YUKON-KUSKOKWIM DELTA FEDERAL
SUBSISTENCE REGIONAL ADVISORY COUNCIL

PUBLIC MEETING

VOLUME I

Bethel, Alaska
October 2, 2009
9:00 o'clock a.m.

COUNCIL MEMBERS PRESENT:

Lester Wilde, Chairman
Bob Aloysius
John Andrew
William Brown
James Charles
Mary Gregory
Edgar Hoelscher
Elias Kelly
Joseph Mike
Raymond Oney
Greg Roczicka
Harry Wilde

Regional Council Coordinator, Barbara Armstrong (Acting)

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC
135 Christensen Drive, Suite 2
Anchorage, AK 99501
907-243-0668
jpk@gci.net/sahile@gci.net

P R O C E E D I N G S

(Bethel, Alaska - 10/2/2009)

(On record)

CHAIRMAN L. WILDE: Call the meeting to order. James Charles, would you please give the invocation.

(Invocation)

CHAIRMAN L. WILDE: Thank you. At this time we'll have a roll call to establish a quorum. Mr. Secretary.

MR. ALOYSIUS: James Charles.

MR. CHARLES: Here.

MR. ALOYSIUS: John Andrew.

MR. ANDREW: Here.

MR. ALOYSIUS: Raymond Oney.

MR. ONEY: Here.

MR. ALOYSIUS: William Brown.

MR. BROWN: Here.

MR. ALOYSIUS: Harry Wilde.

MR. H. WILDE: Here.

MR. ALOYSIUS: Edgar Hoelscher.

MR. HOELSCHER: Here.

MR. ALOYSIUS: Mary Gregory.

(No response)

MR. ALOYSIUS: Elias Kelly.

MR. KELLY: Here.

MR. ALOYSIUS: Lester Wilde.

CHAIRMAN L. WILDE: Here.

MR. ALOYSIUS: Paul Manumik.

(No response)

MR. ALOYSIUS: Joseph Mike.

MR. MIKE: Here.

MR. ALOYSIUS: Greg Roczicka.

MR. ROCZICKA: Here.

MR. ALOYSIUS: Bob Aloysius. Here. We have a quorum.

CHAIRMAN L. WILDE: Thank you, Mr. Secretary. At this time I'd like to welcome everybody that's here. Before we get into introductions I think we're going to go ahead and establish our agenda. Item 6, review and approve February 25-26, 2009 meeting minutes. Item 7, Regional Advisory Council concerns and comments. Item 8, call for proposals to change 2010/12 Federal wildlife regulations. Item A, review and validate proposed wildlife regulations changes submitted during the winter of 02009. Item B, closure reviews. Item C.....

MS. B. ARMSTRONG: Mr. Chairman.

CHAIRMAN L. WILDE: Yes, ma'am.

MS. B. ARMSTRONG: I just found out yesterday that we can strike closure reviews from this agenda and the update on the 2010 wildlife proposals submitted by the Yukon Delta Wildlife Refuge will be presented to you by Robert Sundown instead of Buzzy. Mr. Kron has a change.

MR. KRON: Mr. Chair, as I mentioned to you before the meeting, we have a wildlife special action.

CHAIRMAN L. WILDE: Could we wait until we get to that part of the agenda before we make the changes?

MS. B. ARMSTRONG: That's where it's being moved to.

MR. ALOYSIUS: Mr. Chairman. I think we should review the agenda before we make changes.

CHAIRMAN L. WILDE: That's right. We'll review the agenda and then make changes.

MS. B. ARMSTRONG: I've been doing it that way. I'm sorry.

CHAIRMAN L. WILDE: Well, this is our turf now, ma'am. Item 8, call for proposals to change 2010/12 Federal wildlife regulations. A, review and validate proposed wildlife regulations changes submitted during the winter of 2009. B, closure reviews. C, update on 2010-2012 wildlife proposals submitted by the Yukon Delta National Wildlife Refuge.

Item 9, Fisheries Resource Monitoring Program. A, make recommendations on draft 2010 Yukon region fisheries resource monitoring plan. B, make recommendations on draft 2010 Kuskokwim region fisheries resource monitoring plan.

Item 10, subsistence fisheries issues. A, Yukon River salmon post-season report. B, Kuskokwim River salmon post-season report. C, Alaska Board of Fisheries.

Item 11, next meeting. A, establish date and place of winter 2010 meeting. B, establish date and place of fall 2010 meeting.

Item 12, agency/organization reports. A, Office of Subsistence Management briefings. 1, revised schedule/calendar for program. 2, Bear Claw Working Group summary. 3, proposed changes to Section 19 regulations. 4, status of deferred Yukon River fisheries proposals. 5, NPFMC update regarding chinook and chum salmon bycatch. 6, Department of Interior's position on compensation for Council members. B, National Wildlife Refuge. 1, Yukon Delta Refuge update. 2, Togiak Refuge. C, Bureau of Land Management. D, Alaska Department of Fish and Game. 1, wildlife conservation update. E, Association of Village Council Presidents. F, Yukon River Drainage Fisheries Association. G, Tribal representatives. 1, Orutsararmiut Native Council natural resources. 2, Kuskokwim Native Association. H, Municipal government representatives. I, ANCSA Village Corporation representatives. J, other organizations.

Item 13, Regional Council business. A, 2008 annual reply letter. B, 2009 annual report topics. 14, closing comments. 15, adjourn.

Any corrections to the agenda.

MR. ALOYSIUS: Mr. Chairman. I move that we adopt the agenda.

MR. CHARLES: Second for discussion.

CHAIRMAN L. WILDE: The motion has been made to adopt the agenda.

MR. ALOYSIUS: After the motion has been made to approve the agenda, then you can revise it.

CHAIRMAN L. WILDE: Yes, ma'am. Go ahead.

MS. B. ARMSTRONG: Mr. Chair. I have some changes that I would like to present before you adopt the agenda. It's under Item 8. Remove closure reviews and in place of it you'll put WSA 08-13. It's the double allowable harvest. Number C, that update on 2010-2012, wildlife proposals submitted by the Yukon Delta National Wildlife Refuge will be presented by Robert Sundown.

At 3:30 to 5:00 p.m. under 9(C), whichever comes first, you'll have a public hearing on lead shot, which will be led by Tom Kron.

Going down to 12(B)(1) Yukon Delta Refuge update, we move down to (G)(3).

Under 12(D) under Fish and Game you'll have a report given to you by Lily Ray. There has been some subsistence baseline studies requested from this region, so she'll be giving you some information on that today.

CHAIRMAN L. WILDE: What number is that again?

MS. B. ARMSTRONG: That will be 12(D)(2). Mr. Chair, that is all I have for now. Thank you.

CHAIRMAN L. WILDE: Anything else? Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. As you know, throughout the summer we've been hearing about endangered species. It would be nice to get a general idea of what is proposed for the current endangered species. We would like to know. They talked about seals and some other stuff, so it would be nice to hear about what endangered species are proposed.

CHAIRMAN L. WILDE: Do you have a place on the agenda for that?

MS. B. ARMSTRONG: Are you talking about migratory birds? When we were up at Barrow I had the migratory bird people come and present and gave them an update because that's where a lot of this stuff was going on up in the Barrow area. I didn't see it here. If it's at all possible, I can request to have it written and give you an update and send it out to you. Would that be okay?

MR. HOELSCHER: Yes.

MS. B. ARMSTRONG: Thank you.

CHAIRMAN L. WILDE: Mr. Sandone.

MR. SANDONE: My name is Gene Sandone. I'm a private consultant working for Yukon Delta Fisheries Development Association and I have a presentation regarding Yukon area Board of Fish proposals, the AC structure and the RAC structure that I'd like to make.

MS. B. ARMSTRONG: Are you private?

MR. SANDONE: Yes.

MS. B. ARMSTRONG: And this would be regarding?

MR. SANDONE: Yukon area Board of Fish proposals to be heard in January and also a brief presentation on the RAC structure and AC structure, Board of Fish Advisory Council structure.

MS. B. ARMSTRONG: Mr. Chair. You could put that under 12(D)(3).

CHAIRMAN L. WILDE: Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. I would suggest that one would be in the same area as subsistence fisheries issues where we're going to be discussing the Board of Fisheries proposals for the AYK region.

CHAIRMAN L. WILDE: I think that would be a better place to put it.

MS. B. ARMSTRONG: Which number is that?

MR. ROCZICKA: It's under 10(C)(1).

MS. B. ARMSTRONG: That's fine with me if that's where you want it, under 10(C), Gene Sandone.

MR. SANDONE: Thank you, Mr. Chair.

CHAIRMAN L. WILDE: You're welcome. Any other changes to the agenda. Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Before we move on to something else I'd move to accept the recommendations as given with one exception, that the presentation by the U.S. Fish and Wildlife or the Y-K Delta Refuge update be put under Item G as a tribal representative. I don't have a problem moving them to later in the agenda, but to place them under tribal representative presentation I don't think is appropriate.

MS. B. ARMSTRONG: Excuse me, Mr. Chair.

CHAIRMAN L. WILDE: Yes, ma'am.

MS. B. ARMSTRONG: I talked with the refuge manager yesterday and he has been requested to be in Anchorage as of today and that's the request he had made, to be presented after Kuskokwim. He'll be back by then and that's why Robert Sundown is presenting that other part right there. So I'm just going at the call of what he asked to be on this agenda if that's okay with you. Thank you.

CHAIRMAN L. WILDE: Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Instead of calling it Item (G)(3) for tribal representation, we could just move Item (B)(1) to follow (G)(2).

CHAIRMAN L. WILDE: (B)(1) to follow Item (G)(2). Any other corrections to the agenda.

MR. HOELSCHER: Question.

MR. ROCZICKA: Mr. Chairman.

CHAIRMAN L. WILDE: Go ahead.

MR. ROCZICKA: I had one other issue I wanted to bring up that I specifically asked for at the last meeting. In talking to our coordinator, he said it was going to be there, but we also have the Board of Game pending proposals for their meeting that's going to be taking place in November 13 to 16 up in Nome. I wanted to have that in there as well. Just include that under (D)(1) for the wildlife conservation update where we'll have the State Staff here to address those proposals for our region.

CHAIRMAN L. WILDE: What is that under?

MR. ROCZICKA: I'm sorry. 12(D)(1) where we'll have the Department here.

MS. B. ARMSTRONG: You're talking about Board of Game proposed proposals, right, Greg?

MR. ROCZICKA: Yes, the AYK Region is up this cycle.

MS. B. ARMSTRONG: I'd have to check to see if anybody is here from Fish and Game to be able to honor you with that presentation.

MR. ROCZICKA: That's why I suggested to put it under Item (D)(1) when Staff is supposed to be here.

MS. B. ARMSTRONG: Mr. Chair. We have under 12(D)(1) the Board of Game proposals. Number (2) is the wildlife conservation update. Number (3) is Lily Ray.

CHAIRMAN L. WILDE: Any other issues. I would suggest that all cell phones be turned off during the meeting. We have a motion on the floor to accept the agenda. There is also a second to it. All in favor of the motion signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed same sign.

(No opposing votes)

CHAIRMAN L. WILDE: We have an agenda to work on. Thank you. Item 6, review and approve February 25 - 26, 2009 meeting minutes. Do we have a motion for approval.

MR. ROCZICKA: Move to adopt.

CHAIRMAN L. WILDE: A motion has been made to adopt. Do I hear a second.

MR. H. WILDE: Second.

CHAIRMAN L. WILDE: The motion has been made to adopt by Greg and seconded by Harry Wilde. Any other comments.

MR. ALOYSIUS: Mr. Chairman. It's proper to approve, not adopt.

CHAIRMAN L. WILDE: Well, he said approve or adopt.

MR. KRON: Mr. Chairman. Mr. Mike. This is from the minutes from February 25th and 26th meeting and it was part of a presentation from Rebecca Robbins-Gisclair from YRDFA. This was included in what she presented at the meeting last February. I think there's Staff here that are going to talk about it. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Any other corrections or comments on the minutes.

