college degree. You don't have no science  
46 background. Yet we live with it, know naturally, it's  
47 all our lives. I mean, how -- we know the area well,  
48 and our fish and game, too. That's the message I'd  
49 like for you to deliver to your counterparts over  
50 there.

1 Thank you very much.

2

3 MR. TOWARAK: I will, but I wanted to  
4 point out, too, that the Y-K Delta has one of hoe few  
5 local peoples in management of some of hoe federal  
6 programs through Eugene, Gene Peltola, Jr. So we need  
7 more people like that throughout the whole state.

8

9 MS. GREGORY: Mr. Chair.

10

11 SECRETARY ALOYSIUS: Mary.

12

13 MS. GREGORY: I'd like to welcome you  
14 back, Tim, to Bethel, because I knew you guys when you  
15 were in the basketball team and you used to come here  
16 and play. It was -- those were pleasant times. But  
17 like everything else, pleasant times have to come to an  
18 end, and now a time of needy part of our life, and I  
19 really appreciate you coming up here to hear first-hand  
20 what we are going through as Native people.

21

22 I always get really emotional, because  
23 there's been some elders who are living and I want them  
24 to live their life to the best of the way they do, and  
25 please don't take that right away from them, because we  
26 were planted here as Native people to live off the  
27 land, and do and subsist and share, and live our -- our  
28 way of life which is so different from you guys, from  
29 the gussack people, but the majority of gussack people  
30 that are associated with us, because the Native people  
31 know that what they will be saying is not going to be  
32 heeded. So from now on I'd like to tell people who are  
33 working for the betterment of my life as a Native  
34 person, in my later years of life, to make it easier  
35 for me to be a Native person, and not to conform to  
36 another person or another way of life.

37

38 But I thank you for coming here, and  
39 it's humbling to see a person who is in charge of our  
40 -- a part of our way of life to be among us.

41

42 Thank you, Mr. Chair.

43

44 MR. TOWARAK: Thank you, Mary. And I  
45 appreciate your little articles in the paper that you  
46 put, the little sayings. I always make sure that we  
47 read -- we get that paper in Unalakleet, so I always  
48 read it.

49

50 I wanted to tell you that I used to

1 dribble a basketball, now I dribble with my mouth.

2

3 (Laughter)

4

5 SECRETARY ALOYSIUS: One thing. You  
6 know a long time ago, we used to hear, you know, the  
7 (In Yup'ik) come in here and raiding our villages and  
8 bring our women home with them. And you're still doing  
9 that.

10

11 (Laughter)

12

13 SECRETARY ALOYSIUS: Let me tell you,  
14 you always do -- you came down here, you married  
15 somebody from Mountain Village. You guys are stilling  
16 coming and running off with all our beautiful women.  
17 Make sure you pay us back with some fish though.

18

19 MR. TOWARAK: We will. We will. It's  
20 good to be here.

21

22 SECRETARY ALOYSIUS: Thank you for  
23 being here.

24

25 James, you've got a question for him.

26

27 MR. CHARLES: No.

28

29 SECRETARY ALOYSIUS: Oh, just.....

30

31 MR. CHARLES: A comment. I invited  
32 people, public people to be at this meeting, and I  
33 mentioned the dates. And Alex heard that. And I went  
34 to KYUK and invited people. But there's no people from  
35 the villages this time. And we've had people from  
36 villages before. But I know some of it, because they  
37 are frustrated with us. We don't list -- they complain  
38 that we don't listen to them and do the work for them.  
39 That's why they are not here. That's what they  
40 complain about. And it's hot us. We try to help them  
41 to come or invite them to this meeting, so that's what  
42 my comment is on public. I'd like to see the public  
43 here at this meeting and let the know how to propose  
44 for subsistence use and how to propose for commercial,  
45 both. And I've brought this out during the AVCP  
46 convention last winter how to -- or showed them the  
47 proposal forms from both State and Federal. So I think  
48 people are frustrated and not happy with this group.  
49 So I've invited them and they're not here.

50

1 Thank you.

2

3 SECRETARY ALOYSIUS: Thank you. You  
4 know, the other thing, too, that, you know, the price  
5 of gasoline has really affected the price of air fare  
6 to where it's almost ridiculous. And even the agencies  
7 are suffering, because cut back, cut back, cut back,  
8 and the price of air fare is going up. And it -- you  
9 know, gasoline affects every phase of our life. When  
10 that goes up, the price of food goes up, the price of  
11 flushing a toilet goes up. It's ridiculous, you know,  
12 but I don't want to get into that, because it's beyond  
13 our scope of interest here.

14

15 Noah.

16

17 MR. N. ANDREW: Mr. Chairman. I would  
18 like what James just said, about invitation and people  
19 not giving us -- thinking we're not working for them,  
20 that it be published that somehow in Tundra Drums or  
21 wherever that we mean business here. We've been  
22 sitting here and we want them to come. We really need  
23 to communicate. We need to work together, stretch it  
24 that much. Maybe get our Staff to put that on the  
25 Tundra Drum. We're doing what we can. They need to  
26 come about and do what they can, too, with it.

27

28 Thank you.

29

30 SECRETARY ALOYSIUS: Alex.

31

32 MR. NICK: Mr. Chair. Mr. Andrew.  
33 We've done what we can, and James mentioned earlier  
34 that it has been mentioned not only recently, it has  
35 been mentioned in the Yuke to Yuke radio talk show and  
36 English radio talk show all summer long that this  
37 meeting is going to happen today. And like James said,  
38 for some reason no one's coming.

39

40 Mr. Chair.

41

42 SECRETARY ALOYSIUS: Qu yana.

43

44 MR. N. ANDREW: Mr. Chairman. Maybe  
45 the last trend that's coming out of this session from  
46 this body, playing it one more time.

47

48 MR. NICK: Mr. Chair. It has been  
49 published in the Delta Discovery and also in the Tundra  
50 Drums by our office in Anchorage that this meeting was

1 announced. Actually it was announced through the news  
2 media, even KYUK.

3

4 SECRETARY ALOYSIUS: Any other public  
5 or tribal people for comment not -- I mean, for items  
6 not on the agenda.

7

8 (No comments)

9

10 SECRETARY ALOYSIUS: I know we've  
11 wandered around a lot. It's good though. I like this  
12 kind of a set up where people can say what they want,  
13 or need to say what they have to say.

14

15 If there's no more, I guess we'll just  
16 continue on with our agenda. Number 9 being regulatory  
17 proposals. Number A, 2012 fishing season review Yukon  
18 and Kuskokwim Rivers by the Department of Fish and Game  
19 and the United States Fish and Wildlife Service. Who  
20 wants to go first? Alphabetically or power broker  
21 first?

22

23 MR. MASCHMANN: Mr. Chairman. Council  
24 members. My name is Gerald Maschmann, and I'm with the  
25 U.S. Fish and Wildlife Service in Fairbanks, Alaska.  
26 And I'm Fred Bue's assistant. He's the Yukon River  
27 Federal manager.

28

29 And if you turn to Page 21, Fred has  
30 provided a season overview for the Yukon River. As a  
31 lot of folks are aware, it was a pretty rough season,  
32 and lots of decisions were made, and it was pretty  
33 complicated.

34

35 And I'd like to -- I'm not going to  
36 read that whole thing, but I do have a summary and the  
37 summary is pretty lengthy, so at any time you want me  
38 to speed it up or summarize more, I can. But I just  
39 want to make sure that folks here have an opportunity  
40 to hear what all went on on the Yukon, and if they have  
41 questions.

42

43 Since 1998 Yukon River salmon stocks  
44 have experienced variable and difficult to predict  
45 production levels. Some low parent year escapements  
46 have produced high returns, and some high escapement  
47 years have produced unexpectedly poor returns.

48

49 The 2012 run of Chinook salmon  
50 experienced the fifth consecutive season of below

1 average to poor salmon production with low returns,  
2 despite typically adequate escapement levels.  
3 Conversely, both summer and fall chum runs performed as  
4 expected with above average returns, and the coho  
5 salmon run was a little below average.

6  
7 Pre season, the 2012 Chinook salmon run  
8 was projected to range from poor to below average. The  
9 outlook would barely be sufficient to meet escapement  
10 objectives at the low end of hoe outlook range.  
11 Furthermore, it would not support a normal subsistence  
12 harvest level and would preclude any directed Chinook  
13 salmon commercial fishery.

14  
15 Both the summer and fall chum salmon  
16 outlooks projected above average run strengths adequate  
17 to meet escapement objectives and subsistence harvest  
18 needs as well as a potential surplus for commercial  
19 harvest.

20  
21 The U.S. Fish and Wildlife Service and  
22 ADF&G staff participated in numerous meetings,  
23 including hoe YR DFA annual meeting, the three Yukon  
24 River RAC meetings, State advisory committee meetings,  
25 the U.S./Canada JTC and the Yukon River Panel meetings  
26 this past winter to share information and receive input  
27 on conservative management approaches in preparation  
28 for a poor Chinook salmon season. And some of hoe key  
29 conservation approaches that were settled on at these  
30 meetings included an early start date for beginning the  
31 subsistence windows schedule, protection of hoe first  
32 pulse of Chinook salmon by closing one of hoe  
33 subsistence fishing periods during the passage of that  
34 pulse as they migrated upriver, with the option that  
35 more closures could be necessary, And then no  
36 anticipated directed commercial fishing on Yukon  
37 Chinook salmon.

38  
39 As the season began, the regulatory  
40 subsistence salmon fishing schedule was initiated on  
41 May 31st in District 1. And it was implemented  
42 chronologically in upriver districts as the run  
43 progressed.

44  
45 The Chinook salmon run was late and the  
46 summer chum run seemed to be developing as normal.

47  
48 Due to the slow run development, one  
49 subsistence salmon fishing period was restricted to six  
50 inches or smaller mesh size in Districts 1 through 3,

1 as well as Subdistrict 4A, in order to conserve Chinook  
2 salmon, while yet providing an opportunity to harvest  
3 the abundant summer chum salmon.

4  
5           Immediately following this period, the  
6 first pulse of Chinook salmon arrived, so pulse  
7 protection was initiated in District 1, and the  
8 northern portion of the coastal district, consistent  
9 with the preseason management strategies. And this was  
10 carried all the way upriver. The southern portion of  
11 the coastal district, which is well outside of the  
12 mouth of the Yukon River, includes Hooper Bay and  
13 Scammon Bay, did not have subsistence fishing time  
14 reduced, but they did have their subsistence gillnet  
15 fishing gear restricted to six-inch or smaller mesh.

16  
17           As it became apparent that the Chinook  
18 salmon run was in fact poor, and not just late, further  
19 conservation actions were considered necessary to  
20 achieve escapement objectives. The southern portion of  
21 the coastal district had subsistence gillnets  
22 restricted to six inches or smaller for the remainder  
23 of the summer season. The northern portion of the  
24 coastal district as well as Districts 1 through 5 all  
25 had their first pulse closure extended to a continuous  
26 closure to protect both the first and second pulses.  
27 This long closure was followed by a reduced subsistence  
28 fishing period in all areas, and nets in Districts 1  
29 through 4A were further restricted to six inches to  
30 provide opportunity to harvest summer chum while  
31 continuing to conserve Chinook salmon. Additionally,  
32 gillnets were restricted to six inches or smaller mesh  
33 six in both the Innoko and Koyukuk Rivers to conserve  
34 Chinook salmon.

35  
36           Unfortunately, few summer chum salmon  
37 are bound for District 5 and are not available for  
38 subsistence harvests. After allowing a short open  
39 period in District 5, subsistence salmon fishing was  
40 again closed for the remainder of the summer season,  
41 because the run strength in upriver areas were assessed  
42 to be well below Canadian stock escapement goal levels.

43  
44           Even with all these management actions,  
45 the estimated U.S./Canada border passage of 34,200  
46 Chinook salmon was below the interim management  
47 escapement goal of 42,500 to 55,000 with no surplus  
48 available for the Canadian harvest share as stipulated  
49 in the Yukon River Salmon Agreement.

50

1                   Due to significant overlap of hoe  
2 Chinook and summer chum salmon runs, State managers  
3 delayed actions to commercially target summer chum  
4 salmon until after the average three-quarter point of  
5 the Chinook salmon run.

6  
7                   At the time an above-average summer  
8 chum salmon run of two million fish was passing and  
9 significant actions had already been taken to conserve  
10 Chinook salmon. Therefore strategic commercial fishing  
11 periods were opened in the lower river districts  
12 beginning on June 29th to target the abundant summer  
13 chum.

14  
15                   The sale of Chinook salmon was  
16 prohibited during hoe summer commercial fishery, and  
17 significant effort was made to avoid the incidental  
18 harvest of Chinook salmon. The Alaska Department of  
19 Fish and Game again implemented unique commercial  
20 management actions similar last year to target summer  
21 chum while avoiding concentrations of Chinook salmon  
22 migrating through specific areas.

23  
24                   Commercial fishing was opened in  
25 Subdistricts 4A and District 6, with fishing gear  
26 restricted to allow only fishwheels during openings to  
27 target summer chum salmon. The commercial fishwheels  
28 were required to be manned during operations, and all  
29 Chinook salmon had to be released unharmed. In  
30 District 4A, 59 Chinook salmon were reported released  
31 and 172 were released in the District 6 fishery.

32  
33                   In all, the preliminary total  
34 commercial harvest of 319,000 summer chum with 2,548  
35 incidentally Chinook salmon taken in the summer chum  
36 directed fishery. The incidental harvest was noted on  
37 commercial fish tickets, and the Chinook salmon were  
38 utilized in the subsistence community. They were not  
39 sold.

40  
41                   Chinook salmon escapement objectives  
42 were attained in hoe East Fork Andreafsky, Nulato, and  
43 Salcha Rivers, but escapement objectives were not  
44 achieved in the Anvik and Chena Rivers, as well as  
45 ending below the Canadian Border objectives.

46  
47                   Most summer chum salmon producing  
48 tributaries experienced above-average escapements. The  
49 East Fork Andreafsky River escapement goals were  
50 achieved, the Gisassa, Henshaw and Salcha Rivers were

1 above average, while the Chena River was difficult to  
2 assess due to the high water.

3

4                   And I just want to give credit to Yukon  
5 River fishermen for all the work that they did this  
6 summer. There was a fair amount of compliance. People  
7 for the most part were paying attention to the season.  
8 They were listening for news releases. They knew what  
9 was going on and for the most part I know it was a hard  
10 season, but we got pretty good compliance with folks on  
11 the river, and a lot of credit goes to them.

12

13                   And that's the summer season, and if  
14 you have questions about the summer season, we can ask  
15 them now, and then Jeff has fall chum season summary  
16 he'd like to do.

17

18                   SECRETARY ALOYSIUS: Well, I have a  
19 question on, you know, the returning unharmed salmon  
20 caught -- I mean, Chinook caught in the fishwheel.  
21 Who's there to monitor that?

22

23                   MR. ESTENSON: I can answer or you can.

24

25                   MR. MASCHMANN: I know the Department  
26 of Fish and Game had staff in town that would monitor,  
27 because they were actually monitoring hoe harvest.  
28 They would also monitor the fishwheels. Additionally  
29 the troopers would fly over and make sure during the  
30 openings that someone was out there on the wheel making  
31 sure.

32

33                   SECRETARY ALOYSIUS: Someone. Who is  
34 someone?

35

36                   MR. ESTENSON: I can answer.

37

38                   SECRETARY ALOYSIUS: The fishwheel  
39 owner or the representative of Fish and Game or Fish  
40 and Wildlife, that's my question, because, you know,  
41 how are you going to know if a king salmon is caught in  
42 a fishwheel, it bumped its head on whatever stuff that  
43 it's made of, or somebody just illegally clubbed it on  
44 the head, and, oh, it's harmed, so I'm going to keep  
45 it. You know, that's the thing that -- there's all  
46 kinds of regulations that don't make sense.

47

48                   MR. ESTENSON: Yeah. Mr. Chair.  
49 Members of the Council. For the record my name is Jeff  
50 Estenson, Alaska Department of Fish and Game, fall

1 season manager.

2

3                   You know, that was a pretty big deal  
4 with getting this proposal through was the manning of  
5 the fishwheels and making sure that the kings when they  
6 were caught in the wheel were put back into the river  
7 and done safely.

8

9                   I actually was on the grounds and I had  
10 the experience of actually seeing this fishery. I got  
11 to go around to the fishwheels.

12

13                   You know, part of our thing with the  
14 Department was exactly as you say, you know, that these  
15 wheels had to be manned and the fish had to get back.  
16 Now, it was either the commercial permit holder that  
17 was on the wheel or it was one of his crew members, but  
18 at all times when these wheels were running, they were  
19 manned. And that the way they had them set up was  
20 that when the wheel came around, and they saw a king in  
21 the basket, then instead of having the chute go into  
22 the holding box, they would move it, it would go into  
23 the water. And I watched this happen. And, you know,  
24 we had someone in the Village of Kaltag for the whole  
25 entire summer during this fishery to watch this. And  
26 believe me, we were, you know, as much concerned about  
27 this working, because this potentially could be a way  
28 to be able to harvest summer chum when we're trying to  
29 conserve the kings, because obviously we had a lot of  
30 summer chum, and there was a lot of foregone harvest,  
31 both subsistence and commercial, because of the  
32 concerns for the kings.

33

34                   And I think that talking with the  
35 summer manager, Steve Hayes, we were pretty pleased  
36 with the way that this worked. And, you know, we're  
37 fairly confident that, you know, the vast majority of  
38 any kings, and I think 56 kings total were caught in  
39 this fishery and they were released alive, and we're  
40 confident that those fish were in pretty good shape  
41 when they got back into the water.

42

43                   SECRETARY ALOYSIUS: Mary.

44

45                   MS. GREGORY: How many fishwheels are  
46 there in hoe Yukon?

47

48                   MR. ESTENSON: How many fishwheels on  
49 the Yukon? I don't have that number with me right now.  
50 I couldn't tell you. For commercial? For subsistence?

1 Both?

2

3 MS. GREGORY: For both, and how many  
4 did you monitor this summer, just one?

5

6 MR. ESTENSON: No, when I was in hoe  
7 Kaltag fishery, the Subdistrict 4A commercial fishery,  
8 which is what we're talking about with the fishwheel  
9 and this regulation that was enacted, when I was up  
10 there and for the summer season, I think there was a  
11 total of five wheels that were fishing. Three of them  
12 were above the Community of Kaltag, almost all the way  
13 up to Nulato, and then there were two below Kaltag.  
14 And they were all on the north side of hoe -- yeah, the  
15 north side of the river.

16

17 As far as with fishwheel distribution  
18 through the Yukon, they're mostly in the Upper Yukon,  
19 District 4/5, some in District 6, and you don't see a  
20 lot of them in the Lower Yukon, Districts 1, 2, and 3.

21

22 MS. GREGORY: Thank you.

23

24 MR. N. ANDREW: Mr. Chairman.

25

26 SECRETARY ALOYSIUS: Noah.

27

28 MR. N. ANDREW: Monitoring fishwheels,  
29 has there ever been somebody monitoring the kind or  
30 numbers versus your catches to determine the number of  
31 fish that were caught?

32

33 MR. ESTENSON: I think what you're  
34 asking is was there -- you know, we have genetic  
35 information for Canadian fish versus U.S. fish, and in  
36 that harvest, are you asking if we were keeping track  
37 of how many were U.S.-bound fish versus Canada fish?

38

39 MR. N. ANDREW: No, I was just  
40 wondering looking at the numbers here, that you were  
41 monitoring the numbers on fishwheels catches, and I see  
42 there's -- the fish when they move up, go on both sides  
43 of the river, and if those fishwheels are set on one  
44 side, you're just getting one side of hoe numbers.

45

46 MR. ESTENSON: Yeah.

47

48 MR. N. ANDREW: Now my question is,  
49 having looked into that, has somebody ever monitored or  
50 looked into the number that the subsistence catchers

1 put on the calendar, because they know the numbers they  
2 catch and they put them there. Now, has that ever been  
3 considered as part of your counting process?

4  
5 MR. ESTENSON: Do you have them for the  
6 summer season?

7  
8 MR. MASCHMANN: No, I.....

9  
10 MR. ESTENSON: I'm not aware of any of  
11 that right now.

12  
13 MR. MASCHMANN: He's asking about the  
14 calendars, if we can verify what they're putting on  
15 their calendars with what they actually catch?

16  
17 MR. ESTENSON: No, we haven't looked  
18 into that. I mean, we have -- the Yukon is such a huge  
19 area with so many calendars and so many subsistence  
20 fishermen from the mouth all the way up to the border  
21 for us to be able to, you know, go and try to check to  
22 make sure that everybody's filling those out properly,  
23 but, you know, know calendars, you know, the way we  
24 estimate subsistence harvest is through our post-season  
25 subsistence surveys with the exception of the areas on  
26 the Yukon which are the Upper Yukon, Tanana, and  
27 District 5B around Steven's Village and Fort Yukon,  
28 which have permits in certain areas. And those  
29 calendars, you know, they are turned back into the  
30 Department, and they help us, you know, verify or check  
31 numbers. But the majority of our information for  
32 subsistence harvest comes from the post-season surveys  
33 and from the permits in the permitted areas that we  
34 have on the Yukon.

35  
36 I don't know if that answered your  
37 questions.

38  
39 MR. N. ANDREW: To some point, just  
40 because we put -- we're mandatory. They send us a  
41 calendar to put in our catches and we -- but I do that  
42 annually. And now and then somebody will come into the  
43 village and runs through the village to determine the  
44 catch numbers they catch this summer. Now, other than  
45 that you're counting some catches from fishwheels, and  
46 I don't think those were reported in the calendar,  
47 because they're caught otherwise, and I was wondering  
48 of those in the this calendar, this number were ever as  
49 part of the number of fish that were caught or bycatch  
50 or whatever.

1 MR. ESTENSON: If they were caught for  
2 subsistence the idea is to put it on their calendar so  
3 that when we come around and the surveys, the State,  
4 they have a better idea of when they caught it and  
5 where. So if they're catching them in the wheels, then  
6 presumably they're putting it on the calendar when they  
7 catch it if it's subsistence.

8

9 SECRETARY ALOYSIUS: Mr. Wilde, do you  
10 have any questions for these guys up there, especially  
11 for the Yukon report.

12

13 MR. H. WILDE: Yeah. Mr. Chairman.  
14 I'm looking at last year, 2011 Yukon River subsistence  
15 fishing schedule. This green paper, I think that's  
16 from the last year. I'd like to know that U.S./Canada  
17 negotiation, Yukon River Panel agreement. It look like  
18 they agree, make agreement, there's a lot of fish, a  
19 lot of king salmon. And that panel, I don't know who  
20 they are. They make agreement. I suppose Fish and  
21 Game, if they didn't know, they wouldn't put it on the  
22 paper by the numbers. Not only that, it's just that  
23 agree to the one year, so many thousands of king  
24 salmon, so many thousands of chums, so many thousands  
25 of other fish. But I was looking at this one year,  
26 this one-year agreement, that's what they say, from  
27 U.S./Canada negotiation agreement panel. I don't know  
28 who they are.

29

30 Now then I look at this one. This is  
31 the summer from Fish and Game, what I get. And they  
32 had it here again, U.S./ Canada Yukon River Panel  
33 agree, interim. A lot of fish. I don't know who these  
34 people are, U.S./Canada negotiation people. I suppose  
35 Fish and Game know, you know, and it would be good and  
36 we ourself in the Yukon, we were kind of sorry for  
37 Kuskokwim, but we turn around looking at ourself. All  
38 that fish goes, again a lot of fish, a lot of king  
39 salmon. And it used to be with negotiating in Yukon  
40 and Kuskokwim -- I mean, Yukon and Alaska and Federal  
41 over -- where does agreement that they put? I wish  
42 that we could be able to learn these things, who are  
43 the people is, the U.S./Canada Yukon River Panel agree,  
44 interim management. All that -- a lot of fish. Like  
45 this summer they agree 42,500, 55,000 chums -- king  
46 salmon and 70,000 those other chums. We don't know. A  
47 lot of us, we don't know.

48

49 MR. MASCHMANN: Mr. Chairman. Council  
50 member Wilde. The Yukon River Panel is based on the

1 treaty between U.S. and Canada. So the panel members  
2 are Canadian and American, mostly fishermen. There are  
3 some agency staff on the panel, but it's mostly  
4 fishermen on the Canadian side negotiating with  
5 fishermen on the U.S. side. I don't have all the  
6 memberships, but I can get that to you. But I know  
7 John Lamont from Mountain Village is a Yukon River  
8 Panel member. Ragner Alstrom is a Panel member from  
9 the Lower Yukon, and there's several other Lower Yukon  
10 Panel members. So Lower Yukon is being heard on that  
11 panel.

12  
13 And as far as the Canadian border  
14 escapement, every year they negotiate that number. And  
15 so I would definitely speak with John Lamont in town  
16 there and he could probably clue you in on -- or let  
17 you know how those negotiations go and you can provide  
18 him some feedback on what you think that number should  
19 be.

20  
21 But it is mostly fishermen on each side  
22 of the border negotiating that number.

23  
24 MR. H. WILDE: Yeah. Mr. Chairman. I  
25 think that must be something wrong. Since 1970 the  
26 Lower Yukon, Yukon area never gained the loss they get  
27 from all their fishing out in the ocean. Still today  
28 we never receive that many king salmon. Like me, I'm  
29 an elder. I go out, try to have my salmon. Grandson.  
30 I never seen one king salmon in my dish. Nothing.  
31 Because we're not supposed to take anything, the kings,  
32 and that goes upriver. We try to obey that law. I  
33 think there must be the time we start learning these  
34 people on how to -- getting this, like U.S./Canada  
35 negotiation, Yukon River, this summer, 42,500, 500,000  
36 Chinook salmon and 70,000, 142,000 fall chum. All  
37 those and all that. We don't know. We do our best  
38 down there, try to obey the law. And we elders, we  
39 teach our grandchildren or our children, our people,  
40 try to obey the law, but we saw in these papers. That  
41 was very hard.

42  
43 I think it would be good if Fish and  
44 Game come to our meetings once in a while and give us  
45 what the problem we're facing. That's part of, you  
46 know, be a fisherman and try -- you know, all my time.  
47 Like I've been all over just about in the coast, all  
48 the way up to Unalakleet and St. Michael, and almost  
49 down to Canada. We need some kind of -- something that  
50 we could more understand, like this paper. This is

1 from last year. This is this year. It's really bad  
2 when you're thinking to every day, what will bring the  
3 day. Sometime it will bring nothing.

4  
5 And the way that out there in the ocean  
6 they get our king salmon and they throw them overboard.  
7 We're the ones that get the blame. Even though we're  
8 on the Yukon. They don't get there, Lower Yukon. Some  
9 kind of help it have to be, give us more understanding  
10 of these things.

11  
12 Thank you.

13  
14 SECRETARY ALOYSIUS: Yeah.

15  
16 MR. ESTENSON: Okay. Just moving along  
17 for the fall season, there's some -- I think you have  
18 some in the book there for the fall season, but I'll  
19 give you the real abbreviated version.

20  
21 2012, this is in contrast to the summer  
22 season for the Chinook and summer chum. We had a -- or  
23 for the Chinook anyway. We had a good fall chum run  
24 this year on the Yukon. Our run size this year was  
25 about one million fish, which was right in line with  
26 what we expected with our preseason forecast. I'm very  
27 happy to say that there was no action taken in the  
28 subsistence fisheries. Everybody got their full  
29 subsistence opportunity. We were actually able to  
30 liberalize the subsistence, basically put them on seven  
31 days a week in the entire drainage by the -- I think it  
32 was about the mid point of August or so. We also  
33 allowed the commercial opportunity in the lower river.  
34 We had the second highest commercial harvest for fall  
35 chum in the lower river on record. There was  
36 commercial fishing throughout the drainage.

37  
38 As far as escapements are concerned, we  
39 met all of our escapement goals or are in the process  
40 of meeting them, to include our obligation to Canada,  
41 and also the fishing branch.

42  
43 I kind of gave you and handout there.  
44 This is just something to kind of put it all into  
45 perspective. I think there was something else I wanted  
46 to say here, too. Yeah, put it all in perspective for  
47 the fall chum here, this handout that I gave everybody  
48 here, just to kind of give, for those of you interested  
49 in the fall chum on the Yukon there. This is kind of a  
50 stack bar graph. Each of these bars represent the

1 total run for any given year right there, and then it's  
2 broken up into the components. So the grey area is the  
3 escapement for that particular year, and then you can  
4 see what the subsistence harvest was and the  
5 commercial. And then those two black lines going  
6 across horizontally there represent the upper and lower  
7 end of the drainage-wide escapement goal. And then in  
8 2007 and 2008, those clear bars represent the parent  
9 year for the four and five-year olds for this year's  
10 run for fall chum.

11  
12 In essence what we're seeing right with  
13 fall chum and the trend appears to be improving  
14 productivity. That's basically the number of recruits  
15 that we're getting from each spawner we get to the  
16 spawning ground.

17  
18 You know, back in 2009 and 2010, the  
19 productivity for the fish was less than one, so that  
20 means that each fish was producing less than one --  
21 each spawner was producing less than one fish. Now  
22 it's producing, and that kind of coupled with, you  
23 know, decent escapements in the parent year, the trend  
24 could be right now for seeing, you know, runs like we  
25 saw this year, you know, maybe for the next couple  
26 years. I don't have a crystal ball, don't quote me on  
27 that, but it looks like we could be trending up, so  
28 just kind of something to help you put it all into  
29 perspective there for this year.

30  
31 Any questions regarding the fall  
32 season.

33  
34 SECRETARY ALOYSIUS: Going back to the  
35 restriction on summer chum fishing, what was the result  
36 of that in relation to prior years. Was the  
37 subsistence catch of summer chums way down and  
38 escapement was way up or what was the outcome of that  
39 restricting that area, of that time.

40  
41 MR. MASCHMANN: I think that's a good  
42 question. We attempted to provide -- you know, the  
43 restrictions were geared towards conserving Chinook,  
44 but obviously if they're not allowed to fish, they  
45 can't get summer chums, so we attempted to provide as  
46 much opportunity with opening windows to six-inch or  
47 less to give folks an opportunity to get summer chum.

48  
49 There were over two million summer  
50 chum, which is a pretty decent run. So there was

1 plenty of chum in the river. Escapements were really  
2 -- did very well for summer chum.

3

4                   What we heard subsistence fishermen on  
5 the YRDFA teleconferences and through phone calls is  
6 that they seemed to do well with the summer chum. As  
7 far as Chinook salmon, they would get a few Chinook  
8 salmon. Most folks didn't get all they needed for  
9 Chinook salmon, but they got a few, and they seemed to  
10 be able to make up for that with summer chum. For the  
11 most part, it seemed like folks were -- you know, no  
12 one was happy they couldn't get all the kings they  
13 wanted, but it seemed like a lot of folks did get a few  
14 kings, and they made up for it with summer chum. And  
15 it didn't seem like there was a problem with their  
16 harvest.

17

18                   SECRETARY ALOYSIUS: It kind of doesn't  
19 make sense to me when Harry who lives down there in the  
20 area has hundreds and thousands of fish go by, that he  
21 didn't even harvest one king. And it just bothers the  
22 heck out of me when I hear a thing like that, you know.  
23 All this beautiful words that come out, and, well, we  
24 did this, we did that, and yet in reality people like  
25 him didn't even catch one king. It just doesn't make  
26 sense. Like me, I caught one king, I got one red, you  
27 know, and -- okay. Go ahead.

28

29                   MR. ESTENSON: Mr. Chair. If I may add  
30 just a couple more things regarding the fall season. I  
31 think we're kind of around here, but this is in regards  
32 to the fall season.

33

34                   I just want to mention that the coho  
35 this year on the Yukon, we had a below average run of  
36 coho this year, but coho are commercially incident --  
37 or harvested incidentally to the fall chum commercial  
38 fishery. But we did have I think it was the third  
39 largest coho commercial harvest since the mid 80s I  
40 believe it was. And again coho, subsistence fishing of  
41 coho is tied in with the fall chum. There was no  
42 restrictions, and by the time the coho were coming in  
43 thick, everybody was on seven days a week. No restrict  
44 -- no schedule for subsistence fishing.

45

46                   Another thing, too, is that, you know,  
47 in light of the poor Chinook run on the Yukon this  
48 year, that one of the things that we were trying to  
49 mention to people or trying to encourage people was the  
50 potential of taking -- making up for their not -- the

1 not being able to get their kings with summer chum and  
2 also with fall chum. And I know a lot of people that I  
3 talked to on the Yukon were looking forward to that.  
4 And, you know, it's good -- from my understanding, the  
5 people had the opportunity to do that, and they have  
6 done that. And we have a few Yukon folks here, and  
7 maybe if you have anything to just mention, did you --  
8 were you able to be able to take more fall chum to make  
9 up for the lack of kings? Was that able to work for  
10 you there, and any comments on that.

11  
12 MR. POLTY: Excuse me, Mr. Chairman.  
13 When you talk about fall chums, which one are your  
14 referring, the -- those chums and coho combined, or  
15 just coho?

16  
17 MR. ESTENSON: I'm talking about the  
18 fall chums, the silvers I guess. Yeah, the early run  
19 ones that the folks on the Yukon like to try to harvest  
20 for food.

21  
22 MR. POLTY: Yeah, they had abundant  
23 enough time to catch up for what are lost from not  
24 catching salmon for that closure for salmon run. They  
25 make up for it during the fall chum.

26  
27 Thank you.

28  
29 SECRETARY ALOYSIUS: Maybe I get it,  
30 but was there an opportunity for commercial fishing on  
31 cohos?

32  
33 MR. ESTENSON: No, there was not. By  
34 regulation from July 16th through the end of August  
35 it's a fall chum-directed commercial fishery. Coho are  
36 incidentally harvested in that fishery.

37  
38 From October 1st through October 10th,  
39 if the Department identifies an additional surplus for  
40 commercial harvest, we may allow, this is for the lower  
41 river, we may allow a coho-directed fishery. Because  
42 of the below-average run that we had this year, coupled  
43 with the fact that we had such a large commercial  
44 harvest incidental to the fall chum, we did not  
45 prosecute a coho-directed fishery this year.

46  
47 MR. H. WILDE: Mr. Chairman.

48  
49 SECRETARY ALOYSIUS: Harry.

50

1 MR. H. WILDE: There was one time that  
2 I know they're having commercial fishing at Mountain  
3 Village. Four hours you can get nothing. Something.  
4 We need people that we call to Emmonak Fish and Game,  
5 sometime they don't answer. We would like to have some  
6 kind of help, Fishing boat all over come up from down  
7 Lower Yukon, sometime they don't get -- they go up  
8 there for nothing, just burning gas, and gas is  
9 expensive. Like me, I try to obey best as I can what  
10 the law and regulation giving us like this year. But  
11 we would like to have maybe sometime that Fish and Game  
12 could come up to us in Mountain Village and St. Mary's  
13 and when we have a meeting together and talk with us  
14 what is the problem. There's some people that's --  
15 only one time people having to catch a lot of chums.  
16 They couldn't even have -- they're having a hard time  
17 and problem is there. I think when I was the one, I  
18 was negotiate with U.S./Canada negotiation, and we do  
19 our best, but when you cannot catch no king salmon,  
20 even in the chum fishing time, there must be something  
21 wrong in the Yukon. It's really bother us and some  
22 elders, they say, why don't you tell the Fish and Game  
23 once more. Well, we do. We do our best. Fish and  
24 Game have to do, they're then responsible with the  
25 whole Yukon, too, but there's some time I don't think  
26 they're on the right time and when you have only four  
27 hours commercial. I don't think that's the right time  
28 to open it peacefully when it's like four hours in  
29 fishing time.

30

31 Quyana.

32

33 MR. ESTENSON: Yeah, I just might add  
34 that I think we had 9, I want to say 9 or 10 openings  
35 in Y-2, which is in your area there, Mr. Wilde, and  
36 with the exception of the last period of the season,  
37 which was four hours long, and that was because we were  
38 trying to provide a little bit of opportunity for the  
39 fall chum without hitting the coho too hard. Other  
40 than that, most of the periods you had, I think the  
41 vast majority were nine hours in duration.

42

43 And I understand about you would like  
44 to have Fish and Game come up. I try to make annual  
45 visits to the same areas. I was up there this year,  
46 and I try to get around to the different communities,  
47 and I foresee doing the same. And Mountain Village is  
48 on my list next year as the first place to go.

49

50 SECRETARY ALOYSIUS: I find it very

1 confusing for me, because, you know, I'm a bilingual  
2 person. You know, my first language Eyepiece, my  
3 second acquired language is English. And the language  
4 I was born with is something that you wouldn't  
5 understand. It's a spiritual language. I am connected  
6 to all of creation, and so are you. It doesn't make  
7 sense to me. So many things, you know, are one thing  
8 on a piece of paper and another piece of paper  
9 contradict that. And why?

10

11 The other thing that is confusing to me  
12 right now is that you talk about you had an abundance  
13 of coho salmon going up the Yukon River. And hardly  
14 anybody harvested cohos for subsistence use. And the  
15 rest of them are going up to their spawning grounds.  
16 But why can't you harvest commercially cohos on the  
17 Yukon like you do on the Kuskokwim? It just doesn't  
18 make sense to me. You have a lot of cohos going up and  
19 yet you don't allow anybody to harvest them  
20 commercially, because you don't get the chance to  
21 harvest Chinook on the Yukon like you did long time  
22 ago, and yet you have an abundance of a fish that goes  
23 by and nobody is bothering to harvest, or they're  
24 restricted from harvesting.

25

26 MR. ESTENSON: Yeah. Mr. Chair. Maybe  
27 I misspoke here. I said that we had a below average  
28 run of coho on the Yukon this year, and coupled with  
29 the large commercial harvest in the all chum directed  
30 fishery, that's why we did not allow the coho-directed  
31 fishery in October. So once again, we had a below  
32 average run of coho salmon in 2012 on the Yukon River.

33

34 SECRETARY ALOYSIUS: James.

35

36 MR. CHARLES: Thank you, Mr. Chairman.

37

38 Jeff, I see that on your graph, you  
39 didn't have commercial fishing for fall chum two years  
40 ago, and is that little bit of commercial fishing in  
41 2009 for fall chum. I like this graphs, because they  
42 show what the salmon are doing, if they were commercial  
43 fished or subsistence fished. Is that right, that you  
44 didn't have commercial fishing for fall chum two years  
45 ago?