MR. CHARLES: Question.

CHAIRMAN L. WILDE: The question has been called to approve February 25-26 minutes. All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed same sign.

(No opposing votes)

CHAIRMAN L. WILDE: Motion is carried. Thank you. Since I got involved in these minutes and I forgot the introduction and the welcome. I want to welcome all of you for attending our meeting. At this time we'll have introductions starting with Steve back there.

MR. HAYES: Steve Hayes, Alaska Department of Fish and Game.

MR. SANDONE: My name is Gene Sandone. I'm with Gene Sandone Consulting formerly with EMG for 26 years.

MR. PERRY: I'm Phillip Perry, a wildlife biologist here in Bethel with Fish and Game.

MR. ESTENSEN: Mr. Chair. My name is Jeff Estensen. I'm the area management biologist with Alaska Department of Fish and Game from Kuskokwim area.

MR. GERKEN: My name is John Gerken. I'm with Fish and Wildlife Service, fisheries biologist on the Yukon.

MR. PAPPAS: George Pappas, Department of Fish and Game, subsistence liaison.

MR. CANNON: Richard Cannon, OSM.

MS. SWANTON: Nancy Swanton. I'm with the National Park Service in Anchorage.

MS. PETRIVELLI: I'm Pat Petrivelli and I'm now (away from microphone).

MS. RAY: My name is Lily Ray. I'm with the Fish and Game Commission of Subsistence.

MS. JOSEPH: My name is Alissa Joseph with ONC Fisheries.

MR. NICORI: James Nicori from Kwethluk.

MR. KRON: Tom Kron from OSM.

MS. KENNER: Pippa Kenner with OSM.

MR. ANDREW: Louie Andrew, Bethel, Fish and Wildlife.

REPORTER: My name is Tina. I'm the court reporter.

MS. B. ARMSTRONG: Barb Armstrong, your coordinator for one time only.

MR. ANDREW: John Andrew from Kwethluk.

MR. BROWN: William Brown, Eek.

MR. ALOYSIUS: Bob Aloysius, Kalskag.

CHAIRMAN L. WILDE: Lester Wilde, Hooper Bay.

MR. ROCZICKA: Greg Roczicka, Bethel.

MR. ONEY: Raymond Oney, Alakanuk.

MR. WILDE: Harry Wilde, Mountain Village.

MR. KELLY: Elias Kelly, Pilot Station.

MR. MIKE: Joseph Mike, Kotlik.

MR. CHARLES: James Charles from Tuntutuliak.

MR. HOELSCHER: Edgar Hoelscher, Hooper Bay.

CHAIRMAN L. WILDE: Thank you all. We are down to Regional Advisory Council concerns and comments.

MR. HOELSCHER: Mr. Chairman.

CHAIRMAN L. WILDE: Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. It's good to see everybody again, especially on a Friday. Thank you.

CHAIRMAN L. WILDE: Mr. Charles.

MR. CHARLES: It's good to see everybody here again. I want to thank Federal Subsistence Board, there has been a lot of meetings throughout the summer, the king salmon working group and that makes our work

easier when we get support from research. That helps us know where the fish are going. It's a lot easier than it used to be.

CHAIRMAN L. WILDE: Mr. Brown. I mean Mr. Harry.

MR. H. WILDE: (Indiscernible - microphone not on)

REPORTER: Harry. Harry.

MR. H. WILDE: .....we use sometimes at the elders meeting in Mountain Village we couldn't even look down or look up because of too many enemies fighting us through proposal. I think the proposals have to be taken care of the right way, but no matter what I think we have to represent this Federal and helping other Native people on Yukon Kuskokwim. I think how many years I've been sitting on -- starting from Federal and State. The State I was there for 15 years and I don't know how many years. Hopefully I get to relax and think about myself pretty soon. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Wilde. Mr. Oney.

MR. ONEY: Thank you, Mr. Chairman. Good to see everyone again. This summer has been a rough ride I guess for everyone, both on the Yukon and Kuskokwim, as far as utilizing the resources. (Indiscernible) probably the noisiest time I've heard since sitting on this board here about the resources, the chinook salmon, in our area. It's the worst I've heard about it in all the time I've sat on this board. The continued proposals that are being placed upon us by Interior villages is causing more hardship for our people on the Lower Yukon. Like I mentioned, this summer was the worst that I've seen. By working together, putting heads together, I'm sure we could work things out. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Oney. Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Welcome everybody. I appreciate you being here. I kind of wish we didn't have to have that change that we had. When we originally scheduled this meeting we were hoping to have it over in Mountain or St. Mary's, but it got changed on us. Overall, I guess I'd echo other folks comments.

We're sitting right at the start of a couple regulatory cycles this year. It's going to have very major impacts on down the line both on the State side and the Federal side. Not only the fisheries but in the game. I've gotten a lot of comments from folks. They mention about our fall moose hunt here. Some folks say it wasn't enough and others are still afraid that it's been too much. The caution that I've been given over and over again is we can't just be thinking about today. We've got to think about the long term and trying to do our best to assure that subsistence continues into the future and doesn't become some kind of museum piece.

I look forward to some of the discussions on the agenda, especially the one under the refuge update that they do speak about their proposal. I understand under the Federal hunt that's being proposed they're speaking of reintroducing a community harvest quota concept that first came out for the Kilbuck herd several years back. Anyway, I look forward to that. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Roczicka. I would like to thank the Staff for showing up today and I will be expecting to see you tomorrow since you were responsible for us having the meeting or since OSM is responsible for us having the meeting over the weekend. I hope we will be able to do some good for our cause of subsistence during this meeting and I know we're going to continue to work on the proposals as they come in. There isn't anything we can do about the proposals coming from upriver except to fight them as we always have in the past. My thought is that they at times put those proposals in just to make sure we're still able to work and get our thoughts in and have the right decisions come out from the boards that are responsible for the proposals that do come in to them.

I'd like to thank the Regional Council members for being here this time of the day and this weekend. I know that we're all busy this time of the year. We're all gathering and getting our subsistence needs filled at the last minute, so thank you all for showing up. I hope we continue on having a good meeting this time.

At this time we'll go down to call for proposals to change 2010/12 Federal wildlife regulations. Review and validate proposed wildlife regulation changes submitted during the winter of 2009. Mr. Tom Kron.

MR. KRON: Mr. Chairman. My name is Tom Kron with OSM. At this meeting, if any of you would like to submit proposals for the wildlife cycle, this is the time to do it. The opportunity was there last winter as well. The Council chose not to submit any proposals at that time. Again, this is the time to submit wildlife proposals if you'd like to do so.

CHAIRMAN L. WILDE: Thank you, Tom. The proposal period ends November 5, 2009. If anybody in the audience. I don't see any local people. James.

MR. CHARLES: Thank you, Mr. Chairman. My name is James Charles. I am Lower Kuskokwim Fish and Game Advisory Committee chair. People have been asking me about the moose hunt we had this fall and people ask me if the Fish and Wildlife Service is going to open the area like Fish and Game did for next year or the year after and I tell them to make a proposal and if that proposal is accepted, the Federal will open the area for moose hunting again like they did before. I tell them it's open in other areas, but not in the Lower Kuskokwim where a moratorium was made for moose hunting. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Charles. You stated there was no proposals put in for review, Mr. Kron?

MR. KRON: Mr. Chairman. There have been a number of proposals that were submitted. The refuge submitted a number of those and I think Robert Sundown was going to speak to them, but I don't think Robert is here yet.

CHAIRMAN L. WILDE: Mr. Roczicka. Thank you, Tom.

MR. ROCZICKA: Mr. Chairman. If we don't have the proposals in front of us, how can we comment on them or review them, for starters. The only proposal that I'm aware of that really took place was the State proposal that did open the fall hunt. It was done as a petition and they put it in place temporarily and they will be dealing with the issue again at their November meeting.

One of the points raised that didn't get included in the end was that it's been talked about that the boundary for the Kuskokwim area should actually be moved

over to the west bank of the Johnson River so that those tundra villages out there could get a chance to hunt and have those included in the Yukon regulations because that population of moose comes from the Yukon. That's the only one that occurred in the winter of 2009 that's talked about here that I'm aware of where there was any regulatory action. The Federal Board didn't deal with wildlife proposals during that time.

CHAIRMAN L. WILDE: Thank you, Greg. Pippa.

MS. KENNER: Hi. I just wanted to remind the Council that this agenda item, the public will be able to submit proposals up to November 5th, but this is the chance for the Council to submit a proposal. It is not necessary to submit a proposal. We're doing it again because the wildlife cycle got extended, so we went through this process at the last meeting and no proposals were submitted. There was a lot of discussion, but no proposal was submitted. Now, because of the extension of the wildlife cycle, we're offering you another chance as a Council to submit a proposal.

As far as the wildlife proposals that we've gotten from the public, because our wildlife cycle was extended you're going to have a chance to review all of those proposals after we've got them all, they've been validated and they've been analyzed. This is the very beginning of the process and you'll be presented all the proposals at the next meeting to comment on.

This is Pippa Kenner with OSM.

CHAIRMAN L. WILDE: Thank you, Pippa. Mr. Andrew.

MR. ANDREW: Mr. Chairman. Thank you. This is John Andrew from Kwethluk. I want to back up what Mr. Charles was saying earlier about the moose this past September. Last year our village, Kwethluk, along with IRA and Kwethluk, Incorporated requested for a limited moose hunt under the State and then under this Council, under the Federal Subsistence Board. The State went along with it to give us a limited moose hunt September 1 through 10, which we're grateful for, but it got shot down by our Council.

Earlier this summer we asked to put in a proposal to extend that limited moose hunt from September

1 through 20 and when we called our refuge office one of the guys that gave us the information that regulatory proposal appeared to have closed, but that was misinformation we got. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you, Mr. Andrew. Go ahead, Tom.

MR. KRON: Mr. Chairman. Tom Kron with OSM. Again, as Ms. Armstrong noted, this item on the agenda was going to be addressed by Robert Sundown from the refuge. In any case, he is not here yet. There have been some proposals submitted and he was going to speak to those, but I would recommend we wait until he gets here to address that. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you, Tom. Any further discussion on proposals? I guess we all got the information that this was extended, so if any of the Council members would like to put in a proposal, the period ends November 5th. Okay. We are down to Item B, WSA08-13, double allowable harvest, Tom Kron.

MR. KRON: Mr. Chairman. I think probably the best thing to do on this one, I've got copies. Pete DeMatteo just finished the analysis on this. I will pass out the copies for you to look at. We don't have our teleconference line set up yet and I know that the refuge will want to have some input on this one as well. So maybe at this time if I can pass out the draft analysis on that particular special action for you to look at, it's a proposal from Scammon Bay for a two moose limit and extending the winter season. I'll pass those out, but I recommend we wait until Robert gets here because I think their input will be real important relative to harvest and population status. So at this time, if it's okay, Mr. Chair, I'll pass out a copy of the analysis, but I recommend we wait until the refuge gets here.

CHAIRMAN L. WILDE: Okay. Let's go for a 15-minute break at this time while the stuff is being passed.

(Off record)

(On record)

CHAIRMAN L. WILDE: Call to order. We are down to Item B, WSA08-13, double allowable harvest.

Mr. Tom Kron.

MR. KRON: Mr. Chairman. Tom Kron with OSM. If you will, I would recommend that we go first with the refuge presentation of wildlife proposals that they've submitted. When they've completed that, Pete DeMatteo is going to present the special action that we've received from Scammon Bay and I will help with that as well, but we definitely wanted to hear from the refuge on their perspective. So I would recommend first, Mr. Chairman, you go with Mr. Sundown. Thank you.

CHAIRMAN L. WILDE: Okay. Go ahead, Robert.

MR. SUNDOWN: Thank you, Mr. Chairman. Members of the Board. For the record, my name is Robert Sundown. I'm subsistence resource specialist with the U.S. Fish and Wildlife Service at the Yukon Delta National Wildlife Refuge.

CHAIRMAN L. WILDE: We are not the Board, we are the Council.

MR. SUNDOWN: I'm sorry. Council. What is the desire of the Council to hear proposals? Do you want to go through the two boundary change proposals then go on to the community harvest and then on the lead shot?

CHAIRMAN L. WILDE: (Nods affirmatively)

MR. SUNDOWN: Okay. We can do that then. The first two are relatively easy. It's a proposal to change the Lower Yukon boundary from the current position it's at now. The current boundary reads a line north and west from a line from Cape Romanzof to Kusilvak Mountain then on to Mountain Village. If you were to look at a map, Kusilvak Mountain is a substantial mountain. It's at least seven miles long going north to south and the regulation reads to Kusilvak Mountain. It doesn't say where on Kusilvak Mountain. It doesn't say the peak, the north side, the south side. So you've got a substantial area that people can go hunting in and it most affects hunters during the winter season when there starts to be a divergence from Unit 18 other and Unit 18 Lower Yukon.

In order to make this clear for hunters, the refuge proposed that we move the boundary a little south to the Kashunuk River. It would go from the mouth

of the Kashunuk River following the east and south bank all the way to the old village site of Chakaktolik and straight to Mountain Village. I apologize. I don't think I said it right.

CHAIRMAN L. WILDE: Which mouth of the Kashunuk are you talking?

MR. SUNDOWN: The one just west of Chevak.

CHAIRMAN L. WILDE: That could be confusing also.

MR. SUNDOWN: Yeah. And we've made that for several reasons. The first reason, to make it easier for hunters because unless you have a GPS during the winter hunt and if you GPS the straight line from Cape Romanzof to Kusilvak Mountain, I guess you'd have to choose where on Kusilvak Mountain you decide the boundary is and then on to Mountain Village. It would give people a clear line where they can hunt. It would also make it a lot easier for people from Hooper Bay and Chevak if they wanted to go hunting up the Kashunuk. That was done for the benefit of hunters and law enforcement from the refuge's perspective.

I'm not a biologist, so I can't really speak on the biological impacts, but the refuge biologist, Eric Walled and Tom Doolittle felt there was going to be minimal impact with regard to additional moose harvest just because the area that is included is in the upper part of the Kashunuk.

I'll be glad to take any questions on that proposal.

CHAIRMAN L. WILDE: Any questions. Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. I'm James Charles. Changing the boundaries is a problem to some users, like hunters or fishermen. As I told you before, I chaired Lower Kuskokwim Fish and Game Advisory Committee. We changed the boundary on fishing one time and still up to this day some people are trying to use the old boundary down at the mouth of the Kuskokwim. We changed the line quite a while back, but some people are still confused about that boundary.

When we proposed for this moratorium, that happened the same way. I helped Roger, the Fish and Game biologist we had here, and we made the lines on the moratorium. He asked me to help him on our part on the Lower side of Kuskokwim from the mouth of Kuskokwim to Dall Lake, people know that line. So I worked with him to make that line so people can know that because they know that area and straight lines. From there I told him have the upriver people help you make the rest of the line. I don't know if that went through. So that's still confusing up to this date, the boundary for upper side of the moratorium line. It's easier when you have a straight line on GPS, but using landmarks is better too. So changing boundaries is a problem sometimes for some users and hunters. Thank you.

CHAIRMAN L. WILDE: Robert, does that boundary start from Scammon Bay, the southern end of the boundary?

MR. SUNDOWN: The current boundary or the proposed boundary?

CHAIRMAN L. WILDE: The proposed boundary.

MR. SUNDOWN: The proposed boundary starts west of Chevak at the mouth of the Kashunuk River. In this case, it would be liberalizing the area. It wouldn't be making it smaller.

CHAIRMAN L. WILDE: The upper mouth of the Kashunuk River to Mountain Village.

MR. SUNDOWN: Yeah.

CHAIRMAN L. WILDE: That will be a lot easier to understand, I think.

MR. SUNDOWN: So if you were a hunter from Chevak or Hooper Bay and you were going to go hunting during the winter hunting season, you would first have to program into your GPS a straight line from Cape Romanzof to Kusilvak and it would depend on which point on Kusilvak, which seven-mile segment north or south, that you wanted to use. This would make it a lot easier for hunters. Number one, it would liberalize the area. It would make it larger. All of a sudden people can say during the summer or winter hunt I can go up the Kashunuk and any moose on the left side of the river, going

upriver, is fair game. Or if you're on a snowmachine, this is the Kashunuk, I'm on the north and west side of the Kashunuk River. So you wouldn't need a GPS with this current proposal that we have submitted.

CHAIRMAN L. WILDE: Go ahead, Mr. Wilde.

MR. H. WILDE: Mr. Chairman. You know, talking about the lines and stuff, we elders don't believe in the line and marks or anything. As long as a person hunt for subsistence use, even people come from any place, as long as not going to our subsistence hunting area, land allotments, cabins, opening up, it's okay to open them, even it's locked when it's cold. I don't believe in it. I am 80 years old. I'm not training. I never have been training not to help anyone who's hungry or needs help. I'm not just like between Cape Romanzof to Mountain Village. I'm not believing that line, this side and that side. I think the person who goes out for subsistence for food should be marked as welcome in our area. That's the way I'm trained.

Some people come from down there, Hooper Bay, Chevak. I just met a person yesterday from here went to Fish Village helping an elderly man to have something to eat in the winter time. That's the kind of people should be. They should be looked at like that. I like to help the people the way I could help. Thank you.

CHAIRMAN L. WILDE: Any other comments. Mr. Brown.

MR. BROWN: I have a comment about the boundary line on the north side of Kanatuk for commercial openers. I heard last summer that those local people put the boundary line for a commercial opener. They were maybe 500 short where they used to have a line below that big (indiscernible). So for the next annual meeting they wanted me to bring that out to relocate it in the original area. They said it's probably five to eight hundred feet short where it used to be before. So you guys consider that too. Thank you.

CHAIRMAN L. WILDE: Thank you, William. I couldn't hear or understand what you were saying. Did you get the gist of his concerns?

MR. SUNDOWN: Yeah. It was on another concern for fishing on the Kuskokwim Bay.

CHAIRMAN L. WILDE: We are now in discussion of the boundary line.

MR. HOELSCHER: Mr. Chairman.

CHAIRMAN L. WILDE: Go ahead, Edgar.

MR. HOELSCHER: Thank you, Mr. Chairman. To get a clearer understanding in regards to the boundary line, I think a proposal should be put in writing whether the proposee wants it north or south. Thank you.

CHAIRMAN L. WILDE: Go ahead, Robert. Do you have an answer to that?

MR. SUNDOWN: Yes, Mr. Chairman. When we wrote the proposal, we both proposed the legal language and it was for the mouth of the Kashunuk up to Chagofta Lake (ph) then to Mountain Village. Then we also included a map of where the proposed boundary would be.

CHAIRMAN L. WILDE: This proposal is from the delta, from the refuge.

MR. SUNDOWN: From the Yukon Delta Refuge.

MR. ALOYSIUS: Mr. Chairman. What document is he talking about?

CHAIRMAN L. WILDE: We don't have that in front of us. Do you have that. Go ahead, Mr. Kron.

MR. KRON: Mr. Chairman. The proposal book isn't out yet. This is just the proposal period where the Councils, the public, the refuge can submit proposals. This proposal will be included in the proposal book when it comes out later this fall. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Okay. Robert. Any more discussion on this draft of the proposal. Elias.

MR. KELLY: Elias Kelly from Pilot Station. Robert, thank you. Before the Lower Yukon River controlling this area was designated before the moose moratorium was agreed on, that portion of the Yukon River was designated as remainder of Unit 18. Now that our moose numbers are up and are not an issue of concern, have you guys considered to be incorporated back as

remainder of Unit 18 rather than designating a new boundary?

MR. SUNDOWN: Thank you, Mr. Chairman. No, we've not considered that. I guess we haven't put much thought into that. Rather we've tried to improve the boundary to give more access to hunters in the Lower Yukon area. Really what this proposal aims to do is liberalize the area of the Lower Yukon and make it less confusing for hunters. If they used a landmark, like the Kashunuk River, a geographical feature like the Kashunuk River as opposed to a line that you need a GPS to determine, it would make access easier for hunters from the areas of Scammon Bay, Hooper Bay and Chevak a lot easier to determine.

CHAIRMAN L. WILDE: Any other comments, questions.

MS. GREGORY: Mr. Chairman.

CHAIRMAN L. WILDE: Yes.

MS. GREGORY: Mary Gregory. I'd like to see the people who live in those areas to be involved in this. Can you go to the people in Chevak and that area and tell them what you guys are proposing?

MR. SUNDOWN: That's a good idea, Mr. Chairman. We can go to those villages and bring this proposal before their traditional councils.

MS. GREGORY: When we meet in March, then you can make those adjustments and what those people had to say.

CHAIRMAN L. WILDE: Thank you, Mary. Greg, Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Kind of to follow up what Mary just said, have you thought about perhaps incorporating within your proposal that special action that's going to be next on our agenda from Scammon Bay and putting it in as one joint proposal so they could cover that boundary and their proposed harvest increase as well?

MR. SUNDOWN: Mr. Chairman. No, we've not considered doing that, to make it a single proposal, changing both the seasons and bag limits and the

boundary.

CHAIRMAN L. WILDE: For my two bits, I think the people in our area is going to welcome that line a lot better than they did the Cape Romanzof to Kusilvak line. That's a lot easier to understand and I'm sure the people in that area are going to ask you to go ahead and forward that.

MR. SUNDOWN: Mr. Chairman. That is true. The few people I've talked to back home have really been supportive of the proposal because it, number one, liberalizes the hunting area and it makes it easier for the hunters to identify this line so more people in that area can utilize easily that geographic line.

CHAIRMAN L. WILDE: The lowest Yukon moose is growing at the rate so fast that it needs to be culled a lot more and I think that would help in cutting down the population in that area for the feed that's available in that and I think that would be a good proposal. Anything else. Any other concerns on the proposal as read by Mr. Sundown.

(No comments)

CHAIRMAN L. WILDE: If not, next.

MR. SUNDOWN: Thank you, Mr. Chairman. The other proposal that we are supportive of is actually a proposal by the Native Village of Nunapitchuk. It proposes to change the boundary from the current boundary where it is to the Johnson River. The current boundary reads from Ishkowuk River down at the mouth to the eastern end of Dall Lake, then it follows a line right along the Yukon River. It's hard to understand without a map, but the upper part of the boundary covers pretty closely the Yukon River and we're supportive of their efforts to change this proposal because it more equally represents a dividing line between the Yukon and the Kuskokwim.

As it is right now, if you were from the tundra villages and you wanted to go moose hunting, you could not do so outside of the Kuskokwim season. If we changed this proposal or if this proposal passed, all of a sudden you could get into the Yukon other hunting area for moose in the fall time by the Johnson River. So all of a sudden if you -- it would be along the same lines as the Kashunuk proposal.

If you went on the Johnson River and you looked on the left side, moose on the left side is now fair game. From that point it's kind of a mid point between the Yukon and the Kuskokwim. All of a sudden everybody from the tundra villages or Bethel or any other village can now go up the Johnson to harvest a moose because it would now be considered part of Unit 18 other, which is that middle Yukon segment.

CHAIRMAN L. WILDE: Thank you. Any comments. Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. So that proposal, if it passes, are the boundaries going to be different than the State so we have two boundaries to use when we go hunting, Federal line and State line? That's going to confuse the hunters more because back at that 10-day hunt we had in our area the corporation land was where they were supposed to hunt and the little bit of Federal land there confused a lot of hunters and they had to go look at the map. I don't know how many times my kids were doing that. It was not easy for them. They were afraid they might cross the line when they go hunting. It's going to hurt some hunters if they go on State hunt. They have to understand that if we have two boundaries to go hunting with. Thank you.

CHAIRMAN L. WILDE: Mr. Sundown.