46

47 MR. ESTENSON: Yeah. That is correct.  
48 2010 we did not have any commercial openings. The Fall  
49 Chum Salmon Management Plan on the Yukon River states  
50 that we have a threshold that needs to be projected to

1 allow commercial fishing. In 2010, during the whole  
2 entire season, we never met that threshold. So any  
3 commercial fishing that did occur in 2010 was in  
4 October when we allowed a coho-directed fishery,  
5 because the coho, we deemed that we'd have a commercial  
6 surplus for coho,

7  
8 SECRETARY ALOYSIUS: Any other  
9 questions for the Fish and Game and the Fish and  
10 Wildlife regarding the Yukon fisheries.

11  
12 (No comments)

13  
14 SECRETARY ALOYSIUS: No. Thank you.  
15 Okay. We're going into 9.B., review and make  
16 recommendations on fisheries proposals. The first one  
17 on the board is FP13-01, rescind Federal permit  
18 requirements. And I'm sure that they're going to  
19 explain what they mean on that one. I have a big  
20 question on that.

21  
22 MR. SHELDEN: Mr. Chairman.

23  
24 SECRETARY ALOYSIUS: So have at it, and  
25 make sure you talk to us in layman's language and not  
26 fish biologist language too much. Thank you.

27  
28 MR. SHELDEN: Mr. Chairman. I think we  
29 moved prematurely from the reports on the rivers. We  
30 skipped the Kuskokwim.

31  
32 SECRETARY ALOYSIUS: What?

33  
34 MS. GREGORY: You skipped the  
35 Kuskokwim.

36  
37 MR. SHELDEN: We just heard Yukon, and  
38 we skipped the Kuskokwim.

39  
40 SECRETARY ALOYSIUS: Oh, I'm sorry.  
41 I'm ahead and I'm behind at the same time. So thank  
42 you for that correction. I forgot we had Kuskokwim  
43 River reports. All right. I better mark that here.  
44 Thank you.

45  
46 Go ahead.

47  
48 MR. SHELDEN: First I'd like to check  
49 to see if Travis Elison is still on the teleconference.  
50

1 MS. GREGORY: Mr. Chair. Can you state  
2 your name, please.

3

4 MR. SHELDEN: I'm sorry.

5

6 MR. ELISON: Yeah. Mr. Chair. This is  
7 Travis Elison with the Department of Fish and Game.

8

9 MR. SHELDEN: So this is Chris Shelden  
10 with the Department of Fish and Game, and I just wanted  
11 to give Travis the opportunity to provide the season  
12 summary. If he wasn't here, I was prepared to go  
13 ahead.

14

15 MR. SUNDANCE: And just for the record,  
16 Mr. Chairman, my name is Robert Sundance from the Yukon  
17 Delta National Wildlife Refuge.

18

19 SECRETARY ALOYSIUS: Is there a table  
20 that we could put over here to get this away from my  
21 face. I think it would be better if it was some where  
22 in between or maybe right there. Thank you.

23

24 Oh, man. And what page is your report  
25 on.

26

27 MS. GREGORY: 29.

28

29 MR. SHELDEN: Mr. Chairman. Our season  
30 summary, the Department of Fish and Game season summary  
31 is not actually in the packet. It's the handout in  
32 front of you that has the Chinook on the top of it.  
33 It looks like this.

34

35 Just let Travis know when you're ready.

36

37 SECRETARY ALOYSIUS: Go for it.

38

39 MR. SHELDEN: Travis, go ahead.

40

41 MR. ELISON: Yeah. Mr. Chair. This is  
42 Travis Elison, Department of Fish and Game. I  
43 apologize for not being there in person today.

44

45 But what you have in front of you is a  
46 fairly lengthy season summary there, and I was just  
47 going to let, you know, people read through it for  
48 themselves. If there's any specific questions, I'd be  
49 happy to answer them.

50

1                   And also, you know, there was mention  
2 of the Department giving a presentation on the  
3 escapement goal. We weren't officially requested to  
4 give a presentation. I didn't see it on the agenda, so  
5 we don't have a presentation prepared, although we do  
6 have the escapement goal memo to the directors of Sport  
7 Fish and Commercial Fisheries. I believe that's also  
8 in front of you as a handout. And we can answer  
9 questions about those as well.

10

11                   I don't know how you'd like me to  
12 proceed, if you want me to give a quick summary or how  
13 would you like that. Mr. Chair.

14

15                   SECRETARY ALOYSIUS: Mary.

16

17                   MS. GREGORY: I'd like to hear a  
18 summary, because every time we are -- you guys are  
19 having a report, you just give us the paper, a copy of  
20 your comments. Right now we don't have time to read  
21 them.

22

23                   MR. ELISON: I'm sorry, I wasn't able  
24 to hear that.

25

26                   MR. SHELDEN: Travis, Mary Gregory  
27 requested a summary, because, she says, that we've just  
28 given a handout and there's not time to absorb that.

29

30                   MR. ELISON: Okay. Please hold on just  
31 10 seconds.

32

33                   MS. YUHAS: Just to explain, we've  
34 convened in the same office here so that we can just  
35 tie up one phone line for your teleconference, and  
36 we're all in the same room, so Mr. Elison is just  
37 running to office very briefly to grab another piece of  
38 paper so he can adequately report for you.

39

40                   MR. SHELDEN: Mr. Chairman. That was  
41 Jennifer Yuhas, the Federal subsistence liaison for the  
42 Department.

43

44                   MR. ELISON: Mr. Chair. This is Travis  
45 Elison. I'm back with you here.

46

47                   So going into the season, we had  
48 preseason forecasts for 197,000 Chinook salmon total  
49 run into the Kuskokwim River. The range, the  
50 confidence intervals on that was a range of 158,000 to

1 236,000 Chinook salmon. So with that forecast, we knew  
2 it would be -- that would be a below average run, and  
3 it would be potentially unlikely to meet some of the  
4 established escapement goals, namely the Kwethluk  
5 River, Tuluksak River, and George River weir goals.  
6 Those have not been established in four to five years  
7 previously. And since those goals were established,  
8 they have not been met basically for most of those  
9 weirs.

10

11 So in preseason meetings between the  
12 Department, U.S. Fish and Wildlife Service, and then  
13 eventually with the working group, we came to an agreed  
14 upon management objective of 127,000 Chinook salmon.

15

16 Hold on one second, once this  
17 background noise -- sorry about that.

18

19 So like I said, we came to a main  
20 objective of 127,000 Chinook salmon drainage-wide.  
21 This was our estimate for a minimum number of Chinook  
22 that we needed to escape to even give us a chance to  
23 meet those established escapement goals.

24

25 As many of you know, the run came in  
26 very late, and also weaker than anticipated. And so  
27 starting on, let's see, June 10th, the Department along  
28 with the Fish and Wildlife Service and with agreement  
29 from the working group, initiated a seven-day rolling  
30 closure. What that rolling closure was is it was  
31 designed to protect blocks of fish going up the river.  
32 So the Kuskokwim River was divided into five sections.  
33 And the timing of those closures was designed to move  
34 up the river with the timing of the Chinook run.

35

36 So the first closure in Section 1 was  
37 from June 10th to June 16th. That same closure went  
38 into Section 2 June 13th to June 19th. And then into  
39 Section 3 from June 17th to June 23rd.

40

41 And then on June 15th there was another  
42 working group meeting, and at that time the run was  
43 looking even more poor than it had before. Our in-  
44 season indications based off the Bethel test fishery  
45 were that we were not going to meet the management  
46 objective at that time as we were nearing the end of  
47 that first seven-day rolling closure. So the  
48 Department along with the Fish and Wildlife Service  
49 recommended an additional five day extension to that  
50 rolling closure to be applied at each rolling closure

1 section, you know, with the run timing of the fish.

2

3                   So that second -- or the extension was  
4 applied to Section 1 June 17th through June 21st;  
5 Section 2, June 20th to June 24th; and Section 3, June  
6 24th to June 28th. And this in effect was a 12-day  
7 rolling closure. It was also applied to Section 4,  
8 which was June 22nd to July 3rd, and Section 5 from  
9 June 27th to July 8th.

10

11                   And the description of these sections  
12 are in that summary. If you'd like I could read those  
13 section descriptions for you. Mr. Chair.

14

15                   MR. SHELDEN: No, he's shaking his had,  
16 Travis.

17

18                   MR. ELISON: Okay. As in yes or no?

19

20                   MR. SUNDANCE: No.

21

22                   MR. SHELDEN: No.

23

24                   MR. ELISON: Okay. So at the end of  
25 that first -- at the end of the rolling closures. On  
26 June 20th at a working group meeting, the Department  
27 and Fish and Wildlife Service made a recommendation to  
28 allow three days of subsistence fishing with six-inch  
29 or less gear. This was to allow opportunity to harvest  
30 chum and sockeye salmon which were at the time  
31 increasing in abundance and exceeding the abundance of  
32 Chinook salmon. And by allowing six-inch, the catch  
33 rates on Chinook salmon were expected to be lower,  
34 because there were so many chum and sockeye salmon that  
35 the nets were expected to get saturated. And during  
36 this first three-day opener with six-inch restriction,  
37 that's exactly what we saw from subsistence fishermen.  
38 That's what the reports were. You know, we were  
39 getting reports of three kings, like 50 chum and  
40 sockeye, and sometimes even higher numbers of chum and  
41 sockeye compared to the king salmon. So we applied  
42 that three-day opening, the six-inch, to each section.

43

44                   And then on June 3rd there was an  
45 announcement from the Department and Fish and Wildlife  
46 Service to extend the opening with six-inch or less  
47 mess for three additional days. So then after that  
48 six-day opening, there was a two-day closure for  
49 subsistence salmon fishing in Sections 1, 2 and 3.  
50 That two-day closure did not apply to Sections 4 and 5.

1  
2                   After that two-day closure, fishing was  
3 re-opened to the use of six-inch or less mesh. And  
4 that happened on June 30th in Section 1. And it  
5 remained six-inch or less mesh until July 16th in  
6 Section 1. And that pretty much covered the entire  
7 Chinook run. There were very few kings left even  
8 through the lower portion of the river by July 16th.  
9 And so that went up the river.

10  
11                   Let's see. There was -- the Department  
12 did open up a hook and line subsistence fishing with a  
13 bag limit of three fish in Section 5, up in the  
14 headwaters. And that was mostly because many users up  
15 there don't use drift gillnets to harvest king salmon,  
16 and hook and line is their primary method, so a six-  
17 gear restriction was not really allowing any  
18 opportunity to harvest anything, and that was done on  
19 July 16th.

20  
21                   Then the commercial fishing season in  
22 district 1 on the Kuskokwim River opened on July 13th  
23 was the first chum-directed commercial fishing period.  
24 We kept the openers to four hours. A typical opener is  
25 usually six hours. We kept it to four hours through  
26 the month of July to reduce the incidental harvest of  
27 Chinook salmon. And also the processors agreed to not  
28 purchase king salmon caught in the commercial fishery.

29  
30                   So, let's see.

31  
32                   MR. SHELDEN: So, Mr. Chairman.....

33  
34                   MR. ELISON: I'll give you the numbers  
35 here. There were 23 commercial periods in District 1  
36 in 2012 season. 365 Chinook salmon were incidentally  
37 harvested, and all except for 15 of those were retained  
38 for personal use. There was 2,857 sockeye salmon  
39 harvested, 65,171 chum salmon, and 86,391 coho salmon  
40 harvested.

41  
42                   The Chinook salmon catch rates were  
43 below average as expected. Chum salmon catch rates  
44 ranged from above average to below average. And  
45 sockeye salmon catch rates ranged from average to below  
46 average. The coho salmon catch rates were also  
47 variable from above average to below average.

48  
49                   One thing to note with coho salmon is  
50 that we noticed a smaller size of the fish. The

1 average weight in 2012 was six pounds compared to a  
2 historical average weight of seven pounds.

3

4 Overall the chum salmon harvest was  
5 approximately 39 percent above the most recent 10-year  
6 average. Chinook salmon was 87 percent below the most  
7 recent 10-year average. Sockeye salmon was 78 percent  
8 below the most recent 10-year average. And coho salmon  
9 was 48 percent below the most recent 10-year average.  
10 So basically chum salmon was the only run that was  
11 strong with a good harvest compared to just recent  
12 performance of the fishery.

13

14 So ex-vessel value of the fishery was  
15 5,900 -- or, sorry, \$597,998, and that's approximately  
16 11 percent above the most recent 10-year average.

17

18 So, let's see. As far as escapements,  
19 as everybody knows, we were plagued with high water  
20 this year, so there's a lot blanks in your escapement  
21 data here. What we did have was four of the six  
22 tributaries that are monitored by weirs were  
23 successful. Tuluksak River was the only weir with an  
24 escapement goal that was monitored throughout the  
25 season, and that goal was not achieved. When compared  
26 to 2011, all four tributaries that were monitored by  
27 weir had higher escapements than in 2012.

28

29 Seven tributaries have aerial survey  
30 escapement goals. We were able to fly surveys on five  
31 of those tributaries. Two of the escapement goals were  
32 met for aerial surveys. That's the Kisaralik River and  
33 the Salmon River on the Pitka Fork. And three of those  
34 aerial survey goals were not achieved. That was the  
35 Cheeneetnuk River, Gagaryah River, and Salmon River on  
36 the Aniak.

37

38 For sockeye salmon, overall sockeye  
39 salmon had a below average abundance. Our only  
40 established escapement goal for sockeye is on the  
41 Kogrukluk River weir, and that was not operational for  
42 a large portion of the sockeye salmon run.

43

44 Chum salmon, overall chum salmon  
45 abundance was above average. Three tributaries were  
46 successfully monitored by weirs for chum salmon. Only  
47 the Aniak and Kogrukluk Rivers have established  
48 escapement goals and they were not operational for some  
49 or all of the chum salmon runs. We don't have a final  
50 number on those.

1                   The coho salmon. Coho salmon abundance  
2 appears to have been below average. Four tributaries  
3 were successfully monitored by weirs for coho salmon  
4 escapement. Kwethluk and Kogrukluk Rivers have  
5 established escapement goals. The Kogrukluk River was  
6 not assessed due to high water. The Kwethluk River  
7 escapement goal was achieved with an estimated 19,960  
8 coho salmon, and the escapement goal for that river is  
9 greater than 19,000 salmon. Coho salmon, sorry.

10

11                   So the numbers you have in front of you  
12 here, these are preliminary numbers. These are the  
13 numbers we were able to come up with just from our in-  
14 season observations. This doesn't include any  
15 estimates. And estimates that these weir projects  
16 where there's missed passage are currently being done  
17 right now. So some of these blanks will get filled in,  
18 although not all of them. And those numbers will be in  
19 the stock status report for the Board of Fisheries.

20

21                   Any questions.

22

23                   SECRETARY ALOYSIUS: James.

24

25                   MR. CHARLES: Thank you, Mr. Chairman.

26

27                   Why were we using sections instead of  
28 District 1B or 1E or whatever we used before for  
29 subsistence this year? People are not used to those  
30 Section 1, Section 2, Section 3 for subsistence  
31 closures and openers. They're getting used to this  
32 District 1A, 1B and all that, and this year people  
33 asked me where is Section 1? They're not happy with  
34 that.

35

36                   And closures were extended, too. The  
37 first time we were told we were going to be closed for  
38 seven days, and when seven days came up and it was  
39 extended to three more days. And that's hard for us,  
40 and people were not happy with that.

41

42                   So there was a big meeting in my  
43 village at which I didn't go, because I was not happy  
44 with that. And broke my boat antenna, that a plane  
45 came down and broke my boat antenna. I wasn't happy  
46 with that either, so it's not just the subsistence  
47 fishing that time, using sections. I don't like those  
48 sections after we start using District 1, District 2,  
49 and there were other lines used with before. There's  
50 -- I don't remember them, and which they are using now

1 way down there by this side of Galick, so I wasn't the  
2 only one confused about those sections. So there were  
3 users, not just commercial fishermen or subsistence  
4 fishermen. People were confused about that this year.

5  
6 Thank you.

7  
8 MR. ELISON: Thank you. And, Mr. Chair  
9 and Council members, I'd like to address that.

10  
11 The reason -- there are several reasons  
12 we didn't use just the districts. One reason is the  
13 commercial fishing Districts 1 and 2 only cover a  
14 portion of the entire river. As you know, it's only in  
15 the lower and mid river there. And because of how poor  
16 the run as this year compared to what our management  
17 objective was, we felt we needed to provide  
18 conservation throughout the entire drainage instead of  
19 only in the lower river.

20  
21 Also -- I mean, one reason we felt that  
22 way is because in 2011 we had fishing closures that  
23 were applied to only District 1. And with nine days of  
24 closures in District 1 in 2011, we saw minimal  
25 conservation from those closures. So that meant we  
26 needed to come up with a different plan to try to save  
27 these fish to meet our escapement objectives.

28  
29 Where it was feasible and practical, we  
30 did use established boundary markers such as the lower  
31 section of 1B is the same as Section 1 in the rolling  
32 closures. We didn't want to use the line between  
33 Subdistrict 1B and Subdistrict 1A, because that is at  
34 Bethel. And the way that fish migrate with the rolling  
35 closures being overlapped, it would essentially give  
36 the population center at Bethel a greater opportunity  
37 to harvest fish than other areas, and that is where  
38 the, you know, greatest harvest comes from, you know,  
39 river-wide. So we wanted to isolate Bethel a little  
40 bit to make sure we can get fish past that area,  
41 because when it's open, there's a lot of nets out  
42 there.

43  
44 So I hope I addressed that.

45  
46 MR. SHELDEN: Travis, the second  
47 question was about extension of the closure.

48  
49 MR. ELISON: Right. The reason we  
50 extended the closure was in the preseason meeting

1 actually, we had an in-depth meeting during the  
2 InterAgency and working group meeting in March, and we  
3 came up with a plan and management strategies for how  
4 to manage the Chinook salmon run. And those options  
5 were, as far as management actions, we had six-inch  
6 mesh restriction. And six-inch mesh restriction as we  
7 defined it preseason, would only be used once the chum  
8 and sockeye salmon were in high enough abundance to  
9 have a greater abundance than the king salmon, and  
10 therefore provide opportunity on those species while  
11 reducing harvest on king salmon.

12  
13 The other option we had was a seven-day  
14 rolling closure, and as was explained then, it was a  
15 minimum of seven days, because that's how long it --  
16 about how long it takes the king salmon to move from  
17 one section to the next section.

18  
19 And then in there we also had complete  
20 closure as a management action. I think it came to a  
21 surprise to everyone when the run came in so poor that  
22 complete closure actually started to become an action  
23 that we needed to pursue.

24  
25 And these decisions were based off the  
26 Bethel test fishery assessment at the time, which was  
27 showing that we were not going to meet the management  
28 objective. And at no time during the entire 2012  
29 season did the Bethel test fishery indicate that we  
30 would meet the management objective.

31  
32 Now, the Department is required to  
33 manage for escapement first. That is number 1 by law.  
34 If we are going to meet escapement, then we can provide  
35 for fishing opportunity, and that fishing opportunity  
36 goes to subsistence users first. At no time do we  
37 identify a surplus in 2012 for Chinook salmon. That's  
38 why that seven-day closure was extended five more days.  
39 By the end of the five-day closure, there were enough  
40 chum and sockeye salmon in the river to make six-inch  
41 mesh restriction a viable conservation action.

42  
43 Thank you.

44  
45 MS. GREGORY: (In Yup'ik)

46  
47 SECRETARY ALOYSIUS: Mary.

48  
49 MS. GREGORY: Quyana. On Page 3, what  
50 do you mean by rolling closure?

1 MR. ELISON: What I mean by that is --  
2 so we've got the river divided up into five sections.  
3 And those are defined in this summary. So each section  
4 under the original seven-day rolling closure was to  
5 close for seven days, but we didn't want -- if we were  
6 to close the entire river at the same time for seven  
7 days, we'd have a closure in the lower river when fish  
8 are moving through, but those fish wouldn't be in the  
9 upper river yet, so that closure wouldn't really have  
10 any effect for conservation. So we had to move that  
11 seven-day closure with the fish up the river by moving  
12 it from section to section.

13  
14 And the other thing we did was we  
15 overlapped those closures from one section to the next  
16 in order to make sure that fish have the ability to  
17 move from one section to the next without getting  
18 harvested.

19  
20 And so rolling closure, that was just a  
21 term we came up to describe how that closure would move  
22 from Section 1 and then several days later move to  
23 Section 2, and several days later move to Section 3 on  
24 up to Sections 4 and 5.

25  
26 MS. GREGORY: Like a continuous  
27 movement? Is that what you mean? Continuing movement,  
28 okay.

29  
30 SECRETARY ALOYSIUS: (In Yup'ik)

31  
32 MS. GREGORY: Okay. And I notice that  
33 the working group, you had a meeting with the working  
34 group and ADF&G and Federal in-season management,  
35 trying to extend that, what you call a rolling closure  
36 another seven days. And you bombarded it. In closing  
37 it, even the working group did not support it. I  
38 thought the working group was supposed to help you do  
39 your job better so that the Native people can benefit  
40 from trying to agree with your closures and your  
41 regulations. (In Yup'ik)

42  
43 MR. ELISON: Well, thank you for your  
44 input on that. It was a very difficult season, and  
45 while the Department and Fish and Wildlife Service  
46 stuck to the preseason agreements as for how to manage  
47 the Chinook salmon run, and that's exactly what we did.  
48 Like I said, there was never -- we never identified any  
49 fish available for harvest. And now that we have our  
50 escapement numbers and we can see we did not meet any

1 weir-based escapement goals, and we only met two of the  
2 aerial survey escapement goals, so we did not achieve  
3 our escapement objectives, and therefore there were no  
4 fish available for harvest. And that was why the  
5 closures had to continue as they did.

6  
7 MS. GREGORY: Mr. Chair. I have  
8 another one. On Page 5, the second bullet. You  
9 demanded change of fishing gear of different meshes as  
10 is we have multiple fishing gear to use. We do not  
11 have that luxury. We have only maybe a king salmon  
12 fishing net and a chum net. A lot of us don't have  
13 that much money to buy extra mesh, different mesh nets.  
14 We don't have the luxury to change from one gear to  
15 another. And I would like to let you guys know that  
16 before you do those things, make sure that you're going  
17 to make everybody harvest fish for their own use and  
18 for their systems.

19  
20 MR. SHELDEN: Mr. Chairman. I'd just  
21 like to answer that subsistence is our number 1  
22 priority use. That's the thing that the Department is  
23 most concerned about as far as use of the fish goes,  
24 but when we're concerned that not enough fish will meet  
25 the escapement need to reach the spawning grounds for  
26 future generations of fish, that has to supersede the  
27 need for use and the need for subsistence. It has to  
28 take priority over that use in order to make sure there  
29 will be fish in future years.

30  
31 MS. GREGORY: I'd like to maybe advise  
32 you to -- because I'm on that advisory council, okay,  
33 I'd like to advise you in the future, if you're going  
34 to make those decisions, make sure our working knows  
35 and then you let it out to the public so we wouldn't  
36 hate you for doing it.

37  
38 MR. SHELDEN: Mr. Chair. I just want  
39 to -- I do want to point out that we did try to do what  
40 we could to put the possibility out there that there  
41 might be mesh size restrictions preseason. We had  
42 enacted mesh size restrictions the season before.

43  
44 We do understand that not everybody has  
45 the same kind of gear, and that is a very difficult  
46 decision for us to make. The mesh size restriction was  
47 made to help exclude Chinook salmon from the  
48 subsistence harvest so that they would reach the  
49 spawning grounds. But it did hurt some people, and  
50 that's not taken lightly by the Department at all.

1                   But, yes, public outreach is a  
2 challenge for us, and we will take your advice and we  
3 will try as hard as we can to get that information out  
4 in the future.

5  
6                   MS. GREGORY: And also with our  
7 coordinator, Patrick Henry, wildlife subsistence  
8 coordinator.

9  
10                   And one more on this one, two, three,  
11 four bullets where you open for July 16, 19 and 23 and  
12 closures, you opened the fishing for Chinook salmon,  
13 and the Chinook salmon run is depleted. It's been  
14 gone. It's gone.

15  
16                   And then I'd like to see in the future  
17 little windows between, not closing the whole seven  
18 days, maybe two or three. Like you said, there was  
19 three openings and two closures. I like that, because  
20 it will ensure my winter survival if that happens. And  
21 I'm not hating you guys. I'm just trying to make you  
22 work better so that I can live my subsistence way of  
23 life as I know it.

24  
25                   SECRETARY ALOYSIUS: Before there's any  
26 more discussion on this, I'd like to speak on behalf of  
27 the working group, in defense of the working group.  
28 The Fish and Wildlife Service and the Alaska Department  
29 of Fish and Game are there to provide us information to  
30 make our job easier. It's not the other way around.

31  
32                   And the other defense on the part of  
33 the working group is all of this information was  
34 presented to the public way beforehand. Way  
35 beforehand. And if people don't want to listen to it,  
36 what can we do? We can't force people to listen to the  
37 information that is given by radio and telephone and  
38 teleconference and the newspaper. All of this  
39 information was presented to the public before these  
40 things happened. And during the time these things  
41 happened, the public was informed of what was going on,  
42 so there are no surprises on what happened this past  
43 summer.

44  
45                   MR. CHARLES: Bob.

46  
47                   SECRETARY ALOYSIUS: James.

48  
49                   MR. CHARLES: Thank you. Some people  
50 in my village were surprised of the two early

1 commercial fishing. After we were closed for  
2 subsistence for so long and the commercial fishing was  
3 too soon. That's what the people were saying in my --  
4 some people were saying, not everybody, some people  
5 were saying that, because they're not -- they were not  
6 -- even I thought that they were done, I make reports  
7 during the working group meetings how our people are  
8 doing. But they were not happy, some people were not  
9 happy with that early commercial fishing at that time.

10

11 Thank you.

12

13 SECRETARY ALOYSIUS: Any other  
14 questions from the Council. Charlie Brown.

15

16 MR. BROWN: Yeah. I remember when I  
17 used to work under Ray Baxter. In those days I used to  
18 commercial fish. And then there was some restrictions  
19 on our gears. This is only for the focus for  
20 commercial fishermen. I believe it was the year 1984  
21 of '85 when the first announcement from the Department  
22 that the Chinook numbers were going down. And then in  
23 those years, you know, have rewind from that, our net  
24 gear size would be reduced to six-inch or less. This  
25 was purpose for the commercial fishermen. And it's --  
26 and sometime later on I was in Anchorage to bring my  
27 testimonial there. I was going over that for the gear  
28 size mesh. And my opposing was evidence for  
29 subsistence purposes. And there was some discussions  
30 later on, and then the Board pass it. We're allowed to  
31 use eight-inch during our commercial harvest -- I mean  
32 subsistence harvest. That time -- since then, those  
33 number been recorded in, I believe it was '84, in '84,  
34 and then later on I asked the biologist, it used to be  
35 Ray Baxter, and he used to say after five years we look  
36 and see. And then I asked him after five years if  
37 Chinook be allowed to be caught in the commercial  
38 fisheries, and he said, no. Then he said another five  
39 years we'll wait and see, and what will happen after  
40 that. And when finally five years was up, and I asked  
41 him again, could we be allowed to catch the Chinook in  
42 commercial fishery, he said no. Then the same thing  
43 going on to maybe 35 years, and the biologist change.  
44 We have new director. And finally I ask them again,  
45 could we allow to fish for Chinook. No. That was 35  
46 years after I asked that latest question. And the  
47 response was they've been losing that river recorded  
48 system, five years, it's been 35 years after -- I mean,  
49 we lost out. I asked the people that long time. I  
50 don't want to hear that old recorded number. I want to

1 hear the current number. And they quit using that old  
2 five-year number. This is my just comment, just to  
3 remind you that Fish and Game reduction was for  
4 commercial purposes.

5

6 Thank you.

7

8 MR. N. ANDREW: Mr. Chairman. I've got  
9 several of them. I'm not going to use this. I'm going  
10 to just speak on some of the concerns the subsistence  
11 users have, now just within the Tuluksak area, but  
12 within my area.

13

14 Number 1, on the fish escapement,  
15 during the process of the escapement count, it has been  
16 high water in Tuluksak River. When it's high water,  
17 there's no way of counting them, because they're just  
18 escaping all over. And we've been arguing about  
19 getting set there maybe the sonar system be placed to  
20 get at least some accurate information.

21

22 The other one is that the subsistence  
23 users argue about is how many of those fish that escape  
24 the sonar have reached the spawning area. There above  
25 the sonar the tributaries for Tuluksak River are  
26 blocked by beaver dams. Some of them are very high.  
27 Some of those fish are not going to escape and reach to  
28 the spawning area. We need to do something about this.

29

30 And one more. Why three areas for  
31 markers to fish in. There was three in Tuluksak. One  
32 of them is just below Machewik, one is below the mouth  
33 of Machewik. The third is above Tuluksak River. When  
34 they announce, like we got confusement here. We need  
35 to straighten this confusement out, at least Section 1,  
36 Section 2, 1B, 1C. We need to find something that  
37 works here.

38

39 And for escapement, we need to  
40 seriously really look into these beaver dams. They're  
41 blocking our fish to spawn. We experienced some dead  
42 fish floating maybe cause they couldn't go over and  
43 they couldn't spawn.

44

45 So these are some of the highlighted,  
46 up the level concerns we're experiencing here. And  
47 we'd like to get all that information out. At least to  
48 take it seriously and vote on it.

49

50 SECRETARY ALOYSIUS: Noah, there's a

1 time in the agenda that we're going to address these  
2 issues, but right now we're having a question period  
3 for these two regarding the report that they have. And  
4 keep in mind that what you say is very valuable, and  
5 bring it up at the appropriate time, because we're  
6 going on and on and on and on, and forgetting the  
7 agenda item.

8

9 MR. N. ANDREW: Mr. Chairman. Some of  
10 this information stop and the comment there don't go  
11 beyond that. They need to hear it from us.

12

13 SECRETARY ALOYSIUS: There's a time and  
14 a place for them to hear it and they respond to it in  
15 that time. But right now we're on item Kuskokwim River  
16 Reports from Fish and Game and the Fish and Wildlife  
17 Service. And I'm going to -- you know, if this goes on  
18 for another five minutes, I'm going to stop it and have  
19 a break for lunch, because it's just getting too out of  
20 hand.

21

22 So any more questions for Fish and Game  
23 and Fish and Wildlife Service in regard to the  
24 Kuskokwim River report that they're presenting.  
25 Charlie Brown.

26

27 MR. BROWN: I have a question. Is it  
28 possible to go back to those windows? The people that  
29 I represent.....

30

31 SECRETARY ALOYSIUS: We can address  
32 that, but not right now, okay? Keep in mind that, you  
33 know, later on in the agenda we're going to get to  
34 those

35

36 MR. BROWN: Thank you.

37

38 MR. ELISON: Mr. Chair. Would you like  
39 us to try to answer a couple of those questions?

40

41 SECRETARY ALOYSIUS: Sure.

42

43 MR. SHELDEN: Okay. So I want to try  
44 to go back to some of Mary's questions from the  
45 beginning of this discussion. One of the questions  
46 that she was asked was when we opened for Chinook at  
47 the end of the season, she said that there were no  
48 Chinook. I wanted to clarify that when we did  
49 liberalize or when we did remove the restrictions on  
50 gear type, it was not to allow opportunity on Chinook.

1 It was to allow people that didn't have six-inch or  
2 smaller mesh net to put their nets in the water and try  
3 to catch what they could. The idea at that point was  
4 still to try to conserve Chinook, but at that point we  
5 didn't consider that we had conservation concern for  
6 Chinook in this part of the river, because the Chinook  
7 had already passed. So the idea was to allow people to  
8 fish with the gear that they had, because some of the  
9 people had seven-and-a-half-inch mesh net, seven-and-a-  
10 quarter, six-and-a-half-inch net, and they couldn't use  
11 any of it. And so it was an attempt to allow people to  
12 go fishing, but not to allow people to fish for  
13 Chinook.

14

15                   And I wanted to address James' question  
16 about the -- and James and Charlie's question about the  
17 windows that we used to have, and I think Mary brought  
18 this up as well, why not three days or four days  
19 instead of seven days in closure. And that goes back  
20 to what Travis was talking about earlier. And what  
21 we've determined is it takes about seven days for the  
22 fish to pass through a particular area, through one of  
23 these sections. The lower end of the river, the  
24 section is smaller, because it's the mouth of the  
25 river. Fish tend to mill there. They're not  
26 necessarily moving into the river as quickly, so it's a  
27 smaller section. But each of those sections is  
28 designed to allow fish to get in and get out before we  
29 let people go fishing again.

30

31                   And so if we were to go back to the  
32 windows that we had in the early 2000's through the mid  
33 2000's, what we've determined through studies from, you  
34 know, Hamashan Hamasaki, who many of you have met and  
35 seen give presentations, is that those short windows  
36 didn't really work. What would happen was people  
37 would know the window was coming, and they'd go  
38 fishing, and they fished pretty hard. And the window  
39 would be there and everybody would take a break and  
40 they'd go cut fish and hang it. And people kind of  
41 liked that. And then the window would end and they'd  
42 go fishing again and they'd fish pretty hard. So no  
43 fish got out of those sections.

44

I'm sorry. I'll stop now.

45

46

MS. GREGORY: Mr. Chair.

47

48

SECRETARY ALOYSIUS: Mary.

49

50

1 MS. GREGORY: That's your job is all  
2 about, to protect my lifestyle from being overrun by  
3 other people's regulations and whims.

4  
5 MR. SHELDEN: Yes, ma'am. And in most  
6 years no restriction seems to be necessary. In most  
7 years there seem to be plenty of Chinook salmon and  
8 there aren't any needs for restrictions. But in years  
9 when there are very few Chinook salmon, if we don't  
10 protect and conserve our Chinook salmon, even from  
11 subsistence, then we're hurting -- all of us together  
12 are hurting that lifestyle, we're making it more  
13 difficult and making it impossible for the future.

14  
15 MS. GREGORY: And the only proper sized  
16 king salmon I got this summer was from Steve Miller,  
17 Fish and Wildlife person, because I didn't have no  
18 opening for me.

19  
20 MR. SHELDEN: And I'd like to also  
21 address the question about markers, the location of  
22 markers that Noah brought up. It is confusing. It is  
23 perhaps a little bit of a problem. The marker above  
24 Tuluksak marks the upper end of the commercial fishing  
25 district 1A above Bethel. And that marker has been  
26 there for the longest; is that right?

27  
28 SECRETARY ALOYSIUS: Yep.

29  
30 MR. N. ANDREW: Yeah, that's right.  
31 The four-inch sized net when they're running, because  
32 the elders are telling me to hit them now with --  
33 that's where hit them, and went up there maybe four or  
34 five miles and they died.

35  
36 MR. SHELDEN: And that's an important  
37 point, but that's a separate point other than the  
38 markers. The positioning of the other markers was to  
39 address the closure areas around the Tuluksak River,  
40 the buffer zone that protected that particular  
41 tributary. And if there's some confusion about those  
42 markers, perhaps we need to address that in preseason  
43 meetings and talk about that, whether or not we need to  
44 do something different.

45  
46 As far as the four-inch mesh net,  
47 people have often talked about fish being -- coming in  
48 contact with the net and dying and that probably does  
49 happen to some degree. But as somebody, myself, and  
50 Travis also, have worked with these weirs for years and

1 years, we've seen many, many fish come through our  
2 weirs to spawn that have net marks. And so fish do  
3 escape these nets and they do spawn. Do all of them  
4 escape them? No. But I think that that the feeling  
5 was that the four-inch mesh net was a conservation  
6 method that would allow more salmon, more Chinook  
7 salmon to get past the area, but still allow some  
8 opportunity for people to catch fish.

9  
10 And the four-inch mesh net was not put  
11 in place to allow people to catch more salmon, it was  
12 put there -- it was allowed so that people could catch  
13 other species, so they could continue to fish and eat  
14 fish while we were still conserving salmon.

15  
16 MR. N. ANDREW: Mr. Chairman. I'd like  
17 to thank the other guy there. He did come up and  
18 explain some of this.

19  
20 MS. GREGORY: Mr. Chair.

21  
22 MR. SUNDANCE: Bob, I just wanted to  
23 clarify that. Yeah, we did make it up there to  
24 Tuluksak.

25  
26 SECRETARY ALOYSIUS: Are you done?

27  
28 MR. SHELDEN: Yes, sir.

29  
30 MR. SUNDANCE: Yeah. Just to remind, I  
31 thank Noah for acknowledging that Travis Elison and I  
32 from Alaska Department of Fish and Game did fly up on  
33 the 12th to go over the current regulations and the  
34 boundaries as well as other salmon conservation  
35 measures we talked about.

36  
37 MS. GREGORY: Mr. Chairman.

38  
39 SECRETARY ALOYSIUS: Does this pertain  
40 to.....

41  
42 MS. GREGORY: Break for lunch.

43  
44 SECRETARY ALOYSIUS: Okay. You're  
45 moving for a lunch break?

46  
47 MS. GREGORY: Yes.

48  
49 SECRETARY ALOYSIUS: Okay. There's a  
50 motion for a lunch break. The motion dies, no second.

1 (Laughter)  
2  
3 SECRETARY ALOYSIUS: Continue.  
4 There's a motion for a lunch break.  
5  
6 MR. CHARLES: Second.  
7  
8 SECRETARY ALOYSIUS: Thank you. all  
9 those in favor of a lunch break say aye.  
10  
11 IN UNISON: Aye.  
12  
13 SECRETARY ALOYSIUS: Okay. It is now  
14 12:30. I want you back here 1:30.  
15  
16 (Off record)  
17  
18 (On record)  
19  
20 (Mary Green and John Andrew not  
21 present. Lester Wilde present)  
22  
23 MR. L. WILDE: We're going to call the  
24 meeting back to order. I'm sorry, I forgot. Mr.  
25 Chairman.  
26  
27 (Laughter)  
28  
29 SECRETARY ALOYSIUS: Acting Chairman.  
30 Correct. We'll get back on record at 1:36 on October  
31 11th. And since our real Chairman is here, I'll turn  
32 the meeting over to him. Thank you very much for  
33 putting up with me this morning.  
34  
35 CHAIRMAN L. WILDE: Thank you very  
36 much, Mr. Aloysius, for your taking over the Chair this  
37 morning. I had the right date, but traveled the wrong  
38 direction the date I was supposed to travel this way.  
39  
40 But anyway, since we're here, I think  
41 we're down to item B, review and make recommendations  
42 on fisheries proposals.  
43  
44 MR. ALOYSIUS: 9.B.  
45  
46 CHAIRMAN L. WILDE: Oh, 9.B.1. We are  
47 down to FP13-01, rescind Federal permit requirement.  
48 Mister.....  
49  
50 MR. RIVARD: Rivard.