MR. SUNDOWN: Thank you, Mr. Chairman. That is a very good question. The State of Alaska has two proposals on these two identical boundary changes, both for the Lower Yukon and for the one on the Johnson. So the state is proposing identical changes and is supportive of identical changes both to moving the Lower Yukon boundary to the Kashunuk and moving the boundary on the Kuskokwim to the Johnson River, so we would be in sync. Truly the goal of both the State and our offices are to make this hunt easier for the residents, which is why they're being proposed.

CHAIRMAN L. WILDE: Thank you. Any comments. Mr. Perry.

MR. SUNDOWN: Mr. Chairman. I didn't realize Phil was sitting next to me, so I'll let the State answer that.

MR. PERRY: I was going to come help Robert out, but he didn't need any help. I don't have

anything additional.

CHAIRMAN L. WILDE: Robert, go ahead.

MR. ALOYSIUS: Something confused me here a little bit. It's my understanding the Johnson River starts up there right behind Kalskag, not back here in the tundra.

MR. SUNDOWN: That is correct. So it would be near the mouth where the Johnson discharges into -- I forgot the name of the lake just north of Nunapitchuk. So it doesn't start at the mouth of the Johnson per se where the Johnson meets the Kuskokwim. It's where the Johnson discharges into a lake above Nunapitchuk. Phillip can answer where the State proposes, but it's pretty similar.

MR. PERRY: I think your question was about the lake just north of Kalskag that the Johnson eventually ends up in, Arhymotk Lake.

MR. ALOYSIUS: We call it Big Lake. I don't know what the real name of it is. If you go upriver, all the way up the Johnson River, you're going to wind up in that lake behind Kalskag, where that Johnson River starts. Contrary to some of these maps, that is not Crooked Creek. It is the head of the Johnson River. When you're talking about Johnson River starting down here behind Nunam, that's not true.

MR. SUNDOWN: Thank you, Mr. Chairman. He is technically correct. The headwaters of the Johnson are in the upper parts north of Kalskag and the boundary follows that to the boundary of Unit 19. So that would be the proposal, is to change the Unit 18 other to that boundary. Without a map it's rather confusing and when the proposal book comes out, I would hope the map would make it clear.

CHAIRMAN L. WILDE: Thank you. Mr Wilde, did you have a comment?

MR. H. WILDE: Yeah. I would like to ask this proposal -- the land from Scammon Bay to Mountain Village through Kusilvak. Below that we always have to hunt below that under Federal. One thing that a lot of people don't understand why they have that mark in force by State. The people that want to have a moose, some of them misunderstand and catch a cow in moose hunting time

enforced by State, but that area is supposed to be controlled by Federal. Why the Federal enforcement don't enforce that?

MR. SUNDOWN: Mr. Chairman. If I understand that correctly, there's a difference between the real estate we own at the Fish and Wildlife Service and what real estate is controlled by the State of Alaska with Native allotments and corporation lands. We can only enforce our regulations, which are a little bit more liberal with regards to cow take on our lands.

CHAIRMAN L. WILDE: Go ahead, Mr. Kelly.

MR. KELLY: Elias Kelly from Pilot Station. You know, the same proposal with Scammon Bay regarding the Kashunuk River, we've got the same situation with the Johnson River. To us in Pilot Station the Kashunuk River starts right across Pilot. Chakaktolik is not very far from us actually. If this proposal can liberalize more of the area, compared to the winter hunts, the Lower Yukon will have a 20-day hunt whereas the remainder will just have a 10-day winter hunt. I know many hunters who go down on the other side of St. Mary's to catch something with that 20-day hunt. If Pilot Station can be involved in some way, you know, I'm all for it. Thank you, Robert.

MS. GREGORY: Mr. Chairman. Before we go on I'd like to say something. If we are talking, please do not do something. Wait until we go on a break because it's disturbing and we can't hear what everybody is saying.

CHAIRMAN L. WILDE: Thank you, Mary. Yeah, it's kind of hard for us to listen to the presenter if there's paper rattling in the back of us. If you would wait until such time as we have a break and put up your posters and whatever needs to be put up, we'd appreciate it. Thank you. Go ahead, Mr. Sundown.

MR. SUNDOWN: If this was something you would be supportive of or that your traditional council in Pilot Station would be supportive of, then it could only help. But that is true. It would liberalize the season for people around the upper end of the Kashunuk. So more people from Pilot Station, St. Mary's, would have easier access at this point to the longer season closer to your area. It's still fairly close to Mountain Village, but that is true.

CHAIRMAN L. WILDE: One question I have before I get to you, Greg. Would the hunt be the same where you catch a moose as opposed to a bull?

MR. SUNDOWN: On Federal lands during the winter it would be open to cows and calves and not just bulls. The State, I believe, help me out, Phil, is an antlered bull or a cow.

CHAIRMAN L. WILDE: Mr. Perry.

MR. PERRY: The State season is now aligned so that below Mountain Village in the winter hunt you can harvest any moose. So we'll get rid of that confusion with State and Federal lands below Mountain Village and hopefully with this proposal clarify or make it a little easier for people to tell. It shouldn't effect the fall season at all, the bag limits and the hunting seasons are the same. It's just the winter hunt.

CHAIRMAN L. WILDE: Okay. Thank you. Greg. I'm sorry.

MR. ROCZICKA: I just had a comment on this and somebody can correct me if I'm wrong. This boundary change as far as Johnson River goes, in my view, should already be there. This is a proposal that has come from Nunapitchuk was originally put in as a special action request to allow them some kind of access in the fall hunt that we just got done having on the Kuskokwim.

The Federal Board, instead of interpreting their policy on special actions are making it more restrictive and harder to help people out by saying that we don't have no authority to change a boundary under a special action, although there is language there that they could have used to justify doing it anyway, but they just said, no, we don't have the authority to deal with it and we're not going to deal with it.

So it was a choice that was made and there's no provision, I believe, or they couldn't find one or decided not to make one that would have allowed the emergency authority for the refuge manager to make that change administratively as a temporary thing until they did have a chance to deal with it at their full regulatory meeting. In my mind, it should be there

already.

CHAIRMAN L. WILDE: Any further comment on the boundary changes proposal. Mr. Andrew.

MR. ANDREW: Mr. Chairman. I've just got a couple of concerns. We all know on all the river corridors they're under State jurisdiction. The same is true with all the Native allotments, which a majority of the river corridors are classified under such. They said very little of it is Federal jurisdiction. Way further up the river is where your Federal boundary lines are. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you, Mr. Andrew. Any further discussion. James Charles.

MR. CHARLES: Thank you, Mr. Chairman. Robert, that Johnson River boundary is going to be easier to be outside the line or is it going to be more straight lines using the landmarks out there like the downriver end?

MR. SUNDOWN: Yes, Mr. Chairman. Our whole goal for supporting this proposal is that it makes it easier for hunters. It also gives access to moose for a longer season. For example, if this special action request from Nunapitchuk went through this summer, the Kuskokwim, at the Johnson River, upriver of Nunapitchuk would have been open to moose hunting through the 30th. So people would have had a longer season and you have a clear, identifiable boundary that you can go harvest moose.

So if this proposal does pass next season, let's say we do have a 10-day hunt on the Kuskokwim again or let's say a 15 -- we don't know how long this hunt is going to be this next year, but the upper part of the Johnson north of Nunapitchuk would still be open through the 30th of September.

CHAIRMAN L. WILDE: Go ahead, Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. It's not Nunapitchuk only. The tundra villages, they all go up that way. All those villages are aware of that now or going to be notified about that? Thank you.

MR. SUNDOWN: Thank you, Mr. Chairman.

It's their proposal, so I imagine they would. Not only people from Nunapitchuk. If you wanted to come from Tuntutuliak to go hunting the Johnson River, you could come up Tuntutuliak or Eek or Napaskiak.

CHAIRMAN L. WILDE: Any further comments on the boundary proposals. Mr. Brown.

MR. BROWN: Some folks they have to find where the boundary lines are on a map. Those folks don't rely on the GPS. In the future, if you guys make boundaries, you should print them out on a map.

MR. SUNDOWN: Thank you, Mr. Chairman. Yeah, that is where I technically assisted the village. We were working with Eli Wassille from Nunapitchuk who requested help on how we could visualize this and we did provide him assistance on making a map for their proposal. It's something that hopefully is in the proposal book when you guys receive it.

CHAIRMAN L. WILDE: Thank you, Mr. Sundown. Any further questions on the boundary changes. Mr. Aloysius.

MR. ALOYSIUS: I'm getting more and more confused. What I'm hearing now, anything on the north side of Johnson River is fair game until September 30th. It goes all the way up the boundary between 18, 21 and 18 and 19, is that right?

MR. SUNDOWN: That is correct. So it would have virtually the same season as those areas south of Pilot Station, Mountain Village, St. Mary's. That boundary would be now -- the north and west side of that boundary would be part of the Yukon other.

CHAIRMAN L. WILDE: Are you satisfied, Mr. Aloysius?

MR. ALOYSIUS: Big surprise, but I'm for it.

CHAIRMAN L. WILDE: Any further discussion on the boundary changes?

(No comments)

CHAIRMAN L. WILDE: If not, your next item, please.

MR. SUNDOWN: Thank you, Mr. Chairman. The next item we will go on to for refuge input is the special action request from Scammon Bay. The proposal from Scammon Bay is a special action to increase the moose bag limit from one moose to two moose total for the Lower Yukon segment only. So it would allow or give a mechanism for hunters in the Lower Yukon to harvest not just one, but two; one during the fall and another during the winter season.

I will advise you guys that the refuge and OSM do diverge in their support for this proposal. The refuge supports this additional moose request and OSM is going to oppose it.

CHAIRMAN L. WILDE: Thank you, Mr. Sundown. Go ahead, Mr. Kron.

MR. KRON: Mr. Chairman. I believe we've got Pete DeMatteo on the line. He has a short presentation on this. At the conclusion we're asking if the Council would like to make a recommendation on this special action request from Scammon Bay. Pete, are you there?

MR. DEMATTEO: Yes, I'm here. I wonder if I could beg the Council's patience. We have a very loud hum on this end. Maybe we could have the court reporter check the connections at this time.

MR. KRON: Tina is saying it sounds like we're good here. I guess I'd recommend just go ahead, Pete, and try to ignore the hum. Go ahead with your presentation and, again, at the end, we'll be looking for the Council's recommendation on this emergency special action request from Scammon Bay.

MR. DEMATTEO: Very good. Mr. Chair. Members of the Council. You should have copies of the analysis of the special action in front of you. It should say special action request WSA08-13. This special action was submitted by the Scammon Bay Traditional Council.

The Traditional Council requests that the harvest limit in that portion of Unit 18 north and west of the line from Cape Romanzof to Kusilvak Mountain to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be changed to two moose per regulatory year with one allowed in the fall season and

one allowed in the winter season.

The proponent requests that the Federal Board provide Federally qualified subsistence users the opportunity to harvest one moose in both the fall and winter seasons. This request would effectively span the harvest limit from one to two moose per regulatory year in the affected area.

Under this proposal a hunter who harvested one antlered bull in the August 10 through September 30 season would be allowed the opportunity to harvest an additional moose during the December 20 through January 20 season in the affected area.

The Scammon Bay Traditional Council suggests that management of the Lower Yukon moose population strategy should include the expansion of the harvest limit from one to two animals. This would help to stabilize the population and avoid the cyclical fluctuations that have characterized this population.

The proponent claims that the State harvest ticket data suggests a low harvest during the fall season. The proponent states that this low harvest combined with the low density of natural predators in the area has allowed unrestrained growth of the moose population, therefore there is no biological reason to limit the harvest to one moose per regulatory year. The proponent further states that the special action is needed to help keep the population in check.

The proponent cites a number of conservation concerns in this special action request, including the possibility of moose population exceeding the carrying capacity of this habitat, thus resulting in a population crash. The need to limit growth rate to maintain the moose population size, the low predation rates, thus allowing for substantive growth rate and concerns about calves dying in the winter due to starvation.

Mr. Chair, because many of these concerns have arisen over a period of years. It was not clear that this request fell within the parameters of special action. However, a full analysis of the request was conducted to examine the merit of these conservation concerns.

You can see the proposed Federal

regulations on Page 2 on the analysis of the proposed Federal regulations and it essentially adds the following language. A hunter who harvested one antlered bull during the fall season in this hunt area may also harvest one additional moose during the winter season. Hunters may not harvest more than two moose in this area per regulatory year.

Based on the moose population surveys that were conducted by the refuge staff in February 2008, the mid point of the moose population estimate for this area was 2,828 moose when using traditional survey methods and 3,300 moose when the sightability correction factor was incorporated in the 2008 analysis. Using the correction factor population estimate on the Lower Yukon River, the area from Mountain Village to Emmonak, resulting moose density was 2.8 moose per square mile.

This population has experienced rapid population growth since the end of the moratorium on moose hunting in 1994 with an average growth rate of 27 percent, '94 to 2009. Based on the 2008 survey results, it appears that the affected population could support additional harvest because of the current population size, density and the high productivity.

Reported harvest totals from 2005 through 2009 winter season can be seen on Table 2, which is on Page 6 of the analysis. From 2007 through 2009, the average annual reported winter moose harvest is 29 moose. There appears to have been an increase in hunter success since 2005.

Mr. Chair, even with the any moose harvest limit provided in the 2009 winter season. The total reported winter harvest remains lower than what was anticipated. An alternative was considered to address the expansive growth of the moose population in this area. That was to allow any adult moose, which would be a bull or cow, harvest at that time. This would be more liberal than the current one antlered bull allowed during the fall hunt and could address the proponent's concerns about habitat carrying capacity and the possibility of over-browsing.

Providing the fall cow moose harvest could allow for taking of the production component of the population and would help to address the expansive growth of the moose population.

At it's March 2009 meeting, the Alaska Board of Game changed the State winter harvest limit of one antlered bull or one calf to any moose. This regulatory change aligns with the current Federal regulations for the December 20 through January 20 season.

Mr. Chair, adoption of this special action request would provide the opportunity for Federally qualified subsistence users to harvest a moose during the December 20 through January 20 season, an addition to the opportunity to harvest an antlered bull during the fall season.

Adoption of the proposed expansion of the harvest limit would require Staff to design and issue Federal registration permits in order to monitor the harvest. Harvest tracking would require cooperative efforts with leaders to collect and compile harvest total with timely conveyance of the information to the Yukon Delta Refuge Staff.

Adoption of the request would create differences between State and Federal regulations. During the December/January season, Federally qualified subsistence users would not be authorized to harvest an additional moose on State or private lands within or adjacent to Federal boundaries.

Mr. Chair, considering the relatively low level of reported annual harvest, adoption of the proposed expanded harvest most likely would not address the high growth rate of the moose population or the conservation concerns of the proponent. Any additional moose harvested by Federally qualified subsistence users during the winter season would be insignificant compared to the size of the affected moose population.

Even with the any moose winter season harvest limit combined with the proposed opportunity to harvest the second moose, the additional winter harvest is expected to be insignificant with minimal impacts on the expanding population. However, the requested harvest limit expansion would help to facilitate management of the affected moose population and would provide Federally qualified subsistence users with the opportunity again to harvest an additional moose.

Mr. Chair, it is important to consider the fact that the Board has already taken multiple

actions during regular wildlife cycles to increase harvest opportunity in the Lower Yukon River drainage. In addition to the Board's liberalization of the hunting season and allowance for harvesting any moose during the winter season, hunters already have the option to take more than one moose for a family or for others via designated hunter permits. Furthermore, there is currently a lack of moose browse data and an understanding of the habitat carrying capacity to support the proponent's possible conservation concerns.

With all that said, Mr. Chair, the OSM preliminary conclusion is to oppose special action WSA08-13 and this concludes my presentation of the Staff analysis. Thank you.

CHAIRMAN L. WILDE: Thank you, Pete. Any comments, discussion on the proposal.

MS. GREGORY: Mr. Chair.

CHAIRMAN L. WILDE: Go ahead.

MS. GREGORY: Pete, I'm so glad to hear your voice and I miss your presence here. I have no objections to this proposal because I think it was well presented and the supporting information was provided that the Lower Yukon people concur with me.

CHAIRMAN L. WILDE: Thank you. Mr. Roczicka.

MR. ROCZICKA: Mr. Chair. Pete, you said extensively throughout your presentation and also in the Staff analysis, which I didn't get to just a few minutes ago. It would have been nice to see it up front before the meeting started. Essentially, it's not going to present any problem whatsoever for this proposal to go forward. None of the biological factors you laid out are going to be affected and if it's not going to have any negative impacts on a population. I can't understand you coming to the conclusion or OSM coming to the conclusion that they have other than it might make additional paperwork.

I think maybe if people put their minds to it they might find a way to make it less paperwork. This is rather tongue in cheek, but maybe not. Maybe you ought to consider making it no bag limit, no closed season for that area as far as moose goes similar to the

beaver.

I'd strongly recommend you guys reconsider and perhaps look at ways to accommodate subsistence needs to the greatest extent possible rather than looking for paper roadblocks.

CHAIRMAN L. WILDE: Any other comments. Mr. Brown.

MR. BROWN: I have a concern about sport hunting. Is it going to include that too?

CHAIRMAN L. WILDE: Can we keep the discussion to the proposal that we're discussing at the moment. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. I support this request because a lot of our people from our area spend lots of money just to get these moose than buy store-bought meat.

CHAIRMAN L. WILDE: Any further discussion. Mr. Aloysius.

MR. ALOYSIUS: Thank you. I'd like to have some clarification, the way I look at it. It says all Federal qualified users. That means anybody in the State of Alaska who is a Federally-qualified user. The way I look at this thing, it's restricting the population to that area. What about the rest of us? It doesn't make sense to me you're opening it up just for a select few people.

CHAIRMAN L. WILDE: Mr. Kron.

MR. KRON: Mr. Chairman. All Federally-qualified users, in this case, those that are qualified under the Federal regulations are the residents of Unit 18 as well as the villages of St. Michael, Stebbins and upper Kalskag. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Does that help you out, Mr. Aloysius?

MR. ALOYSIUS: It doesn't help me out at all because it's still excluding a lot of people who need to get some moose.

CHAIRMAN L. WILDE: Any further comments

on this special action.

MS. GREGORY: I have a question. You said upper Kalskag. No Lower Kalskag?

MR. KRON: Mr. Chairman. Both Kalskag and Lower Kalskag have customary and traditional use for moose. Both parts of Kalskag can hunt under these regs that are proposed. Thank you, Mr. Chairman. I'm going to get a lecture from Robert, I think.

CHAIRMAN L. WILDE: Thank you for remembering that there is, as Robert says, no upper Kalskag. Go ahead, Robert.

MR. ALOYSIUS: It's very strange to me that we hunt way the heck down there. I know of no one that goes from Kalskag or Lower Kalskag to hunt down in that Lower Yukon area, but I'm for it.

CHAIRMAN L. WILDE: Any further discussion on this proposal.
Hearing none. Oh, Mr. Roczicka, got an afterthought.

MR. ROCZICKA: No, not an afterthought, but maybe to take a formal action. We were requested to come up with a recommendation to OSM. I guess I'd move at this time that we recommend supporting the proposal. I mentioned in my comments that I wish they'd reconsider. I'd just move then that we support Scammon Bay's request.

CHAIRMAN L. WILDE: The motion has been made.....

MR. ALOYSIUS: Second

MS. GREGORY: Second the motion.

CHAIRMAN L. WILDE: The motion has been made and seconded. Any further discussion.

(No comments)

CHAIRMAN L. WILDE: There being none. All in favor of the motion signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed.

(No opposing votes)

CHAIRMAN L. WILDE: Mr. DeMatteo, you got our answer. Thank you. Go ahead, Mr. Sundown.

MR. SUNDOWN: Thank you, Mr. Chairman. We'll move on to another proposal that was passed by your Council a couple years back and it's just a renewal of the lead shot ban. It passed as a special action last year. It was effective through June 30th and we need another special action in order for the lead shot ban. If you guys remember, the proposal was to ban lead shot in all areas of Unit 18 for the taking of game and other wildlife including furbearers.

That expired the 1st of July if I'm correct and it just takes another special action to continue it until the Board takes a permanent action on that proposal. And the refuge supports that proposal.

CHAIRMAN L. WILDE: Any discussion on the special action request for lead shot ban in Unit 18. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. Where is the Board currently standing with this issue?

MR. SUNDOWN: The Board will take it up permanently during their winter meeting, but currently the regulation lapsed. A little bit on the history. It was originally a proposal from the Native village of Hooper Bay that was proposed several years back that made it through to the Council both on the Federal and State side of the proposal. So we've been only able to take it up under special action, which is only good for one calendar year. The special action from last year that was passed expired on June 30th of this year, so they are doing another special action before they take it up permanently during the season.

CHAIRMAN L. WILDE: Thank you. Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Just as a point to be made here is that wasn't this a foreseen circumstance? Wasn't an unforeseen circumstance, so how can the Board take action on this under their special action criteria because it wasn't an unforeseen circumstance that they can't take action to approve things like the Johnson River boundary change and things

of that nature, saying that this should have been foreseen. Yet, when it's something they want to do, they suddenly say it's an unforeseen circumstance. I don't expect you to answer, but I think that's a matter for the record. I certainly still support the issue, but under a technicality they chose not to take action on the Johnson. Ignoring that technicality, they're doing it for their own purposes here.

MR. KELLY: I guess to set the record straight, that was a proposal that the Yukon Delta Wildlife Refuge, specifically me, failed to renew at the time it lapsed, so my apologies.

MR. ROCZICKA: Mr. Chairman. Not to belabor it, but then in that case the Board should deny the refuge's special action request on its criteria it denied others this summer.

CHAIRMAN L. WILDE: Any further discussion. Mr. Kron.

MR. KRON: Mr. Chairman. This particular proposal is scheduled for a public hearing this afternoon at 3:30. It's appropriate to discuss it because it relates to the regulatory proposal that the refuge has submitted that will be considered next spring at the Board meeting, but this particular special action that we have to have a public hearing on based on the special action requirements. Again, it is currently scheduled for 3:30 this afternoon.

CHAIRMAN L. WILDE: Thank you. Mr. Kelly.

MR. KELLY: Thank you, Mr. Chairman. Greg had mentioned this as unforeseen. I'll be a little more realistic. Our small communities have a single store and hunting and fishing is big activity. You go in to buy a box of shells, say a box of shells for my son to go out bird hunting. The only option is a box of lead shot or no other boxes. So it seems regarding our economic situation anywhere, the Federal government usually steps in and subsidizes programs. For example, the bulk mail system.

When proposals like this are going to further restrict a lot of our hunters, you know, in buying the steel shot, which may cost higher in the villages, versus the lead shot, these are situations

we've got to consider. If the Federal government is willing to help subsidize the price of steel shot or help the small stores in the communities with alternatives in buying steel shot rather than lead shot as the only available option. So I guess that's where I stand on this.

CHAIRMAN L. WILDE: Thank you. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. At this time I'd like to move to table this request until after public hearing.

MR. KELLY: Second.

CHAIRMAN L. WILDE: Motion has been made to table this request until the public hearing.

MR. ALOYSIUS: Question.

CHAIRMAN L. WILDE: The question is called for. All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed.

(No opposing votes)

CHAIRMAN L. WILDE: Motion is carried. Next.

MR. SUNDOWN: The next proposal has to deal with the mechanism to reopen Federal lands on the Kuskokwim. As you all know, the State of Alaska had a 10-day open season this year on the Lower Kuskokwim for moose. As we inch forward with the Federal cycle addressing the season, the Yukon Delta Refuge has proposed a mechanism to open the Lower Kuskokwim season again. That mechanism is through community harvest quota system. We are here to discuss that with you guys and how we envision this mechanism to reopen moose on the Lower Kuskokwim.

There are systems in place to determine what each village has for moose requirements and it's through the A&R system. Obviously with the population the way it is currently, just over 1,000 moose that we are guessing because we've not done a current survey.