1 CHAIRMAN L. WILDE: Rivard. Sorry. I  
2 know who you are, but I just couldn't get the name  
3 across. Thank you.

4  
5 Go ahead, Mr. Rivard.

6  
7 MR. RIVARD: Thank you, Mr. Chair.  
8 Good afternoon, Council members. My name is Don  
9 Rivard. I'm a fish biologist with the Office of  
10 Subsistence Management and I'll be presenting three of  
11 the fishery proposal analyses to you this afternoon.

12  
13 The first one is FP13-01, and the  
14 analysis starts on Page 30 in your Council book.

15  
16 Proposal FP13-01 was submitted by the  
17 Koyukuk National Wildlife Refuge. It requests the  
18 removal of the Federal subsistence permit requirement  
19 for the Chinook salmon drift gillnet fishery for Yukon  
20 River Subdistricts 4B and 4C. And that's upriver quite  
21 a ways from where you guys are at, but it's -- because  
22 people from throughout the Yukon have customary and  
23 traditional use determination for the whole river, this  
24 is why it's being brought to your Council as well.

25  
26 This drift gillnet fishery in 4B and 4C  
27 was created in 2005. And one of the requirements that  
28 was put on it by the Federal Subsistence Board was to  
29 have a permit. And there really hasn't been much use  
30 of this particular fishery throughout the years. And  
31 so the Koyukuk National Wildlife Refuge which is the  
32 administrative unit that's been administering these  
33 permits has asked for the removal of this particular  
34 permit requirement.

35  
36 So if adopted, this proposal would  
37 eliminate the requirement for a Federal fishing permit  
38 for the subsistence drift gillnet fishery in  
39 Subdistricts 4B and 4C.

40  
41 Removing this permit requirement most  
42 likely will not increase the amount of interest in  
43 drift gillnet fishing. Removal of the permit  
44 requirement will simplify fishing for Federally  
45 qualified subsistence users and would align with other  
46 remote, and by that I mean non-road accessible State  
47 and Federal managed subsistence fisheries along the  
48 Yukon that do not require a subsistence permit.

49  
50 If the permit requirement is removed,

1 harvest monitoring information will still be captured  
2 in the annual household harvest surveys and/or the  
3 catch calendars that the State of Alaska utilizes to  
4 monitor harvest.

5  
6 Mr. Chair. The OSM preliminary  
7 conclusion is to support Proposal FP13-01. And the  
8 justification is that there is no need to impose this  
9 permit requirement on Federally-qualified users to fish  
10 for Chinook salmon in the main stem Yukon River in  
11 Subdistricts 4B and 4C when utilizing a drift gillnet.

12  
13 Thank you, Mr. Chair.

14  
15 CHAIRMAN L. WILDE: Thank you, Mr.  
16 Rivard. Any agency comments. Alaska Department of  
17 Fish and Game.

18  
19 (No comments)

20  
21 CHAIRMAN L. WILDE: No comments from  
22 the Department.

23  
24 MR. RIVARD: Is there anybody on line  
25 from Fish and Game that wants to comment on this.

26  
27 MR. ELISON: Mr. Chair. This is Travis  
28 Elison, Fish and Game.

29  
30 I don't have comments for this.  
31 Unfortunately Jennifer Yuhas who I think was prepared  
32 to speak to these was pulled away for the Board of Fish  
33 work session. She might be back later. I'm not sure.  
34 But we don't have anything additional other than what's  
35 already in these under Fish and Game comments.

36  
37 MR. ESTENSON: Yeah. Mr. Chair. This  
38 is Jeff Estenson, Fish and Game, fall season manager  
39 for the Yukon. In the book here it just has ADF&G  
40 comments. If you like, I'm happy to read them. I  
41 don't know if I can offer any more than what's in here  
42 right now, but if you'd like, I'd be happy to read this  
43 for you just for the record.

44  
45 CHAIRMAN L. WILDE: For the record,  
46 would you please?

47  
48 MR. ESTENSON: Yeah.

49  
50 CHAIRMAN L. WILDE: Thank you.

1 MR. ESTENSON: Okay. Based on ADF&G's  
2 comments, that we do have conditional support if the  
3 Federal Subsistence Board eliminates the Federal  
4 Chinook salmon drift gillnet fishery FFYK01. It can  
5 rescind the Federal subsistence fishing permit and  
6 ADF&G managers won't have to track the drift gillnet  
7 catch and effort. Since participation and catch in  
8 this non-traditional drift gillnet fishery over the  
9 last seven years has been small, elimination of this  
10 fishery would have minimal impacts on the subsistence  
11 users, and Federal and State fishing regulations would  
12 be the same.

13  
14 CHAIRMAN L. WILDE: Thank you. Mr.  
15 Rivard.

16  
17 MR. RIVARD: Mr. Chair. That's the  
18 summary of the ADF&G comments. They have, if you look  
19 in your book starting on Page 38, there's about four  
20 pages of comments from the Department. So they went  
21 into quite much more detail, but Jeff has summed it up  
22 per what's on Page 29 in f your book

23  
24 CHAIRMAN L. WILDE: Any questions for  
25 ADF&G. Council members.

26  
27 (No comments)

28  
29 CHAIRMAN L. WILDE: Thank you. We're  
30 down to Federal agencies.

31  
32 (No comments)

33  
34 CHAIRMAN L. WILDE: Do we have any  
35 Native corporations comments.

36  
37 (No comments)

38  
39 CHAIRMAN L. WILDE: None here. Any  
40 village comments.

41  
42 (No comments)

43  
44 CHAIRMAN L. WILDE: None here either.  
45 Any other person like to make any comments on this  
46 proposal.

47  
48 (No comments)

49  
50 CHAIRMAN L. WILDE: InterAgency Staff

1 Committee comments.

2

3 MS. SWANTON: Thank you, Mr. Chair.  
4 I'm Nancy Swanton with the National Park Service  
5 speaking on behalf of the InterAgency Staff Committee.

6

7 The InterAgency Staff Committee  
8 reviewed this proposal and all of the other ones in the  
9 Council's booklet, and we reviewed the analyses that  
10 went with them, and we have no comments on any of them.  
11 We thought that the analysis was done well, and we  
12 concur with the conclusions.

13

14 So I just wanted to make that statement  
15 up front here, and we will not have comments for any of  
16 the other proposals either.

17

18 CHAIRMAN L. WILDE: Thank you.

19

20 MS. SWANTON: Thank you.

21

22 CHAIRMAN L. WILDE: Is there any  
23 advisory group comments. Mr. Charles.

24

25 MR. CHARLES: Mr. Chairman. If there  
26 is Lower Kuskokwim -- I mean, Lower Yukon or Yukon AC  
27 would be the people who if they have talked about this  
28 before. So they would be the people. I'm on Kuskokwim  
29 side.

30

31 Thank you, Mr. Chairman.

32

33 CHAIRMAN L. WILDE: Thank you, Mr.  
34 Charles. Anybody from the Yukon ACs?

35

36 MR. POLTY: I have no objection.

37

38 CHAIRMAN L. WILDE: No comment.

39

40 MR. POLTY: No comment.

41

42 CHAIRMAN L. WILDE: Okay. No comments  
43 from the Yukon Council.

44

45 Any comments from the neighboring  
46 Councils. Mr. Nick.

47

48 MR. NICK: Mr. Chair. Seward Peninsula  
49 did not take up this proposal. Mr. Chair.

50

1 CHAIRMAN L. WILDE: Okay. Thank you.  
2 Do we have any local Fish and Game Advisory Council  
3 Committees.  
4  
5 (No comments)  
6  
7 CHAIRMAN L. WILDE: No. None present.  
8 Thank you.  
9  
10 MR. RIVARD: Mr. Chair.  
11  
12 CHAIRMAN L. WILDE: Mr. Rivard.  
13  
14 MR. RIVARD: Mr. Chair. There's two  
15 other Councils that are taking this up. Western  
16 Interior is meeting at the same time as your Council.  
17 We don't know what they've decided on this one, if  
18 anything, yet. And Eastern Interior will be taking  
19 this up next week.  
20  
21 CHAIRMAN L. WILDE: Thank you.  
22 National Park Service Subsistence Resource Commission.  
23 Any comments.  
24  
25 (No comments)  
26  
27 CHAIRMAN L. WILDE: None. Summary of  
28 written comments. Mr. Nick.  
29  
30 MR. NICK: Mr. Chair. On Page 117 of  
31 your book Tanana Chiefs Conference strongly support  
32 this proposal. And on Page 118 village feedback  
33 indicates that Pat Sweetsir, Ruby tribal administrator,  
34 says it's a good idea. It removes another obstacle to  
35 getting food.  
36  
37 This proposal was presented at the area  
38 advisory committee and RAC meeting, at meetings there  
39 was significant support from communities.  
40  
41 Mr. Chair.  
42  
43 CHAIRMAN L. WILDE: Thank you, Mr.  
44 Nick.  
45  
46 Any public comments. Are there any  
47 public comments.  
48  
49 (No comments)  
50

1 CHAIRMAN L. WILDE: There being none,  
2 any Regional Advisory recommendations. Mr. Charles.  
3  
4 MR. CHARLES: Mr. Chairman. I move to  
5 support this Proposal FP13-01. Thank you.  
6  
7 CHAIRMAN L. WILDE: Motion's been made  
8 to support Proposal FP13-01, made by Mr. James Charles.  
9 Do I hear a second.  
10  
11 MR. ALOYSIUS: Second.  
12  
13 CHAIRMAN L. WILDE: Seconded by Mr.  
14 Robert Aloysius. Any further discussion. Any further  
15 discussion. Council members, are there any discussion.  
16  
17 (No comments)  
18  
19 CHAIRMAN L. WILDE: Are we sleepy today  
20 or what?  
21  
22 (Laughter)  
23  
24 MR. CHARLES: Question.  
25  
26 CHAIRMAN L. WILDE: Question's called  
27 for. Roll call vote, please.  
28  
29 MR. NICK: William Brown.  
30  
31 MR. BROWN: What am I voting for?  
32  
33 MR. NICK: Motion (In Yup'ik) Mr.  
34 William Brown.  
35  
36 MR. BROWN: Yeah.  
37  
38 MR. NICK: James Charles.  
39  
40 MR. CHARLES: Yes.  
41  
42 MR. NICK: Noah Andrew.  
43  
44 MR. N. ANDREW: Yeah.  
45  
46 MR. NICK: Evan Polty.  
47  
48 MR. POLTY: Yes.  
49  
50 MR. NICK: Lester Wilde.

1 CHAIRMAN L. WILDE: Yes.  
2  
3 MR. NICK: Harry Wilde.  
4  
5 MR. H. WILDE: Yeah.  
6  
7 MR. NICK: Mary Gregory. Robert  
8 Aloysius.  
9  
10 MR. ALOYSIUS: Yes.  
11  
12 MR. NICK: John Andrew.  
13  
14 MR. BROWN: Yeah.  
15  
16 MR. NICK: James Charles.  
17  
18 MR. CHARLES: Yes.  
19  
20 MR. NICK: Noah Andrew.  
21  
22 MR. N. ANDREW: Yeah.  
23  
24 MR. NICK: Evan Polty.  
25  
26 MR. POLTY: Yes.  
27  
28 MR. NICK: Lester Wilde.  
29  
30 CHAIRMAN L. WILDE: Yes.  
31  
32 MR. NICK: Harry Wilde.  
33  
34 MR. H. WILDE: Yeah.  
35  
36 MR. NICK: Mary Gregory. Robert  
37 Aloysius.  
38  
39 MR. ALOYSIUS: Yes.  
40  
41 MR. NICK: John Andrew.  
42  
43 CHAIRMAN L. WILDE: No John Andrew.  
44  
45 MR. NICK: Okay. The vote is two,  
46 four, six, seven. Seven for, zero against.  
47  
48 CHAIRMAN L. WILDE: The motion's  
49 carried.  
50

1                   Okay. We are down to item FP13-02,  
2 revise marking requirements. Mr. Rivard.

3  
4                   MR. RIVARD: Thank you, Mr. Chair. The  
5 analysis starts on Page 43 in your book.

6  
7                   Proposal FP13-02 was submitted by the  
8 U.S. Fish and Wildlife Service, Fairbanks Fish and  
9 Wildlife field office.

10  
11                   This proposal requests a change in the  
12 marking of Chinook salmon taken for subsistence  
13 purposes in Districts 1, 2 and 3 on the Yukon River,  
14 because State and Federal regulations currently are  
15 inconsistent in regard to Chinook salmon marking  
16 requirements in these districts on the river. Changing  
17 the Federal marking requirement for Chinook salmon will  
18 align the Federal regulations with the existing State  
19 regulations.

20  
21                   And you can see those, the existing  
22 regulation on Page 43 in the middle of the page there,  
23 and then the proposed. So it puts some dates in there.  
24 This would be from June 1st through July 15th. You may  
25 not possess Chinook salmon taken for subsistence  
26 purposes unless both tips or lobes of the tail fin have  
27 been removed before the person conceals the salmon from  
28 plain view, or transfers the salmon from the fishing  
29 site. So that's the proposed new regulation, and that  
30 would line up with what the State currently requires.

31  
32                   CHAIRMAN L. WILDE: Thank you, Mr.  
33 Rivard.

34  
35                   MR. RIVARD: I still have a little bit  
36 more.

37  
38                   CHAIRMAN L. WILDE: Pardon?

39  
40                   MR. RIVARD: I still have a -- I'm not  
41 quite done yet.

42  
43                   So, Mr. Chair, the conclusion is --  
44 OSM's preliminary conclusion is to support this  
45 proposal. The justification for this conclusion to  
46 support is based on a belief that aligning Federal  
47 salmon marking requirements with existing State  
48 requirements will modestly reduced regulatory  
49 complexity, and should not affect subsistence harvest  
50 of salmon. Adoption of this regulation is not

1 anticipated to impose any additional burden on  
2 Federally-qualified subsistence users since they are  
3 already required to mark the salmon they take. In  
4 fact, removal of both tips of the tail fin should be  
5 easier to accomplish than removal of the dorsal fin,  
6 would not result in any damage to the flesh of the  
7 salmon, and would likely result in an easily seen mark  
8 that would help discourage sales of subsistence-caught  
9 fish to commercial buyers. The new marking requirement  
10 may also make salmon marking easier and more sanitary.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN L. WILDE: Thank you, Mr.  
15 Rivard.

16

17 Any comments from the Alaska Department  
18 of Fish and Game.

19

20 MR. ESTENSON: Thank you, Mr. Chair.  
21 Jeff Estenson, Fish and Game.

22

23 The Department supports this proposal.  
24 In February 2007 the Board of Fish adopted a similar  
25 action in Regulation 5 AAC 01.240, marking and use of  
26 subsistence taken salmon. Changing the Federal marking  
27 requirements at this time will bring Federal regulation  
28 back in line with State regulation, and will be less  
29 confusing to the public.

30

31

\*\*\*\*\*  
STATE OFFICIAL WRITTEN COMMENTS  
\*\*\*\*\*

32

33

34

35

Alaska Department of Fish and Game  
Comments to the Regional Advisory Council

36

37

38

Fisheries Proposal FP13-02:

39

40

41 Revise the marking requirement for  
42 subsistence-caught Chinook salmon in Yukon River  
43 Districts 1, 2, and 3 from removal of the dorsal fin  
44 immediately after landing to removal of both tips  
45 (lobes) of the tail fin before the person conceals the  
46 salmon from plain view or transfers the salmon from the  
47 fishing site.

47

48

Introduction:

49

50

This proposal, submitted by the U.S.

1 Fish & Wildlife Service (Service) Fairbanks Field  
2 Office, seeks to revise the marking requirement for  
3 subsistence-caught Chinook salmon in Yukon River  
4 districts 1, 2, and 3.

5  
6 Federal marking requirements for Yukon  
7 River Chinook salmon were initially adopted to be  
8 consistent with state regulations current at the time.  
9 However, due to an oversight, this requirement was not  
10 amended in follow-up to the state s 2007 action.  
11 Changing the federal marking requirement at this time  
12 will bring this regulation back in line with the state  
13 regulation.

14  
15 Impact to Subsistence Users:

16  
17 If this proposal is adopted, the  
18 marking requirement change is not expected to alter  
19 salmon harvest because subsistence-caught fish are  
20 still required to be marked.

21  
22 Yukon River subsistence users are  
23 required to be aware of many regulations, including  
24 boundaries, equipment, and season dates. Aligning  
25 state and federal marking requirements in regulation  
26 will alleviate burden to subsistence users by reducing  
27 regulatory complexity between federal and state  
28 management.

29  
30 Impact to Other Users:

31  
32 If this proposal is adopted, it will  
33 also simplify commercial fish buying operations by  
34 reducing the variety of fish markings crews must look  
35 for when accepting deliveries.

36  
37 Opportunity Provided by State:

38  
39 Salmon may be harvested under state  
40 regulations throughout the majority of the Yukon River  
41 watershed, including a liberal subsistence fishery.  
42 Gear types allowed are gillnet, beach seine, hook and  
43 line attached to a rod or pole, handline, and fish  
44 wheel. Although all gear types are not used or allowed  
45 in all portions of the Yukon River drainage, drift and  
46 set gillnets, and fish wheels harvest the majority of  
47 fish taken for subsistence uses. Under state  
48 regulations, subsistence is the priority consumptive  
49 use. Therefore, state subsistence fishing opportunity  
50 is directly linked to abundance and is not restricted

1 unless run size is inadequate to meet escapement needs.  
2 When the Yukon River Chinook salmon run is below  
3 average, state subsistence fishing periods may be  
4 conducted based on a schedule implemented  
5 chronologically throughout the Alaska portion of the  
6 drainage, which is consistent with migratory timing as  
7 the salmon run progresses upstream. Federal  
8 regulations under Special Actions to restrict  
9 federally-eligible users have been rare and mirrored  
10 the state inseason actions necessary to meet escapement  
11 goals, except where state and federal regulations  
12 differ in subdistricts 4-B and 4-C. Amounts reasonably  
13 necessary (ANS) for subsistence Chinook salmon (5AAC  
14 01.236 (b)), as determined by the Alaska Board of  
15 Fisheries (BOF), have not been met in the Yukon River  
16 drainage the last four years.

17  
18 In February 2007, the BOF adopted a  
19 similar action in regulation 5 AAC 01.240(c). Marking  
20 and use of subsistence taken salmon: In Districts 1-3,  
21 from June 1 through July 15, a person may not possess  
22 king salmon taken for subsistence uses unless both tips  
23 (lobes) of the tail fin have been removed before the  
24 person conceals the salmon from plain view or transfers  
25 the salmon from the fishing site. A person may not  
26 sell or purchase salmon from which both tips (lobes) of  
27 the tail fin have been removed.

28  
29 The rationale cited in the BOF  
30 committee report was to foster better compliance  
31 because marking would be easier. The regulation would  
32 be consistent with other areas of the state, it  
33 clarified when subsistence marking requirements would  
34 be in place, and it was thought to be a more sanitary  
35 mark that was still needed for enforcement to  
36 discourage subsistence-caught fish from entering the  
37 state s commercial fisheries. The Federal Subsistence  
38 Management Program comment to the BOF at the time was  
39 in support of the proposed change

40  
41 Conservation Issues:

42  
43 The Yukon River Chinook salmon stock is  
44 currently classified as a yield concern. Subsistence  
45 harvest levels have not reached the ANS the last four  
46 years (2008 2011). A majority of the Yukon River  
47 drainage escapement goals have been met since 2000,  
48 including the Chena and Salcha rivers, which are the  
49 largest producers of Chinook salmon in the U.S. portion  
50 of the drainage. The agreed-to escapement objective

1 for the Canadian mainstem was met every year from 2001  
2 through 2006, with 2001, 2003, and 2005 being the three  
3 highest spawning escapement estimates on record.  
4 However, the escapement objective for the Canadian  
5 mainstem was not met in 2007, 2008, and 2010.  
6 Exploitation rate on the Canadian-origin stock by  
7 Alaskan fishermen has changed from an average of about  
8 55% (1989 1998) to an average of about 44% from  
9 2004 2008 (Howard et al. 2009)1. Although the  
10 subsistence harvest was stable at nearly 50,000 Chinook  
11 salmon annually through 2006, the recent five-year  
12 average (2007 2011) was 43,900. Commercial harvests  
13 have decreased over 90% from an average of 100,000  
14 annually (1989 1998) to the recent five-year average  
15 (2007 2011) of nearly 9,700 fish.

16  
17 Enforcement Issue: None noted at this  
18 time.

19  
20 Jurisdiction Issues:

21  
22 The Federal Subsistence Board does not  
23 have authority to regulate the nonfederally-qualified  
24 users participating in fisheries on waters outside of  
25 federal subsistence jurisdiction. While standing on  
26 state and private lands (including state-owned  
27 submerged lands), persons must comply with state law  
28 and cannot harvest under conflicting federal  
29 regulations.

30  
31 Enforcement difficulties and user  
32 confusion -- concerning where and how federal  
33 regulations that are different than state regulations  
34 apply -- will result unless detailed maps and  
35 explanations specific to the area are provided.

36  
37 Other Issues:

38  
39 (1) Maps are needed showing the  
40 specific boundaries and areas where federal regulations  
41 are claimed to apply, along with providing the  
42 justification for claiming those boundaries; (2) A  
43 large percentage of the lands along the Yukon River are  
44 state or private lands where federal subsistence  
45 fisheries are not authorized to occur; (3) The federal  
46 board does not have authority to supersede state  
47 commercial and subsistence fisheries regulations unless  
48 a full closure is required for conservation purpose  
49 within water of claimed federal jurisdiction; and 4)  
50 Changes to state commercial and subsistence fisheries

1 must be submitted to the BOF for coordination.

2

3 Recommendation: Support.

4

5 In February 2007, the BOF adopted a  
6 similar action in regulation 5 AAC 01.240. Marking and  
7 use of subsistence taken salmon. Changing the federal  
8 marking requirement at this time will bring the Federal  
9 regulation back in line with the state regulation and  
10 be less confusing to the public.

11

12 CHAIRMAN L. WILDE: Thank you. Any  
13 other questions -- are there any questions from the  
14 Council for the Department. Mr. Aloysius.

15

16 MR. ALOYSIUS: Thank you. What do they  
17 mean by removing the lobes or tips of the lobes? How  
18 far? I mean, is that just the tips or all the way down  
19 to the meat?

20

21 MR. RIVARD: I'll get that. Through  
22 the Chair. Bob, I believe it's just to square off the  
23 lobes. You don't have to do it very far, but you just  
24 kind of square them off so you could see that they've  
25 been marked. So it's not a big clip at all.

26

27 CHAIRMAN L. WILDE: Just the tips.

28

29 MR. RIVARD: Just the tips. So  
30 probably, you know, an eighth of an inch I'm guessing,  
31 you know. A very little bit.

32

33 CHAIRMAN L. WILDE: Whatever is easy to  
34 cut off.

35

36 Any other comments. Any other  
37 questions for the Department.

38

39 (No comments)

40

41 CHAIRMAN L. WILDE: Thank you, sir.

42

43 Do we have anything from the Fish and  
44 Wildlife. Comments.

45

46 (No comments)

47

48 CHAIRMAN L. WILDE: Any Federal agency  
49 comments.

50

1 (No comments)  
2  
3 CHAIRMAN L. WILDE: There being none, I  
4 think we thank you. And are there any comments from  
5 Native.  
6  
7 (No comments)  
8  
9 CHAIRMAN L. WILDE: I don't think  
10 there's any Native tribal entities present. None from  
11 the villages.  
12  
13 InterAgency Staff Committee comments.  
14 Oh, I'm sorry, That's right, you said none.  
15  
16 MS. SWANTON: But if you have question  
17 feel free to call upon us.  
18  
19 CHAIRMAN L. WILDE: Any questions.  
20  
21 (No comments)  
22  
23 CHAIRMAN L. WILDE: There being none,  
24 how about advisory comments. Advisory comments.  
25  
26 MR. POLTY: No comment.  
27  
28 CHAIRMAN L. WILDE: No comments. Any  
29 comments from the neighboring Advisory Council, Mr.  
30 Nick.  
31  
32 MR. NICK: Mr. Chair. Seward Peninsula  
33 Regional Advisory Council supported this proposal.  
34  
35 Mr. Chair.  
36  
37 CHAIRMAN L. WILDE: Thank you. Are  
38 there any local Fish and Game Advisory Committee  
39 comments.  
40  
41 (No comments)  
42  
43 CHAIRMAN L. WILDE: No. Okay.  
44 National Park Service Subsistence Resource Commission.  
45  
46 (No comments)  
47  
48 CHAIRMAN L. WILDE: None. Summary of  
49 written comments. Mr. Nick.  
50

1 MR. NICK: Mr. Chair. Tanana Chiefs  
2 Conference supported this proposal. And also Holy  
3 Cross Tribe supported this proposal.  
4  
5 CHAIRMAN L. WILDE: Thank you. Any  
6 public testimony concerning this proposal.  
7  
8 (No comments)  
9  
10 CHAIRMAN L. WILDE: I don't think  
11 there's any. Regional Advisory Council  
12 recommendations.  
13  
14 MR. ALOYSIUS: Mr. Chairman.  
15  
16 CHAIRMAN L. WILDE: Mr. Aloysius.  
17  
18 MR. ALOYSIUS: I move that we support  
19 Resolution -- or whatever you all it.  
20  
21 CHAIRMAN L. WILDE: Proposal.  
22  
23 MR. ALOYSIUS: Proposal FP13-03.  
24  
25 CHAIRMAN L. WILDE: Motions been made  
26 by Mr. Aloysius to support.....  
27  
28 MR. ALOYSIUS: Oh, wait. Wait. Wait.  
29 Sorry about that. That is FP13-02.  
30  
31 CHAIRMAN L. WILDE: That's correct.  
32 Thank you.  
33  
34 MR. CHARLES: Second.  
35  
36 CHAIRMAN L. WILDE: Motion's been made  
37 by Mr. Aloysius to support Proposal 13-02. Seconded by  
38 Mr. James Charles.  
39  
40 Any further discussion. Any discussion  
41 concerning this proposal.  
42  
43 (No comments)  
44  
45 MR. BROWN: Question.  
46  
47 CHAIRMAN L. WILDE: Question's called  
48 for by Mr. Brown. Roll call vote, please.  
49  
50 MR. NICK: Just a moment.

1 CHAIRMAN L. WILDE: We've got time.  
2  
3 MR. NICK: Mr. Chair. Motion is to  
4 support FP13-02. William Brown.  
5  
6 MR. BROWN: Yes.  
7  
8 MR. NICK: James Charles.  
9  
10 MR. CHARLES: Yes.  
11  
12 MR. NICK: Noah Andrew.  
13  
14 MR. N. ANDREW: Yes.  
15  
16 MR. NICK: Evan Polty.  
17  
18 MR. POLTY: Yes.  
19  
20 MR. NICK: Lester Wilde.  
21  
22 CHAIRMAN L. WILDE: Yes.  
23  
24 MR. NICK: Harry Wilde.  
25  
26 MR. H. WILDE: Yeah.  
27  
28 MR. NICK: Mary Gregory. Robert  
29 Aloysius.  
30  
31 MR. ALOYSIUS: Yes.  
32  
33 MR. NICK: John Andrew.  
34  
35 Seven for, zero against. Mr. Chair.  
36  
37 CHAIRMAN L. WILDE: The proposal passes  
38 unanimously support.  
39  
40 One comment I wanted to make. This is  
41 a good time I think to do it since we've been asking  
42 for comments from the villages and we haven't had  
43 anybody from the village show up. I think one of the  
44 reasons might be that we've held the last I don't know  
45 how many meetings here in Bethel. And we haven't been  
46 able to go out to the villages where some of these  
47 proposals affect those villages. And that is the  
48 reason why we haven't had any village comments or  
49 anybody coming in from the villages for any of these  
50 proposals.

1                   Prior to this, when we were able to  
2 travel to the villages, we had a lot of input from the  
3 villages, but now that we seem to be stuck here in  
4 Bethel, it seems like all the people that are usually  
5 interested in coming to our meetings have just decided  
6 not to come or they're unable to at this time, because  
7 this time of the year is kind of important to the  
8 gathering of our winter supplies, so that might be one  
9 of the reasons we haven't been -- we're not seeing any  
10 people from the villages.

11  
12                   Okay. We are down to item three, FP13-  
13 03, revise the harvest limit for pike. Mr. Rivard.

14  
15                   MR. RIVARD: Thank you, Mr. Chair. The  
16 analysis starts on Page 50 in your books. And I'm  
17 going to refer you to a couple maps before I start  
18 speaking a little bit here about the analysis itself.

19  
20                   If you look on Page 51, although the  
21 area talks about -- the proposal talks about the area  
22 affected is from Holy Cross down to Paimiut, the  
23 Federal lands that are involved in this are just the  
24 Yukon Delta National Wildlife Refuge lands that are in  
25 the lower left-hand corner. And you'll see that the  
26 line there is right around where the Paimiut Slough  
27 joins the Yukon River just to the right of the old town  
28 of Paimiut, in that darkened shade area. And then it's  
29 the Paimiut Slough which goes from the Yukon River king  
30 of to the right, and once it crosses the border, the  
31 Yukon Delta National Wildlife Refuge is no longer part  
32 of what we're talking about here. So it's just a real  
33 small area that we're talking about.

34  
35                   And you can also look on Page 55 of  
36 your book. And this is kind of the affected area that  
37 the proposal talks about from Holy Cross downstream to  
38 Paimiut. And that's one of the main -- one of the  
39 three main over-wintering locations for northern pike  
40 in the lower Innoko drainage. So I just kind of wanted  
41 to kind of refer you to that, those two maps.

42  
43                   Proposal 13-03 requests that a daily  
44 harvest and possession limit be established at three  
45 northern pike at -- excuse me, let me start again.  
46 Requests that a daily harvest and possession limit be  
47 established at three northern pike taken in all waters  
48 of the Yukon River, from Holy Cross downstream to and  
49 including Paimiut Slough, and that only one pike may be  
50 over 30 inches.

1                   This was submitted by the Grayling,  
2 Anvik, Shageluk and Holy Cross Fish and Game Advisory  
3 Committee. And we typically refer to them as the GASH  
4 area.

5  
6                   As you'll see on Page 52 in your book,  
7 showing the proposed regulation, again there's in  
8 addition to the exiting one where it would be  
9 Subsection (xx), in all waters of the Yukon River from  
10 Holy Cross downstream to and including Paimiut Slough,  
11 the harvest and daily possession limit for northern  
12 pike is three pike, only one of which may be over 30  
13 inches.

14  
15                   The effects of the proposal, if  
16 adopted, Federally-qualified subsistence users would be  
17 limited to harvesting and possessing only three pike  
18 per day. Additionally, only one pike could be over 30  
19 inches long. This would line up with existing State  
20 sport fish regulations. This would hold subsistence  
21 users to the same harvest limits and restrictions as  
22 sport fishers under State of Alaska regulations.  
23 Another way of stating it.

24  
25                   This would likely adversely affect  
26 traditional winter harvest patterns and possibly make  
27 travel to traditional winter harvest sites economically  
28 unfeasible for subsistence users. Larger northern pike  
29 are targeted in the subsistence fishery.

30  
31                   Reducing the daily harvest and  
32 possession limit to three pike per day with only one  
33 pike being over 30 inches would decrease fishing  
34 pressure on the pike population, allowing the larger  
35 fish a better chance to survive throughout the winter  
36 to spawn in the spring.

37  
38                   Mr. Chair. The OSM preliminary  
39 conclusion is to oppose this proposal.

40  
41                   The justification for that is that  
42 although the proposed regulation would decrease fishing  
43 pressure on northern pike within this area, there is no  
44 documented conservation concern to warrant the proposed  
45 harvest limits on Federally-qualified subsistence  
46 users. The northern pike population of the lower  
47 Innoko River drainage is considered healthy with access  
48 to abundant spawning, rearing, and over-wintering  
49 habitat.

50



1 years they have observed multiple (20 40) groups of  
2 people (three to six people per group) coming up and  
3 camping for several days at a time. These groups ice  
4 fish for pike night and day with tip-up poles and when  
5 done, leave with sled loads of fish. Currently there  
6 is no bag limit for this subsistence pike fishery. The  
7 proponent is concerned that this targeted fishing  
8 pressure will deplete northern pike stocks in the Yukon  
9 and Innoko River drainages, and would like to limit  
10 this fishery to ensure that there are pike available  
11 for future generations and for multiple user groups.

12

13                   Impact on Subsistence Users:

14

15                   This proposal, if adopted, will limit  
16 the northern pike harvest and provide protection to  
17 pike larger than 30 inches in length in all waters of  
18 the Yukon River from Holy Cross downstream to and  
19 including Paimuit Slough, which proponents suggest are  
20 currently subjected to excess fishing pressure by  
21 winter subsistence users. Local users report this to  
22 be an area where pike congregate and feed during the  
23 winter months. The area is relatively easy to access,  
24 and provides ample and expedient catch opportunity for  
25 pike.

26

27                   The proponents acknowledge that  
28 changing the pike harvest from unlimited to this  
29 proposed daily bag and possession limit will negatively  
30 impact some subsistence users. Nonlocal subsistence  
31 users intending to harvest pike will be limited from  
32 harvesting as many fish per day or taking as many large  
33 fish on one trip. This limitation will increase the  
34 number of trips, and therefore, time, fuel, and effort  
35 per trip to harvest the same number of pike which they  
36 have previously harvested. This proposal was brought  
37 forth by local users who would be affected by a reduced  
38 daily harvest.

39

40                   Impact on Other Users:

41

42                   This proposal may benefit  
43 sport/recreational fishermen, as well as local area  
44 subsistence fishermen. Adopting a daily bag and  
45 possession limit with a one-fish limit for those over  
46 30 inches in length for northern pike in this part of  
47 the Yukon River drainage may provide more opportunity  
48 for sport/recreational fisherman to catch northern pike  
49 both quantity and size.

50

1                               There is no commercial fishery for  
2 northern pike in this part of the Yukon River.

3

4                               Opportunity Provided by State:

5

6                               Northern pike may be harvested under  
7 state regulations throughout the majority of the Yukon  
8 River watershed. There are no daily or annual bag  
9 limits for pike, except in the Minto Flats area (see 5  
10 AAC 01.244. Minto Flats Northern Pike Management Plan)  
11 where the bag limit is 10 fish and the possession limit  
12 is 20 fish. Gear types allowed are gillnet, beach  
13 seine, fish wheel, longline, fyke net, dip net, jigging  
14 gear, spear, a hook and line attached to a rod or pole,  
15 handline, or lead. Although all gear types are not  
16 used or allowed in all portions of the Yukon River  
17 drainage, drift and set gillnets and fish wheels  
18 harvest the majority of fish taken for subsistence  
19 uses. Under state regulations, subsistence is the  
20 priority consumptive use. Therefore, state subsistence  
21 fishing opportunity is directly linked to abundance and  
22 is not restricted unless run size is inadequate to meet  
23 escapement needs.

24

25                               Conservation Issues:

26

27                               Currently there are no conservation  
28 concerns for northern pike in waters of the Yukon River  
29 from Holy Cross downstream to and including Paimuit  
30 Slough. However, little is known about the  
31 distribution of northern pike from this overwintering  
32 population and overwintering concentrations of northern  
33 pike can be vulnerable to high harvest rates. Local  
34 fishermen have expressed concern with the current level  
35 of harvest and the harvest of large northern pike in  
36 this fishing area. The northern pike subsistence  
37 harvest in this area is undocumented, particularly for  
38 fishermen from outside Yukon River drainage villages.

39

40                               The state has adopted a management plan  
41 for northern pike in the lakes and flowing waters of  
42 the Minto Flats area of the Yukon River drainage (see 5  
43 AAC 01.244. Minto Flats Northern Pike Management Plan)  
44 to provide the department with guidance to achieve the  
45 goals of managing these stocks consistent with  
46 sustained yield principles, providing a reasonable  
47 opportunity for the priority subsistence fishery, and  
48 providing a sport fishing opportunity.

49

50                               Northern pike are top level predators

1 in aquatic food chains and are highly piscivorous (fish  
2 eating) (ADF&G 2012)1. Northern pike occur naturally  
3 in the Yukon River drainage and they are highly valued  
4 as a subsistence and sport fish. In a balanced  
5 ecosystem with many other fish (e.g., whitefish,  
6 sheefish, suckers, Alaska blackfish, stickleback, char,  
7 and juvenile Chinook, chum, coho, pink, and sockeye  
8 salmon), northern pike are simply another member of the  
9 fish community. However, an abundance of hungry  
10 Northern pike in the Yukon River drainage does not help  
11 reduce the yield concern for the Yukon River Chinook  
12 salmon stock.

13

14 Enforcement Issues: None noted at this  
15 time.

16

17 Jurisdiction Issues:

18

19 The Federal Subsistence Board does not  
20 have the authority to regulate the  
21 nonfederally-qualified users participating in fisheries  
22 on waters outside of federal subsistence jurisdiction.  
23 While standing on state and private lands (including  
24 state-owned submerged lands), persons must comply with  
25 state law and cannot harvest under conflicting federal  
26 regulations.

27

28 Enforcement difficulties and user  
29 confusion -- concerning where and how federal  
30 regulations that are different than state regulations  
31 apply -- will result unless detailed maps and  
32 explanations specific to the area are provided.  
33 Requests for changes to State of Alaska fishery  
34 regulations must be submitted to the Alaska Board of  
35 Fisheries (BOF) for consideration. The Federal  
36 Subsistence Board does not have the authority to  
37 regulate the nonfederally-qualified users participating  
38 in fisheries on waters outside of federal subsistence  
39 jurisdiction.

40

41 Other Issues:

42

43 (1) Maps are needed showing the  
44 specific boundaries and areas where federal regulations  
45 are claimed to apply, along with providing the  
46 justification for claiming those boundaries;

47

48 (2) A large percentage of the lands  
49 along the Yukon River are state or private lands where  
50 federal subsistence fisheries are not authorized to

1 occur;

2

3 (3) The federal board does not have  
4 authority to supersede state commercial and subsistence  
5 fisheries regulations unless a full closure is required  
6 for conservation purpose within water of claimed  
7 federal jurisdiction; and

8

9 (4) A similar fisheries regulation  
10 proposal has been e submitted to the BOF, which will be  
11 considered in January 2013. Taking action following a  
12 the Alaska Board of Fisheries meeting could easily be  
13 coordinated given both boards are scheduled to meet in  
14 mid to late January 2013. A greater degree of  
15 information will be available to this board at the  
16 conclusion of the state process.