Our last survey was just over 700 moose that we did two years ago. Once we determine what the population is and if it can be sustained for harvest on Federal lands, the mechanism we propose is through a community harvest system. This would basically give quotas to each village based on their needs and their population and allow X number of permits to be issued to each village for a moose hunting opening again. That is something we're proposing and if you guys have any questions about it, I'd be glad to answer to the best of my ability.

CHAIRMAN L. WILDE: Any questions for Mr. Sundown.

(No comments)

CHAIRMAN L. WILDE: There being none, go ahead, Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. Again, I'm James Charles. My area would be in support of that proposal to open Federal land for the moratorium area. When we hunt this fall, there were quite a few moose in our area. As many of you folks know, I fly, and like that little area I told you about, Federal land, the moose migrated into that area where hunters are not close by. The people know that moose can go away from the hunters or people traveling around, not hunting only.

If the Federal land were open, that would make a large area available for the hunters not participating in the small area. Many of you guys know the Kuskokwim had windows for subsistence fishing in summertime. When the subsistence fishing opened, everybody goes out there and cleans the river. So that's the way this was moose. Where it was open, they cleaned that area instead of scattering around and hunt.

So my area would be in support of that because they were really excited about hunting in our area. Some thanked to me for opening the area this year. I told them don't thank me, thank the Department of Fish and Game who opened it or the Board of Game who opened it. We had some villages go to Anchorage on their own to testify to open the season this year. I was there to testify at the Board of Game.

Another thing is that moratorium. When we closed it for five years, we used another number, so some of you remember, or 1,000 moose. We did not say we

will have 1,000 moose to open the area. We did not say that. The proposal was for five years or 1,000 moose, whichever comes first, but the Federal is using that 1,000 moose now instead of five years. Some of the people remember the original proposal to close this area for a moratorium. Five years came first, so we opened it this year. Thank you.

CHAIRMAN L. WILDE: Any further discussion on this. Mr. Roczicka.

MR. ROCZICKA: They probably still working out the details you might have on exactly how this determination is going to be made between communities based on their population, which is going to be a really tough one for you.

Here's one more I'm wondering if you've considered. Thinking of a similar situation some years back on the Seward Peninsula with the muskox, when the Federal managers opened up the season and took the entire allowable quota and allocated it to the subsistence hunt, the State then felt compelled through the Board and from the Department both that they had to shut down the season on all of their lands as well, which put everybody in a Catch-22 situation because the muskox were all on State land or on the corporation land. So the Feds had all these permits allocated to harvest, but the people couldn't use them because the animals were on State land except for small portions of the season.

Have you taken that into consideration on how that might work or spoken with the State? I mean you're going to be required to somehow provide for that total 100 moose. That's something you ought to think about. The State might end up feel they're in the same place or the Board might anyway. Tell them to just close their season by emergency order.

MR. SUNDOWN: Thank you, Mr. Chairman. Yeah, the refuge has many tools to reopen the season. We thought this would be a rational way to get the season open again only because in a general moose hunt, if you have everybody participating and equal chances by all regardless of the community you come from to harvest a moose. With the community harvest system you would ensure that each village would get an X amount of moose from the harvest area, in this case the Lower Kuskokwim on Federal lands, which is the reason we propose the community harvest quota.

There's many pros and cons to it, you know. One of the pros is that it does ensure each village gets a designated amount of moose. The cons are how do you distribute who gets to get these permits. Do you give it to the Council, do you have a lottery. It's a little more intensive to manage, much like we manage a 19A, the Federal hunt up between Kalskag and Aniak. That takes a little more effort on our part, but we're glad to do it.

It's something for you guys to consider in terms of how you guys would like to move forward with reopening the Federal side of the moose hunting season. You can either go with a general hunt where everybody has an equal chance regardless of what community you're in, but the proposal that the refuge has made tries to consider how we ensure that each community gets an allocation of moose as we transition from this low population to some point in the future where we can have a general hunt again.

CHAIRMAN L. WILDE: Any further questions concerning this proposal. Mr. Brown.

MR. BROWN: Last year I went to Board of Game to testify to let the State open moose moratorium, so we lifted that moratorium. Those folks were anxious to hunt, but made come out differently with State controlled it and they didn't have enough space to hunt in my area. They were only allowed to hunt in State and corporation and private lands, so they couldn't go nowhere. Right before I come here they wanted me to support if they talk about opening Federal, so I support you.

CHAIRMAN L. WILDE: Further discussion on this proposal. Mr. Andrew.

MR. ANDREW: Mr. Chairman, thank you. This is John Andrew from Kwethluk. Some of the drawbacks I see, issue permits to people that really do need them, like the people that don't work or the elderly. They can't afford to go out because they don't have their own boat and motors. Some of them, I've seen them in the past get their permit and they can't go because they can't buy the gas or the supplies to go out unless somebody sponsors them or their relatives. If they could make it more flexible so they can have designated hunter to hunt for them, especially for the elders, it would be more appropriate or helpful for the families.

Quyana.

CHAIRMAN L. WILDE: Go ahead, Mr. Sundown.

MR. SUNDOWN: Thank you, Mr. Chairman. The refuge office here does have designated hunter permits that we can issue to members, anybody who wants moose or caribou in Unit 18. As long as they hunt on Federal conservation units, they're able to hunt for whoever they want to. So you could theoretically hunt for your children, your wife, your grandmother. There's some special rules that apply to it, but there is a mechanism in place that allows that.

The biggest thing I would like you guys to consider, it's just a rational means of trying to reopen the Kuskokwim season again. It's much the opposite of the Lower Yukon where we're biologically able to afford as many moose as people want to hunt down here. It's just not quite the same on the Lower Kuskokwim. We'd like to open it and we'd like to open it through a community harvest quota program. You'll see they're very much opposites biologically, which is why we're trying to move forward in that manner.

CHAIRMAN L. WILDE: Thank you. Mr. McCann, do you have any comments? Would you state your name, please.

MR. MCCANN: (In Yup'ik)

INTERPRETER: When the season opens for moose, Alaska Department of Fish and Game, you have game wardens, you have law enforcement officers out there. He understands that when it opens the season, the law enforcement officers or game wardens chase away the game. He doesn't like that. He knows that the people are not to hunt cow moose at all. The law enforcement officers or game wardens should not stop a hunter from hunting and he knows there's a law against harassing animals in a vehicle or airplane, animals away from the hunter. If that continues to happen, I think the hunters will have no respect, will not work together. If everyone works together, law enforcement, community, I think there is some understanding, so better for all. They certainly understand what animal is closed, like cow moose. You cannot hunt that.

MR. MCCANN: Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. McCann. Any further discussion on the proposal. Mr. Wilde.

MR. H. WILDE: How we think down in the Lower Yukon. When we start closing them, try to expand the moose down there, we didn't get no help from Federal or State. We did it ourselves, Councilmen. That was Mary and Mountain Village. We start try to expand the moose. We did it for our people, who has been hungry sometimes in the wintertime. We let our elders be our guide. That's what we did.

First we close it for five years with the help of our young people. Young people obey their parents and elders. We're going to try to get something for you, so we did close it for five years and we expand for one more and two years and then we wonder how much moose we got, we let statements come in counting the moose in Lower Yukon. I think with the help of our grandchildren and our elders we do a really good job. We wouldn't do it without our elders. I think those people that are opening something for their benefit for their families and our young people, give them a chance to go out there and hunting and all that.

I kind of feel uncomfortable with too much enforcement going on. The only thing I'm not really supporting sometime is Federal land while we hunt down in the Lower Yukon but is enforced by State. I think Federal land should be enforced by Federal enforcement. Last year my grandson got a small young bull there, small little horns, and my son-in-law go with him for hunting. My son-in-law had a fine, I don't know how many dollars, just to go with my grandson to help him out without no permit or no hunting license. In my fish camp, that's where they were. They hunt there on Federal land. Law enforcement State come in and in my house. I didn't like that. Just because helping my grandson to carry the meat in my fish camp there he got fined. I don't know how much he got fined because he didn't have no license. To me, that's not fair just to help my grandson. He's 18 years old, but they have to pack quite a ways.

I think there should be something that's a better way to do it. Right now, this fall, before they go out I told them make sure to get the license and everything that you guys need to do. To me it's not fair helping the person or someone, your relative, take them out for hunting and help them out and he gets fined from

State. I don't think that's fair.

Thank you.

CHAIRMAN L. WILDE: Any further comments on the proposal. Come on up to the mike.

MR. ALOYSIUS: Mr. Chairman. Will you please instruct the people to address only what's on the.....

CHAIRMAN L. WILDE: On the proposal itself that we're talking about.

MR. ALOYSIUS: Thank you.

MR. NICORI: Thank you, Mr. Chairman. James Nicori from Kwethluk. On this proposal that opens Federal land and to apply for number of permits from the village to hunt on the Federal land. If this is approved and put forward, what I see is the village that wants to go hunting only limits so many people from the village, I will see, I think, and I will tell you there will be more poaching if this is to be limited. That would make more criminals in our village applying for like a lottery, to limit the number of people to hunt from the village.

I think a better route for going through that is reporting the number of people hunting from the village on Federal land and closing it when they get so many moose from that area. Correcting what Mr. McCann said about Fish and Game opening the moose, it is us that submitted proposals to the Board to open the moose season, not the Fish and Game.

Another thing about the law enforcement with moose hunters, I don't think it's fair for those people to go through the grub the people are carrying for their moose hunt, going through their food for the two weeks they go out. What I heard is they went through and asked them how come they're bringing dry fish along with them and asking them if they were for brown bear bait. I don't think it's fair for them to go through their grub. They're there for enforcing the moose harvest and permits, not to go through their grub.

I would support that Federal to open their land to moose hunters. We have a limited amount of space in our area. We couldn't go past our line that was

proposed to us from Fish and Game and I would ask them to reconsider the amount of hunters they would choose from the village.

Thank you.

CHAIRMAN L. WILDE: Thank you for your comments. Mr. Sundown.

MR. SUNDOWN: Thank you, Mr. Chairman. I just want to make clear that the proposal that the Yukon Delta Refuge submitted is one of many proposals that can be introduced. I was looking this morning at a list of 13 resolutions back from 2002 from all the villages who wanted to start the moose moratorium. The Kwethluk joint group was one of them to begin the closure process for the moratorium. The Kwethluk joint group and any other villages is more than welcome to submit a proposal to reopen the Federal lands and how they see fit. So I just want to make that clear.

If they want a general hunt, they're certainly more than welcome to submit a proposal for opening a general hunt. From a biological perspective, the refuge thought the most equitable way to ensure that each village had access to moose was this mechanism.

CHAIRMAN L. WILDE: Thank you. Pippa.

MS. KENNER: Thank you. I just wanted to follow up on what Robert said. I'm Pippa Kenner, the anthropologist at the Office of Subsistence Management. The proposal we have received from the refuge is a very general proposal and it is for community harvest quotas. Within the proposal there is no definition of how that quota would be distributed. From an analysis perspective of where that proposal is going to go, we're still accepting input from people and the proposal as it was written, it was written very well trying to protect the rights of individuals in communities to make those kind of decisions, so I just wanted to add that. It doesn't say where the quota will go specifically.

CHAIRMAN L. WILDE: Thank you. Mary.

MS. GREGORY: Mr. Chairman. Mary Gregory. In regards to Mr. Nicori's comments about Fish and Wildlife enforcement people going through lunch boxes, I would file an invasion of privacy lawsuit to them and those people that are in charge of these things

should make sure that the people are treated equal and fair. Also Mr. Wilde had said something about that.

We wait for people to tell us what to do. We can't do that. We live in this land and the laws that are imposed on us, we don't have to follow them. We have to survive our way of life. You guys need to respect our way of life.

CHAIRMAN L. WILDE: Any further comments. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. Robert, the proposal, are you talking the whole Kuskokwim area or just the Lower Kuskokwim, Native village Quinhagak, has a proposal?