17

18 Recommendation: Defer following BOF  
19 decision on parallel proposal.

20

21 CHAIRMAN L. WILDE: Thank you. Any  
22 questions. Mr. Charles.

23

24 MR. CHARLES: Thank you, Mr. Chairman.

25

26 This Proposal 13-103 is submitted by  
27 those Yukon villages, three villages, Grayling, Anvik,  
28 Shageluk, Holy Cross. That's four. And it effects  
29 those people over there, because they go fishing over  
30 there. And how about Kuskokwim side? I've seen people  
31 from Kalskag, Akiachak and Tuluksak. I myself, I'm  
32 from Kuskokwim, but I've gone fishing over there, too.  
33 It would affect me. I mean, if this proposal passed, I  
34 would only have three fish to take home; is that right?

35

36 MR. RIVARD: Mr. Chair. Yes. You  
37 would be limited to taking three per day and three in  
38 possession, so effectively you would have to -- you'd  
39 harvest three fish, you'd have to take them home and  
40 then come back and fish for three more instead of right  
41 now apparently there are folks that go and they may  
42 spend up to several days camping there and taking quite  
43 a number of fish back with them.

44

45 Thank you.

46

47 CHAIRMAN L. WILDE: Mr. Charles.

48

49 MR. CHARLES: Thank you, Mr. Chairman.  
50 When we go fishing or something like that, we want to

1 catch all we want in one trip, because we don't back  
2 and forth. Like I'm Tuntutuliak, and I've fished in  
3 that area for pike. And I wouldn't want -- Tuntutuliak  
4 is a long ways from that area. And I wouldn't want to  
5 go home with three fish, because I want to catch all I  
6 want for the whole year in one trip. So if this  
7 passes, it would change the thing that we used before,  
8 like take home five or six or up to 10. And is that  
9 right, that this would change the way we've been doing  
10 before.

11  
12 MR. RIVARD: Through the Chair. Yes,  
13 James. That's correct.

14  
15 CHAIRMAN L. WILDE: Any further  
16 questions. Any further discussion. Mr. Brown.

17  
18 MR. BROWN: Those Yukon pikes are  
19 different from our Kuskokwim pike. The way I heard  
20 from those people that they're size of the regular  
21 salmon. But pikes out here in the Kuskokwim, sometimes  
22 they're way smaller. Is that your purpose for both  
23 rivers, like Yukon and Kuskokwim? You know, the Yukon  
24 pikes are way big size, and the Kuskokwim is sometimes  
25 they're little pikes. I just want to understand that.

26  
27 CHAIRMAN L. WILDE: Mr. Rivard.

28  
29 MR. RIVARD: Thank you, Mr. Chair. Mr.  
30 Brown, this area, the lower Innoko and than going into  
31 the Yukon River in that part of the Refuge, it's known  
32 for some of its trophy-sized pike. And it's also a  
33 place where subsistence users like to go in the winter  
34 time. Usually I believe it's in March is usually when  
35 they go, where there's -- it's that time of year. And  
36 their preference is to get the larger pike, and this is  
37 where they can go and get some large pike. So it is  
38 known for an area of the State that has some of the  
39 largest pike in the State.

40  
41 MR. BROWN: So I have a similar problem  
42 like Charles does. It's a long way for me to fish here  
43 in Johnson River.

44  
45 CHAIRMAN L. WILDE: Your proposal.  
46 Where are we. Any Federal agencies comments. Thank  
47 you. Any Federal agency comments.

48  
49 (No comments)  
50

1                   CHAIRMAN L. WILDE: There being none.  
2 There aren't any Native villages here. No comments  
3 from InterAgency Staff. Any comments from the  
4 neighboring Regional Advisory Councils. Advisory  
5 group. Advisory group comments. Mr. Aloysius.

6  
7                   MR. ALOYSIUS: Okay. My neighbor.

8  
9                   The main reason that this proposal came  
10 up is because of the simple fact that there are people  
11 from the Lower Kuskokwim, and I'm not going to name the  
12 villages, because they already know who they are. They  
13 go there and they camp sometimes for weeks. And they  
14 just set their hooks out there and watch them. And  
15 then when it's time for them to retrieve the fish, you  
16 know, if it's indicated that they're got a fish, they  
17 pull it out and they just leave it on the snow, cover  
18 it up with snow. Then when it's time to go home, they  
19 pack everything up and go.

20  
21                   And that is not the customary or  
22 traditional way of gathering those pike. The villages  
23 that are affected, Lower Kalskag, Kalskag, Aniak,  
24 Chuathbaluk, Russian Mission, Holy Cross, and all the  
25 GASH villages, they go there in the morning early.  
26 They fish during the day and the go home after it gets  
27 dark. And there's no problem with that. We never had  
28 a problem with that.

29  
30                   It's these guys that come up there and  
31 spend four, five days and nights. They're tending  
32 their hooks. And it's been going on for years. And no  
33 matter what we say to the villages that are doing that,  
34 they don't care. They say there's lots of fish. Yeah,  
35 there's lots of fish now, but there's not going to be  
36 lots of fish later if they keep harvesting all the big  
37 breeders. Or the spawners.

38  
39                   So, you know, I know for a fact that  
40 that happens, because I've seen it. And it's very  
41 discouraging for us from Kalskag, Lower Kalskag to go  
42 early in the morning, and get there about daylight, and  
43 you see anywhere from 5 to 10 campers camped, and  
44 they're already fishing all the choice spots.

45  
46                   So something has to be done. And  
47 limiting the harvest to three fish and only one over 30  
48 inches is not the proper way to do it.

49  
50                   CHAIRMAN L. WILDE: Thank you, Mr.

1 Aloysius. Any further comments.

2

3 MR. H. WILDE: Yeah. Mr. Chairman.

4

5 CHAIRMAN L. WILDE: Mr. Wilde, turn on  
6 your mic.

7

8 MR. H. WILDE: Mr. Chairman, in  
9 Mountain Village area sometimes that towards fall,  
10 towards spring, even my grandchildren, they pick up  
11 lush fish, pike fish, and they dry them up and they  
12 like to eat them with seal oil. They love it. I've  
13 been training them when they were young. And sometimes  
14 that certain times, certain area, where it doesn't have  
15 any kind of fish that to pick them at, to help our  
16 children. That's what they're been getting. That's --  
17 so I still continue supporting the challenge for the  
18 people that want to use it then for their own use.  
19 Right now today, even though there's fish available, my  
20 grandchildren, they're still using pikes with the seal  
21 oil, and they love it. And I've been supporting it all  
22 this time.

23

24 CHAIRMAN L. WILDE: Are you done?

25

26 MR. H. WILDE: Yeah.

27

28 CHAIRMAN L. WILDE: Your mic. Mr.  
29 Andrew.

30

31 MR. N. ANDREW: Mr. Chairman, though I  
32 didn't see this area, my area, Tuluksak, we do fish for  
33 supplemental fish parts. We've got to support what  
34 we're doing. They're used to it. They're going to go  
35 fishing for pike. Contrary to what Mr. Brown says, in  
36 our area they're about that big. And we catch them.  
37 We store them. About spring time. We're not talking  
38 about fish out here, but in spring time, Johnson River  
39 is famous for that. It always has been. They're got  
40 no limits. So I'm seeing something here that -- are we  
41 looking at separate proposals here? If not, I think  
42 it's they're facing some problem over there, and we are  
43 not over here. So what can we do here?

44

45 CHAIRMAN L. WILDE: Any other comments.

46

47 (No comments)

48

49 CHAIRMAN L. WILDE: Hearing none, how  
50 about neighboring Regional Advisory Councils.

1 MR. RIVARD: Your microphone, Mr.  
2 Chair.  
3  
4 CHAIRMAN L. WILDE: The neighboring  
5 Advisory Council comments.  
6  
7 MR. NICK: Mr. Chair. Seward Peninsula  
8 Regional Advisory Council opposed this proposal. Mr.  
9 Chair.  
10  
11 CHAIRMAN L. WILDE: Thank you. Are  
12 there any local Fish and Game Advisory Council.  
13 Advisories.  
14  
15 (No comments)  
16  
17 CHAIRMAN L. WILDE: None. No comments.  
18 National Park Service has no comments.  
19  
20 (No comments)  
21  
22 CHAIRMAN L. WILDE: Summary of written  
23 comments. Mr. Nick.  
24  
25 MR. NICK: Mr. Chair. On Page 117,  
26 Tanana Chiefs support t his proposal, and on Page 19,  
27 Holy Cross supports this proposal to protect the pike  
28 population.  
29  
30 Mr. Chair.  
31  
32 CHAIRMAN L. WILDE: Thank you, Mr.  
33 Nick. What are the Regional Council recommendations.  
34 Council members.  
35  
36 MR. ALOYSIUS: Mr. Chairman.  
37  
38 CHAIRMAN L. WILDE: Mr. Aloysius.  
39  
40 MR. ALOYSIUS: I move that we support  
41 this proposal.  
42  
43 CHAIRMAN L. WILDE: Motion's been made  
44 to support this proposal. Do I hear a second.  
45  
46 MR. CHARLES: Second the motion. Mr.  
47 Chairman.  
48  
49 CHAIRMAN L. WILDE: Seconded by Mr.  
50 James Charles. Any further discussion.

1 MR. ALOYSIUS: Mr. Chairman.

2

3 CHAIRMAN L. WILDE: Mr. Aloysius.

4

5 MR. ALOYSIUS: If the proposal maker  
6 would be willing to not restrict the number of fish  
7 that are caught, but to prohibit the camping of people  
8 who go there in that area to fish, then I would support  
9 that. But I cannot support this proposal and the fact  
10 that they're going to limit me to three fish if I have  
11 to travel 70 mile round trip. And if I get five fish,  
12 I'm happy. That five fish will last me five weeks.

13

14 And it's not like in the old day where  
15 the Village of Kalskag, Lower Kalskag went to the Yukon  
16 and spent a day, and each family got a sled load of  
17 fish to bring back to Kalskag or Lower Kalskag for the  
18 remainder of the spring season when they run out of dog  
19 feed -- I mean, salmon for dog feed, and they used pike  
20 to supplement the dog feed to carry them out to the  
21 summer. And it's not like that any more, because no  
22 one depends on dog teams any more for travel. The only  
23 dog teams you see in the State of Alaska are those ones  
24 of people who play with their dogs, and they call it  
25 racing.

26

27 And so if the -- I think, you know, the  
28 GASH, Central Kuskokwim get together and work on a  
29 proposal to prohibit the camping of fishers, I think  
30 that would go over a lot better than just limiting the  
31 number of fish to three.

32

33 And this is not sport fishing. Let me  
34 remind you of that. It is not sport fishing. We go  
35 there to subsistence fish. It's not to play with our  
36 food. We go there to gather what we need to supplement  
37 our protein requirement in our diet. It has nothing to  
38 do with sports.

39

40 Thank you.

41

42 CHAIRMAN L. WILDE: Thank you, Mr.

43 Aloysius.

44

45 Any further comments. Council members.

46

47 MR. POLTY: Mr. Chairman.

48

49 CHAIRMAN L. WILDE: Mr. Polty.

50

1 MR. POLTY: Yeah. Mr. Chair. Camping  
2 usually probably doesn't indicate of doing mostly  
3 piking over there. But they probably go for a couple  
4 day for getting some fungus and porcupine for their  
5 use, too, same time. So there's probably three things  
6 that they focus on here, that's what they usually go  
7 camping for.

8  
9 On this limit of three, I have  
10 objection for that, because with three, going pretty  
11 far from Kuskokwim over to catch three and come home  
12 and try to go back again, the consumption of gas is  
13 pretty high, and the gas price is coming up, so if they  
14 come up with this situation, if they modify it where  
15 they include what they need over there, I will support  
16 it. But if they're mainly going to be going over there  
17 to camp and hook for (In Yup'ik), what they call them,  
18 pikes, so I have to decide on that.

19  
20 Thank you, Mr. Chairman.

21  
22 CHAIRMAN L. WILDE: Thank you Mr.  
23 Polty. Any further discussion. Mr. Brown.

24  
25 MR. BROWN: Is this for subsistence  
26 users' limit or sport fishing.

27  
28 CHAIRMAN L. WILDE: Mr. Rivard.

29  
30 MR. RIVARD: This proposal is to put a  
31 possession limit on subsistence user of three a day or  
32 three in possession. So there's already a sport  
33 fishing regulation that has -- that's the limit for  
34 sport fishing under State regulations. But this would  
35 be under Federal regulations for subsistence users.

36  
37 CHAIRMAN L. WILDE: You done?

38  
39 (No comments)

40  
41 CHAIRMAN L. WILDE: Any other  
42 discussion.

43  
44 (No comments)

45  
46 MR. CHARLES: Question.

47  
48 CHAIRMAN L. WILDE: The questions  
49 called for, roll call vote, please?

50

1 MR. ALOYSIUS: Can I explain something.  
2 Mr. Chairman.  
3  
4 CHAIRMAN L. WILDE: Yes, sir.  
5  
6 MR. ALOYSIUS: Now, I'd like to explain  
7 when you vote, if you want the restriction to go in,  
8 you say yes. But if you don't want this to pass, you  
9 say no. It's as simple as that.  
10  
11 Thank you.  
12  
13 CHAIRMAN L. WILDE: Thank you, Mr.  
14 Robert Aloysius. Go ahead, Mr. Nick.  
15  
16 MR. NICK: Thank you, Mr. Chair. The  
17 motion is to support FP13-03. William Brown  
18  
19 MR. BROWN: No.  
20  
21 MR. NICK: James Charles.  
22  
23 MR. CHARLES: No.  
24  
25 MR. NICK: Noah Andrew.  
26  
27 MR. N. ANDREW: No.  
28  
29 MR. NICK: Evan Polty.  
30  
31 MR. POLTY: No.  
32  
33 MR. NICK: Lester Wilde.  
34  
35 CHAIRMAN L. WILDE: No.  
36  
37 MR. NICK: Harry Wilde.  
38  
39 MR. H. WILDE: No.  
40  
41 MR. NICK: Mary Gregory. Robert  
42 Aloysius.  
43  
44 MR. ALOYSIUS: No.  
45  
46 MR. NICK: John Andrew. Seven for,  
47 zero against.  
48  
49 CHAIRMAN L. WILDE: Thank you. Before  
50 we get into customary trade, let's take a 10-minute

1 break.  
2  
3 MR. RIVARD: Do you want to -- Mr.  
4 Chair.  
5  
6 CHAIRMAN L. WILDE: Go ahead.  
7  
8 MR. RIVARD: Would -- you may need to  
9 restate that.  
10  
11 MR. NICK: Excuse me, Mr. Chair. Mr.  
12 Rivard?  
13  
14 MR. RIVARD: You said seven for, zero  
15 against, but I think it's the other way around.  
16  
17 CHAIRMAN L. WILDE: Yeah.  
18  
19 MR. NICK: I'm sorry. Okay. Thank you  
20 very much. Seven against, zero for.  
21  
22 CHAIRMAN L. WILDE: Thank you for  
23 catching that, Mr. Rivard.  
24  
25 (Laughter)  
26  
27 CHAIRMAN L. WILDE: Let's take a 10-  
28 minute break.  
29  
30 (Off record)  
31  
32 (On record)  
33  
34 CHAIRMAN L. WILDE: Call the meeting  
35 back to order. Before we get back into our.....  
36  
37 REPORTER: Your microphone, Mr.  
38 Chairman.  
39  
40 CHAIRMAN L. WILDE: .....proposals,  
41 we're going to give Mr. Paul Jenkins an opportunity to  
42 address the Council. Mr. Jenkins.  
43  
44 REPORTER: Lester, don't forget to turn  
45 your microphone on and off.  
46  
47 CHAIRMAN L. WILDE: Sorry. Mr. Paul  
48 Jenkins has asked to make a statement on a non-agenda  
49 item, so we'll give him an opportunity to go ahead and  
50 speak.

1                               Go ahead, Mr. Jenkins.

2

3                               MR. P. JENKINS: (In Yup'ik) I can  
4 hardly hear you. Anyway my name is Paul P. Jenkins.  
5 I'm an old veteran, Second World War veteran.

6

7                               A long time ago these two match (ph)  
8 seeds in the Lower 48 and in Alaska. In the Lower 48  
9 they -- and when our sun is getting warm, they filled  
10 their farms with all the seeds, they put them  
11 underneath, let them grow to winter use. All winter  
12 long we never run out. Now, the same way with Alaska  
13 long time ago. I catch the old people, they -- when  
14 the sun gets hot, getting warm, had anything they want,  
15 they can have everything like birds ad the fish, and  
16 when it gets hot -- I mean, getting warm in the spring  
17 time. All the way from north to all the way to  
18 Aleutian Island. This is old law for Alaskans. They  
19 dried anything they can, they can use it in the winter  
20 time. Use them for dog team, and use them for himself,  
21 for winter use.

22

23                               And then when the smelts come, the  
24 smelts come through Kuskokwim. They dry much as they  
25 can, because the winter is long. They only use their  
26 dog teams in the winter time when I was a boy. There  
27 was no engines all over. They go out after smelts with  
28 -- use their boat, and try to get as much as they can.  
29 Right after king salmons. When the king salmon, they  
30 used to have tents all the way from downriver to  
31 upriver. They usually only used tents, and all the  
32 way up. And then the smelts gone, right after, if one  
33 person catch king salmon in the fish camp, they take it  
34 up to fish camp and there was about five tents where I  
35 used to be, where I used to stay, and they split one  
36 king salmon, give it to each other, all the tents.  
37 Celebrate for kind salmon going upriver. They  
38 celebrate the king. And they only -- we didn't have  
39 engines. They only out in it when the tides come in.  
40 Even night time and day time, when the king salmon come  
41 first after smelts. They dry much as they can, those  
42 first ones. King salmon when they figure their fish  
43 racks, when they're full, they quite. Quit after the  
44 king salmon.

45

46                               And then next is the small king salmon  
47 mixed with the big ones. They go after it. Those big  
48 ones come in first, and then small king salmon we don't  
49 care about when our -- that means we -- when we fill  
50 the fish trap -- I mean fish rack, that means we kill

1 the winter, because with our dogs, with the people,  
2 they can eat all winter long now. They quit fish after  
3 the fish.

4  
5                   And then one time I was late for king  
6 salmon when I was fishing in the (In Yup'ik), we come  
7 up with our seine boat. Big one. Big boat. I late  
8 for king salmon. And an older man, old man Charlton,  
9 he told me to go after the king salmon. I went  
10 upriver, I catch about 60 king, or 70 king salmon.  
11 And I take them home. And then the week after I try  
12 again. And when I reach my fishing, set my net, catch  
13 only small king salmon mixed with some big kings.  
14 These are small ones, they go last after the big ones,  
15 the big ones arrive. When they dried everything, only  
16 before the bad weather come. That's rain so much, you  
17 know, after the king salmon. You guys know all about  
18 it. And then we kill the winter. And last summer my  
19 son-in-law catch only about seven or eight kings.  
20 That's all. They -- I went upriver from Bethel to  
21 Akiachak. All those fish camps, no hanging fish. That  
22 was bad. It hurt the people, because they close it  
23 king salmon time. And I am wishing for open that we  
24 used to do. Match with the farmers in the United  
25 States. Farmers, they put the seeds underground and  
26 kill the winter. And then the Eskimo, when they dry  
27 the fish, king salmon, first king salmon come, they try  
28 the fish, that means fill their racks and that means  
29 they kill the winter for we use always dog teams. No  
30 engine.

31  
32                   That's how -- I'm glad you give me a  
33 time to speak. Anyway, I still went a meeting last  
34 time, because most the people, they really got hurt  
35 this summer, because they didn't catch any that we used  
36 to

37  
38                   (In Yup'ik)

39  
40                   We have no king salmon. We already  
41 almost ran out of king salmon. We don't dry any of  
42 those big -- when they're really come. We don't have  
43 anything that we used to, have the first comes, readied  
44 our rack, tried to fill day and night. No engine.  
45 With the oar, regular used boat and the tide, when  
46 tides come in.

47  
48                   That's all I have to say. Thank you  
49 very much.  
50

1 CHAIRMAN L. WILDE: Quyana, Paul. Any  
2 questions. Just a minute. You got any questions for  
3 Mr. Jenkins.

4  
5 (No comments)

6  
7 CHAIRMAN L. WILDE: Quyana.

8  
9 MR. P. JENKINS: Okay.

10  
11 CHAIRMAN L. WILDE: Okay. We are down  
12 to item FP13-06/07/08. These proposals to revise  
13 customary trade regulations. Mr. Jenkins.

14  
15 DR. JENKINS: Mr. Chair. Council  
16 members. David Jenkins. I'm the subsistence policy  
17 coordinator for the Office of Subsistence Management.

18  
19 You have in front of you seven  
20 customary trade proposals, six from this year, and one  
21 that was deferred from 2011. They're been grouped  
22 together to make the analysis a little easier. They  
23 have themes that run through them, so we'll take three  
24 in the first go and then two and then one.

25  
26 So we'll start with FP13-06, 07 and 08  
27 as a group. 13-06 was submitted by the Western  
28 Interior Regional Advisory Council; 13-07 submitted by  
29 Eastern Interior RAC; and 13-08 submitted by the Y-K  
30 Regional Advisory Council. And they all address  
31 customary trade regulations for Yukon River drainage  
32 Chinook or king salmon.

33  
34 There are some slight differences, and  
35 I'll point those out, but there are also is a common  
36 theme.

37  
38 13-06 seeks to limit customary trade of  
39 Yukon River king salmon to those with a current  
40 customary and traditional use determination for Yukon  
41 River Chinook salmon. 13-07 seeks the same limitation,  
42 but only in times of shortage when there's no Yukon  
43 River Chinook salmon commercial fishery and  
44 restrictions on subsistence fishing are in place. And  
45 then 13-08 also seeks to limit customary trade to those  
46 with a current customary and traditional use  
47 determination, and to ensure that any individual who  
48 purchased Chinook salmon under customary trade uses it  
49 only for personal or family consumption.

50

1                   So these three proposals respond to  
2 recommendations made by a subcommittee, which we call  
3 the Tri-RAC Subcommittee, composed of members from the  
4 Western Interior, Eastern Interior, and this Regional  
5 Advisory Council. And one of the members, Harry Wilde,  
6 is here. He was on the Tri-RAC Subcommittee.  
7

8                   Okay. The proponents of these three  
9 proposals recognize, we all recognize that runs of  
10 Chinook king salmon have been in sharp decline over the  
11 years, and the proponents suggest that by limiting  
12 customary trade of Yukon River Chinook salmon just to  
13 Federally-qualified residents with a current customary  
14 and traditional use determination, this would curtail  
15 large sales of subsistence-caught Chinook salmon that  
16 are reported to occur in urban areas of Alaska.  
17 Anchorage, Fairbanks and other urban areas.  
18

19                   So if these proposals are adopted, then  
20 non-rural residents and rural residents who reside  
21 outside of the Yukon River drainage would not be able  
22 to participate in customary trade of Yukon River kings.  
23

24                   Okay. So here's the shared element for  
25 all three proposals. They all seek to limit customary  
26 trade to those with a current customary and traditional  
27 use determination for Yukon River Chinook salmon.  
28

29                   Now, let me stop for a second and  
30 remind all of us that customary trade under ANILCA is  
31 defined as a subsistence use. But it was not defined  
32 by Congress in ANILCA beyond that. It just said  
33 customary trade is a subsistence use. In the  
34 implementing regulations after ANILCA, it was defined  
35 as the exchange for cash of fish, their parts and their  
36 eggs, as long as it doesn't exceed the threshold of a  
37 significant commercial enterprise. Okay.  
38

39                   So these are fairly -- I see Robert  
40 shaking his head. These are fairly complex  
41 regulations. The shared element again is to limit  
42 customary trade to the Yukon River drainage, to those  
43 who have a current customary and traditional use  
44 determination.  
45

46                   And you can see on Page 69 of your  
47 books in bold and on Page 70 the regulations. The  
48 proposed regulations are inserted from each of the  
49 Councils there. So they're slightly different with  
50 that shared element.

1                   There's a long history of regulatory --  
2 there's a long regulatory history of customary trade.  
3 It goes over several pages in your book. I won't  
4 bother to go through that, or the recent history of  
5 customary trade. But let me just point out a couple of  
6 things about the Tri-RAC subcommittee which met last  
7 year.

8  
9                   In January of 2011 the Federal  
10 Subsistence Board deferred a proposal that we'll come  
11 to at the very end of all of these proposals, it's  
12 FP11-08, in order to allow a subcommittee to form and  
13 to meet to discuss a solution, a river-wide solution to  
14 the problem of customary trade. And that subcommittee  
15 as I mentioned was composed of Y-I, Eastern Interior,  
16 and Western Interior members, three from each RAC.  
17 They met twice, both times for two days. Once in  
18 Anchorage, once in Fairbanks. And they proposed two  
19 regulatory changes. You can find those on Page 74 of  
20 your book at the very bottom. The first is customary  
21 trade of Yukon River Chinook salmon may only occur  
22 between Federally-qualified rural residents with a C&T  
23 determination. And the second was to preclude  
24 customary trade between rural residents and others,  
25 that is non-rural folks, and to establish a \$750 limit  
26 and require record keeping.

27  
28                   After the subcommittee met, each of  
29 these three RACs discussed the subcommittee's  
30 recommendations. The Y-K, your RAC, discussed these  
31 recommendations. It didn't vote on them, but supported  
32 the first recommendation, to limit to the drainage, and  
33 also suggested if there were to be a limit, that a \$750  
34 limit an appropriate limit. The Western Interior voted  
35 for the first recommendation, but not to impose a  
36 limit. And the Eastern Interior voted in that same  
37 fashion, that is, to limit customary trade to the Yukon  
38 River drainage, but not to impose a dollar limit on it.

39  
40                   Okay. OSM's preliminary conclusion is  
41 to support Western Interior's proposal, which is 06,  
42 with modification, and then support the other two  
43 proposals, but to modify them to bring them in line  
44 with the Western Interior's proposal. And you can see  
45 that on top of Page 77 in bold.

46  
47                   So the modified regulation would read  
48 like this: Customary trade of Yukon River Chinook  
49 salmon may only occur between Federally-qualified rural  
50 residents with a current customary and traditional use

1 determination for Yukon River Chinook salmon.

2

3                   The justification for this conclusion  
4 is that -- well, there's several. I went through a  
5 couple of them, but let me reiterate them.

6

7                   This was a proposal that all three  
8 Councils supported, to limit customary trade to Yukon  
9 River drainage proper. However, there's very little  
10 quantifiable information on the numbers of Chinook that  
11 enter customary trade. Nevertheless it seems prudent  
12 to, especially given the current declines of Yukon  
13 River Chinook salmon, to follow the recommendations of  
14 the three Regional Advisory Councils in this matter.  
15 And limiting customary trade of Yukon River Chinook  
16 salmon to only those with a current C&T determination  
17 will keep such trade within the drainage, but allow  
18 subsistence users to continue to receive cash in  
19 exchange for subsistence-caught Chinook, which more  
20 likely than not will be used to continue subsistence  
21 practices.

22

23                   And, finally, if runs of Chinook salmon  
24 ever return to a point where there is no conservation  
25 concern, then a proposal could be put in place to  
26 eliminate these restrictions on customary trade.

27

28                   With that, I'll stop, Mr. Chair, and  
29 entertain questions. Thank you.

30

31                   CHAIRMAN L. WILDE: Any questions for  
32 Proposals FP 06, 07, 08 in the executive summary.  
33 Council members.

34

35                   (No comments)

36

37                   CHAIRMAN L. WILDE: You must have  
38 explained it pretty well, because there doesn't seem to  
39 be any questions.

40

41                   Do you have anything further.

42

43                   DR. JENKINS: If there are no  
44 questions, no, I'll leave it at that point. Thank you,  
45 Mr. Chair.

46

47                   CHAIRMAN L. WILDE: Okay. Are there  
48 any questions from the Council.

49

50                   (No comments)

1 CHAIRMAN L. WILDE: Agency comments.

2

3 MR. ESTENSON: Yes, Mr. Chair. Jeff  
4 Estenson, Fish and Game.

5

6 The Department supports refining the  
7 definition of customary trade and significant  
8 commercial enterprise to provide clarity for users and  
9 enforcement.

10

11 The Department also recommends the  
12 implementation of a permit system to help quantify  
13 customary trade and significant commercial enterprise  
14 activity.

15

16 \*\*\*\*\*

17 STATE OFFICIAL WRITTEN COMMENTS

18 \*\*\*\*\*

19

20 Alaska Department of Fish and Game  
21 Comments to the Regional Advisory Council

22

23 Fisheries Proposals FP13-06, 07, 08:

24

25 This group of proposals seeks to refine  
26 definitions of Customary Trade of Yukon River Chinook  
27 Salmon.

28

29 Introduction:

30

31 FP13-06, submitted by the Western  
32 Interior Subsistence Regional Advisory Council  
33 (WI-RAC), seeks to limit customary trade of Yukon River  
34 Chinook salmon to that occurring between federally  
35 qualified rural residents with a current customary and  
36 traditional use determination(C&T). While the proposer  
37 does not qualify the customary and traditional use  
38 determination it may be it is assumed both the trader  
39 and recipient are to have C&T for Yukon River salmon.

40

41 FP13-07, submitted by the Eastern  
42 Interior Subsistence Regional Advisory Council  
43 (EI-RAC), seeks to limit customary trade of Yukon River  
44 Chinook salmon to that occurring between federally  
45 qualified rural residents with a current C&T and  
46 qualifies application to times of shortage when no  
47 Chinook salmon commercial fishery or restrictions on  
48 subsistence fishing are in place.

49

50 FP13-08, submitted by the

1 Yukon-Kuskokwim Delta Subsistence Regional Advisory  
2 Council (YKD-RAC), seeks to limit customary trade of  
3 Yukon River Chinook salmon to that occurring between  
4 federally qualified rural residents with a current C&T  
5 for salmon only in the Yukon River drainage.

6  
7                   Impact on Subsistence Users: Defining  
8 customary trade would provide greater understanding of  
9 what is allowable under this practice. Limiting the  
10 scope of customary trade to the specific users  
11 mentioned in the proposals would provide for those  
12 users and exclude other users. Some rural residents  
13 without C&T for Yukon River Chinook salmon who may have  
14 purchased these salmon in trade would suffer a loss of  
15 purchased salmon obtained through cash transactions.  
16 Without the addition of a definition of significant  
17 commercial enterprise, there will be continued  
18 confusion and enforcement issues will remain.

19  
20 Impact on Other Users: None noted at this time.

21  
22 Opportunity Provided by State: State subsistence users  
23 are allowed to engage in the customary trade of  
24 subsistence-caught fish; however, 5 AAC 01.010  
25 prohibits the sale of subsistence-caught fish, their  
26 parts, or their eggs unless otherwise specified in  
27 state regulation. Currently, there are only two  
28 exceptions listed in Chapter 5 of state regulations;  
29 they are for the Norton Sound-Port Clarence Area and  
30 for Southeast Alaska. 2 Currently, no sale of  
31 subsistence-caught fish is allowed in the Yukon River  
32 drainage.

33  
34 Conservation Issues: The Yukon River Chinook salmon  
35 stock is currently classified as a yield concern.  
36 Since 2001, subsistence fishing time in the Yukon Area  
37 has been limited by the windows schedule and then  
38 further restricted in 2008, 2009, and 2011 because of  
39 conservation concerns for Chinook salmon. Subsistence  
40 harvest levels for Chinook salmon have not met the  
41 amounts reasonably necessary for subsistence (ANS)  
42 range the last four years (2008 2011). A majority of  
43 the Yukon River drainage escapement goals have been met  
44 or exceeded since 2000, including the Chena and Salcha  
45 rivers, which are the largest producers of Chinook  
46 salmon in the U.S. portion of the drainage. The  
47 escapement objective for the Canadian mainstem was met  
48 every year from 2001 through 2006, with 2001, 2003, and  
49 2005 being the three highest spawning escapement  
50 estimates on record. The escapement objective for the

1 Canadian mainstem was not met in 2007, 2008, and 2010.  
2 Exploitation rate on the Canadian-origin stock by  
3 Alaskan fishermen has changed from an average of about  
4 55% (1989 1998) to an average of about 44% from  
5 2004 2008 (Howard et al. 2009). Although the  
6 subsistence harvest was stable at nearly 50,000 Chinook  
7 salmon annually through 2006, the recent five-year  
8 average (2007-2011) was 43,900. Commercial harvests  
9 have decreased over 90% from an average of 100,000  
10 annually (1989 1998) to the recent five-year average  
11 (2005 2009) of nearly 9,700 fish.

12  
13 Enforcement Issues: A refined federal definition for  
14 customary trade would reasonably be expected to reduce  
15 enforcement complications provided the definition  
16 adopted is specific and easily interpreted.  
17 Information outreach will be necessary to adequately  
18 inform the public of any adopted changes to the  
19 definition. Without the addition of a definition of  
20 significant commercial enterprise, confusion and  
21 enforcement issues will remain.

22  
23 Jurisdiction Issues: While standing on state and  
24 private lands (including state-owned submerged lands  
25 and shorelands), persons must comply with state laws  
26 and regulations and cannot sell subsistence-caught fish  
27 with two exceptions, as specified above. Federal  
28 subsistence regulations, particularly customary trade  
29 regulations, pertain only to fishing on and use of fish  
30 caught on federal public lands and those waters where  
31 federal subsistence jurisdiction is claimed. The sale  
32 of subsistence fish caught on all lands and waters  
33 (federal, state, or private) is limited by state  
34 regulations, except to the extent superseded by federal  
35 law on federal lands. The State of Alaska maintains  
36 jurisdiction of food safety and food processing  
37 regulations based upon DEC regulations.

38  
39 Violation of existing customary trade rules is largely  
40 an enforcement problem. What is needed is more  
41 education and an enforceable definition on what  
42 constitutes a significant commercial enterprise. We  
43 also suggest implementing a monitoring program to  
44 produce actual data, and clarifying the roles and  
45 responsibilities of federal and state enforcement  
46 agencies.

47  
48 Other Issues: Adoption of this proposal may provide  
49 enforceable customary trade regulations, including  
50 limits and reporting requirements. Currently, the

1 extent of customary trade in the Yukon River under  
2 federal regulations is unknown; an enforceable  
3 monitoring program would provide data useful for  
4 management purposes. A permit system is more readily  
5 enforceable than one without permits being required.

6  
7 Recommendation: Support refining the definition of  
8 customary trade and significant commercial enterprise  
9 to provide clarity for users and enforcement. We also  
10 recommend the implementation of a permit system to help  
11 quantify customary trade and significant commercial  
12 enterprise activities.

13

14 1 5 ACC 01.010 METHODS, MEANS, AND GENERAL PROVISIONS

15 (d) Unless otherwise specified in this chapter,  
16 it is unlawful to buy or sell subsistence-taken fish,  
17 their parts, or their eggs, except that it is lawful to  
18 buy or sell a handicraft made out of the skin or  
19 nonedible by-products of fish taken for personal or  
20 family consumption.

21

22 CHAIRMAN L. WILDE: Thank you. Any  
23 questions.

24

25 (No comments)

26

27 CHAIRMAN L. WILDE: Thanks. Federal  
28 agencies. Any comments from any Federal agencies.

29

30 (No comments)

31

32 CHAIRMAN L. WILDE: InterAgency Staff  
33 didn't have any comments.

34

35 Advisory group comments. Any advisory  
36 group comments. Mr. Charles.

37

38 MR. CHARLES: No comments from this  
39 area.

40

41 CHAIRMAN L. WILDE: Mr. Polty.

42

43 MR. POLTY: No comments.

44

45 CHAIRMAN L. WILDE: Okay. Any other  
46 comments.

47

48 (No objection)

49

50 CHAIRMAN L. WILDE: There being none,

1 are there any comments from the neighboring Advisory  
2 Councils.

3

4 Mr. Nick.

5

6 MR. NICK: Mr. Chair. Seward Peninsula  
7 Regional Advisory Council opposed FP13-06, 07, and 08.  
8 Mr. Chair.

9

10 CHAIRMAN L. WILDE: Okay. Local Fish  
11 and Game Advisory Committees. Mr. Charles.

12

13 MR. CHARLES: No comments.

14

15 CHAIRMAN L. WILDE: No comment. No  
16 comment from National Park Service Subsistence Resource  
17 Commission.

18

19 (No comments)

20

21 CHAIRMAN L. WILDE: Summary of written  
22 comments. Mr. Nick.

23

24 MR. NICK: Mr. Chair. In the  
25 executive summary of these proposals it says there's  
26 two comments opposing the proposals, but Tanana Chief  
27 opposed 06, 07, and 08. And also they commented that  
28 Tanana Chiefs Conference villages opposes any customary  
29 trade proposals that do not have adequate socio-  
30 economic and historic research to substantiate the  
31 proposed regulation. And they also wanted you to refer  
32 -- rather review the August 16, 2011 comments go the  
33 Federal Subsistence Board submitted by Tanana Chiefs  
34 Conference and Doyon, Limited, attached, which is on  
35 the following page, on Page 120. It's rather lengthy.

36

37 Mr. Chair.

38

39 CHAIRMAN L. WILDE: Could you go into  
40 those comments that were from that meeting, please.

41

42 MR. NICK: These are about, excuse me,  
43 seven pages long. Eight.

44

45 CHAIRMAN L. WILDE: What is the gist of  
46 the comments.

47

48 MR. NICK: Rather than seven -- oh,  
49 just a moment. Pardon me?

50

1 CHAIRMAN L. WILDE: What is the meat of  
2 the comments?  
3  
4 MR. NICK: Oppose.  
5  
6 CHAIRMAN L. WILDE: All oppose. Okay.  
7 Thank you.  
8  
9 Is there any public testimony.  
10  
11 (No comments)  
12  
13 CHAIRMAN L. WILDE: No public  
14 testimony.  
15  
16 Regional Advisory recommendations. Mr.  
17 Aloysius.  
18  
19 MR. ALOYSIUS: Mr. Chairman. I move  
20 that we support Proposals FP13-06, 07, and 08 as  
21 presented.  
22  
23 CHAIRMAN L. WILDE: As present or as  
24 modified. With modifications?  
25  
26 MR. ALOYSIUS: Well, everything is  
27 written in there, I mean, you know.  
28  
29 CHAIRMAN L. WILDE: OSM supported this  
30 with modifications. And could you read that  
31 modification again, please.  
32  
33 DR. JENKINS: Yes, Mr. Chair. It reads  
34 like this, this is the proposed regulation. Customary  
35 trade of Yukon River Chinook salmon may only occur  
36 between Federally-qualified rural residents with a  
37 current customary and traditional use determination for  
38 Yukon River Chinook salmon.  
39  
40 The modification from the 06 proposal  
41 is very simple. It's just the last clause that says,  
42 for Yukon River Chinook salmon.  
43  
44 MR. ALOYSIUS: (In Yup'ik)  
45  
46 CHAIRMAN L. WILDE: Mr. Aloysius.  
47  
48 MR. ALOYSIUS: Including the  
49 modification.  
50

1 CHAIRMAN L. WILDE: What is that again?  
2  
3 MR. ALOYSIUS: Including the  
4 modification.  
5  
6 CHAIRMAN L. WILDE: Oh, with  
7 modification. Okay. Motion's been made to adopt FP13-  
8 06, 07, '09 with.....  
9  
10 MR. ALOYSIUS: No 9. There's no 9.  
11  
12 CHAIRMAN L. WILDE: Oh, 08, I'm sorry.  
13 06, 07, 08 with modification.  
14  
15 MR. CHARLES: I second the motion. Mr.  
16 Chairman.  
17  
18 CHAIRMAN L. WILDE: Seconded by Mr.  
19 Charles. Any further discussion. Any further  
20 discussion on Proposal 06, 07, 08.  
21  
22 (No comments)  
23  
24 MR. BROWN: Question.  
25  
26 CHAIRMAN L. WILDE: The question's  
27 called for by Mr. Brown. Mr. Nick, would you please  
28 call the roll.  
29  
30 MR. NICK: Thank you, Mr. Chair. One  
31 of your members have requested the roll call should  
32 begin from the other end of the corner.  
33  
34 CHAIRMAN L. WILDE: Whichever way  
35 works, Mr. Nick.  
36  
37 MR. NICK: Okay. Thank you. James  
38 Charles.  
39  
40 MR. CHARLES: Yes.  
41  
42 MR. NICK: Evan Polty.  
43  
44 MR. POLTY: Yes.  
45  
46 MR. NICK: Noah Andrew.  
47  
48 MR. N. ANDREW: Yeah.  
49  
50 MR. NICK: Harry Wilde.

1 MR. H. WILDE: Yes.  
2  
3 MR. NICK: Lester Wilde.  
4  
5 CHAIRMAN L. WILDE: Yes.  
6  
7 MR. NICK: Robert Aloysius.  
8  
9 MR. ALOYSIUS: Yes.  
10  
11 MR. NICK: William Brown.  
12  
13 MR. BROWN: Yes.  
14  
15 CHAIRMAN L. WILDE: Okay. Motion's  
16 carried.  
17  
18 MR. NICK: Motion carried with 7 for,  
19 zero no.  
20  
21 CHAIRMAN L. WILDE: Proposal 06, 07, 08  
22 as modified is passed.  
23  
24 We are down to Proposal No. 13-09/10,  
25 prioritize use of the Chinook. Mr. Jenkins.  
26  
27 DR. JENKINS: Mr. Chair. FP13-09 and  
28 10, these two proposals. 09 was submitted by -- pardon  
29 me. It's on Page 88 if you're looking for it in your  
30 books here.  
31  
32 09 was submitted by the Eastern  
33 Interior Regional Advisory Council, and it requests  
34 that the Federal subsistence board prioritize direct  
35 personal or family consumption over customary trade of  
36 Yukon River king salmon. And the proponent is  
37 concerned with low Yukon River king salmon runs.  
38  
39 13-10, submitted by the Y-K RAC  
40 requests that the Board prioritize family consumption  
41 over customary trade of Yukon River drainage Chinook  
42 salmon. The proponent is also concerned with low  
43 Chinook runs and asserts that customary trade  
44 contributes to Yukon River Chinook declines.  
45  
46 Now, let me remind us again, when we're  
47 talking about direct personal or family consumption and  
48 prioritization and customary trade, and if you see on  
49 Page 88, the second paragraph below the discussion  
50 heading, it gives you the definition of subsistence

1 uses. And I'll read this out.

2

3                   Subsistence uses under ANILCA Section  
4 .803 refers to the customary and traditional uses by  
5 rural alaska residents of wild, renewable resources for  
6 direct personal or family consumption as food, shelter,  
7 fuel, clothing, tools, or transportation; for the  
8 making and selling of handicraft articles out of  
9 nonedible byproducts of fish and wildlife resources  
10 taken for personal or family consumption; for barter,  
11 or sharing for personal or family consumption; and for  
12 customary trade.

13

14                   Now, under ANILCA, the Federal  
15 Subsistence Board has reasoned that all subsistence  
16 uses are equally permissible, and that there are no  
17 unimportant subsistence uses of the sort that I just  
18 named in ANILCA. So there are no unimportant  
19 subsistence uses.

20

21                   There is one exception in regulation  
22 which requires that in the Yukon River drainage Chinook  
23 salmon must be used primarily for human consumption and  
24 not targeted for dog food. So that's the single  
25 exception to the idea that there are no unimportant  
26 subsistence uses, and that all subsistence uses are  
27 equally important.

28

29                   If either of these proposals were  
30 adopted, then there would be a prioritization of one  
31 subsistence use, family consumption, or direct family  
32 consumption over another subsistence use; that is, over  
33 customary trade. So these proposals ask the Federal  
34 Subsistence Board to prioritize subsistence uses, which  
35 it has declined to do with the one exception that I  
36 mentioned.

37

38                   The OSM preliminary conclusion is to  
39 oppose these proposals for the reason I just mentioned,  
40 that the Board does not prioritize one use over  
41 another subsistence use. And in addition, the small  
42 amounts of -- the subsistence users who rely on small  
43 amounts of cash generated through customary trades in  
44 order to continue to participate in subsistence  
45 activities, may find that they have to curtail their  
46 subsistence, because of the lack of that cash that they  
47 get through customary trades.

48

49                   Mr. Chair. I'll end there. Thank you.

50

1 CHAIRMAN L. WILDE: Thank you. Tribal  
2 agencies. Agency comments, sorry.

3  
4 MR. ESTENSON: Mr. Chair. Jeff  
5 Estenson, Alaska Department of Fish and Game.

6  
7 Regarding this proposal, the Department  
8 is neutral. Subsistence is already granted priority  
9 under State and Federal law. The Department recognizes  
10 the value in providing the greatest clarity in all  
11 definitions regarding subsistence uses to the users,  
12 managers, and enforcement personnel.

13  
14 \*\*\*\*\*  
15 STATE OFFICIAL WRITTEN COMMENTS  
16 \*\*\*\*\*

17  
18 Alaska Department of Fish and Game  
19 Comments to the Regional Advisory Council

20  
21 Fisheries Proposals FP13-09, 10:

22  
23 Both proposals seek to prioritize the  
24 use of Yukon River Chinook salmon for subsistence  
25 consumption.

26  
27 Introduction:

28  
29 FP13-09, submitted by the Eastern  
30 Interior Subsistence Regional Advisory Council (EI-RAC)  
31 seeks to reserve Yukon River Chinook salmon primarily  
32 for subsistence use for human food and personal family  
33 consumption.

34  
35 FP13-10, submitted by the  
36 Yukon-Kuskokwim Delta Subsistence Regional Advisory  
37 Council (YKD-RAC) seeks to reserve Yukon River Chinook  
38 salmon primarily for subsistence use for human food and  
39 personal family consumption over all other uses, and  
40 notes customary trade among other uses, whenever  
41 returns are below average; are a conservation concern  
42 by management authorities, and subsistence restrictions  
43 are being considered or implemented.

44  
45 Impact on Subsistence Users:

46  
47 Both of these proposals ask for  
48 prioritizing subsistence use of Chinook salmon for  
49 human food and personal family consumption.  
50 Subsistence uses of Yukon River Chinook salmon for

1 domestic consumption and food will not be affected.  
2 However, FP13-10 directly suggests that customary trade  
3 and exchange of wild resources for money should be  
4 lower priorities when Yukon River Chinook salmon are a  
5 conservation concern by management authorities, and  
6 subsistence restrictions are being considered or  
7 implemented.

8

9                                   Impact on Other Users: None noted at  
10 this time.

11

12                                   Opportunity Provided by State:

13

14                                   State subsistence users are allowed to  
15 engage in the customary trade of subsistence-caught  
16 fish; however, 5 AAC 01.010 prohibits the sale of  
17 subsistence-caught fish, their parts, or their eggs  
18 unless otherwise specified in state regulation.  
19 Currently, there are only two exceptions listed in  
20 Chapter 5 of state regulations; they are for the Norton  
21 Sound-Port Clarence Area and for Southeast Alaska.  
22 Currently, no sale of subsistence-caught fish is  
23 allowed in the Yukon River drainage.

24

25                                   Conservation Issues:

26

27                                   The Yukon River Chinook salmon stock is  
28 currently classified as a yield concern. Since 2001,  
29 subsistence fishing time in the Yukon Area has been  
30 limited by the windows schedule and then further  
31 restricted in 2008, 2009, and 2011 because of  
32 conservation concerns for Chinook salmon. Subsistence  
33 harvest levels for Chinook salmon have not met the  
34 amounts reasonably necessary for subsistence (ANS)  
35 range the last four years (2008 2011). A majority of  
36 the Yukon River drainage escapement goals have been met  
37 since 2000, including the Chena and Salcha rivers,  
38 which are the largest producers of Chinook salmon in  
39 the U.S. portion of the drainage. The escapement  
40 objective for the Canadian mainstem was met every year  
41 from 2001 through 2006, with 2001, 2003, and 2005 being  
42 the three highest spawning escapement estimates on  
43 record. The escapement objective for the Canadian  
44 mainstem was not met in 2007, 2008, and 2010.  
45 Exploitation rate on the Canadian-origin stock by  
46 Alaskan fishermen has changed from an average of about  
47 55% (1989 1998) to an average of about 44% from  
48 2004 2008 (Howard et al. 2009). Although the  
49 subsistence harvest was stable at nearly 50,000 Chinook  
50 salmon annually through 2006, the recent five-year

1 average (2007 2011) was 43,900. Commercial harvests  
2 have decreased over 90% from an average of 100,000  
3 annually (1989 1998) to the recent five-year average  
4 (2007 2011) of nearly 9,700 fish.

5

6 Enforcement Issues:

7

8 Enforcement issues may be alleviated by  
9 providing the greatest clarity to all definitions  
10 regarding subsistence uses.

11

12 Jurisdiction Issues:

13

14 While standing on state and private  
15 lands (including state-owned submerged lands and shore  
16 lands), persons must comply with state laws and  
17 regulations and cannot sell subsistence-caught fish,  
18 with two exceptions as specified above. Federal  
19 subsistence regulations, particularly customary trade  
20 regulations, pertain only to fishing on and use of fish  
21 caught on federal public lands and those waters where  
22 federal subsistence jurisdiction is claimed. The sale  
23 of subsistence fish caught on all lands and waters  
24 (federal, state, or private) is limited by state  
25 regulations, except to the extent superseded by federal  
26 law on federal lands. The State of Alaska maintains  
27 jurisdiction of food safety and food processing  
28 regulations based upon DEC regulations.

29

30 Violation of existing customary trade  
31 rules is largely an enforcement problem. What is  
32 needed is more education and an enforceable definition  
33 on what constitutes a significant commercial  
34 enterprise. We also request implementation of a  
35 monitoring program to produce actual data, and  
36 clarifying the roles and responsibilities of federal  
37 and state enforcement agencies. A permit system is  
38 more readily enforceable than one without permits  
39 required.

40

41 Other Issues:

42

43 While subsistence uses are presently  
44 prioritized under both state and federal law, the  
45 Federal Subsistence Board (Board) is afforded purview  
46 to prioritize among those uses, including  
47 distinguishing between human consumption and that of  
48 animals, or family consumption versus trade as noted by  
49 the Solicitor before the Board January 19, 20113.  
50 Other proposals before the Board address such issues as

1 refining the definition of customary trade and  
2 significant commercial enterprise.

3

4 Recommendation: Neutral.

5

6 Subsistence is already granted priority  
7 under state and federal law. The department recognizes  
8 the value in providing the greatest clarity in all  
9 definitions regarding subsistence uses to the users,  
10 managers, and enforcement personnel.

11

12 CHAIRMAN L. WILDE: Did you state the  
13 Department's stand on this?

14

15 MR. ESTENSON: Mr. Chair. Yes, I did.  
16 The Department is neutral.

17

18 CHAIRMAN L. WILDE: Okay. Thank you.  
19 Any questions for Jeff.

20

21 (No comments)

22

23 CHAIRMAN L. WILDE: There being none,  
24 thank you.

25

26 There are no Native or tribal villages  
27 here. InterAgency Staff didn't have any comments.  
28 Advisory comments. Mr. Charles.

29

30 MR. CHARLES: No.

31

32 CHAIRMAN L. WILDE: Mr. Polty.

33

34 MR. POLTY: No.

35

36 CHAIRMAN L. WILDE: No. Neighboring  
37 Regional Advisory Councils comment.

38

39 MR. NICK: Mr. Chair. Seward Peninsula  
40 Regional Advisory Council opposed these two proposals.  
41 Mr. Chair.

42

43 CHAIRMAN L. WILDE: Thank you. Local  
44 Fish and Game Advisory Committees.

45

46 (No comments)

47

48 CHAIRMAN L. WILDE: No comments. No  
49 comments from the National Park Service.

50

1 (No comments)  
2  
3 CHAIRMAN L. WILDE: Summary of written  
4 comments. Mr. Nick.  
5  
6 MR. NICK: Mr. Chair. Tanana Chiefs  
7 Conference and the Tanana Chief villages opposed these  
8 proposals. Mr. Chair.  
9  
10 CHAIRMAN L. WILDE: Thank you. Any  
11 public comments. Testimony.  
12  
13 (No comments)  
14  
15 CHAIRMAN L. WILDE: None. Regional  
16 Advisory recommendations. Mr. Charles.  
17  
18 MR. CHARLES: Thank you, Mr. Chairman.  
19 When you prioritize this customary trade, who is going  
20 to do the investigation, or who prioritize those, who  
21 qualifies for that customary trade? Who's going to do  
22 that? The Federal agency or the State.  
23  
24 CHAIRMAN L. WILDE: Mr. Jenkins, you  
25 get the question.  
26  
27 DR. JENKINS: And I will give you an  
28 answer. These are Federal regulations, so presumably  
29 the Federal agencies, the enforcement agencies involved  
30 would be investigating any relevant infractions.  
31  
32 CHAIRMAN L. WILDE: Okay. Any further  
33 discussion. Council members. Any further discussion.  
34  
35 (No comments)  
36  
37 MR. ALOYSIUS: Everybody's falling  
38 asleep.  
39  
40 CHAIRMAN L. WILDE: Mr. Aloysius.  
41  
42 MR. ALOYSIUS: Mr. Chairman. I move  
43 that we support Proposal FP13-09 and 10.  
44  
45 CHAIRMAN L. WILDE: The motion's been  
46 made by Mr. Aloysius to support 09/10. Do I hear a  
47 second to the motion.  
48  
49 MR. CHARLES: I second the motion. Mr.  
50 Chairman.

1                   CHAIRMAN L. WILDE: Mr. Charles  
2 seconded the motion.  
3  
4                   MR. ALOYSIUS: Explain that yes and no  
5 and opposing, not to support that they -- there's a lot  
6 of people out there are going to support.  
7  
8                   DR. JENKINS: Mr. Chair. Could I  
9 interrupt just a second.  
10  
11                  CHAIRMAN L. WILDE: Yes, you may.  
12  
13                  DR. JENKINS: There are two proposals  
14 here that were grouped together and so you might want  
15 to distinguish of them you would like to support,  
16 because they're slightly different.  
17  
18                  CHAIRMAN L. WILDE: There's a slight  
19 difference in both of those proposals.  
20  
21                  DR. JENKINS: Yes.  
22  
23                  CHAIRMAN L. WILDE: And it's supporting  
24 either one or the other. Mr. Aloysius, what.....  
25  
26                  MR. ALOYSIUS: Mr. Chairman. I  
27 withdraw my motion. And make it clear that I move that  
28 we support FP13-09.  
29  
30                  CHAIRMAN L. WILDE: Was there a second  
31 to that proposal for the first one. You withdraw that  
32 proposal for the.....  
33  
34                  MR. CHARLES: Yes, Mr. Chairman. I  
35 withdraw my first motion -- I mean second and I agree  
36 with Bob's.  
37  
38                  CHAIRMAN L. WILDE: Okay. First and  
39 seconded on Proposal FP13-09. Any further discussion.  
40 09. Right.  
41  
42                  MR. ALOYSIUS: Did he second that?  
43  
44                  CHAIRMAN L. WILDE: Yeah, he seconded  
45 your motion. Any further discussion.  
46  
47                  MR. ALOYSIUS: Must be late in the  
48 afternoon. I'm getting more confused, because I don't  
49 recall what the difference between the two is.  
50

1 CHAIRMAN L. WILDE: Just for the  
2 record, could you once again, Mr. Jenkins go over the  
3 two differences.

4  
5 MR. ALOYSIUS: OMS opposed it, and the  
6 State's neutral or they supported one or opposing one  
7 and remaining neutral on one or both? You know,  
8 that.....

9  
10 CHAIRMAN L. WILDE: Mr. Gustafson  
11 [sic], do you have an answer to that? Which one were  
12 your proposing or opposing or being neutral on. Or  
13 were you neutral on both?

14  
15 MR. ESTENSON: Yeah. Mr. Chair. Jeff  
16 Estenson, Fish and Game.

17  
18 The best that I can tell, we were  
19 neutral on both of them. And both of them together as  
20 it was. So both of them.

21  
22 CHAIRMAN L. WILDE: Okay. Any further  
23 questions.

24  
25 MR. ALOYSIUS: And what does OSM is  
26 avoiding both?

27  
28 DR. JENKINS: No, OSM opposed both,  
29 because it prioritize one subsistence use over another,  
30 and ANILCA doesn't provide a mechanism for  
31 prioritizing subsistence uses. All subsistence uses  
32 are thought to be equally important. And these two  
33 proposals prioritize one over another. So OSM  
34 preliminary conclusion is to oppose these proposals.

35  
36 The slight difference that you were  
37 asking about is that FP13-09 seeks to prioritize direct  
38 personal or family consumption over customary trade and  
39 10 seeks to prioritize family consumption over  
40 customary trade. So that's the slight difference  
41 there.

42  
43 CHAIRMAN L. WILDE: Any further  
44 discussion. Mr. Charles, you've got your.....

45  
46 MR. CHARLES: Yeah. That's the reason  
47 I asked them earlier who prioritize that, and customary  
48 trade. I didn't think of these others when I had that  
49 question, because we, the Y-K Delta RAC proposed that.  
50

1 Thank you.  
2  
3 CHAIRMAN L. WILDE: Any further  
4 discussion on 09.  
5  
6 (No comments)  
7  
8 CHAIRMAN L. WILDE: If not, I need a  
9 second to the motion -- I mean, I need a vote on it.  
10  
11 MR. ALOYSIUS: Call for the question.  
12  
13 CHAIRMAN L. WILDE: Call for the  
14 question. The question's been called for. Roll call,  
15 please.  
16  
17 MR. NICK: Mr. Chair. The motion is to  
18 support FP13-09.  
19  
20 CHAIRMAN L. WILDE: That's correct.  
21  
22 MR. NICK: Mr. Charles.  
23  
24 MR. CHARLES: Yes.  
25  
26 MR. NICK: Evan Polty.  
27  
28 MR. POLTY: Support. Yes.  
29  
30 MR. NICK: Mr. Andrew.  
31  
32 MR. N. ANDREW: Yeah.  
33  
34 MR. NICK: Harry Wilde.  
35  
36 MR. H. WILDE: Yes.  
37  
38 MR. NICK: Lester Wilde.  
39  
40 CHAIRMAN L. WILDE: No.  
41  
42 MR. NICK: Bob Aloysius.  
43  
44 MR. ALOYSIUS: No. No.  
45  
46 MR. NICK: William Brown. William  
47 Brown.  
48  
49 MR. BROWN: Yes.  
50

1 MR. NICK: Mr. Chair. The motion  
2 carries with five yes and two no.  
3  
4 CHAIRMAN L. WILDE: Well, the motion  
5 carries on that one I guess. We'll bring it before the  
6 Board and see what they say.  
7  
8 Okay. We are down to item FP13-10.  
9  
10 MR. ALOYSIUS: Mr. Chair. I move that  
11 we support Proposal FP13-10.  
12  
13 CHAIRMAN L. WILDE: Motion's been made  
14 by Mr. Aloysius to support FP13-10. Do I hear a second  
15 to the motion.  
16  
17 MR. BROWN: Second.  
18  
19 CHAIRMAN L. WILDE: Seconded by Mr.  
20 Brown. Any further discussion. Council members.  
21  
22 (No comments)  
23  
24 CHAIRMAN L. WILDE: Calling for the  
25 question, Mr. Aloysius?  
26  
27 MR. ALOYSIUS: I made the motion. I  
28 can't call for the question.  
29  
30 CHAIRMAN L. WILDE: Okay. The Chair  
31 will entertain a motion for calling the question.  
32  
33 MR. CHARLES: Mr. Chairman. I move to  
34 adopt Proposal.....  
35  
36 MR. ALOYSIUS: There's a motion already  
37 moved.  
38  
39 CHAIRMAN L. WILDE: There's a motion on  
40 the floor.  
41  
42 MR. CHARLES: All it needs a second?  
43  
44 MR. ALOYSIUS: No, he's asking for the  
45 question, for somebody call for the question.  
46  
47 MR. CHARLES: I wasn't paying  
48 attention, I was reading.  
49  
50 CHAIRMAN L. WILDE: Yeah. I think we

1 better start paying attention to what we're doing here  
2 then. Okay.

3  
4 MR. CHARLES: Question.

5  
6 CHAIRMAN L. WILDE: Okay, Mr. Charles.  
7 The question's been called for.

8  
9 Did you get that, recording secretary?  
10 Okay.

11  
12 Mr. Nick, could you please call the  
13 roll.

14  
15 MR. NICK: Mr. Chair. The motion is to  
16 support FP13-10. Mr. Charles.

17  
18 MR. CHARLES: Yes.

19  
20 MR. NICK: Mr. Polty.

21  
22 MR. POLTY: Yes.

23  
24 MR. NICK: Mr. Andrew.

25  
26 MR. N. ANDREW: Yeah.

27  
28 MR. NICK: Mr. Harry Wilde.

29  
30 MR. H. WILDE: Yes.

31  
32 MR. NICK: Mr. Lester Wilde.

33  
34 CHAIRMAN L. WILDE: No.

35  
36 MR. NICK: Mr. Bob Aloysius.

37  
38 MR. ALOYSIUS: No.

39  
40 MR. NICK: Mr. William Brown.

41  
42 MR. BROWN: Yes.

43  
44 MR. NICK: Mr. Chair. Motion carries  
45 with 5 four and 2 no.

46  
47 CHAIRMAN L. WILDE: Okay. Thank you.

48  
49 We are down to item FP13-11. Mr.  
50 Jenkins.

1 DR. JENKINS: Mr. Chair. FP13-11  
2 starts on Page 98 if you're sorting through your books.

3

4

5 It was submitted by the Y-K Regional  
6 Advisory Council. And it requests that the harvest of  
7 Chinook salmon from the Yukon River drainage used for  
8 customary trade be limited to a cash value of \$700 per  
9 household.

10

11 Now, the proponent is concerned that  
12 customary trade in Chinook salmon from the Yukon River  
13 drainage has been abused by some subsistence users.  
14 And the proponent believes that high levels of  
15 customary trade will continue unless limits are placed  
16 on the customary trade of Chinook salmon. And the  
17 proponent further states that the proposed changes to  
18 customary trade regulations would help increase future  
19 escapements of king salmon, and as a result  
20 subsistence, sport and recreational opportunities would  
21 all increase.

22

23 And so this is to set a limit, \$750 per  
24 household.

25

26 There have been two other regions that  
27 have set limits on customary trade. Bristol Bay asked  
28 for a limit and the Federal Subsistence Board  
29 established a limit of \$500 annually for customary  
30 trade between rural residents, and limited the cash  
31 value per household between rural residents and other  
32 to no more than \$400 annually. And the Board also  
33 imposed a record keeping requirement in Bristol Bay for  
34 rural to others customary trade.

35

36 And for the Upper Copper River  
37 district, the Federal Subsistence Board limited the  
38 total number of salmon per household exchanged in  
39 customary trade between rural residents to no more than  
40 50 percent of annual household harvest of salmon. And  
41 the Board limited the cash value per household of  
42 salmon exchanged in customary trade between rural  
43 residents and others to no more than \$500 annually.

44

45 So in these two regions the Federal  
46 Subsistence Board has already provided dollar limits on  
47 customary trade. This proposal asks for a \$750 limit.

48

49 If it's adopted, the proposal would  
50 limit the amount of case a Federally-qualified

1 subsistence user's household could accumulate in one  
2 year through customary trade of Chinook salmon. And  
3 Federally-qualified subsistence users could continue to  
4 harvest Chinook used for direct personal or family  
5 consumption for barter and for sharing. There would be  
6 no limits on barter and sharing. There would be limits  
7 to customary trade at the \$750 limit.

8  
9                   Subsistence users, as I pointed out,  
10 often depend on cash from customary trade to support  
11 other subsistence activities. So if there's a \$750  
12 limit for subsistence-caught Chinook up and down the  
13 Yukon River, it may be that subsistence users would  
14 find that the cash that they would use for other  
15 subsistence activities would be lessened, and they  
16 wouldn't be able to go out on their -- in their  
17 subsistence activities, simply because they wouldn't  
18 have the cash to do so.

19  
20                   The preliminary conclusion, OSM  
21 conclusion, is to oppose this proposal for two main  
22 reasons. The proposal requests that customary trade  
23 with all residents, rural and non-rural, be limited to  
24 \$750 per household per year, so it's an absolute cap of  
25 exchanges between rural residents and non-rural  
26 residents. So it would limit the amount of cash as  
27 I've just mentioned that subsistence users could gather  
28 to use for other subsistence activities.

29  
30                   And perhaps more importantly, none all  
31 Regional Advisory Councils have supported this  
32 particular proposal of a dollar limit. Western  
33 Interior explicitly voted not to take up the Tri-RAC  
34 subcommittee's recommendation of a \$750 limit. And the  
35 Eastern Interior also voted not to adopt that dollar  
36 limit. So these other two Councils have already said,  
37 we're not interested in that dollar limit.

38  
39                   So for those two reasons, it would  
40 limit subsistence users from getting amounts of cash  
41 that they could use for other subsistence activities,  
42 and because the other two RACs on the Yukon River have  
43 voted against this particular proposal, OSM has --  
44 preliminary conclusion is to oppose it as well.

45  
46                   Thank you, Mr. Chair.

47  
48                   CHAIRMAN L. WILDE: Thank you, Mr.  
49 Jenkins.

50

1 Agency comments.  
2  
3 (No comments)  
4  
5 CHAIRMAN L. WILDE: No comments from  
6 the Department?  
7  
8 (No comments)  
9  
10 CHAIRMAN L. WILDE: Federal agency  
11 comments.  
12  
13 (No comments)  
14  
15 CHAIRMAN L. WILDE: No Federal agency  
16 comments. There are no tribal, villages. The  
17 InterAgency Staff said they didn't have any comments.  
18  
19 Advisory group comments. Mr. Charles.  
20  
21 MR. CHARLES: No.  
22  
23 CHAIRMAN L. WILDE: No comments from  
24 the advisory group.  
25  
26 Mr. Robert Aloysius.  
27  
28 MR. ALOYSIUS: Yeah. Our area says how  
29 are you going to enforce it, period. There's no way.  
30  
31 CHAIRMAN L. WILDE: Any other comments.  
32  
33 (No comments)  
34  
35 CHAIRMAN L. WILDE: Advisory group  
36 comments. That's a no. No.  
37  
38 MR. CHARLES: No comment.  
39  
40 CHAIRMAN L. WILDE: National Park  
41 Service Subsistence, they had said no. Summary of  
42 written comments. Excuse me.  
43  
44 MR. NICK: Mr. Chair. Seward Peninsula  
45 opposed the proposal. The other RAC  
46  
47 CHAIRMAN L. WILDE: Opposed the --  
48 okay.  
49  
50 MR. NICK: Opposed the proposal. And

1 also on Page -- you were asking for summary of written  
2 public comments. On Page 115, one comment is to  
3 support the proposal by Alyson Esmailka. I'm sorry.  
4 Support is by Council of Athabaskan Tribal Governments.  
5 And there's three comments in opposition to the  
6 proposal. Four comments rather. And these are from  
7 Alyson Esmailka, James E. Roberts. And also First  
8 Chief Pat McCarty, Second Chief Don Honea, Jr., and  
9 Traditional Chief William McCarty, Jr., Ruby Tribal  
10 Council and eight residents of Ruby. And the last one  
11 is a letter by 37 residents of Galena. Tanana Chiefs  
12 also opposed.....

13

14 DR. JENKINS: Excuse Let me interrupt  
15 for a second. You're referring to letter about 11-08,  
16 the deferred proposal, Alex.

17

18 MR. NICK: I'm sorry.

19

20 DR. JENKINS: Those aren't germane to  
21 this particular proposal.

22

23 MR. NICK: Thank you.

24

25 DR. JENKINS: Yes.

26

27 MR. NICK: let me go back. Sorry about  
28 that. Thank you. I'm going forward too fast here.  
29 That's 13-11, right? Okay.

30

31 MR. ALOYSIUS: No.

32

33 CHAIRMAN L. WILDE: Yeah. Yeah, Alex.

34 13-11.

35

36 MR. NICK: Okay. One second here,  
37 please. Tanana Chiefs on Page 118 opposed the  
38 proposal. And the Tanana Chief Conference Villages  
39 also opposed the proposal.

40

41 CHAIRMAN L. WILDE: All the comments  
42 were in opposition to this proposal?

43

44 MR. NICK: Yes.

45

46 CHAIRMAN L. WILDE: Thank you. Public  
47 testimony.

48

49 (No comments)

50

1 CHAIRMAN L. WILDE: There being no  
2 testimony, Regional Advisory recommendations. Any  
3 recommendations. Mr. Nick.  
4  
5 MR. NICK: Seward Peninsula Regional  
6 Advisory Council opposed the proposal. Were you asking  
7 for Regional Advisory recommendations -- I'm sorry.  
8  
9 CHAIRMAN L. WILDE: Oh, no, I kind of  
10 lost myself here.  
11  
12 MR. NICK: Me, too.  
13  
14 CHAIRMAN L. WILDE: Did we get the  
15 neighboring Regional Advisory Council comments?  
16  
17 MR. ALOYSIUS: Yeah.  
18  
19 CHAIRMAN L. WILDE: Okay. We are down  
20 to Regional Advisory Council recommendations. Mr.  
21 Charles.  
22  
23 MR. CHARLES: Mr. Chairman. I move to  
24 adopt Proposal 13-11.  
25  
26 CHAIRMAN L. WILDE: Motion's been made  
27 by Mr. Charles to adopt 13-11.  
28  
29 MR. ALOYSIUS: Second.  
30  
31 CHAIRMAN L. WILDE: Seconded by Mr.  
32 Robert Aloysius. Any further discussion. Mr. Charles.  
33  
34 MR. CHARLES: Mr. Chairman. So if this  
35 proposal pass, we would be limited to sell only king  
36 salmon parts? King salmon meat and parts for \$750?  
37  
38 MR. ALOYSIUS: Up to.  
39  
40 MR. CHARLES: Up to.  
41  
42 CHAIRMAN L. WILDE: Go ahead, Mr.  
43 Jenkins.  
44  
45 DR. JENKINS: I'm very sorry. I didn't  
46 hear the question. I conferring with my colleague  
47 here.  
48  
49 MR. CHARLES: If this passes, we would  
50 be limited to \$750 to sell king salmon meat or parts or

1 skin or something like that? Like if we keep the meat  
2 and only sell the skin, because we used to -- we  
3 traditionally used the skin before. And if it is made  
4 into parka or boats. Somebody made household, person  
5 makes \$750 for boats then we're limited there? I mean,  
6 after the limit?

7

8 DR. JENKINS: I believe that would be  
9 the right interpretation, yes. There would be an  
10 absolute limit of customary trade of Chinook salmon,  
11 and it doesn't matter if it was the meat or some other  
12 product of it. I think -- it doesn't specify in these  
13 proposed regulations. So I think you're.....

14

15 MR. CHARLES: Maybe next year.

16

17 DR. JENKINS: I think you're right in  
18 that interpretation.

19

20 CHAIRMAN L. WILDE: You're done?

21

22 MR. CHARLES: Yeah.

23

24 CHAIRMAN L. WILDE: Okay. Mr. Jeff.

25

26 MR. ESTENSON: Yeah, Mr. Chair. This  
27 is Jeff Estenson with Fish and Game.

28

29 I want to make sure I'm not confused  
30 here. I'm looking in the book, and we're on Proposal  
31 11-08, right?

32

33 CHAIRMAN L. WILDE: No, we're on 13-11.

34

35 DR. JENKINS: No, 13-11.

36

37 MR. ALOYSIUS: 13-11.

38

39 MR. ESTENSON: Okay. Dash-11. All  
40 right. And then the next one is going to be 11-08,  
41 right?

42

43 DR. JENKINS: Yes. That's the next one  
44 we'll cover after this one?

45

46 CHAIRMAN L. WILDE: Yeah.

47

48 MR. ESTENSON: Okay. I believe there's  
49 a mistake in the book and it says in here that we  
50 didn't have any comments, but I believe the comments

1 for Proposal 13-11 were misplaced in the comments for  
2 11-08.

3

4 CHAIRMAN L. WILDE: Okay. Could you go  
5 though them then.

6

7 MR. ESTENSON: Okay. And if I'm  
8 incorrect on this, anybody from Fish and Game, please  
9 let me know, but with that said, then I believe we did  
10 have a comment on this, and would you like me to read  
11 it?

12

13 CHAIRMAN L. WILDE: Yes. Would you  
14 please.

15

16 MR. ESTENSON: Okay. The Department's  
17 comments are support with modification. The  
18 Department's supports modification recommended by the  
19 Yukon-Kuskokwim Delta Regional Advisory Council to  
20 establish a \$750 limit on sales between Federally-  
21 qualified and others, and to require a permit and  
22 reporting of this customary trade between Federally-  
23 qualified and others as the first step. The Department  
24 recommends that limits be established by the number of  
25 salmon.

26

27 \*\*\*\*\*

28 STATE OFFICIAL WRITTEN COMMENTS

29 \*\*\*\*\*

30

31 Alaska Department of Fish and Game  
32 Comments to the Regional Advisory Council

33

34 Fisheries Proposal FP13-11:

35

36 The Yukon Kuskokwim Delta Regional  
37 Advisory Council proposal establishes a limit for  
38 customary trade and thereby a definition for  
39 significant commercial enterprise regarding federal  
40 subsistence harvested Chinook salmon from the Yukon  
41 River.

42

43 Introduction:

44

45 The Yukon-Kuskokwim Delta Subsistence  
46 Regional Advisory Council proposes a \$750.00 per  
47 household limit for Customary Trade of subsistence  
48 caught Chinook salmon should be established Yukon River  
49 drainage as a starting point; And exceeding the \$750.00  
50 limit per household would constitute a significant

1 commercial enterprise for Yukon River Chinook salmon.  
2  
3 Impact on Subsistence Users: Subsistence users would  
4 benefit from the definition of significant commercial  
5 enterprise.

6  
7 Opportunity Provided by State:  
8

9 State subsistence users are allowed to  
10 engage in the customary trade of subsistence caught  
11 fish; however, 5 AAC 01.010 prohibits the sale  
12 subsistence caught fish, their parts, or their eggs  
13 unless otherwise specified in state regulation.  
14 Currently, there are only two exceptions listed in  
15 Chapter 5 of state regulations and they are for the  
16 Norton Sound-Port Clarence Area and for Southeast  
17 Alaska. 2

18  
19 Conservation Issues:  
20

21 The Yukon River Chinook salmon stock is  
22 currently classified as a yield concern. Since 2001,  
23 subsistence fishing time in the Yukon Area has been  
24 limited by the windows schedule and then further  
25 restricted in 2008 and 2009 because of conservation  
26 concerns for Chinook salmon. Subsistence harvest  
27 levels for Chinook salmon have fallen within the  
28 amounts reasonably necessary for subsistence (ANS)  
29 ranges since 2001, except for 2002, 2008, and 2009. A  
30 majority of the Yukon River drainage escapement goals  
31 have been met or exceeded since 2000, including the  
32 Chena and Salcha rivers, which are the largest  
33 producers of Chinook salmon in the US portion of the  
34 drainage. The escapement objective for the Canadian  
35 mainstem was met every year from 2001 through 2006,  
36 with 2001, 2003, and 2005 being the three highest  
37 spawning escapement estimates on record. The  
38 escapement objective for the Canadian mainstem was not  
39 met in 2007 and 2008. Exploitation rate on the  
40 Canadian-origin stock by Alaskan fishermen has changed  
41 from an average of about 55% (1989 1998) to an average  
42 of about 44% from 2004 2008 (Howard et al. 2009).  
43 Although the subsistence harvest continues to remain  
44 stable at nearly 50,000 Chinook salmon annually,  
45 commercial harvests have decreased over 60% from an  
46 average of 100,000 annually (1989 1998) to the recent  
47 5-year average (2005 2009) of nearly 23,000 fish.

48  
49 Jurisdiction Issues:  
50

1                   While standing on state and private  
2 lands (including state-owned submerged lands and  
3 shorelands), persons must comply with State laws and  
4 regulations and cannot sell subsistence caught fish  
5 with two exceptions as specified above. Federal  
6 subsistence regulations, particularly customary trade  
7 regulations, pertain only to fishing on and use of fish  
8 caught on federal public lands and those waters where  
9 federal subsistence jurisdiction is claimed. The sale  
10 of subsistence fish caught on all lands and waters  
11 (federal, state, or private) is limited by state  
12 regulations except to the extent superseded by federal  
13 law on federal lands. The State of Alaska maintains  
14 jurisdiction of food safety and food processing  
15 regulations.

16  
17                   Violation of existing customary trade  
18 rules is largely an enforcement problem. What is  
19 needed is more education and an enforceable definition  
20 on what constitutes a significant commercial  
21 enterprise. We also suggest implementing a monitoring  
22 program to produce actual data, and clarifying the  
23 roles and responsibilities of federal and state  
24 enforcement agencies.

25  
26                   Enforcement Issues:

27  
28                   Law enforcement has previously  
29 testified to the benefits of defining significant  
30 commercial enterprise. The current lack of definition  
31 provides avenue for abusers of the resource to unduly  
32 profit at the expense of subsistence users.