MR. SUNDOWN: That is a different proposal. This proposal deals with only the Lower Kuskokwim, which is a different regulation than that near Quinhagak.

CHAIRMAN L. WILDE: Thank you. Do you have any comments on the community quota proposal. Please state your name and where you're from.

MR. PETER: My name is Phillip Peter. Akiachak Council. I am being here to testify on behalf of my tribes in 57 villages. This is the first time I've been in this group and I applauded all you Natives on the subsistence board.

First of all, about boundaries it's really confusing to our moose hunters. It's really confusing. There's three lines and going by three individuals, State, Federal and corporation. Those are three issues mainly confusing because we know when this land claims was passed I was involved in this claims act. My question is that why are elders when they're selected five squares they selected mostly subsistence area. To this day how come us Natives can't control the corporation land? Only those outsiders coming from the State and Federal to control our way of subsistence.

Anyway, about this limitation on this moose system. One thing I mostly disagree is why are we in competition, competing with State and Federal and the corporation? We've got no system like that. Anyway, permit, one, two, three, whatever, I don't like that selection. The way we are changing, we are not working

together. Why can't we go back where we started, no limiting the people? Like 10-day hunt.

In the first five years waiting I go upriver below (indiscernible) and the first time I see a lot of hunters in my lifetime, every spot is filled with people, hunters. And I really don't like check me out while I'm hunting. Two times that patrolman wearing a state trooper hat came into my camp. Two times. The third one with plane.

But I didn't catch any. I'm really honest. I only see a lot of cows and calves. I appreciate all those four units, Akiak, Tuluksak and Kwethluk, where I see mostly every day cows and calves, but I didn't see any bulls.

In the middle of September the bulls usually move, look for a cow to mate. I heard that some hunters caught way up on those meadows. When they start mating, we usually catch them right in front of the river. It's real easy to get them. If there is some way for the State and Federal to open another 10-day hunt, they could move that to the middle of September so that everybody could have a chance to catch one. From September 1, first opening, to September 10, when you're really, really lucky, you could catch. A lot of our young people say how come we opened it so early.

The limit, which I don't like, and the permit system, which I don't like, the State and Federal used to open same month using that green permit, regular permit, which I like, but those tier I and tier II and tier III, when you read it, read it carefully. If we don't send those permits, we'll be disqualified next year hunt. Next year hunt. If we don't send that gray permit form. It's not fair.

Thank you.

CHAIRMAN L. WILDE: Thank you for those comments. At this time I'd like to notify the public that public comments are welcome for each agenda item, but please fill out a green or blue testimony form to be recognized by the Chair. Those forms are up here available. If you're going to be testifying, please get one of those and make sure that I get them so I know who you are.

Go ahead.

MR. SUNDOWN: Mr. Chair. I'm guessing the refuge portion is concluded.

CHAIRMAN L. WILDE: Are you concluded? Okay. Thank you. Before you leave, Robert, is there any more questions for Robert on the refuge proposals. Go ahead, Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. On that proposal to get number of hunters, I would go along with the way the State did it with the permit, not the lottery. Why we did that, we authorized the State to help us limit or restrictions on the hunt, so we wouldn't claim the area too much. Think of that for that proposal. We authorize them to open the hunt area at the beginning of the year -- I mean beginning of the month and the permits numbered or permits to the area are people who want to hunt in our area, not the lottery. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Charles. Mr. Brown.

MR. BROWN: I would like to make a suggestion about opening. It was kind of for the moose opener for this year. We want a different opener like the gentleman discussed because those bulls they don't run around until middle or last part of the month.

I have a personal question. If I want to take my spouse to go with me to moose hunt, should my wife have a license to come with me?

The last one is the elders concern about citing. I used to work with Ray Baxter in the late '70s. When he cited fishermen down below Quinhagak when they're fishing inside those boundaries, which is not legal to fish, there's three ways. First you have to warn that person before you cite them. When I used to work with those guys, they used to warn first, not fine them. There's three ways to do that. First offense you have to warn them, second you have to do whatever your policies are. Thank you.

CHAIRMAN L. WILDE: Any comment to that, Mr. Sundown?

MR. SUNDOWN: I'd be happy to discuss enforcement techniques outside of the proposal mechanism we're dealing with right now, but as far as mechanisms to

reopen the Kuskokwim it's entirely in everybody's hands. You each have the power to submit a proposal how you'd like to see the Kuskokwim on Federal lands reopened. The proposal that we have put forward is just one of those ways.

CHAIRMAN L. WILDE: Thank you, Mr. Sundown. I was just going to remind the members here and the public that there are proposal forms. If you have any suggestions on any changes in the law, this is not exactly the place to do it until such time that we get the proposal. At that time we will discuss whatever changes that you would like to make in the regulations.

So the best thing for anybody that has any suggestions to us is to go and get a proposal written in so it can be presented to us. That is the fastest way of getting something done in the regulations. Any more questions for Mr. Sundown. Mr. Roczicka, go ahead.

MR. ROCZICKA: Yeah. This is not a matter of technique. This would be a matter of policy. Charlie asked it and the same question occurred to me earlier. If I bring my wife with me when I go out and she does not have a license, is she then in violation? Or vice versa, if I go out and have my kids, which my younger kids do that now, go out and catch for me, but if I go out, drive the boat, am I required to have a license just to be in the boat or on a snowmachine or a sled or whatever it might be?

MR. SUNDOWN: Mr. Chairman. No. If they are strictly witnesses and are in the boat to join you for the camping trip or help butcher, they are not required to have a license. If they're actively participating in the hunt and intend on shooting an animal, they are required to have a license and harvest ticket information.

CHAIRMAN L. WILDE: Any further questions. An'anaq.

MS. GREGORY: Can you give me the number of the proposal.

MR. SUNDOWN: Mr. Chairman. The proposals have not been numbered yet. As soon as the booklet comes out, they will be numbered. But those are the proposals the refuge has an interest in and would

like to have a comment period on.

CHAIRMAN L. WILDE: Thank you. Any further questions for Mr. Sundown. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. Mr. Sundown, it would be nice if the committee had copies of whatever you present so we wouldn't get confused here and there. Thank you.

MR. SUNDOWN: Our apologies.

CHAIRMAN L. WILDE: Apology accepted. Any further questions for Mr. Sundown. One question. Alissa, would you come up and ask your question, please, in front of the mike and then we'll get to you.

MS. JOSEPH: Mr. Chairman. My name is Alissa Joseph. In regards to the opening of Federal lands, it occurred to me that if you do open up Federal lands from what you already are hunting right now, where are those moose going to go to find their own refuge so we're not pushing the moose back so far beyond somewhere else that they migrate and then we have to start over and do another five years so that we can regain the population again?

What we have right now, we've done five years of waiting for the population here to get subsistence from it. What will happen if it wipes out again? Then you have 10 years you're going to have to wait in between the opening of windows.

Also permit-wise for the people that are going in the boat for a joyride of this moose hunt, for those people that have gotten fined, are you going to refund those people that do have witnesses that say that they were just going on this ride?

Also, to keep the population stable, if you do end up opening Federal land, how do you know for sure that you're not going to wipe it out? That's my question.

CHAIRMAN L. WILDE: Mr. Sundown, do you have any answers to that? I apologize for you waiting.

MR. SUNDOWN: That's all right.

CHAIRMAN L. WILDE: From now on if

anybody would like to testify, remember what I said. There's blue cards or green cards that you can get from the lady over here. Go ahead, Mr. Sundown.

MR. SUNDOWN: Thank you. There were several questions in that. She brings up some very good points. The problem that you have on the Lower Yukon is a good problem. As Harry mentioned earlier, they waited five years and imposed an additional two years to have a total of seven years for the moratorium on the Lower Yukon. Now they have a wonderful problem; too much moose. Encouraging people to get more moose, winter, fall, 80-day season, liberalizing the whole aspect of moose hunting there.

It's the problem that we're trying to create on the Kuskokwim as well. It requires input from people. It requires management working with the Council and the population. Trying to achieve that is something we're trying to do. With the reopening of Federal lands next year, we're trying to find a way to rationally allow a harvest because we believe that we can do that now and still achieve for a good growth.

Like I said, we are open to suggestions from the public and councils and certainly this RAC. Our proposal is just one mechanism of starting to do that again.

With regard to people in the boat, like I said earlier, it is not illegal to ride in the boat. There's no law that prohibits you from joining your family or taking pictures or just going along for the boat ride. I am not aware of anybody who has been cited for joining your family or spouse or relatives for a boat ride during the moose hunt. Remind me if there are any other questions that she brought up or points that she brought up that you'd like me to answer.

CHAIRMAN L. WILDE: I think some of those questions that she had some concerns she had would be better with private conversation with the regulatory people. Thank you.

The young lady that was addressing us just prior to this is the granddaughter of John Hanson and she's hopefully stepping into her grandfather's interest in subsistence.

Is that all you had, Mr. Sundown? One more question for Mr. Sundown. Go ahead, Mr. Charles,

concerning the last proposal.

MR. CHARLES: Thank you. I'm trying to catch Robert before he goes again. The last radio talk show on Monday they were people complaining about citations they had for the grub that was mentioned earlier, flotation jackets and rifle that's loaded in the boat. Those were the citations people were complaining about during the moose hunt. Are they allowed to keep their rifles empty when they're hunting or no floatation jackets or are they supposed to have floatation jackets in the boat? I know I carry mine all the time or wear them. Thank you.

MR. SUNDOWN: With regard to the rifles, it's never a good idea to keep your rifle loaded all the time, but there's no rules or regulations pertaining to having your rifle loaded or unloaded. It's just a matter of how safe you want to be in your boat.

With regard to floatation devices, we have issued numerous citations this year for not having floatation devices available for children under 13 years old and not having floatation devices for people in the boat and that's just a matter of public safety. We have many people, and you see them in the newspapers every month, that die from drowning. It's a public safety issue that we believe strongly in and hope the general public will share that view with us.

CHAIRMAN L. WILDE: Thank you, Robert.

MR. SUNDOWN: Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Pippa, is it something that has to do with what Robert just got done discussing because this gentleman has been sitting up here waiting.

MS. KENNER: Oh, I thought he already talked.

CHAIRMAN L. WILDE: No, he didn't. Your turn.

MR. GEORGE: Thank you, Mr. Chairman. If I understand you correctly, the proposal is for Lower Kuskokwim only on Federal land. I oppose that.

CHAIRMAN L. WILDE: Could you state your

name and where you're from, please.

MR. GEORGE: Daniel George, Akiachak IRA. I think it might be better for us to open the whole Federal land. That's my opinion. The second one is, if the State and Federal opened the whole Unit 18, that little portion of it, I think we would be in good shape right now.

All those boundaries posed by tundra people, I think you guys should really understand what they're talking about. We have Unit 18 already marked from way back there. There's nothing wrong with that one. It seems like we're just -- let the people that control this part of the country do their job, we're just sitting ducks the way I understand it. I'm done with that one.

I had a lot of complaints about the September hunting that the Fish and Game disturbed their game. They're buzzing them and scaring them off. I think that's got to stop somehow.

Recently we went up to Kisaralik a week ago to look for caribou. We saw a whole bunch of them. But the plane was flying around really low. I think they were trying to push the caribou back to the hills. I think you guys should check what's going on. I don't know how the Federal and State work. I don't know. Probably they work together. I don't know.

I got this picture from our concerned tribal member that they saw a moose right below hospital. Take the horn off and they just left the head there. I don't know. When we catch a moose, we harvest from head to toe, not throw them away. Probably -- just because you guys, the white guy that cut the horn and throw the head there doesn't mean he can leave behind. Probably if they see a Yup'ik guy doing that, they would arrest him right away. True? You can see that picture right there.

When are they going to open that? Are they proposing to open for next year or what? Because we were late when we came down from Akiachak. We won't be here tomorrow. But that proposal for Lower Kuskokwim on Federal land I oppose it, the whole Federal land. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you. The proposal book will be out and we'll have further time to

discuss these proposals when the books come out. I'm sure that if you request a proposal book to make comments, that they would be more than happy to send you one.