33  
34                   Other Issues:

35  
36                   Adoption of this proposal may provide  
37 enforceable customary trade regulations. The proposal  
38 would benefit from including reporting requirements.  
39 Currently, the level of customary trade in the Yukon  
40 River under federal regulations is unknown; an  
41 enforceable monitoring program would provide data  
42 useful for management purposes.

43  
44                   Recommendation: Support definition /  
45 defer monetary amount of limit to Regional Advisory  
46 Councils and Advisory Committees in applicable areas.  
47 1 5 ACC 01.010 METHODS, MEANS, AND GENERAL PROVISIONS  
48 (d) Unless otherwise specified in this chapter, it is  
49 unlawful to buy or sell subsistence-taken fish, their  
50 parts, or their eggs, except that it is lawful to buy

1 or sell a handicraft made out of the skin or nonedible  
2 by-products of fish taken for personal or family  
3 consumption.

4  
5 CHAIRMAN L. WILDE: Okay. Thank you.

6  
7 MS. YUHAS: Jeff, this is Jennifer  
8 Yuhas of the liaison office.

9  
10 CHAIRMAN L. WILDE: Are there any other  
11 comments concerning.

12  
13 MR. ESTENSON: Mr. Chair.

14  
15 MR. ALOYSIUS: Over the radio.

16  
17 CHAIRMAN L. WILDE: Oh, go ahead.

18  
19 MR. ESTENSON: go ahead, Jennifer.

20  
21 MS. YUHAS: Sorry about that. This is  
22 -- it's hard on teleconference, I can't wave at you.  
23 This is Jennifer Yuhas of the liaison office. I am  
24 with the Department of Fish and Game, and very grateful  
25 for Jeff to take over the proposal comments while I was  
26 down at the Board of Fisheries.

27  
28 We did have a newer recommendation for  
29 13-11 which is being discussed. And that is that we do  
30 support the definition, but defer the monetary amount  
31 limit to the Regional Advisory Council.

32  
33 When the working group had met as Mr.  
34 Estenson relayed, we had supported the first dollar  
35 amount, but then we distinguished that there were  
36 varying dollar amounts which were very close between  
37 the three different RACs, and we decided that we didn't  
38 want to support one at the expense of another, that we  
39 believe that the monetary amount should come from the  
40 Tri-RAC consultation, that we should not impose a  
41 dollar amount limit, but we did support defining.

42  
43 CHAIRMAN L. WILDE: Thank you. Did the  
44 Council have any questions for the lady.

45  
46 (No comments)

47  
48 CHAIRMAN L. WILDE: There's a motion on  
49 the floor to adopt this, wasn't there? Was there a  
50 motion on this?

1 MR. ALOYSIUS: Yeah. There is.  
2  
3 CHAIRMAN L. WILDE: Okay. Thank you.  
4 Any further discussion from the Council. Council  
5 members. There's a motion on the floor that was  
6 seconded.  
7  
8 (No comments)  
9  
10 MR. CHARLES: Question.  
11  
12 CHAIRMAN L. WILDE: Question's called  
13 for. Roll call vote, please.  
14  
15 MR. NICK: Thank you, Mr. Chair. I  
16 hope I get it right this time. The motion is to  
17 support -- the motion is to adopt 13-dash.....  
18  
19 MR. ALOYSIUS: No, no, it's to support.  
20 To support, not to adopt.  
21  
22 CHAIRMAN L. WILDE: Okay. Motion is  
23 to.....  
24  
25 MR. ALOYSIUS: Support it.  
26  
27 MR. NICK: I thought I heard.....  
28  
29 MR. CHARLES: I made the motion to  
30 adopt.  
31  
32 MR. ALOYSIUS: We're not here to adopt  
33 anything, we're here to support. That's the whole  
34 purpose of it.  
35  
36 MR. CHARLES: Okay. I'll change it to  
37 support then. Mr. Chair.  
38  
39 CHAIRMAN L. WILDE: Either way. You  
40 could either support it or adopt it, whichever the  
41 motion is. And you made the motion to adopt?  
42  
43 MR. CHARLES: Adopt, yeah.  
44  
45 CHAIRMAN L. WILDE: The motion was made  
46 to adopt.  
47  
48 MR. NICK: Motion was made -- the  
49 motion is to adopt Proposal 13-11.  
50

1 CHAIRMAN L. WILDE: Motion's been made  
2 to adopt 13-11. Do I hear a -- did I get a second to  
3 that motion?  
4  
5 MR. ALOYSIUS: Yes, you did.  
6  
7 CHAIRMAN L. WILDE: Okay. Roll call  
8 vote then, please.  
9  
10 MR. NICK: Mr. Charles.  
11  
12 MR. CHARLES: Yes.  
13  
14 MR. NICK: Mr. Polty.  
15  
16 MR. POLTY: No.  
17  
18 MR. NICK: Mr. Andrew.  
19  
20 MR. N. ANDREW: Yes.  
21  
22 MR. NICK: Mr. Harry Wilde.  
23  
24 MR. H. WILDE: No.  
25  
26 MR. NICK: Mr. Lester Wilde.  
27  
28 CHAIRMAN L. WILDE: Yes.  
29  
30 MR. NICK: Mr. Bob Aloysius.  
31  
32 MR. ALOYSIUS: No.  
33  
34 MR. NICK: Mr. Brown. William Brown.  
35  
36 MR. BROWN: Yes.  
37  
38 MR. NICK: Mr. Chair. The vote is 4  
39 yes and 3 no.  
40  
41 CHAIRMAN L. WILDE: Motion's carried.  
42  
43 MR. NICK: Motion carries.  
44  
45 CHAIRMAN L. WILDE: We are down to our  
46 last proposal and I think after this we'll take a  
47 break, because we need to find out if there's any  
48 copies of the Board of Fish proposals. But after this  
49 we'll take a break.  
50

1                   On FP11-08, deferred, prohibit --  
2 deferred proposal is to prohibit customary trade. Mr.  
3 Jenkins.

4  
5                   DR. JENKINS: Thank you, Mr. Chair.  
6 This is the final customary trade proposal in front of  
7 you today. It starts on Page 106. And this was the  
8 deferred proposal from 2011. The Federal Subsistence  
9 Board deferred this expressly to have the subcommittee  
10 meet.

11  
12                   And so this proposal, depending on how  
13 the Board reacts to the other six that you just voted  
14 on, this proposal might simply be no action might be  
15 taken. The Board just simply might take no action on  
16 this particular proposal, but we'll go through it  
17 nonetheless.

18  
19                   FP11-08 was submitted by the Yukon-  
20 Kuskokwim Subsistence Regional Advisory Council, and it  
21 requests that customary trade in the Yukon River  
22 fisheries management area be prohibited in any year  
23 when Chinook salmon runs are insufficient to fully  
24 satisfy harvest needs and subsistence fisheries are  
25 restricted.

26  
27                   The proponent states that prohibiting  
28 customary trades in years of poor Chinook salmon runs  
29 would have significant positive effects on fish  
30 populations as well as on the lawful subsistence  
31 fishers. And the proponent also states that under  
32 regulations when Chinook runs are low, subsistence  
33 users are restricted, but not subsistence uses. And in  
34 the case of customary trade the proponent argues that  
35 the emphasis should be reversed and customary trade  
36 should be restricted before subsistence users are  
37 restricted. And the proponent was concerned with  
38 reports of large customary trades of king salmons in  
39 urban areas of Alaska.

40  
41                   And you can see on Page 107 how the  
42 regulation would read. It's given in bold there, and  
43 it's essentially what I just articulated to you. And  
44 if adopted, one effect of the proposal would be to  
45 prohibit all customary trades of any subsistence-caught  
46 fish between rural residents under the following  
47 condition; that is, when in any given year Yukon River  
48 fisheries management area Chinook runs are insufficient  
49 to fully satisfy subsistence harvest needs and  
50 subsistence fisheries are restricted. So the amount of

1 cash exchanged in customary trade would be diminished.

2

3                   A difficulty is the if the proposal is  
4 adopted, then the definition of when Chinook salmon  
5 runs are insufficient to fully satisfy subsistence  
6 harvest needs would need to be created. Although State  
7 subsistence regulations include what is called amounts  
8 necessary for subsistence, Federal regulations,  
9 subsistence regulations do not contain language about  
10 amounts necessary for subsistence. So for this  
11 regulation to go forward, there would need to be a  
12 definition of what that means to fully satisfy  
13 subsistence needs.

14

15                   The OSM preliminary conclusion is to  
16 oppose FP11-08, and for a number of reasons, but an  
17 important one is that the proposal does not explicitly  
18 target customary trade of subsistence-caught salmon.  
19 And as written it would preclude all customary trade of  
20 any subsistence caught fish between rural residents in  
21 any given year when the Yukon River fisheries  
22 management area Chinook runs are insufficient to fully  
23 satisfy subsistence harvest needs and the subsistence  
24 areas are restricted. That's one reason to oppose it.

25

26                   And the second is that there is no  
27 definition in Federal regulations of amounts necessary  
28 for subsistence, and that would have to be crafted  
29 prior to this proposal being effective.

30

31                   Thank you, Mr. Chair.

32

33                   CHAIRMAN L. WILDE: Did you state that  
34 that was for all salmon or just for Chinook salmon?

35

36                   DR. JENKINS: Yes, as written it would  
37 cover all salmon, this particular proposal.

38

39                   CHAIRMAN L. WILDE: It seemed like I  
40 remember having some comments on this proposal. I  
41 think we drafted it just for king salmon. I don't know  
42 how it got to be all salmon.

43

44                   DR. JENKINS: And this was the proposal  
45 as it was analyzed in 2011. And the language is again  
46 it would restrict customary trade under the conditions  
47 that I just read of -- and it doesn't specify Chinook.  
48 That may have been your intention, but it didn't make  
49 it into this analysis.

50

1 Mr. Chair.  
2  
3 CHAIRMAN L. WILDE: Okay. Thank you.  
4  
5 MR. H. WILDE: Mr. Chairman.  
6  
7 CHAIRMAN L. WILDE: Mr. Wilde, go  
8 ahead. Your mic.  
9  
10 MR. H. WILDE: Mr. Chairman. When we  
11 have a meeting up in upriver concerning king salmon, we  
12 didn't say all salmon. We only was concerning about  
13 king salmon. The king salmon, they had 750, household.  
14  
15 CHAIRMAN L. WILDE: But this proposal  
16 is for all salmon according to Mr. Jenkins.  
17  
18 MR. H. WILDE: Yeah.  
19  
20 CHAIRMAN L. WILDE: Department of Fish  
21 and Game. Do you have any comments.  
22  
23 MR. ESTENSON: Yes, Mr. Chair. Jeff  
24 Estenson, Alaska Department of Fish and Game.  
25  
26 The Department supports this proposal.  
27 The Department supports prohibiting customary trade of  
28 Chinook salmon harvest in the Yukon River fisheries  
29 management area during years of insufficient Chinook  
30 salmon returns. For example, when there are  
31 subsistence fishing closures and restrictions across  
32 the drainage to reduce subsistence harvest of Chinook  
33 salmon to achieve escapement goals, customary trade of  
34 Chinook salmon would be prohibited.  
35  
36 \*\*\*\*\*  
37 STATE OFFICIAL WRITTEN COMMENTS  
38 \*\*\*\*\*  
39  
40 Fisheries Proposal FP11-08:  
41  
42 Prohibit customary trade of Chinook  
43 salmon harvest in the Yukon River Fisheries Management  
44 Area during years of insufficient Chinook salmon  
45 returns.  
46  
47 Introduction:  
48  
49 The Yukon-Delta Regional Advisory  
50 Council submitted this proposal to prohibit customary

1 trade<sup>2</sup> of Chinook salmon harvested in federal  
2 subsistence fisheries on the Yukon River during years  
3 when returns are insufficient to satisfy subsistence  
4 user needs and subsistence fishing restrictions are  
5 implemented. The intent was to curb sales of  
6 subsistence harvested Chinook salmon made into strips  
7 while other subsistence fisheries were closed due to  
8 insufficient returns. State regulations expressly  
9 prohibit sale of subsistence harvested fish<sup>3</sup> while  
10 federal regulations allow for cash sales. Under  
11 current state regulations at 18 AAC 34.005, all fish  
12 processed for commerce must be processed at a facility  
13 approved by Alaska Department of Environmental  
14 Conservation.

15  
16 Sales of subsistence harvested fish,  
17 primarily processed, are occurring in both urban and  
18 rural communities in Alaska, contrary to existing state  
19 and federal regulations. A U.S. Fish and Wildlife  
20 Service law enforcement officer provided information at  
21 the November 2010 Federal Subsistence Board meeting  
22 regarding a federal investigation. Discrepancies in  
23 state and federal regulations and state requirements  
24 regarding processing of fish to protect health and  
25 safety of the public may leave some people vulnerable  
26 to citation under state and federal regulations. This  
27 is a significant issue for state resources managers,  
28 law enforcement agencies, and federal agencies that  
29 provide for the subsistence priority of federal lands  
30 and those waters where federal subsistence jurisdiction  
31 is claimed. In considering FP-08, the Federal  
32 Subsistence Board has the opportunity to adopt  
33 enforceable customary trade regulations for the Yukon  
34 region that are based on the history and patterns of  
35 this use for this region of the state.

36  
37 Impact on Subsistence Users:

38  
39 This proposal, if enforced, will reduce  
40 harvest of Chinook salmon for cash sale. It is not  
41 possible, however, to accurately predict how much this  
42 proposal will reduce subsistence harvest because  
43 federal agencies lack information and data regarding  
44 existing levels of harvest and actual sales of  
45 subsistence harvested Chinook salmon. Existing federal  
46 customary trade is limited to whole fish, unless  
47 processed fish are produced in compliance with Alaska  
48 Department of Environmental Conservation food safety  
49 rules. Because state and federal regulations differ,  
50 subsistence fishermen are vulnerable to prosecution

1 when selling subsistence harvested salmon on lands and  
2 waters outside the boundaries where federal subsistence  
3 jurisdiction is claimed. Adoption of limitations on  
4 cash sales of subsistence harvested salmon that define  
5 significant commercial enterprise, specify fish  
6 weight or number limits, clarify where subsistence  
7 harvested fish may be sold under federal regulations,  
8 and establish reporting requirements for cash sales of  
9 subsistence harvested salmon would clarify federal  
10 subsistence law, facilitate enforcement against  
11 unlawful sales of subsistence harvested salmon, and  
12 reduce the risk of citation of law-abiding subsistence  
13 fishermen in the Yukon River drainage.

14

15 Opportunity Provided by State:

16

17 The department supports subsistence  
18 harvest and use of salmon consistent with existing  
19 state laws and regulations including customary trade of  
20 this resource. However, 5 AAC 01.010 prohibits sale of  
21 subsistence caught fish, their parts, or their eggs  
22 unless otherwise specified in state regulation.  
23 Currently, there are only two exceptions listed in  
24 Chapter 5 of state regulations: Norton Sound-Port  
25 Clarence Area for salmon and Sitka Sound herring roe on  
26 kelp in Southeast Alaska.

27

28 Conservation Issues:

29

30 The Yukon River Chinook salmon stock is  
31 currently classified as a yield concern. Subsistence  
32 harvest levels have not reached the ANS for subsistence  
33 the last four years 2008 2011. A majority of the  
34 Yukon River drainage escapement goals have been met  
35 since 2000, including the Chena and Salcha rivers,  
36 which are the largest producers of Chinook salmon in  
37 the U.S. portion of the drainage. The agreed-to  
38 escapement objective for the Canadian mainstem was met  
39 every year from 2001 through 2006, with 2001, 2003, and  
40 2005 being the three highest spawning escapement  
41 estimates on record. However, the escapement objective  
42 for the Canadian mainstem was not met in 2007, 2008,  
43 and 2010. Exploitation rate on the Canadian-origin  
44 stock by Alaskan fishermen has changed from an average  
45 of about 55% (1989 1998) to an average of about 44%  
46 from 2004 2008 (Howard et al. 2009)<sup>6</sup>. Although the  
47 subsistence harvest was stable at nearly 50,000 Chinook  
48 salmon annually through 2006, the recent five-year  
49 average (2007 2011) was 43,900. Commercial harvests  
50 have decreased over 90%, from an average of 100,000

1 annually (1989 1998), to the recent five-year average  
2 (2007 2011) of nearly 9,700 fish.

3

4 Enforcement Issues:

5

6 Enforcement of existing state  
7 regulations is difficult because of differences between  
8 federal and state regulations regarding customary  
9 trade. Currently, sale of processed fish without DEC  
10 permits is difficult to enforce because the formal  
11 federal rules lack clarity on this specific subject.

12

13 Jurisdiction Issues:

14

15 While standing on state and private  
16 land (including state-owned submerged lands and  
17 shorelands), persons must comply with state laws and  
18 regulations and cannot sell subsistence harvested fish,  
19 with two exceptions as specified above. Federal  
20 subsistence regulations, particularly customary trade  
21 regulations, pertain only to fishing on and use of fish  
22 harvested on federal public lands and those waters  
23 where federal subsistence jurisdiction is claimed.  
24 Sale of subsistence fish harvested on all lands and  
25 waters (federal, state, or private) is limited by state  
26 regulations except to extent superseded by federal law  
27 on federal lands. The State of Alaska maintains  
28 jurisdiction of food safety and food processing  
29 regulations based upon DEC rules, regardless of where  
30 fish are harvested.

31

32 Other Issues:

33

34 The Alaska Department of Fish and Game  
35 supports adoption of enforceable federal customary  
36 trade regulations that specify limits on numbers of  
37 fish sold and cash sales and establish reporting  
38 requirements. However, restrictions or regulations  
39 that specify limits and reporting requirements should  
40 be applied drainage-wide.

41

42 Violation of existing federal customary  
43 trade and state fish processing regulations is an  
44 enforcement problem that has significant implications  
45 for subsistence users and the public. More clarity and  
46 education on state and federal regulations and an  
47 enforceable definition on what constitutes a  
48 significant commercial enterprise are needed.

49

50 Recommendation: Support.

1                   The department supports prohibiting  
2 customary trade of Chinook salmon harvest in the Yukon  
3 River Fisheries Management Area during years of  
4 insufficient Chinook salmon returns. For example, when  
5 there are subsistence fishing closure/restrictions  
6 across the drainage to reduce subsistence harvest of  
7 Chinook salmon to achieve escapement goals, customary  
8 trade of Chinook salmon would be prohibited.

9  
10                   CHAIRMAN L. WILDE: Are there any  
11 questions for Mr. Gustufson.

12  
13                   (No comments)

14  
15                   CHAIRMAN L. WILDE: Thank you. Any  
16 Federal agencies with any comments.

17  
18                   (No comments)

19  
20                   CHAIRMAN L. WILDE: We don't have  
21 Native, tribal, village agencies here.

22  
23                   InterAgency Staff already told us that  
24 they didn't have any comments. Is that correct?

25  
26                   MS. SWANTON: Well, I think we have.

27  
28                   CHAIRMAN L. WILDE: Advisory group  
29 comments from the neighboring Regional Advisory  
30 Council.

31  
32                   Yes, ma'am. I'm sorry.

33  
34                   MS. SWANTON: I'm sorry, because I'm  
35 going back on what I said earlier, but in looking at  
36 this proposal, I think we do have one comment on it,  
37 and that is just to point out the difficulty in  
38 determining what an insufficient run is. So you might  
39 want to talk about that. The proposal says in any  
40 given year in the Yukon River fisheries management area  
41 Chinook runs are insufficient to fully satisfy harvest  
42 needs and subsistence fisheries are restricted,  
43 customary trade will be prohibited, and I was just  
44 going to say it's very -- just to point out how  
45 difficult it is to determine what an insufficient run  
46 is, and when you fully understand that subsistence  
47 harvest needs are satisfied or not. It's -- so you  
48 might want to just talk about that language a little  
49 bit to determine how enforceable and how that could be  
50 managed potentially.

1                   And I would also just perhaps suggest  
2 that during your discussion time frame that you may  
3 wish to provide rationale for either supporting or not  
4 supporting which way you think you might be voting,  
5 because that then goes on the record and is very  
6 helpful to the Board as they consider all of these  
7 customary trade proposals. Since four Regional  
8 Councils will be voting on all of the proposals you've  
9 dealt with today dealing with customary trade, it will  
10 be very helpful for the Board to understand your  
11 rationale for voting the way you're voting.

12  
13                   Thank you.

14  
15                   CHAIRMAN L. WILDE: Thank you. Any  
16 comments from other advisory groups?

17  
18                   MR. CHARLES: No.

19  
20                   CHAIRMAN L. WILDE: No comments. Do  
21 you have any comments from the neighboring Regional  
22 Advisory Councils.

23  
24                   MR. NICK: Mr. Chair. Seward Peninsula  
25 opposed Proposal FP11-08.

26  
27                   CHAIRMAN L. WILDE: Thank you. Local  
28 Fish and Game Advisory Committees.

29  
30                   (No comments)

31  
32                   CHAIRMAN L. WILDE: No comment.  
33 National Park Service had no comments.

34  
35                   (No comments)

36  
37                   CHAIRMAN L. WILDE: Is there a summary  
38 of written comments, Mr. Nick.

39  
40                   MR. NICK: Mr. Chair. On Page 115,  
41 which I erroneously read into the record earlier, are  
42 the comments. One support and four opposing the  
43 proposal. And also Tanana Chiefs Conference villages  
44 opposed the proposal.

45  
46                   Mr. Chair.

47  
48                   CHAIRMAN L. WILDE: So all the written  
49 comments were in opposition. Okay. Thank you.

50

1 MR. NICK: Yes. One support and the  
2 rest are in opposition to the proposal.

3  
4 CHAIRMAN L. WILDE: Thank you. Any  
5 public comments. Public testimony.

6  
7 (No comments)

8  
9 CHAIRMAN L. WILDE: Any Regional  
10 Advisory recommendations and justification. Regional  
11 Council members. Council members, do you have any  
12 recommendations. Mr. Brown.

13  
14 MR. BROWN: We had heard from the  
15 elders that -- I just want to change the language, all  
16 the species. You know, the way I heard from the  
17 elders, that only on the king salmon. Is that right,  
18 instead of all the species.

19  
20 CHAIRMAN L. WILDE: Well, according to  
21 the proposal, it addressed all species, according to  
22 the proposal as written. Is that correct.

23  
24 DR. JENKINS: That is correct, but I  
25 believe there's nothing to stop you from modifying the  
26 proposal for your own purpose.

27  
28 CHAIRMAN L. WILDE: Well, if you feel  
29 like you need to modify it, then it's up to you,  
30 because it's our proposal that we put it in.

31  
32 And at the time that -- if I remember  
33 this proposal, at the time it was written, it was  
34 specifically for Chinook at the time.

35  
36 Mr. Rivard, you might have some  
37 clarification on this?

38  
39 MR. RIVARD: Well, just to clarify.  
40 You can't modify the proposal. It's been in the record  
41 for a couple of years now. What you can modify is your  
42 recommendation on it. So you could modify how you want  
43 to -- what recommendation you want to give to the  
44 Board. Does that make sense?

45  
46 CHAIRMAN L. WILDE: Yes, it does. Is  
47 that understood? Is that okay? Do you have any  
48 recommendations on what you want to -- go ahead, Mr.  
49 Charles.

50

1 MR. CHARLES: Thank you, Mr. Chairman.  
2  
3 It's for the Federal Board that  
4 deferred this proposal. Is it because it have to be  
5 Tri-RAC recommendation? Or why was it deferred.  
6  
7 MR. RIVARD: Go ahead.  
8  
9 DR. JENKINS: Was that directed at me,  
10 or I saw you look at Mr. Towarak, too.  
11  
12 MR. CHARLES: That was probably  
13 directed to you.  
14  
15 DR. JENKINS: Okay. The Federal  
16 Subsistence Board deferred this proposal in order to  
17 form the Tri-RAC subcommittee so that the Tri-RAC  
18 subcommittee could attempt to find a riverwide  
19 agreement about what to do with customary trade. So  
20 that's why this one was deferred. The Tri-RAC  
21 subcommittee then made its recommendations, and from  
22 those recommendations each of the Councils then made  
23 various proposals, which we've been discussing.  
24  
25 MR. CHARLES: Thank you.  
26  
27 CHAIRMAN L. WILDE: Any further  
28 discussion on this. Mr. Polty.  
29  
30 MR. POLTY: Pardon?  
31  
32 CHAIRMAN L. WILDE: Do you have any  
33 comments on this.  
34  
35 MR. POLTY: No, no comment. Mr.  
36 Chairman.  
37  
38 CHAIRMAN L. WILDE: I think I'll just  
39 go around. Mr. Andrew, do you have any comments?  
40  
41 MR. N. ANDREW: Mr. Chairman. I seem  
42 to hear him to modify this or vote it out, because we  
43 were supposedly speaking about Chinook and the  
44 explanation comes back to us all species, and we  
45 definitely were not speaking about all species. We  
46 were definitely addressing Chinook. It was your  
47 recommendation to kill this proposal now? Modify it?  
48 Or what's the recommendation? I mean the real  
49 recommendation, bottom line recommendation.  
50

1 CHAIRMAN L. WILDE: Go ahead, Mr.  
2 Jenkins.

3  
4 DR. JENKINS: Well, OSM's  
5 recommendation was to oppose this proposal. But  
6 remember that depending on how the Federal Subsistence  
7 Board treats the other six proposals, this one might  
8 simply go away. It might be tabled. There might be no  
9 action taken on this, because the other proposals we  
10 discussed earlier will take precedence over this  
11 particular one. So they may end up taking no action on  
12 this proposal depending on what they do with 06, 07,  
13 08, 09, 10 -- what was the other one? Oh, yes, 11.

14  
15 Thank you.

16  
17 CHAIRMAN L. WILDE: Any further  
18 questions of Mr. Perkins [sic] or anyone else. Council  
19 members. Mr. Andrew, Mr. Wilde, would you please turn  
20 off your mics.

21  
22 MR. N. ANDREW: Sure.

23  
24 MR. ALOYSIUS: Harry Wilde, too.

25  
26 CHAIRMAN L. WILDE: Any further  
27 discussion. Council members.

28  
29 MR. H. WILDE: Mr. Chairman. I was  
30 looking at people, some of them from up river I think  
31 is Councilmen.

32  
33 REPORTER: Mr. Chairman. His  
34 microphone has been turned off.

35  
36 MR. H. WILDE: King salmon in Lower  
37 Yukon drainage, is said Yukon River drainage, they're  
38 finding the dog teams with the Chinook salmon. I was  
39 really surprised for that. On 91 fish, 91, you look at  
40 it up there, they were saying that on the Lower Yukon  
41 River drainage to feed their dog team with king salmon.

42  
43 CHAIRMAN L. WILDE: Well, actually the  
44 proposal is not that. The proposal that we're  
45 discussing right now is.....

46  
47 MR. ALOYSIUS: 11-08.

48  
49 CHAIRMAN L. WILDE: Is 11-08, to  
50 prohibit customary trade of all salmon.

1 Is there any more discussion on this  
2 proposal 11-08.  
3  
4 (No comments)  
5  
6 MR. CHARLES: Question.  
7  
8 MR. ALOYSIUS: There's no motion.  
9  
10 MR. CHARLES: Oh, no motion.  
11  
12 CHAIRMAN L. WILDE: That's what I was  
13 waiting for, Mr. Charles.  
14  
15 MR. CHARLES: Mr. Chairman, I move for  
16  
17 CHAIRMAN L. WILDE: Would you please  
18 turn on your mic.  
19  
20 MR. CHARLES: Mr. Chairman. I move to  
21 adopt or support Proposal 11-08.  
22  
23 CHAIRMAN L. WILDE: Mr. Charles made a  
24 motion to support Proposal 11-08. Do I hear a second  
25 to the motion. Is there a second to the motion.  
26  
27 (No comments)  
28  
29 MR. ALOYSIUS: Motion dies.  
30  
31 CHAIRMAN L. WILDE: One more time. Is  
32 there a second to the motion.  
33  
34 (No comments)  
35  
36 CHAIRMAN L. WILDE: If there are no  
37 seconds to the motion, then the motion will die from  
38 lack of second. Asking one more time, is there a  
39 second to this motion.  
40  
41 (No comments)  
42  
43 CHAIRMAN L. WILDE: This motion dies.  
44 We'll take a break. 10-minute break. We are done with  
45 proposals. No action on this last proposal, Mr.  
46 Perkins.  
47  
48 (Off record)  
49  
50 (On record)

1 (Mary Gregory and John Andrew now  
2 present)

3  
4 CHAIRMAN L. WILDE: Call the meeting  
5 back to order. Before we go any further, do you have  
6 any questions that you wanted to ask before we go to  
7 the next topic.

8  
9 MS. PETRIVELLI: Mr. Chairman. My name  
10 is Pat Petrivelli.

11  
12 And the questions I had, well, because  
13 I volunteered to record your Council's motions and the  
14 votes, and then it has in one place on the form it has  
15 justification. So with the customary trade actions  
16 that you just took, I just wanted to get some  
17 clarification for the explanations.

18  
19 So on the very first analysis that  
20 David Jenkins presented, it was 06, 07 and 08, about  
21 revising the customary trade regulations, there was a  
22 modification by OSM and Bob Aloysius moved to adopt it.  
23 The conclusion's on Page 77, or 76/77, and Bob moved to  
24 adopt it with the modifications recommended by OSM  
25 staff, and James Charles seconded. And then the vote  
26 was seven to zero. So I was just going to write down  
27 you heard the analysis and agreed with the OSM  
28 conclusion on Page 77. And that's clear.

29  
30 But then when we go to Page -- the next  
31 set of proposals on 09 and 10, Then we have those  
32 proposals where it was to prioritize the consumption of  
33 family consumption over customary trade. There were  
34 two different proposals, 09 and 10. And that's on Page  
35 86 and 87. And actually I guess the important page is  
36 88. There are two different proposals. OSM recommended  
37 rejecting them, but your Council voted to support both  
38 of those proposals, and so I can't write down that you  
39 agreed with the OSM conclusion, because the  
40 justification they gave wasn't the same.

41  
42 But Proposal 09 was submitted by  
43 Eastern Interior and it prioritizes personal for family  
44 consumption over customary trade. And the Eastern  
45 Interior submitted and they said that they submitted it  
46 because there they are concerned with the low Chinook  
47 salmon runs. So your Council supported that.

48  
49 Now, 10, you submitted that proposal,  
50 and you requested that the Board prioritize family

1 consumption over customary trade, and you had the  
2 reason, that you were concerned with low Chinook runs,  
3 and that customary trade contributed to Chinook  
4 declines.

5  
6 But there is a difference between 09  
7 and 10 in that the proposal that you submitted was only  
8 in times of shortage, and the Eastern Interior proposal  
9 is it will be the priority over all the time. And so I  
10 just wanted to clarify; do you just want to use the  
11 justifications on Page 88 for both proposals.

12  
13 CHAIRMAN L. WILDE: On Page 88 you say?

14  
15 MS. PETRIVELLI: Yeah, where it has the  
16 issues, and then those paragraphs there as the  
17 justifications for supporting these proposals.

18  
19 CHAIRMAN L. WILDE: Council members.

20  
21 MR. ALOYSIUS: Oh, man.

22  
23 CHAIRMAN L. WILDE: Mr. Aloysius. Any  
24 comments on it.

25  
26 MR. ALOYSIUS: Oh, man.

27  
28 CHAIRMAN L. WILDE: I know we were on  
29 the opposing side, but then.....

30  
31 MS. PETRIVELLI: Well, no, you  
32 supported both of these proposals. It's the OSM that  
33 opposed them. Oh, yes, you two were the opposers.  
34 It's the other.....

35  
36 CHAIRMAN L. WILDE: Yeah, I was just  
37 telling Bob this.

38  
39 MS. PETRIVELLI: The other members that  
40 were the supporters. So if the people who supported  
41 the motion, if their reasons for supporting the motion  
42 is the decline of Chinook salmon for the record, if  
43 there was some discussion of that, if you agreed with  
44 the descriptions on Page 88.

45  
46 CHAIRMAN L. WILDE: Mr Charles, any  
47 comments on that. Is there a reason why you were  
48 opposed.

49  
50 MS. PETRIVELLI: Support.

1                   CHAIRMAN L. WILDE: Or why you  
2 supported it.

3  
4                   MR. CHARLES: The reason why I  
5 supported that was it would be 13-10 came from this  
6 body, this organization, RAC members. I thought we  
7 were to carry on what we supported, but I understand  
8 that the members didn't talk about the Chinook only.  
9 They didn't want that in there, so I backed out or  
10 agree with the rest of the members.

11  
12                   MS. PETRIVELLI: That was that other  
13 proposal. This is FP13-10.

14  
15                   MR. CHARLES: And 13-10 from this body.

16  
17                   MS. PETRIVELLI: Yeah. And so you  
18 support it for the same reasons that the Council  
19 submitted the proposal.

20  
21                   CHAIRMAN L. WILDE: Yes, I believe so.

22  
23                   MS. PETRIVELLI: Okay. And then the  
24 next one is FP13-11 with the defining of significant  
25 commercial enterprise, and you also submitted that  
26 proposal and it had the customary trade, the cash  
27 limits. And you agree with the same reason that you  
28 submitted the proposal in the first place, the \$750  
29 limit, which was on Page 98. And your concern when you  
30 submitted it was that, and it's on, yeah, Page 98, and  
31 it's under discussion, that the customary trade in  
32 Chinook salmon from the Yukon River drainage has been  
33 abused by some subsistence users and that high levels  
34 of customary trade will continue unless limits are  
35 placed on the customary trade of Chinook. And you  
36 further state, proposed changes to the regulations will  
37 help increase future escapement and run sizes of  
38 Chinook, and as a result subsistence, sport and  
39 recreational opportunities could increase. So I'll  
40 just write that in as the justification for supporting  
41 that proposal again.

42  
43                   CHAIRMAN L. WILDE: Yes. Are we in  
44 agreement with that? Yes.

45  
46                   MS. PETRIVELLI: Okay. That's all I  
47 needed to make sure I put it in the notes.

48  
49                   CHAIRMAN L. WILDE: Okay. Thank you.  
50

1 MS. PETRIVELLI: Thank you.  
2  
3 CHAIRMAN L. WILDE: We'll continue on.  
4 I think the review of Board of Fish proposals we'll  
5 leave. We don't have any of those proposals at the  
6 moment, so we're going to suspend the rules and place  
7 that on tomorrow's discussion. So item C will probably  
8 go down to.....  
9  
10 MS. GREGORY: Mr. Chair.  
11  
12 CHAIRMAN L. WILDE: Yes, ma'am.  
13  
14 MS. GREGORY: (In Yup'ik) We were not  
15 here.  
16  
17 CHAIRMAN L. WILDE: Oh, we're down to  
18 item C.  
19  
20 MS. GREGORY: Item C. Thank you.  
21  
22 CHAIRMAN L. WILDE: Review of Board of  
23 Fish proposals, but we don't have any Board of Fish  
24 proposals at the moment, so we are going to change, if  
25 it's all right with the people that adopted this  
26 agenda, to suspend the rules to move that subject until  
27 such time that we get those proposals.  
28  
29 Mr. Charles.  
30  
31 MR. CHARLES: Mr. Chairman. Be sure  
32 and get those Board of Fish proposals, because we're  
33 not -- we need help with those before we go to the  
34 Board of Fish and talk about these proposals, because  
35 there are important proposals for this area that were  
36 proposed this year, like those, what you call them,  
37 those how much we're supposed to catch. Those are very  
38 important proposals. So I'd like to see the person  
39 from the Department carry on with those, because we  
40 need -- we at AC needs help, because we were supposed  
41 to meet with the Department beginning of next month.  
42 The AC has to meet with those before we go to the  
43 Board.  
44  
45 Thank you.  
46  
47 CHAIRMAN L. WILDE: Okay. So if it's  
48 all right with the rest of the Council, we will defer  
49 that subject, topic until first thing in the morning,  
50 if you can get those proposals in by then. Mr. Nick.

1 MR. NICK: Mr. Chair. I'm not sure if  
2 I'll be able to make all of the copies for all of the  
3 proposals, but there is something being sent to us, I  
4 believe a list of proposals being sent to us by email,  
5 and I'll make some copies of that, and I'll bring my  
6 copy of the proposal booklet that I have. I have only  
7 one in my office. Mr. Chair.

8

9 CHAIRMAN L. WILDE: Okay. Thank you,  
10 Mr. Nick. Mr. Rivard.

11

12 MR. RIVARD: Mr. Chair. I'm going to  
13 make sure that you get a copy of these hopefully before  
14 you leave today. We'll get a copy to everybody of the  
15 fisheries -- I think James has one, and we're going to  
16 try to get a copy for everybody.

17

18 And it's an oversight on our office's  
19 part, that when this got on your agenda, you should  
20 have had it in front of you and a list of potential  
21 ones that affect your regions, you know, the Kuskokwim  
22 and the Yukon. So I apologize for that. You should  
23 have had them in front of you and had a chance to look  
24 at them.

25

26 The list that Alex is referring to is I  
27 requested my office to send me the list of ones that --  
28 we've kind of made a preliminary cut on all of --  
29 there's apparently about 67 proposals that affect the  
30 Yukon and the Kuskokwim. And we've kind of whittled it  
31 down to about half of that that we think the Federal  
32 Government, out office and the other Federal agencies  
33 should weigh in on, and they may be lined up with what  
34 you should look at, they may not. So I'll share that  
35 list with you tomorrow to some extent.

36

37 And I think if Greg Roczicka's here  
38 tomorrow, and I believe he's planning on being here,  
39 he'll probably have a list of things he'd like this  
40 Council to consider, because I think he may have been  
41 at least co-author on three or four of these proposals  
42 that were submitted to the Board of Fisheries.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN L. WILDE: Thank you, Mr.  
47 Rivard. So we'll leave that, if it's all right with  
48 the rest of the Council, to leave the Board of Fish  
49 proposals discussion until such time we get those  
50 proposals. Okay.

1 (No comments)  
2  
3 CHAIRMAN L. WILDE: Okay. So we're  
4 going down to item C.1.  
5  
6 MR. ALOYSIUS: No. No. 9.D.  
7  
8 MS. GREGORY: 9.D.  
9  
10 CHAIRMAN L. WILDE: 9.D.  
11  
12 MR. ALOYSIUS: Yeah, we moved that to  
13 D.  
14  
15 MR. NICK: Mr. Chair.  
16  
17 CHAIRMAN L. WILDE: Okay. D.  
18  
19 MR. NICK: 9.D., yeah.  
20  
21 CHAIRMAN L. WILDE: 9.D.  
22  
23 MR. ALOYSIUS: She's sitting right  
24 there.  
25  
26 CHAIRMAN L. WILDE: Ah, YRDFA. Okay.  
27  
28 MS. KLEIN: Okay. Good afternoon,  
29 members of the Council. So again to introduce myself  
30 for any of you who I haven't met or seen recently, I'm  
31 Jill Klein with the Yukon River Drainage Fisheries  
32 Association, also known as YRDFA.  
33  
34 And so there were three things that I  
35 wanted to present or update the Council on, and one of  
36 them was related to a Board of Fish proposal that YRDFA  
37 had submitted to revise and add language to the King  
38 Salmon Management Plan. So I wanted to ask you before  
39 I continue on that subject, you're not going to take up  
40 proposals until tomorrow, but I do have a copy of that  
41 proposal that YRDFA submitted if you did want to look  
42 at that now. And I could present to you on that  
43 proposal, even if you don't take action on it now, I  
44 could just present to you on it.  
45  
46 And then the other two items were a  
47 season review as it was listed in your agenda packets,  
48 and just give you a brief update on the Office of  
49 Subsistence Management-funded projects that YRDFA  
50 operates, the in-season harvest management

1 teleconferences and harvest interviews for Chinook  
2 salmon during the season, and briefly some fish camps  
3 that we've been running this summer, and also give you  
4 a salmon bycatch update. So if those are all good, I  
5 can hand out copies.

6

7

CHAIRMAN L. WILDE: Yes.

8

9

MS. KLEIN: Okay. Thanks. There's two  
10 pages. You'll see they're shifted. It looks like 1  
11 through 4 I think.

12

13

MR. RIVARD: So they're each two pages?

14

15

MS. KLEIN: Yeah. Okay. So the first  
16 document that's coming around is the King Salmon  
17 Management Plan, and it's called king salmon pulse  
18 protection proposal. And what you'll be seeing is the  
19 first page, and there might be some extras for people  
20 in the audience, but the first page will be the  
21 language that YRDFA's -- well, actually it was a  
22 working group that worked together. It wasn't just the  
23 YRDFA Board of Directors. So the first page is the  
24 proposed language and then the pages behind it are the  
25 full proposal as was submitted to the Board of  
26 Fisheries.

27

28

And so I just wanted to remind you, we  
29 were here last spring updating you on the King Salmon  
30 Management Plan process. And YRDFA convened a  
31 committee of stakeholder groups, so there was somebody  
32 from all three Regional Advisory Councils, and from the  
33 Y-K RAC that was Evan Polty. He participated in the  
34 meeting. And we also had members from the Yukon River  
35 Panel, the Association of Village Council Presidents,  
36 Tanana Chiefs Conference, Council of Athabaskan Tribal  
37 Governments, and the YRDFA co-chairs as well as the few  
38 remaining fish processors on the Yukon River.

39

40

And this group identified two top  
41 priorities, and one was formalizing what's become known  
42 as pulse protection with the king salmon in-season  
43 management, and also stipulating that the fishery be  
44 managed equitably across all fishing districts. And so  
45 we presented this to you last spring, and we just  
46 wanted to give you an update since that time on this  
47 language that was developed. And we also had this  
48 language reviewed by a team of subsistence fisheries  
49 science and management experts, and worked with that  
50 original stakeholder group to make sure that they

1 supported this language. So we just wanted to share it  
2 with you.

3  
4 It is Proposal No. 131, so when you go  
5 through it tomorrow, you can refer to this language in  
6 front of you, and if you'd like, I could read through  
7 it if you'd like.

8  
9 CHAIRMAN L. WILDE: Go ahead.

10  
11 MS. KLEIN: So the underlined text is  
12 what would be the additional language going into the  
13 King Salmon Management Plan, if supported.

14  
15 And so the beginning of the management  
16 plan starts with the objective of this plan is to  
17 provide the Department with guidelines to manage for  
18 the sustained yield of Yukon River king salmon. The  
19 goal of this plan is to ensure that adequate  
20 escapements, both in numbers and quality, are  
21 maintained on the spawning grounds to facilitate  
22 rebuilding of the run to historical levels. The  
23 Department will manage for quality of escapement that  
24 provides for full representation of the genetic and  
25 phenotypic characteristics of the stock and shall use  
26 the best available data, including preseason run  
27 projections, test fishing indices, age and sex  
28 composition, subsistence and commercial harvest  
29 reports, and passage estimates from escapement  
30 monitoring projects to assess the run size for the  
31 purpose of implementing this plan.

32  
33 And actually as I'm reading that  
34 language, so if the Y-K RAC has any suggested  
35 modifications to this language, you can make those. I  
36 noticed when I was looking at -- I think there's a  
37 draft memorandum of understanding or agreement in your  
38 booklet, there was reference made to adding traditional  
39 knowledge, and so I realize here that that's not  
40 included, and so that might be some language we'd like  
41 to add in here.

42  
43 And so the specific pulse protection  
44 language following this starts with number 1 through 4.  
45 And so this language would be added into the King  
46 Salmon Management Plan:

47  
48 The Yukon River king salmon run usually  
49 enters the river in three distinctive pulses of fish.  
50 Management of the first pulse of the king salmon run

1 will be based on preseason projections. Management of  
2 the second and third pulses will be based on in-season  
3 run assessment data.

4  
5                   Number 2. The Department will manage  
6 the first pulse of king salmon run based on preseason  
7 run projections to not allow any harvest from the first  
8 pulse when the preseason projection of run size  
9 indicates that subsistence harvests will likely be  
10 restricted in one or more districts of subdistricts.  
11 And that's what's been happening the past few years.

12  
13                   3. Based on the in-season run  
14 assessment, the Department will restrict harvest  
15 opportunities on the second and third pulses of Yukon  
16 River king salmon, as necessary, to provide for  
17 escapements and international treaty obligations.

18  
19                   And 4 is the Department shall  
20 distribute reductions in subsistence harvest  
21 opportunities equitably among users.

22  
23                   And so that's the proposed language for  
24 you to review and consider when you take action  
25 tomorrow on Board of Fish proposals. And what this  
26 language is trying to do is to formalize in the plan  
27 what the managers have been doing in-season, but yet  
28 it's not in a management plan.

29  
30                   CHAIRMAN L. WILDE: Mr. Aloysius.

31  
32                   MR. ALOYSIUS: Thank you. What do you  
33 mean by P-H-E-N-O-T-Y-P-I-C?

34  
35                   MS. KLEIN: Okay. That's a good  
36 question. So that's phenotypic, and I'm not a  
37 fisheries scientist, so I think with some of this, or a  
38 fisheries manager, some of this you might need some  
39 help from some of the fisheries managers or biologists  
40 in the room. But I think phenotypic are the fish  
41 characteristics. And maybe someone can help me.

42  
43                   MR. ESTENSON: Yeah. Jeff Estenson,  
44 Fish and Game.

45  
46                   Phenotypic is, you know, you have your  
47 genetic makeup is expressed through your phenotypes,  
48 you know, so, for example -- let me make sure I've got  
49 this right, going back to genetics. So, you know, your  
50 phenotypic expression is the expression of the genes

1 combination, you know, like eyes, hair color, things of  
2 that nature. So in this case with fish it would be  
3 just the physical characteristics of the fish.

4  
5 CHAIRMAN L. WILDE: Okay. Is that  
6 understood.

7  
8 MS. KLEIN: So just to follow up a  
9 little bit, one study we had done a while back was  
10 looking at the difference between the blue backs, what  
11 people were referring to locally as a blue back Chinook  
12 salmon, or the white nosed salmon, and those are the  
13 phenotypic distinctions of those fish, and are they  
14 genetically any from each other. So that's one way we  
15 were relating it to fish.

16  
17 CHAIRMAN L. WILDE: Mr. Aloysius.

18  
19 MR. ALOYSIUS: Like if you look at him  
20 and you look at me, we have a difference with this  
21 word, but we're still Eyepiece?

22  
23 MS. KLEIN: Uh-huh.

24  
25 MS. GREGORY: Mr. Chair.

26  
27 CHAIRMAN L. WILDE: Madame -- Annan, go  
28 ahead.

29  
30 MS. GREGORY: Under your 2, 3, 4 I see  
31 there's a lot of restrictions. If you didn't get it  
32 one way, you're going to get it the other way. All the  
33 users, among users, and based on the in-season run  
34 assessment, Department will restrict harvest  
35 opportunities on the second and third pulses of Yukon  
36 king salmon as necessary to provide for -- and then  
37 down here it also shall distribute reductions in  
38 subsistence harvest opportunities equitably among  
39 users. You're saying the same thing twice.

40  
41 CHAIRMAN L. WILDE: Go ahead.

42  
43 MS. KLEIN: Okay. Mary, thank you for  
44 those comments. And I think you're bringing up a good  
45 point that really what this -- what we were trying to  
46 do here was balance the need for conservation with also  
47 the need for subsistence harvest and subsistence use of  
48 the salmon, so trying to balance that. But I feel like  
49 the language is more focused on the conservation side  
50 and is missing some language about also trying to

1 ensure subsistence, that we're trying to balance  
2 conservation with the need for people to have  
3 subsistence harvest, so maybe some of that language  
4 needs to get included, so it doesn't seem like this is  
5 really about just not allowing people to fish, which is  
6 not really the case here. But we're trying to just --  
7 and it does say when, in number 2, it's about when the  
8 preseason projection of run size indicates that  
9 subsistence harvests will likely be restricted in one  
10 or more districts or subdistricts. So these are all  
11 based on the run assessment, either preseason or in-  
12 season. If the runs seem too low, we're trying to  
13 devise a plan that would equitably share I guess what  
14 people refer to as the burden of conservation among the  
15 different pulses of salmon, and the different fishing  
16 districts.

17  
18 MS. GREGORY: I understand that, but  
19 the repetition of words is what I'm concerned about.  
20 It's just like telling a brat, repeating it over and  
21 over again.

22  
23 CHAIRMAN L. WILDE: Mr. Aloysius.

24  
25 MR. ALOYSIUS: The way I understand  
26 number 4 is that you're going to initiate rolling  
27 closures like we did on the Kuskokwim River, because it  
28 says distribute reduction in subsistence harvest  
29 opportunity equitably among users. That means from the  
30 mouth of the Yukon River up to the -- where there lake  
31 starts. Is that what you mean when you say equitably  
32 among the users.

33  
34 CHAIRMAN L. WILDE: Did you get his  
35 question?

36  
37 MS. KLEIN: Yeah, I think so. So,  
38 Robert, I think like what you're saying, the idea is  
39 that there would be similar reductions in subsistence  
40 harvest from the mouth up to the border. And like  
41 you're saying, the rolling closures, it would happen  
42 sequentially once the run starts to move in the river,  
43 that the protections that were afforded to the fish in  
44 the lower river would happen in the middle river and  
45 the upper river. And people along the Yukon River in  
46 some of the meetings that we've had expressed that they  
47 really wanted fairness along the river. And sometimes  
48 that may not -- it doesn't mean that everyone gets the  
49 same just two hours to fish and two-hour closure. In  
50 some districts they get more time, in some districts

1 they get less, because it's easier or harder to harvest  
2 fish in different parts of the river. So it may not  
3 mean the same amount of time, but just that everybody  
4 has the same opportunity to either harvest the fish and  
5 to also be reduced.

6

7 So I hope I'm not being complicated.  
8 It doesn't sound like.

9

10 MR. ALOYSIUS: Thank you. But it  
11 doesn't say.....

12

13 MS. KLEIN: We're just trying to be  
14 fair among all people up and down the river, and people  
15 expressed that they wanted that from the Yukon River.  
16 But if there's a way that we can write it more clearly,  
17 we can look into that.

18

19 MR. ALOYSIUS: It doesn't say that  
20 you're going to give equal opportunity, just you're  
21 going to give equal restrictions.

22

23 MS. KLEIN: Right. And that's what I  
24 was trying to address a little bit from when Mary spoke  
25 was that I think this is missing some language to talk  
26 about the subsistence opportunity and that that should  
27 be worded in the plan, and we will take that from the  
28 RAC as something to address.

29

30 CHAIRMAN L. WILDE: Any other  
31 discussion on this Proposal 131 with Jill. Any  
32 questions.

33

34 (No comments)

35

36 MS. KLEIN: I have a couple other  
37 things.

38

39 CHAIRMAN L. WILDE: What was that  
40 again?

41

42 MS. KLEIN: Okay. If there are no  
43 further questions, I can move on to the other topics.

44

45 CHAIRMAN L. WILDE: Okay.

46

47 MS. KLEIN: Okay. So the next item  
48 that I wanted to update you on was what we call our in-  
49 season management teleconference project, and our in-  
50 season subsistence monitoring project. It's the same

1 -- they're two kind of activities that happen under the  
2 same project that are funded by the Office of  
3 Subsistence Management. And 2013 will be the 20th  
4 straight year of the teleconference portion of the  
5 program.

6  
7 And this past summer YRDFA held 13 in-  
8 season management teleconferences, and the calls were  
9 open to the public. This is just an update. There's  
10 nothing to -- no documentation to look at just yet. So  
11 you can.....

12  
13 MS. GREGORY: (Indiscernible -  
14 microphone off)

15  
16 MS. KLEIN: No, I'm sorry if you're  
17 confused. You can put the king salmon management plan  
18 paperwork down and safe it for tomorrow for the board  
19 of fish actions that you're going to go through. And  
20 now I would like to just update you on a couple of  
21 other items that do not have a handout. And then I'll  
22 give you a salmon bycatch handout that we can talk  
23 about.

24  
25 Okay. So I just wanted -- because you  
26 supported this project, the in-season teleconferences  
27 and the subsistence monitoring project, we've been  
28 giving an update back to the RAC about the projects,  
29 because the Office of Subsistence Management has funded  
30 it. And so we just wanted to let you know that there  
31 was very high participation in the teleconferences that  
32 we held this summer, and most likely that's because the  
33 runs have not been doing well, at least the Chinook  
34 salmon run, and that leads a lot of people to call in.  
35 And it's sort of like the working group. They all in  
36 every Tuesday at 1:00 o'clock, and managers and  
37 fishermen and women from all along the drainage can  
38 call in and speak with each other and learn about the  
39 status of the runs.

40  
41 And we also were able to hire people in  
42 10 Yukon River communities, in Alukanuk, Marshall,  
43 Russian Mission, Holy Cross, Kaltag, Huslia, Galena and  
44 Nenana, Fort Yukon and Eagle. And they collected  
45 information to learn about how people were doing in  
46 their subsistence harvest goals for Chinook salmon and  
47 the different fishing conditions, and the quality of  
48 the subsistence harvests.

49  
50 And so in total this past summer 157

1 households were interviewed in these 10 communities.  
2 And what we found out was that all the communities were  
3 extremely low in meeting their subsistence needs as  
4 most of you would know.

5  
6 Russian Mission was the only community  
7 that came close to their 2011 harvest completion, and  
8 we think that that was a reflection that people  
9 voluntarily did not harvest as much, so they met what  
10 they needed sooner, so they were closer to meeting  
11 their needs, because they did not need as much, if that  
12 makes sense.

13  
14 And then the communities with the next  
15 highest harvest level completion were Alukanuk who had  
16 met 79 percent, and Galena had 42 percent of their  
17 needs met. And then Marshall, Kaltag, Fort Yukon and  
18 Eagle were all under 34 percent. And Holy Cross,  
19 Huslia, and Nenana were all under 10 percent of their  
20 harvest completion.

21  
22 So again this is just a small snapshot.  
23 This isn't like the subsistence harvest surveys that  
24 are actually still going on in Yukon River villages,  
25 and that information, those reports come out much later  
26 in the year. This is just kind of a snapshot where we  
27 can in-season give the manager some information about  
28 what's happening in the different villages along the  
29 drainage as the Chinook salmon are moving through.

30  
31 And so I just wanted to update you on  
32 that. Do you have any questions on that project.

33  
34 MS. GREGORY: Mr. Chair.

35  
36 CHAIRMAN L. WILDE: Madame Gregory.

37  
38 MS. GREGORY: Your teleconferences are  
39 with whom? Your coworker or people from those  
40 villages?

41  
42 MS. KLEIN: The teleconferences are for  
43 people from the Yukon River villages to call in and the  
44 call starts with people starting usually at the coast  
45 up until the border at Eagle, announcing that they're  
46 online and they give what we call a subsistence report.  
47 And so they report on -- if there's no fishing  
48 happening, they might report on water conditions or  
49 debris, what level. And then when they're catching  
50 salmon they'll report on how many they may have caught

1 or how much effort it took them, how many drifts they  
2 needed to take to catch the king salmon that they did  
3 catch. And then we hear from Fish and Game and Fish  
4 and Wildlife Service and they'll give an update on the  
5 test fishery projects and then their assessment of the  
6 run, and then there's questions and comments and  
7 discussion.

8

9 MS. GREGORY: Thank you. I'd like to  
10 commend the YR DFA group for having an insight in  
11 getting their constituents involved in the process.  
12 Thank you.

13

14 CHAIRMAN L. WILDE: James.

15

16 MR. CHARLES: Thank you, Mr. Chairman.  
17 That's the same way we do on Kuskokwim as working group  
18 meetings. We have teleconference all the way from  
19 McGrath on down to Tuntutuliak and Eek, and, Bob, when  
20 we don't make it into Bethel, we -- I start calling the  
21 village council to borrow one of their empty rooms in  
22 the community to invite some other people to do a  
23 teleconference if they are willing. And sometimes we  
24 have full house, sometimes I'm by myself or with  
25 another working group member. And that's how we do it.  
26 And sometimes I come to Bethel and go to their -- go to  
27 the Department's conference room here in Bethel and  
28 report what the villages are doing in our area. So  
29 that's all we do, the same way you're doing over there.  
30 And I like those -- I like to see those keep funded for  
31 telephone use like that teleconference, because we do  
32 volunteer work over here, too, in Kuskokwim. We don't  
33 get anything, but sometimes we have a lot of meetings,  
34 and sometimes we don't. So some seasons are different.

35

36

37 Thank you, Mr. Chairman.

38

39 CHAIRMAN L. WILDE: Mr. Aloysius.

40

41 MR. ALOYSIUS: Is there a chance to get  
42 a copy of that snapshot that you just presented so that  
43 we could -- I'm a very visual person, I'm not a good  
44 audio person.

45

46 Thank you.

47

48 CHAIRMAN L. WILDE: Any other questions  
49 for them.

50

1 MS. GREGORY: I have a request to make,  
2 that before we talk about this, that the language be  
3 made clear as to what's happening.

4  
5 MS. KLEIN: Okay. Well, thank you for  
6 your input and suggestions and support for the  
7 teleconferences.

8  
9 So the last item that I wanted to go  
10 over was a salmon bycatch update, and I do have a  
11 handout to give you.

12  
13 Okay. So the handout that Don is  
14 giving out is a salmon bycatch update from October  
15 2012. And we just wanted to make sure you had the most  
16 recent information on the numbers and the process of  
17 what's going on with salmon bycatch in the Bering  
18 Sea/Aleutian Islands pollock fishery.

19  
20 So the current 2012 numbers in the  
21 Bering Sea/Aleutian Islands pollock fishery are so far  
22 8,714 Chinook salmon have been caught, and so far  
23 16,998 chum salmon have been caught. And that's  
24 through September 20th.

25  
26 MR. ALOYSIUS: Do we have those  
27 (indiscernible - mic not on).

28  
29 MS. KLEIN: They're in the first  
30 paragraph where it says background and numbers, it's  
31 the item in bold. And so that's just to show you in  
32 comparison in 2011 the bycatch numbers 25,000 Chinook  
33 salmon and 191,446 chum salmon. And the season is not  
34 over, the pollock season, this year, but they are  
35 through most of their harvest, and we are passing  
36 through when kind of the heaviest bycatch takes place.  
37 So it seems like the numbers should remain lower than  
38 last year.

39  
40 And then just to update you on what's  
41 happening with the Chinook salmon bycatch, we refer to  
42 that as Amendment 91, and just on the handout you'll  
43 see there's a little history on some of the specifics  
44 when there were the highs of salmon bycatch and the  
45 different rivers with different stock composition of  
46 that bycatch.

47  
48 And then the next section talks about  
49 what we call Amendment 91, which is the decision and  
50 the new program that creates the caps of 60,000 Chinook

1 salmon to be caught as part of the incentive plans.  
2 And so that has been in effect since January 1, 2011,  
3 and so that's the Chinook cap. And, let's see, on this  
4 it gives you some details about how that program works,  
5 so I won't read through it, but that section, Chinook  
6 salmon bycatch management, Amendment 91, if you read  
7 that section, it explains to you kind of the mechanism  
8 of how the cap works and the incentives to stay below  
9 that cap. And so that's been in effect.

10

11 And what it also requires is a minimum  
12 of 100 percent observer coverage on the boats, so  
13 that's a positive thing.

14

15 And while we're in year 2 of Amendment  
16 91, and the cap is set at 60,000, the actual bycatch  
17 has been far below that, if you refer again back to the  
18 numbers that I just read of the -- in 2011, 25,500 and  
19 this year 8,714. So the bycatch is below that cap.

20

21 And what the Council is working on  
22 currently is a chum salmon plan. And they're in the  
23 process, the North Pacific Fisheries Management Council  
24 is in the process of developing chum salmon bycatch  
25 management measures. And the next review of this  
26 program is going to be in December in Anchorage. And  
27 they'll be looking at alternatives or options that they  
28 consider, and there will be a range of hard caps like  
29 for the Chinook salmon, which would close the fishery  
30 when reached. And also there's an idea to have hard  
31 caps applied in June and July, which is only the time  
32 when there's more western Alaska salmon. Those are  
33 caught in higher proportions in June and July. And  
34 there's also the alternative for the pollock fleet to  
35 participate in the rolling hot spot program, which is  
36 what they do with the Chinook salmon. And that's that  
37 rolling hot spot system.

38

39 And so the range of hard caps being  
40 considered is 50,000 chum salmon to 353,000 chum salmon.  
41 And that lower cap is for that idea of having a  
42 June/July only closure, so that would be 50,000. But  
43 if it was season-wide, you could go up possibly to that  
44 353,000.

45

46 Okay. And that's all in that chum  
47 salmon bycatch management paragraph.

48

49 And so we just wanted to give you some  
50 options of what you can do to participate in the

1 process as a Council. And as I mention, the next  
2 Council meeting is December 3rd through 11th in  
3 Anchorage. And your RAC could also write a letter to  
4 the Council just urging them to keep chum salmon  
5 bycatch as low as possible, or to look at these caps if  
6 you wanted to, and suggest a range. And so we have the  
7 due dates for that.

8

9 And one other item is just while these  
10 regulations are developed, we wanted to let you know  
11 that the pollock fleet in the meantime they do have  
12 some voluntary measures that they are working on, which  
13 would include additional closure areas to further  
14 reduce chum salmon bycatch. So there's actions  
15 happening even though an official plan is not in place  
16 yet.

17

18 CHAIRMAN L. WILDE: Yes, Ms. Gregory.

19

20 MS. GREGORY: I want to -- on your Page  
21 2, on your CDQ and Amendment 91. What do you mean by  
22 observer coverage.

23

24 MS. KLEIN: Okay. I don't seem to have  
25 the size. Basically there's some regulations or rules  
26 in place that depending on the size of the boat, of a  
27 pollock boat, they have to have observers on board.  
28 And so it's a person that's hired by an independent  
29 entity that is on board that observes what's happening  
30 with their harvest and with the bycatch, and they take  
31 samples as they can to get genetic identification on  
32 where those Chinook salmon or chum salmon might be  
33 from, what their stock of origin is. So that's what it  
34 means. And there wasn't always 100 percent observer  
35 coverage. Some of the boats, smaller boats maybe  
36 didn't have to have observers while the larger boats  
37 did. And now I think the plan is that all boats have  
38 to have somebody on boat that's getting data about the  
39 salmon bycatch.

40

41 MS. GREGORY: Yeah. Thank you. And  
42 then if they exceed the performance standard in a third  
43 year, after that there is the cap is divided between  
44 seasons and sectors, offshore catch processor,  
45 motherships, inshore catcher vessels, and CDQ. Can you  
46 tell me how that is done?

47

48 MS. KLEIN: There's probably a big  
49 mathematical equation behind that statement. So I  
50 don't know exactly how it's done, but that these are

1 kind of the mechanisms of how this works. So even  
2 though the cap is 60,000, there's something called this  
3 performance standard, which is 47,591, and they have  
4 two out of seven years that they can go above that,  
5 but only up to the 60,000. And so if they do go above  
6 that in a third year, then the cap drops permanently to  
7 that 47,591. It can't go back up to the 60,000. And  
8 then that cap is divided between -- and so seasons and  
9 sectors are these offshore catcher processors, the  
10 motherships, the inshore catcher vessels and the CDQ  
11 group. So those are all different kinds of boats,  
12 different sized boats, different capacities that these  
13 boats have, different -- like CDQ boats are -- I think  
14 you're familiar with like coastal villages, region fund  
15 or Yukon Delta Fisheries Development, they get  
16 different allocations. So the cap gets divided among  
17 those different sectors, and then once they reach that  
18 cap, they have to stop fishing.

19  
20 MS. GREGORY: A certain amount of  
21 bycatch is allowed to each of those entities?

22  
23 MS. KLEIN: Uh-huh.

24  
25 CHAIRMAN L. WILDE: Are you done, Ms.  
26 Gregory.

27  
28 MS. GREGORY: Yes.

29  
30 CHAIRMAN L. WILDE: Do you have  
31 anything, any questions for Ms. Klein. Mr. Robert  
32 Aloysius.

33  
34 MR. ALOYSIUS: Yeah. On the -- what  
35 you can do to reduce salmon cap, it says attend a  
36 Council meeting. You mean the Native -- National  
37 Marine Fisheries Service Council meeting?

38  
39 CHAIRMAN L. WILDE: Fisheries. Yeah.

40  
41 MR. ALOYSIUS: Okay. I just wanted to  
42 make sure of that.

43  
44 CHAIRMAN L. WILDE: Any further  
45 questions for Jill. Any further questions for Jill.

46  
47 (No comments)

48  
49 CHAIRMAN L. WILDE: If not, thank you  
50 for your presentation, Jill.

1 MS. KLEIN: Okay. Thank you for  
2 listening, and your good questions, and please let me  
3 know if you have any further questions. And thanks for  
4 letting me go today. Thanks.

5  
6 CHAIRMAN L. WILDE: Okay. We have a  
7 couple choices here. We could work until -- the next  
8 item, the memorandum of agreement, from the presenter  
9 said, take about a couple hours. So if we work through  
10 that, it would probably bring us up until about 7:00  
11 o'clock. Or we could recess now for dinner and come  
12 back later on to do that. It's entirely up to you,  
13 gentlemen and lady, as to what you want to do. Do you  
14 want to work on until we get done with that memorandum  
15 of agreement, or do you want to come back.

16  
17 MR. ALOYSIUS: Mr. Chairman.

18  
19 CHAIRMAN L. WILDE: Mr. Aloysius.

20  
21 MR. ALOYSIUS: I move that we recess  
22 until 7:00 p.m.

23  
24 CHAIRMAN L. WILDE: A motion's been  
25 made to recess until 7:00 o'clock.

26  
27 MS. GREGORY: Second.

28  
29 CHAIRMAN L. WILDE: Seconded by Ms.  
30 Gregory. All in favor say aye.

31  
32 IN UNISON: Aye.

33  
34 CHAIRMAN L. WILDE: Motion's carried.  
35 We'll recess until 7:00 o'clock. Mister.....

36  
37 MR. RIVARD: Rivard.

38  
39 CHAIRMAN L. WILDE: Rivard.

40  
41 MR. RIVARD: Or you can call me Mr.  
42 Pappas if you'd like to.

43  
44 (Laughter)

45  
46 CHAIRMAN L. WILDE: Mr. Pappas. I know  
47 the difference.

48  
49 MR. RIVARD: Okay. I now have the  
50 Board of Fisheries proposal books that I'm going to

1 distribute to all of you. So at your viewing pleasure,  
2 you'll be able to -- something to help put you to sleep  
3 tonight maybe.

4  
5 CHAIRMAN L. WILDE: Okay. When we come  
6 back at 7:00, we'll work for at least an hour or two,  
7 just as long as we get that memorandum of agreement  
8 covered tonight. Thank you.

9  
10 (Off record)

11  
12 (On record)

13  
14 (Mary Gregory and John Andrew not  
15 present)

16  
17 CHAIRMAN L. WILDE: Let's call the  
18 meeting back to order. The time is now 7:05. And we  
19 have Mister.....

20  
21 MR. KESSLER: Kessler.

22  
23 REPORTER: Lester, your microphone.

24  
25 CHAIRMAN L. WILDE: Mr. Kessler. Let's  
26 call the meeting back to order. It is now 7:05. We  
27 have Mr. Kessler to present the MOU. So go ahead, Mr.  
28 Kessler.

29  
30 MR. KESSLER: Thank you, Mr. Chairman.  
31 Good evening. Mr. Chairman and members of the Council.  
32 My name is Steve Kessler. I'm a member of the  
33 InterAgency Staff Committee. I work for the U.S.  
34 Forest Service.

35  
36 Over the last 10 years I've attended I  
37 think three or four of your meetings, including the one  
38 in Emmonak. I think that was the most memorable one.

39  
40 Today we're going to be talking about  
41 this draft memorandum of understanding for coordinated  
42 interagency fish and wildlife management for  
43 subsistence uses on Federal public lands. A long name,  
44 but hopefully we can go through it slowly enough that  
45 everybody can understand some of the changes that have  
46 been made.

47  
48 I'd like you to turn to Page 136 of  
49 your book, and then there's also a copy of the MOU, the  
50 draft for comment it says up on the top. It was

1 distributed to you just a little bit earlier, and it's  
2 in this color. And the key thing with this version is  
3 that the size of the type is bigger, so it's easier to  
4 read, and you won't hopefully need a microscope to be  
5 able to read the little letters that are in the book,  
6 in your Council book.

7

8                   So on Page 136, I will go through this  
9 briefing. Hopefully you can just follow along with  
10 that, and then we'll actually talk about the MOU.

11

12                   As you can see near the top of that  
13 briefing on Page 136, this is an action item, so we  
14 will be asking you to develop and provide to the Board  
15 and the working group your Regional Advisory Council  
16 comments concerning this draft memorandum of  
17 understanding. If any public tribes or corporations  
18 wish to provide comments for your consideration, we  
19 would like you to take the time on your agenda for  
20 that, too.

21

22                   So one of the action items that  
23 resulted from the 2009 Federal Subsistence Program  
24 review initiated by Secretary of the Interior Ken  
25 Salazar was to review with Regional Advisory Council  
26 input the December 2008 memorandum of understanding  
27 with the State to determine either the need for the MOU  
28 or the need for potential changes to clarify Federal  
29 authorities in regard to the subsistence program.

30

31                   So this 2008 memorandum of  
32 understanding, and I'm just going to say MOU, if that's  
33 okay, instead of always saying memorandum of  
34 understanding, was distributed to the Regional Advisory  
35 Councils during the winter of 2011 with a request for  
36 your comments. Your Regional Advisory Council provided  
37 comments to the Board on February 24th during your  
38 meeting in Mountain Village. The summary document of  
39 all of the Regional Advisory Council comments is  
40 attached and it starts on Page 139, and that includes  
41 the comments that you provided when you were meeting in  
42 Mountain Village.

43

44                   The Federal Subsistence Board requested  
45 that a State/ Federal working group be formed to review  
46 all these comments and provide recommendations for  
47 changes to the memorandum of understanding. The  
48 working group members can be found on the bottom of  
49 this page, on 136, and include Jennifer Yuhus from  
50 Alaska Department of Fish and Game, and maybe that was

1 Jennifer who just called in.

2

3 Was that? Jennifer, was that you?

4

5 MS. YUHAS: Yes, thank you.

6

7 (John Andrew and Mary Gregory arrive  
8 during Steve Kessler's presentation)

9

10 MR. KESSLER: Yeah. That's Jennifer is  
11 on the phone now.

12

13 And on the Federal side Pete Probasco  
14 from the Office of Subsistence Management, Sandy  
15 Rabinowitch from the National Park Service, Jerry Berg  
16 from the Fish and Wildlife Service, and myself. We met  
17 twice in 2012 to review all of your comments, and we  
18 developed proposed modifications to the memorandum of  
19 understanding.

20

21 So this revised version is here for  
22 review and it has rationale for each of the recommended  
23 changes. On July 18th the Federal Subsistence Board  
24 reviewed that draft that you have in front of you and  
25 agreed that it was ready for comment by the Regional  
26 Advisory Councils, State Advisory Committees, and the  
27 public and for consultation with tribes and ANCSA  
28 corporations.

29

30 So the first thing I would like to do  
31 is just go through some of the sort of important  
32 changes that are in this document, and then we'll look  
33 at some of the specific changes, and then we'll discuss  
34 actually the comments that you provided, your Regional  
35 Advisory Council provided and I'll tell you how those  
36 were incorporated within this new document.

37

38 If you have suggestions for changes  
39 based on what you see that we did, or if you have some  
40 other changes, you're welcome to make those at this  
41 Council meeting.

42

43 So first was plain language. Several  
44 of the Councils, including your Council, requested that  
45 plain language be used whenever possible. Now, there  
46 were a few changes that we made as indicated in the  
47 document, and there are places where we wrote, this was  
48 changed to be plainer language. However, there are not  
49 a lot of them, and we would appreciate if you have any  
50 specific changes, additional changes that would make it

1 into even more plain language.

2

3                   On top of Page 137, reordering. We  
4 reordered and reformatted some of the language to place  
5 the Federal language before the State language as this  
6 MOU focuses on the Federal Subsistence Program and  
7 Federal public lands. Now, this partially addressed  
8 some of the concerns of Councils sort of about the tone  
9 of the MOU.

10

11                   And then there was some comment about  
12 possibly incorporating a glossary and a definition of  
13 terms. Rather than doing that, we have spelled out  
14 text fully and tried to use plain language.

15

16                   So some of the specific changes that  
17 are in here have to do with traditional ecological  
18 knowledge. So multiple Councils wanted traditional  
19 ecological knowledge added wherever there was any  
20 discussions about scientific information. What we did  
21 was we adopted the ANILCA terminology of customary and  
22 traditional uses, so local knowledge of customary and  
23 traditional uses in a number of areas. We felt that  
24 that helped provide clarity, it's consistent with  
25 ANILCA, there's a lot of people who interpret the words  
26 traditional ecological knowledge differently so we  
27 thought it would be best to go back to the words of  
28 ANILCA.

29

30                   Predator management. There were a  
31 number of comments specific to active management and  
32 its application to the Federal program. Your Council  
33 was one of the ones that made those types of comments.  
34 We interpreted this as a desire by some Councils to  
35 have the Federal program involved in predator  
36 management. We added to the MOU a section in quotes  
37 from the Board's predator management policy, which  
38 we'll get to as we go through your comments.

39

40                   State management plans. The current  
41 memorandum of understanding states that State fish and  
42 wildlife management plans will be used as the initial  
43 basis for management actions. We've changed that.  
44 This has been changed in Roman numeral IV, item 11, and  
45 now instead of State management plans, it talks about  
46 Federal, state, and cooperative plans.

47

48                   Southeast Regional Advisory Council  
49 suggested that this MOU should be evaluated on a  
50 regular basis, and we did add some language

1 specifically recognizing the opportunity for an annual  
2 review, and that these annual review opportunity would  
3 also be looked at by the signatories. So that's one of  
4 those commitments for future action that needs to be  
5 taken.

6  
7 And then multiple Councils asked that  
8 we look at the three protocols that are currently in  
9 place and review those and see if some changes to those  
10 may be needed. And so that's actually not written in  
11 here, but that's some future action that will be needed  
12 also.

13  
14 Now, the next part near the bottom of  
15 Page 137 talks about a proposed schedule, but unless  
16 you want me to review that schedule, I think I'll just  
17 let you read it and I'll skip it. Is there anyone who  
18 would like me to go through that schedule, or is it  
19 okay just to skip it? On Page 138 you could see that  
20 this proposed schedule ends with the Federal  
21 Subsistence Board meeting this coming January where  
22 hopefully this MOU will be adopted and signed off by  
23 both the State and the Federal partners in this.

24  
25 So first I guess is there's -- any  
26 questions up to this point, I could take them, and then  
27 we'll move and look at the actual document.

28  
29 MR. CHARLES: Mr. Chairman.

30  
31 CHAIRMAN L. WILDE: Mr. Charles.

32  
33 MR. CHARLES: Thank you, Mr. Chairman.

34  
35  
36 On this proposed schedule, what's the  
37 schedule for? And I see these months starting June,  
38 July, August to October. Is it -- why is it? Is that  
39 proposal for changes, or what are those dates or months  
40 and this proposed schedule up on top? What are those?

41  
42 MR. KESSLER: Thank you, Mr. Chairman.  
43 August through October 2012, that's where we are right  
44 now. And during this period, we are going out to all  
45 the Regional Advisory Councils and requesting comments  
46 on this. The State is doing similar with the advisory  
47 councils, advisory committees. So it's just where we  
48 are right now actually is that August through October.  
49 And then there are a number of other steps on the next  
50 page, all of which will hopefully lead up to adoption

1 of a revised MOU by January.

2

3 MR. CHARLES: Thank you.

4

5 MR. KESSLER: Well, I guess I'll

6 continue on.

7

8 MS. GREGORY: Mr. Chair.

9

10 CHAIRMAN L. WILDE: Continue on.

11

12 MR. KESSLER: Okay.

13

14 CHAIRMAN L. WILDE: What's that?

15

16 MS. GREGORY: (In Yup'ik)

17

18 CHAIRMAN L. WILDE: We're at Page 139.

19

20 MS. GREGORY: Thank you.

21

22 MR. KESSLER: So the first thing I  
23 would like to do is go to Page 139, near the bottom,  
24 which is your comments. Now, since you all should have  
25 that extra little distribution. This document near  
26 you, you can put them next to each other, and you don't  
27 have to flip pages back and forth. But I'll show you  
28 where your comments were addressed in the document.

29

30 So the first comment from the Yukon-  
31 Kuskokwim Council was that the MOU be written in plain  
32 language. And that's something that we struggled with  
33 a little bit to figure out what language we should  
34 change. And so there are a number of places that  
35 you'll see where we wrote that -- like on the bottom of  
36 Page 2, plain language and a clarifying addition. So  
37 we found some places where we thought we could write  
38 that better than the way it was before.

39

40 But if there are specific places you  
41 say, you read that and you go, I don't have any idea  
42 what that means. If you can point those out, and  
43 hopefully you won't say that about the whole document,  
44 because that will be a little difficult to deal with.  
45 But if there are a few places that you would like to  
46 identify that maybe you could word that in a little bit  
47 plainer language, we'd be glad to hear from you.

48

49 We did go through the whole document  
50 and think about plain language.

1                   Item number 2, which under your item,  
2 it says section III, guiding principle, number 5. It  
3 talks about active management. And if you look -- now,  
4 I'm on this one that we handed out, if you look on Page  
5 3 of that document, the active management item, well,  
6 it's been, you know, renumbered. It's now number 6,  
7 where it says, promote stability in fish and wildlife  
8 management, and minimize unnecessary disruption to  
9 subsistence and other uses of fish and wildlife. And  
10 then you can see on this one, over on the right column  
11 where it says SPR13, that's actually your comment right  
12 there, and it says what we did with your comment.

13

14                   MS. GREGORY: What page are you on?

15

16                   MR. KESSLER: Okay. Page 3 of this  
17 document.

18

19                   MS. GREGORY: On that one.

20

21                   MR. KESSLER: Okay. So if you look on  
22 the bottom of -- if you look on Page 3, on the left  
23 side, okay, of this version.

24

25                   MR. ALOYSIUS: I'm on the wrong  
26 document.

27

28                   MR. KESSLER: Well, if you.....

29

30                   CHAIRMAN L. WILDE: On the left side,  
31 right here's the comment.

32

33                   MR. ALOYSIUS: Yeah, I mean, I'm in the  
34 book and that's a handout.

35

36                   MR. KESSLER: Yeah. In the book it  
37 would be on Page 144, but I think it's easier to use  
38 this one. It's also in red and in bigger type, so it's  
39 easier to read.

40

41                   So you could see that where it has  
42 those words, it as what your comment was. And the way  
43 that we actually dealt with that was perhaps not what  
44 you were expecting, but we thought that active  
45 management in the way you used it at your meeting was  
46 about predator management and predator control. And so  
47 what we actually did is we added a statement, so that's  
48 near the top of Page 3, and it comes from the Board's  
49 Federal predator management policy, and it's the words  
50 that start -- and it's in that number 2, the first

1 block of red, it says, recognize that wildlife  
2 management activities on Federal public lands, other  
3 than the subsistence take and use of fish and wildlife,  
4 such as predator control and habitat management, are  
5 the responsibility of and remain within the authority  
6 of the individual land management agencies.

7

8                   So we thought that it was important to  
9 clarify these words about predator management policy  
10 right in this document.

11

12                   Your next comment, and now this is, and  
13 we're going back over to your Council book, on the  
14 bottom of Page 139, talked about adding tribes to the  
15 language in the MOU. And here we want to be very clear  
16 that tribes are important, but this memorandum of  
17 understanding is between the State and the Federal  
18 government. But we did find some places that we  
19 thought tribes were really important to add.

20

21                   So if you were to look on Page 4, now  
22 this is of this handout again, on Page 4, number 11 --  
23 number 10 actually, you can go to number 10, where  
24 there's sort of a list of different groups, we made  
25 sure that we included tribes. And number 11. So  
26 that's sort of part of way down on 10, and number 11,  
27 towards the middle of it, again we added tribes. On  
28 Page 5, number 13, we added tribes. And on Page 6, at  
29 the very, very end on number 12, we added tribes. So  
30 we added tribes I think four places in here, because  
31 recognizing that tribes have an important role, but the  
32 tribes are not the parties to this memorandum of  
33 understanding.

34

35                   CHAIRMAN L. WILDE: Yes, Ms. Gregory.

36

37                   MS. GREGORY: I have a question on  
38 where.....

39

40                   MR. ALOYSIUS: What page?

41

42                   MS. GREGORY: Page 4, number 10, public  
43 -- that tribes and other interested members of the  
44 public before issuing special action or emergency  
45 orders where conservation of the resources or  
46 continuation of subsistence uses is of immediate  
47 concern, the review shall not delay timely management  
48 action.

49

50                   So what does that mean, that the tribes

1 will be allowed to make those decisions or what?

2

3 MR. KESSLER: No. No, if you read the  
4 entire section, and let me just go to halfway down,  
5 where possible and as required, Federal and State  
6 agencies will provide advance notice to the  
7 Councils.....

8

9 MS. GREGORY: Oh, notice. Okay.

10

11 MR. KESSLER: .....the Advisory  
12 Committees representatives, tribes and anybody else who  
13 is interested before we make special actions. Special  
14 actions are on the Federal side, emergency orders are  
15 on the State side.

16

17 MS. GREGORY: Thank you.

18

19 MR. KESSLER: So if we can't do it in a  
20 timely manner, something has to be done right away,  
21 then we can't commit to contacting everybody, but we do  
22 -- the goal here is to make sure that all the  
23 appropriate Councils, Advisory Committees, State  
24 agency, everybody is aware of what's going on.

25

26 CHAIRMAN L. WILDE: So far so good.

27

28 MR. KESSLER: So let's turn to Page  
29 140, I'm back in this book here. Up at the top is your  
30 next statement. This is your next comment that you  
31 made in 2011 on the memorandum of understanding. The  
32 Council focused some discussion on this portion,  
33 provide advance notice to Council and/or State Advisory  
34 Committee representatives before issuing special  
35 actions or emergency orders.

36

37 So in this document, I think we  
38 actually put it in here, put a comment. Yeah, the  
39 comment is on the right side of Page 4, and it says,  
40 the Yukon-Kuskokwim Council was concerned about not  
41 receiving advance notice. And this is not going to be  
42 put directly in the MOU, but the Board will direct the  
43 Office of Subsistence Management and request that local  
44 field staff increase their effort of notifying the  
45 Council of all actions that are going on, all the  
46 special actions. So we didn't actually make a change,  
47 except that the change is a different way that we hope  
48 to operate to make sure that the Council is always  
49 informed about what is going on.

50

1                   And then the next -- your next comment  
2 had to do -- is number 5 -- well, section IV, number  
3 12, and that is on this one here, Page 5, and it's the  
4 comment up at the very top of Page 5. Noted, that  
5 there was a problem, you noted there was a problem  
6 using State harvest tickets as they are not always  
7 available, and that we have clarified here that permits  
8 are needed for specific circumstances, and that new  
9 harvest reporting systems, new systems are and have  
10 been developed. So there's nothing specifically  
11 changed, except for we have clarified that in some  
12 cases Federal subsistence season harvest limits or data  
13 needs, and we struck the word may, and just put  
14 necessitate separate Federal subsistence permits and  
15 harvest reports.

16  
17                   MS. GREGORY: Where are you.

18  
19                   CHAIRMAN L. WILDE: Ms. Gregory, did  
20 you have a question?

21  
22                   MS. GREGORY: The one he was reading, I  
23 couldn't find it.

24  
25                   MR. ALOYSIUS: Right at the top of it.

26  
27                   CHAIRMAN L. WILDE: Right at the top of  
28 5.

29  
30                   MR. ALOYSIUS: Right at the top of Page  
31 5.

32  
33                   MS. GREGORY: This one?

34  
35                   MR. KESSLER: So we recognized that  
36 this isn't the avenue for that concern, but we  
37 recognize that it is a concern and it must be addressed  
38 by managers.

39  
40                   So that was all of the comments, the  
41 official comments that the Regional Advisory Council  
42 made when you met in Mountain Village in 2011. But a  
43 lot of other Councils made comments also. So in this  
44 book, you can see all the other comments that were made  
45 and if you look through all the pages of the draft  
46 memorandum of understanding, you can see the changes we  
47 made as a result. Every one of the comments in here  
48 that were made should be addressed in this document.

49  
50                   So at this point maybe we can ask

1 Jennifer Yuhas, Jennifer and I were going to do this  
2 presentation together, but she is not here. She is on  
3 the phone. And so maybe, Jennifer, do you have  
4 anything to add?

5  
6 MS. YUHAS: But we're together in voice  
7 I guess. Not side-by-side as we were a week and a half  
8 ago. But I appreciate all of Steve's efforts here and  
9 think he's done a very thorough job explaining what the  
10 changes were to the language.

11  
12 I only have two additions to some of  
13 the technical pieces here. And one of those items the  
14 RAC might not be aware of is that when we've done this  
15 before, the Staff working group also included a member  
16 of the Board of Fish and a member of the Board of Game,  
17 because they are also signatories on the document. And  
18 for this go around I was asked to represent the  
19 Department, the Board of Game and the Board of Fish.  
20 So I am wearing three hats when I go to those meetings.

21  
22 Steve is aware that I bring this up  
23 each time we discuss the MOU changes, but in his  
24 introduction on item 11 where -- or item 7, excuse me,  
25 it says evaluate the MOU. The State did agree to the  
26 language that is here, but we do want to express our  
27 concern that we think having this written the way it is  
28 could confuse some people.

29  
30 The MOU has always been open for review  
31 at any time by a member of the public or by the RAC.  
32 It's always been able to be opened and given feedback  
33 that would than have to be taken to the Board. And  
34 we're a little afraid that the way this is written, it  
35 could tell the people there's a once a year shot and a  
36 time line to open this up. It's been very confusing to  
37 people since we started the directed evaluation of the  
38 MOU with the AFN letter in 2008, because there's a  
39 special opportunity to open it up and we're going  
40 through this process. It doesn't mean that it was  
41 never open for review before, and we want to make sure  
42 everyone knows that they have that opportunity at any  
43 time to open the MOU and make a change, not just on a  
44 schedule.

45  
46 CHAIRMAN L. WILDE: Thank you.

47  
48 MS. YUHAS: The language that you see  
49 before you is what we agreed to in our Staff working  
50 group, and that is the language the Department would

1 like to circulate for comment for this go around.

2

3 I do need to make a note that the  
4 Department is evaluating the value of the MOU based on  
5 more than the language. And a couple of those items  
6 are that as Steve pointed out, until 2008 we only had  
7 an MOA, a memorandum of agreement with initials, and we  
8 didn't have an MOU under 2008.

9

10 That's also the point in time when OSM  
11 began funding the liaison office at Fish and Game, so  
12 that added an extra layer of obligation for us. We  
13 have been informed very courteously that if there is a  
14 cut from the Federal budget to OSM, that this program  
15 would also be cut. So that does affect whether or not  
16 that obligation would remain if our funding is cut.

17

18 We also have been asked how the MOU is  
19 functioning for us, and it's very difficult for me,  
20 because I have some very good colleagues over at OSM  
21 who I don't believe have ever had an ill-intention or  
22 done anything maliciously, but we have had several  
23 missteps over the course of the last eight months where  
24 the State has been excluded from meetings, not  
25 purposefully, we've been forgotten on lists when Staff  
26 have changed positions, or people have been acting for  
27 other people. But it has affected our ability to  
28 participate, and we've had to follow up meetings with  
29 letters saying, actually we didn't participate in that  
30 meeting, and we have a different opinion. That's not  
31 really the way the Board designed this to work. They  
32 designed the collaboration between the State and the  
33 Federal agencies to give them one correspondence so  
34 they could understand what happened at the meeting.  
35 And the liaison office has had to play some catch up in  
36 those meetings, because we've been excluded. And  
37 that's not a reflection on anybody's ill-intent, but we  
38 do have to report that that has been a hardship.

39

40 MR. KESSLER: Is that all, Jennifer?

41

42 MS. YUHAS: That is all I have to add  
43 at this moment, but I am willing with Steve to take  
44 questions and remain on the line.

45

46 CHAIRMAN L. WILDE: Ms. Gregory.

47

48 MS. GREGORY: Quyana. The 12 is  
49 designated to Y-K Delta. The 13 is a good one for  
50 everybody overall, that tribes are included. And I'm

1 happy to see that.

2

3 MR. KESSLER: Thank you. What I would  
4 like to do, Mr. Chairman, is point you back to Page 136  
5 in the book, and what the action item is, where it says  
6 please develop and provide to the Board and working  
7 group your Regional Advisory Council comments  
8 concerning this draft revised MOU. Also, if there are  
9 public, tribes, or corporations that wish to provide  
10 comments for your consideration, please allow for that  
11 during the time on our agenda.

12

13 So at this point, I don't know if  
14 there's anyone who would want to comment on this. And  
15 for you, if you would like me to go through in detail  
16 the changes that have been made to this document, I can  
17 do that, if that would help you with providing any  
18 comments. The next step is yours. I will do whatever  
19 you wish me to do to assist you.

20

21 CHAIRMAN L. WILDE: Any comments. Mr.  
22 Brown.

23

24 MR. BROWN: Yeah. I have a question  
25 Page 137, item number 5. What is predator management?  
26 Could you explain?

27

28 MR. KESSLER: Well, predator management  
29 is the control of predators typically in order to have  
30 greater ungulate populations, moose, deer, reindeer,  
31 whatever. And the predator management is discussed in  
32 this Board policy on predator management. And where it  
33 says that -- and actually we probably should look at  
34 the exact language, which is on Page 3, near the top.  
35 It's this big red area, which says that wildlife  
36 management on Federal public lands, other than  
37 subsistence take and use of fish and wildlife, such as  
38 predator control and habitat management are the  
39 responsibility of and remain within the authority of  
40 the individual land management agencies.

41

42 So if you as a Council have ever put in  
43 a proposal for what's called predator management, it's  
44 probably been rejected by the Board. But at the same  
45 time, the Board has been very willing to adopt changes  
46 in regulations that allow for more harvest of wolves  
47 and bears in order to provide a subsistence  
48 opportunity. You know, the result of that may be less  
49 impact on moose and deer or reindeer, whatever. But  
50 the purpose is that the Board will take those actions,

1 are to provide subsistence use opportunities. It's not  
2 for predator management.

3

4 CHAIRMAN L. WILDE: And your  
5 definition, if I may, of your predator management, is  
6 that the solution that was brought up that you would in  
7 fact increase the take of predators? Is that the only  
8 method that you would use? And it states that the  
9 authority of the individual land management agencies.  
10 If we put the proposal in before like say if the land  
11 was controlled by, managed by BLM, then that would go  
12 to BLM instead of to the controlling agency?

13

14 MR. KESSLER: Well, each of the  
15 different Federal agencies have different policies  
16 associated with predator management. And what you'll  
17 find is, for instance, for the Bureau of Land  
18 Management, I believe, and there's a paper that was  
19 written on this recently, and was sent as a response to  
20 one of the Councils, I don't remember which Council,  
21 but the Bureau of Land Management pretty much allows  
22 the State to take care of any predator management needs  
23 and control on Bureau of Land Management lands. So  
24 they pretty much say, State, you do what you need to  
25 do there. The Forest Service is a little bit like  
26 that. The Fish and Wildlife Service is more strict,  
27 and you probably are aware of what happened with  
28 caribou like on Unimak Island where they made a  
29 decision not to allow the shooting of wolves. And the  
30 National Park Service has probably, using those words,  
31 sort of been stricter rules about what they would allow  
32 on their lands that they manage.

33

34 So it depends which agency, but in all  
35 cases it's the responsibility of the agency, not the  
36 Federal Subsistence Board to manage for predator  
37 control. To decide on what regulations would be  
38 allowed, you know, how many wolves can be taken during  
39 what season, using what methods, that's within the  
40 authority of the Federal Subsistence Board.

41

42 CHAIRMAN L. WILDE: Mr. Aloysius.

43

44 MR. ALOYSIUS: Does the Federal  
45 government agencies have a common description of what  
46 they mean by predator? Like, you know, us, wolves and  
47 bear, you know, all the different kinds of bears are  
48 considered -- and coyotes, are considered predators  
49 around here. So does the Federal government have, you  
50 know, something that all the different agencies can

1 utilize to define what a predator is?

2

3 MR. KESSLER: And I don't think I've  
4 seen one common definition. I mean, some people, of  
5 course, consider man to be a predator, too. In  
6 Southeast Alaska right now they're very concerned about  
7 sea otters. Sea otters are eating up all the  
8 invertebrates, all the crabs, everything off the rocks.  
9 And so sea otters are a predator that's become a real  
10 problem down there, so it depends on where you are and  
11 which species we're talking about, but I don't think  
12 that it's -- I don't think that we have a set  
13 definition that these species are predators and these  
14 aren't. I think pretty much predators are going to be  
15 carnivores. They like to eat meat.

16

17 CHAIRMAN L. WILDE: Mrs. Gregory.

18

19 MS. GREGORY: Because of the -- not the  
20 same thing of the -- how you put that when everything  
21 is not the same thing? Diverse nature of our coastline  
22 and our hunting and fishing, food gathering places,  
23 then I have no problem with using one word as a  
24 definition for predator.

25

26 CHAIRMAN L. WILDE: Yes.

27

28 MR. KESSLER: Mr. Chairman. I'm not  
29 sure if a response was being requested to that comment.  
30 I think it was just a good comment.

31

32 MS. GREGORY: No. I've got the feeling  
33 that that was what we were heading for.

34

35 CHAIRMAN L. WILDE: Any other  
36 discussion on this. Council.

37

38 (No comments)

39

40 CHAIRMAN L. WILDE: Yes, sir.

41

42 MS. YUHAS: Mr. Chairman, this is  
43 Jennifer with the State.

44

45 CHAIRMAN L. WILDE: Yes. Go ahead.

46

47 MS. YUHAS: On the issue of the  
48 predator language, I just wanted the RAC that while the  
49 State practices and in fact endorses active predator  
50 management, that we did agree to this language in this

1 document, because we do recognize that each of the  
2 Federal agencies has their own policy, and that this  
3 document couldn't dictate that for all of them and  
4 override it. And the legal experts agreed, both  
5 Department of Law here at the State and the Solicitor's  
6 Office for the Federal Subsistence Board, and that's  
7 why we simply inserted the predator management policy  
8 that the Board has. So the State is in agreement with  
9 this, even though we support active predator  
10 management.

11

Thank you.

12

13

CHAIRMAN L. WILDE: Okay. Thank you.

14

15

MS. GREGORY: One more.

16

17

18

CHAIRMAN L. WILDE: Mrs. Gregory, go

19

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MS. GREGORY: I'd like to thank the  
gentleman and the young lady for giving us a good  
report and in a language that we can understand.

24

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(No comments)

CHAIRMAN L. WILDE: And what about you.

MR. KESSLER: Well, I guess what I  
would like to say is that there have been a number of  
different actions taken by different Councils, from I  
believe it was Seward Pen who just said, yes, they  
liked the way it was reworded and they're fine with it.  
There were some current concerns as I remember for  
North Slope and Northwest Regional Advisory Council.  
The Southeast Council provided a few specific comments,  
relatively small comments, and I think -- I don't  
remember what Kodiak/Aleutians provided. So there's  
been sort of a range of comments from we like it just  
the way it is, the way with these changes, you made  
good changes, to we want to see much more, including  
involvement of local communities in what these words  
are. So I just wanted to give you a sense that there's  
sort of a broad range of what other Councils have said.

But again looking on Page 136 and the

1 action, we would like you to take some sort of action.  
2 If you want to take more time to read it, I presume you  
3 don't need to take the action today. You could take  
4 the action tomorrow. Or as I said, if you want me to  
5 take the time to go through it, you know, paragraph by  
6 paragraph and just look at those changes tonight, we  
7 can do it. But it depends what time you want to be  
8 done tonight. I'll do whatever you want.

9

10 CHAIRMAN L. WILDE: What is the wish  
11 of the Council. Mr. Aloysius, go ahead.

12

13 MR. ALOYSIUS: I just have a question.  
14 In general what was the overall feeling of all of the  
15 RACs? Were they like, what, 75 percent saying, okay,  
16 go for it, or was there some really, really  
17 reservations on accepting or promoting this MOU?

18

19 MR. KESSLER: Mr. Chairman. I think  
20 the way I can respond to that is by the comments that  
21 were made in 2011 to the memorandum of understanding,  
22 so those are the comments that are on Page 139 from all  
23 of the Councils, because all of the Councils haven't  
24 met, so it's a little hard for me to say, well, what's  
25 the general feel now.

26

27 But if you take a look at the general  
28 feel of the Councils in the summary that starts on Page  
29 139, I think that most -- you'll see that most Councils  
30 believed that there was a need for such a working  
31 agreement between the Federal government and the State.  
32 AND that what really was just needed was some minor  
33 modifications to it.

34

35 And one thing I want to remind you of,  
36 the version that we're looking at right now, before it  
37 got modified, so as it was originally signed, did not  
38 have a Regional Advisory Council review. And there  
39 were a few specific concerns. The Secretary in the  
40 Secretary's review said, go back to the Regional  
41 Advisory Councils, see what they have to say, and make  
42 those changes. And if the Councils don't like it at  
43 all, consider that. But that's not what the feel was  
44 here. The feel was the Councils thought that there was  
45 a good role for this memorandum of understanding, and  
46 here are the things that could be done to make it even  
47 better.

48

49 So then we got together and hopefully  
50 we made it even better.

1                   CHAIRMAN L. WILDE: Any comments from  
2 the Council. Mr. Brown.

3

4                   MR. BROWN: So I have a concern about  
5 on Page 37, paragraph number 4. Sometimes we have a  
6 difficult time when someone is speaking like scientific  
7 languages and one time I heard in our meeting, I heard  
8 someone was complaining that those kind of languages  
9 are pretty hard to understand for most of us, those  
10 speaking second language in English. Could you bring  
11 that out.

12

13                   MR. KESSLER: Well, Mr. Chairman, what  
14 we did, and I think as an example in on Page 3 of this  
15 one, of this handout. Page 3. Under item number 3, we  
16 modified some words. We still have the word  
17 scientific, but we also have customary and traditional  
18 uses. So these words are the words from ANILCA. Use  
19 the best scientific and cultural information and  
20 knowledge of customary and traditional uses for  
21 decisions regarding fish and wildlife. And so I think  
22 that many on this Council are very, very helpful about  
23 those knowledges of customary and traditional uses.  
24 And that's very important.

25

26                   We also have some science, and it's up  
27 to the scientists to present that information to you in  
28 an easy to understand way. It shouldn't be a whole  
29 bunch of words all stuffed together in such a way that  
30 it's hard to understand. But that's something that we  
31 can do sort of through continuously trying to improve  
32 the way we manage this program, and the way we speak  
33 with you and interact with Councils.

34

35                   So here what we've said is let's use --  
36 we still use science, but let's try and make science,  
37 you know, so it's understandable, but let's make sure  
38 that we also incorporate knowledge of these customary  
39 and traditional uses.

40

41                   CHAIRMAN L. WILDE: Any other comments  
42 from the Council.

43

44                   (No comments)

45

46                   CHAIRMAN L. WILDE: What does the  
47 Council feel concerning this MOU. What is your opinion  
48 of it. Mr. James Charles.

49

50                   MR. CHARLES: Thank you, Mr. Chairman.

1 Since I don't speak very good in English and don't  
2 understand very good in English, I like this MOU  
3 written down the way it is, because it's -- I have hard  
4 time understanding technical words or some things that  
5 I don't understand. I'm a fourth grader in school, and  
6 it's hard to understand things that are written down in  
7 technical form. But I like the way it is written now.  
8 I can -- I don't understand everything, but it's  
9 understandable.

10

11 Than you.

12

13 CHAIRMAN L. WILDE: Thank you, Mr.  
14 Charles.

15

16 Any further comments. Are there any  
17 further comments. Mr. Aloysius.

18

19 MR. ALOYSIUS: Me?

20

21 CHAIRMAN L. WILDE: Yes.

22

23 MR. ALOYSIUS: One thing that I'm glad  
24 of is that they've pretty scrapped TEK, which is very  
25 ambiguous to me, and I would prefer the language local.  
26 And I noticed that they deleted the word local. We  
27 have to give credit where credit is due, you know.  
28 These are individuals, people, residents of a village  
29 and of an area that are providing this, and we should  
30 give them the credit. You know, that just TEK. Well,  
31 TEK might be great in scientific circle, but it doesn't  
32 mean a damn thing to me, because it doesn't give credit  
33 to the people who are providing the information to the  
34 scientists. And so that -- you know, I still would  
35 like the word local in there. But I'm glad they pretty  
36 much scrapped TEK.

37

38 MR. KESSLER: Yes. Well, Mr. Chairman,  
39 that was a very interesting comment about the word  
40 local, because we had a long discussion on that word.  
41 And we had long discussions on a lot of words, but we  
42 were concerned that there have been a lot of people  
43 that have moved from living in a local area, and moved  
44 to Bethel or wherever it might be. And they still  
45 have, you know, a lot of knowledge. They may not live  
46 locally, but they may have a lot of knowledge. And so  
47 when we looked at this statement, we said, what we're  
48 seeking are the people who have knowledge of the  
49 customary and traditional uses. And those can be local  
50 people, or people who don't live so locally any more.

1 So that's sort of what we came out on that.

2

3 CHAIRMAN L. WILDE: Mr. Aloysius.

4

5 MR. ALOYSIUS: Another -- let me  
6 explain it again. I don't care where you're from. If  
7 you have knowledge that you want to share with  
8 somebody, that knowledge -- I mean, that sharing should  
9 be credited to where you're from. Like, Yupiakamiut  
10 (ph) It means people of the Inupiak Nation. That's TEK  
11 -- or Yupiakamiut (ph), please of the Eyepiece Nation.  
12 TEK doesn't mean anything to them, because you're just  
13 throwing these words out and not giving credit to the  
14 Inupiak, the Molimiut or the Eyepiece. You know,  
15 that's what I'm talking about when I say local. You  
16 know, indigenous local knowledge. And don't get me  
17 started, because I.....

18

19 Thank you.

20

21 (Laughter)

22

23 MS. YUHAS: Mr. Chair.

24

25 MR. ALOYSIUS: You know, I really like  
26 to give credit where credit is due. If it comes from a  
27 village or a person, give that credit to that person or  
28 that village. Or if it comes from a nation, you credit  
29 it to that nation. Or even from like Nunamiut. When I  
30 first heard that word, man, it just struck me right  
31 here, because I know where that is. Raymond Funyak  
32 (ph) and his family are from there. And James Namiak  
33 (ph) is living there now. So I know where Nunamiut  
34 are.

35

36 MR. KESSLER: Just two things. First,  
37 I think that we did well not putting traditional  
38 ecological knowledge in here. You don't like that  
39 term, and hopefully we used better terms. But if  
40 you're interested in having this word local , it could  
41 be local knowledge of customary and traditional uses,  
42 or knowledge of customary and traditional local uses,  
43 however you want. That's a comment that you're more  
44 than welcome to provide as a Regional Advisory Council  
45 back to the Federal Subsistence Board and to the  
46 working group. So this is your time to provide  
47 comments. If that's one of the ones you wish to  
48 provide, we're all ears.

49

50 And I think that Ms. Yuhas had

1 something she wanted to say, if that's okay.

2

3 MS. YUHAS: That was going to be my  
4 comment, Steve, thank you, was that I wanted to make  
5 sure that the RAC knew that this is their opportunity  
6 to tell us, you know, if they would like to make a  
7 motion to have us take that back to the working group,  
8 that's why we're here before them today.

9

10 And that this RAC doesn't have the same  
11 issue that we heard in the Eastern Interior RAC where  
12 we heard that some of the people who have a C&T for  
13 something that affects that RAC might not live locally  
14 and so that was part of why the decision was made in the  
15 first place. It doesn't mean it has to stay, because  
16 we can always take this information from this RAC back  
17 to the next meeting, but I just wanted to explain that  
18 was a complication for a different RAC was people who  
19 have a C&T for an animal have traditionally travelled  
20 to come and get it, and they would be left out of the  
21 word local and that's why it got that way to start  
22 with.

23

24 But we're not done. It's just another  
25 draft, and that's why we're here to hear what you  
26 think. Thank you.

27

28 MS. GREGORY: Mr. Chair.

29

30 CHAIRMAN L. WILDE: Yes, Mrs. Gregory.

31

32 MS. GREGORY: And that's what we're  
33 doing right now.

34

35 CHAIRMAN L. WILDE: Mr. Aloysius. Any  
36 other comments, Counsel. Mr. Andrew.

37

38 MR. N. ANDREW: Mr. Chairman. Thank  
39 you.

40

41 This terminology we're using,  
42 scientific, local, and user were somewhat different.  
43 I'll give you an example. A scientific knowledge would  
44 sometimes not work in my area. Earlier we were talking  
45 about pike, for example, on the Yukon, different. Now,  
46 local sometimes is difficult, too, to bring it down to  
47 the user. I think the user would probably be defined  
48 better than local. If local user is reference to  
49 local, I've got no problem with that. But if it's just  
50 local, sometimes local area is from here to the mouth

1 of Kuskokwim River. And the way these species, or  
2 animals we speak about roam around in our area, that  
3 sometimes scientific and local knowledge does not cover  
4 user as a bottom line subsistence user.

5

6 Thank you, Mr. Chairman.

7

8 CHAIRMAN L. WILDE: Thank you, Mr.  
9 Andrew. Did you get that?

10

11 MR. KESSLER: Yes, Mr. Chairman. I  
12 think I did. And one of the things that we use, I use  
13 that word use again, there's use, uses, and users. And  
14 in this -- with the terminology that we use that's from  
15 ANILCA, we talk about uses. So we talk about it in  
16 these words, knowledge of customary and traditional  
17 uses, and, of course, that's users who have that  
18 knowledge. So I think we're essentially talking about  
19 the same thing. I'll just leave it at that.

20

21 CHAIRMAN L. WILDE: MR. Aloysius.

22

23 MR. ALOYSIUS: Yeah. I'm sorry that  
24 when I first started using the word local, I didn't  
25 mean it to be just what it says. What I meant was what  
26 I said earlier, you know. If you want to give credit  
27 to the person or the place, make sure that that is what  
28 you're going to give credit to. So local, you know,  
29 that isn't what I meant when I say local, you know. So  
30 I want people, places, villages, groups to get the  
31 credit that is due them, and for lack of a better word  
32 I kept using local. So identify the person, the place  
33 or the group or the region.

34

35 Thank you.

36

37 MR. KESSLER: And I think just to go  
38 along with what you just said, it says, use the best  
39 available local knowledge of customary and -- excuse  
40 me, I didn't mean to say local, use the best available  
41 knowledge of customary and traditional uses. Best  
42 available. And who is going to have that best  
43 available? It's the people in the area or the people  
44 with all the knowledge of that area. And so we're  
45 saying, yeah, of course we want the best knowledge, the  
46 people with the best knowledge of a specific area and  
47 of the uses of that area.

48

49 It's hard to think that we wouldn't  
50 always want that best information. And some of it is

1 of a cultural type of information, some of it's going  
2 to be scientific. It is a lot of different information  
3 that will come to bear, and I think a lot of the  
4 proposals that you address do both. They bring both  
5 types of information together.

6

7 CHAIRMAN L. WILDE: Any other comments.

8

9 MS. GREGORY: Mr. Chair.

10

11 CHAIRMAN L. WILDE: Concerning this  
12 draft.

13

14 MS. GREGORY: (In Yup'ik)

15

16 CHAIRMAN L. WILDE: Okay. Mary thinks  
17 that we've gone over this, and are we satisfied with  
18 the changes that are made as the Board -- Council I  
19 mean.

20

21 (No comments)

22

23 MR. ALOYSIUS: Mr. Chairman.

24

25 CHAIRMAN L. WILDE: Yes, Mr. Aloysius.

26

27 MR. ALOYSIUS: I move that we support  
28 the continuation of clarifying and ultimate approval of  
29 this memorandum of agreement between the Federal  
30 Subsistence Board and the State of Alaska, or whatever  
31 -- I mean, is that precise enough, or is that too  
32 general, or, you know, is.....

33

34 MS. GREGORY: Second the motion.

35

36 CHAIRMAN L. WILDE: The motion's been  
37 made. Could you restate your motion so that it's  
38 clear.

39

40 MR. KESSLER: Mr. Chairman.

41

42 MR. ALOYSIUS: Yeah. He'll restate it  
43 for me in a very clear, concise manner.

44

45 CHAIRMAN L. WILDE: And concise.

46

47 MR. KESSLER: Well, now you have me on  
48 the spot.

49

50 (Laughter)

1 MR. KESSLER: So your motion is to  
2 adopt the modifications as shown in this memorandum of  
3 understanding.  
4  
5 MR. ALOYSIUS: Did I say adopt or  
6 support?  
7  
8 MR. KESSLER: Support.  
9  
10 CHAIRMAN L. WILDE: Support.  
11  
12 MR. KESSLER: Excuse me. You're right.  
13 So your motion is to support the modifications.....  
14  
15 MR. ALOYSIUS: Continuation.  
16  
17 CHAIRMAN L. WILDE: As modified.  
18  
19 MR. KESSLER: Okay. The continuation  
20 of the memorandum of understanding between the Federal  
21 Subsistence Board -- no, I'm not saying it right.  
22  
23 MS. GREGORY: As modified.  
24  
25 MR. KESSLER: Maybe we need Mr.  
26 Aloysius to say it again.  
27  
28 MR. ALOYSIUS: No, I did not use the  
29 word modified. I specifically said that -- you know, I  
30 make the motion that the process continue until there  
31 is a document which can be approved by all entities,  
32 period. And I can't make it any simpler than that.  
33  
34 CHAIRMAN L. WILDE: Go ahead with your  
35 comment.  
36  
37 MR. KESSLER: Okay. Mr. Chairman.  
38 That will be -- I think what we would like is to know  
39 whether you support the modifications that have been  
40 incorporated in here, because we will continue the  
41 process. And I recognize that you want us to keep  
42 moving. But are these the right changes? Or is there  
43 something else you would like to see?  
44  
45 CHAIRMAN L. WILDE: I understood it to  
46 mean that we support the document and just exactly what  
47 you stated, to continue. Okay.  
48  
49 MS. GREGORY: That's what we did.  
50 That's what -- that's the motion I seconded.

1 CHAIRMAN L. WILDE: Okay. All right.  
2 Are we clear on the motion now.  
3  
4 MR. ALOYSIUS: No.  
5  
6 (Laughter)  
7  
8 MR. ALOYSIUS: But, you know, we're  
9 still on discussion, right?  
10  
11 CHAIRMAN L. WILDE: Yes, we are.  
12  
13 MR. ALOYSIUS: The reason I made this  
14 motion the I did is -- oh, sorry about that. The  
15 reason I made that motion in the way I did is because  
16 it's going to be an ongoing process and there's going  
17 to be other modifications coming up. So my motion is  
18 just to support the continuation of the process until  
19 it comes to a point where, you know, all the whatever's  
20 are taken care of.  
21  
22 CHAIRMAN L. WILDE: All the t's are  
23 crossed and i's are dotted.  
24  
25 MR. ALOYSIUS: But, you know, I'm not  
26 opposed to supporting the process up to this point.  
27  
28 CHAIRMAN L. WILDE: Go ahead.  
29  
30 MR. KESSLER: Thank you, Mr. Chairman.  
31 This is probably your last opportunity to provide  
32 comment on this document before it gets adopted as  
33 modified in some way by the Federal Subsistence Board  
34 and the State of Alaska. Now, you remember, we do have  
35 that clause in there that sort of allows it to be  
36 continuously opened for future changes. So it is a  
37 living document. It's supposed to be living over a  
38 long period of time with changes.  
39  
40 But this really is your opportunity  
41 before the next set of signatures go on the piece of  
42 paper.  
43  
44 MR. ALOYSIUS: Okay. Thank you. And  
45 with that I'll rescind my motion as originally stated.  
46 Second, are you going to rescind our second?  
47  
48 CHAIRMAN L. WILDE: Was there a second  
49 to that?  
50

1 MR. ALOYSIUS: Yeah.  
2  
3 CHAIRMAN L. WILDE: Oh, Mary.  
4  
5 MS. GREGORY: Are you going to make a  
6 new motion then?  
7  
8 MR. ALOYSIUS: Yeah.  
9  
10 MS. GREGORY: I rescind my second then.  
11  
12 MR. ALOYSIUS: Thank you. The new  
13 motion would be what is going to be.....  
14  
15 CHAIRMAN L. WILDE: He's had a long  
16 day.  
17  
18 MR. ALOYSIUS: .....approval of what,  
19 you know -- it's been too long of a day. Anyway, I  
20 move that we support this memorandum of agreement with  
21 modifications as of October 10, 2012.  
22  
23 CHAIRMAN L. WILDE: Will that suffice?  
24  
25 MS. GREGORY: Second.  
26  
27 CHAIRMAN L. WILDE: Okay. Motion's  
28 been made and seconded to support.....  
29  
30 MR. ALOYSIUS: Memorandum of agreement.  
31  
32 CHAIRMAN L. WILDE: .....the MOU, the  
33 draft of the revised MOU. Any further discussion.  
34  
35 (No comments)  
36  
37 MS. GREGORY: Question on the motion.  
38  
39 CHAIRMAN L. WILDE: Question on the  
40 motion. A roll call vote, please.  
41  
42 MR. NICK: Mr. Chair. The motion as  
43 stated by the mover and seconded. Mr. Charles.  
44  
45 MR. CHARLES: Yes.  
46  
47 MR. NICK: Mr. Polty.  
48  
49 MR. POLTY: Yes.  
50

1 MR. NICK: Mr. Andrew.  
2  
3 MR. N. ANDREW: Yes.  
4  
5 MR. NICK: Mr. Harry Wilde.  
6  
7 MR. H. WILDE: Yeah.  
8  
9 MR. NICK: Mr. Lester Wilde.  
10  
11 CHAIRMAN L. WILDE: Yes.  
12  
13 MR. NICK: Mr. Bob Aloysius.  
14  
15 MR. ALOYSIUS: You bet your boots.  
16  
17 (Laughter)  
18  
19 MR. NICK: Ms. Gregory.  
20  
21 MS. GREGORY: (In Yup'ik) (Yes.)  
22  
23 MR. NICK: Mr. John Andrew. John  
24 Andrew.  
25  
26 MR. J. ANDREW: Yes.  
27  
28 MR. NICK: Mr. William Brown.  
29  
30 MR. BROWN: Yes.  
31  
32 MR. NICK: Mr. Chair. 9 for, zero nay.

1 //

1  
2                   CHAIRMAN L. WILDE: Thank you very  
3 much, gentlemen. We will see you again at 9:00 o'clock  
4 in the morning.

5  
6                   MR. ALOYSIUS: Are we adjourned or  
7 recessed?

8  
9                   CHAIRMAN L. WILDE: Yeah, we'll recess  
10 until 9:00, because we were just coming back to cover  
11 this. We thought we might take a couple hours.

12  
13                  MR. ALOYSIUS: I object, because I'm  
14 raring to go for another hour.

15  
16                               (Laughter)

17  
18                               (Off record)

19  
20                               (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, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 1 through 200 contain a full, true and correct Transcript of the YUKON-KUSKOKWIM DELTA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically by our firm on the 10th day of October 2012 in Bethel, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 19th day of October 2012.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/14