MR. GEORGE: Thank you.

CHAIRMAN L. WILDE: Next I would like to -- can this wait, your presentation wait until after lunch?

MS. KENNER: It's on this topic and it will be short.

CHAIRMAN L. WILDE: Okay. Make it short and on this topic.

MS. KENNER: This is Pippa Kenner with OSM. I don't want to extend the conversation through lunch. I wanted to give the Council an idea of a few things to be thinking about for the future.

In the proposal, the Refuge Staff had simply put in community harvest quota. I just want to remind people that a community harvest is an open concept right now and that quota can be delivered to communities to do with as they choose, either through a lottery or through whoever -- or to give to certain individuals. So we don't have rules and regulations that define a community harvest quota for us.

Also, I think the refuge in putting forth this proposal is also thinking about ways the communities can do self-protection and take the pressure off the State and Federal protection officers because you'll have a quota or certain numbers of animals you can get that will presumably be taken near your community.

Also, I think the larger picture is Federal, State and Council and Committee participation in a management plan where we discuss when we're going to open, when we're going to close and we do it on State and Federal land together, I think is the big picture. So I just wanted to have you thinking about that. This could be a really wonderful opportunity to take control of the hunt in the moratorium area by the communities in the moratorium area.

Thank you.

CHAIRMAN L. WILDE: Thank you. This is for the audience. If you have any complaints about anything that you need to present, we have people here from the Federal Department of Fish and Wildlife and we also have people here from the State ADF&G. So if there is anything you would like to discuss with them, they're here. Anybody here from the State could you please raise your hand so these audience members could know. These are State people from ADF&G. Thank you. Fish and Wildlife on Federal lands, could you please raise your hands. Thank you.

We'll break for lunch until 1:30.

(Off record)

(On record)

CHAIRMAN L. WILDE: At this time I'd like to remind the public that public comments are welcome for each agenda item. Please fill out the green form so we can know who's testifying for what.

Also at this time there are a group of people here that came in late that were not introduced, starting with the young man over here with the dark glasses. Could you please introduce yourself.

MR. NICORI: James Nicori from Kwethluk.

CHAIRMAN L. WILDE: Thank you. Young lady back there.

MS. HOOPER: I'm Jennifer Hooper with AVCP.

CHAIRMAN L. WILDE: Thank you. The two gentlemen there.

MR. PETER: Phillip Peter from Akiachak.

MR. GEORGE: Daniel George from Akiachak.

CHAIRMAN L. WILDE: Thank you. Anybody else?

(No comments)

CHAIRMAN L. WILDE: Okay. We are down to Item 9, Fisheries Monitoring Program. That's Mr. Cannon.

Rich.

MR. CANNON: Thank you, Mr. Chairman. Regional Council members. My name is Richard Cannon. I work with the Office of Subsistence Management. I will be presenting a briefing on the 2010 Fisheries Resource Monitoring Plan. We'll be asking the Council for recommendation on the plan for the Yukon and the Kuskokwim.

The Fisheries Resource Monitoring Program briefing is found on Pages 21 through 77 of your Council books. The Monitoring Program, as you know, was initiated in 2000. To date, the Office of Subsistence Management has funded statewide 322 projects. Fifteen of these are ongoing and will be continuing in 2010.

Projects fall into one of two categories. First is the stock status and trend studies. These projects address abundance, composition, timing, behavior or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands. The budget guideline for this category is about two-thirds of the available funding.

The second type of project are harvest monitoring and traditional ecological knowledge or traditional knowledge. These projects address assessment of subsistence fisheries including harvest and effort, description and assessment of fishing and use patterns. The budget guideline for this category is the remaining one-third of the available funding.

These projects, as they're proposed, go through an extensive evaluation process, which includes review by and recommendations from an interagency technical review committee and the affected Regional Advisory Councils. Following policy and funding guidelines described on Pages 23 and 24. Those are the guidelines that we use. The Federal Subsistence Board will make a funding decision on these proposals that are before you today during its public meeting in January 2010.

For 2010, a total of 44 investigation plans were under consideration for funding statewide. Thirty-five of these were the stock status and trends projects and nine were harvest monitoring and traditional knowledge projects. If you look at Page 25, Table 1, that gives you an idea of the breakdown.

The Technical Review Committee recommends funding 41 of these 44 projects. The 2010 Draft Monitoring Plan recommended by the Technical Review Committee would provide 34 percent of the funding to Alaska Native organizations, 20 percent to State agencies, 27 percent to Federal agencies, and 10 percent to other non-government organizations. Universities primarily.

Our purpose here today is to discuss the monitoring plan as it relates to the Council and to provide an opportunity for the Council members to take an action by making its recommendation.

First, for the Yukon region. Since 2000, 84 projects have been funded in the Yukon region. Five of these will still be operating in 2010. You can find a summary of this information on Tables 1 and 2, Pages 28 through 30 of your Council books.

The 2010 request for proposals for the Yukon region identified seven issues and information needs. These are listed on Page 27. Eleven proposals were initially submitted to the Office of Subsistence Management for the Yukon. One of these was later withdrawn by the investigator. In March 2009, the Technical Review Committee reviewed the ten proposals and recommended nine of these for the development of an investigation plan. That's a more detailed plan of what they were going to do. One proposal was withdrawn at this stage by an investigator prior to the submittal of its detailed investigation plan.

In July 2009 the Technical Review Committee reviewed eight investigation plans and recommended funding seven of the eight projects and prioritized them as shown on Page 30. There were six stock status and trends, one harvest monitoring/TEK project.

Project summaries are on Pages 30 through 33 with more detailed descriptions of each of these projects found on Pages 35 through 50. Some of these projects you've had come before you before. They're continuation. Some of the continuation projects are the Gisasa and Andreafsky weirs. The in-season mixed stock analysis of chum salmon which occurs at Pilot Station, which for 2010 the investigators asked to expand that project. So they do in-season genetic sampling and they would also not only do fall chum but they would include

summer chum salmon to this ongoing work.

There are four new projects. There's a total run reconstruction for chinook salmon to provide estimates of total run size and stock structure for the years 1976 through 2011. There's a study of the stock origin of the Yukon Delta Bering cisco. There's a feasibility study for installing a salmon counting weir on the Nulato River. There's an assessment of impacts of climate change on subsistence fisheries. That's basically what some of the new projects are.

Before moving on to the Kuskokwim region, perhaps it would be best to stop here to see if you have any questions about these projects and then allow the Council to consider a recommendation for the Yukon portion of the plan. Mr. Chairman.

CHAIRMAN L. WILDE: Is there any questions?

MS. GREGORY: Mr. Chair. What page is Bering cisco on?

MR. CANNON: Somebody said 32, Mary. I haven't gotten there yet. Page 43.

CHAIRMAN L. WILDE: Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. Is it okay to make up a motion to support the proposals? Can I make a motion to support the fisheries proposal?

CHAIRMAN L. WILDE: I don't believe there would be anything wrong with that.

MR. CHARLES: Okay. I make a motion to support fisheries project proposals, both Kuskokwim and Yukon.

MR. CANNON: Mr. Chairman. I'm going to give you a little more information on the Kuskokwim. You could do it together or I'm giving you the chance to do it for the Yukon first and then we'll go through the Kuskokwim.

CHAIRMAN L. WILDE: Why don't we do it like that, Yukon first and then the Kuskokwim. You heard the motion. Do I hear a second for support of these fisheries proposals on the Yukon Monitoring Program.

MR. ALOYSIUS: Second.

CHAIRMAN L. WILDE: Any discussion.

MR. ANDREW: Question.

CHAIRMAN L. WILDE: Question is called for. All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed.

MS. GREGORY: No.

MR. ALOYSIUS: Wait a minute. You didn't have a discussion.

CHAIRMAN L. WILDE: I stand to be corrected. Any further discussion on the motion. Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. Why I made the motion to support these project proposals, like I stated this morning, these projects help us a lot on the Kuskokwim side as a working group. Yukon is the same way. They need to keep funding those proposals on the Yukon side. That way people up and down the river will be helped knowing where the fish are or learning, just like we are on Kuskokwim. It's really helped us a lot. From the mouth to headwaters. And we have representatives letting us know and the project workers let us know how those projects are doing or fish are doing on the river. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Charles. Any further discussion. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. The status on the Pilot Station sonar, I know there's been ongoing problems with the sonar counting and et cetera. Has there been things to improve the sonar situation with Pilot Station?

CHAIRMAN L. WILDE: Rich.

MR. CANNON: Mr. Chairman. That's probably a question you'll have to ask one of the ADF&G Staff about since that's a project -- we fund the stock biology work that's done at Pilot Station, but we don't

-- we're not involved with the actual counting of the fish or estimation of the run passage, so I really don't have any information on that.

CHAIRMAN L. WILDE: Thank you, Richard. Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. I'm just going to note too that several of these projects -- some of them are ongoing, but others are starting to address areas where there's real big data holes. Oftentimes you can go to local folks who can pretty much tell you. I've said it before, it takes five to ten years of scientific research to find what an old fellow can tell you in a meeting in the village in a matter of a few minutes, but you're required to document it over a long period of time. Getting some of these underway really fill a lot of data holes that need to be filled, again for both rivers.

CHAIRMAN L. WILDE: Any further comment.

(No comments)

CHAIRMAN L. WILDE: Any further discussion.

(No comments)

MR. HOELSCHER: Question

CHAIRMAN L. WILDE: The question has been called for. Just to give our secretary some work, could you call the roll please, Bob.

MR. ALOYSIUS: James Charles.

MR. CHARLES: Yes.

MR. ALOYSIUS: John Andrew.

MR. ANDREW: Yes.

MR. ALOYSIUS: Ray Oney.

MR. ONEY: Yes..

MR. ALOYSIUS: William Brown.

MR. BROWN: Yes.

MR. ALOYSIUS: Harry Wilde.

MR. H. WILDE: Yes.

MR. ALOYSIUS: Edgar Hoelscher.

MR. HOELSCHER: Yes.

MR. ALOYSIUS: Mary Gregory.

MS. GREGORY: No.

MR. ALOYSIUS: Elias Kelly.

MR. KELLY: Yes.

MR. ALOYSIUS: Lester Wilde.

CHAIRMAN L. WILDE: Yes.

MR. ALOYSIUS: Paul Manumik.

(No response)

MR. ALOYSIUS: Joseph Mike.

MR. MIKE: Yes.

MR. ALOYSIUS: Greg Roczicka.

MR. ROCZICKA: Yes.

MR. ALOYSIUS: Bob Aloysius. Yes.

CHAIRMAN L. WILDE: Motion's carried. Any further discussion on the Yukon monitoring projects.

MR. CANNON: Mr. Chairman. Just a clarification. Mary, did you say yes or no?

MS. GREGORY: I said no because I feel like the motion was premature.

CHAIRMAN L. WILDE: Okay. We are up to Kuskokwim.

MR. CANNON: Thank you, Mr. Chairman. On the Kuskokwim, since 2000 66 projects have been funded. Four will be operating in 2010. These were projects that were approved in past years, but they will still be

running in 2010.

The 2010 request for proposals for the Kuskokwim region identified two issues and information needs. They're listed on Page 51. For the 2010 request for proposals, 13 proposals were submitted to the Office of Subsistence Management. In March 2009 the Technical Review Committee reviewed the proposals and recommended nine for investigation plan development. In July 2009 the Technical Review Committee reviewed the investigation plan, recommended funding for all nine projects and prioritized them as shown on Page 57. There were six stock status and trends projects and three harvest monitoring and traditional knowledge projects.

Project summaries for these projects are on Pages 57 and 58 with a more complete description of each project found on Pages 60 through 77. Most of these projects are long-term continuation projects, including salmon assessment projects utilizing weirs, in-season/postseason harvest monitoring and support for the Kuskokwim Salmon Management Working Group.

These on the Kuskokwim are pretty much a continuation of what is being done there right now. Thank you, Mr. Chairman. I'd ask you to consider giving us a recommendation on the Kuskokwim projects as well. Thank you.

CHAIRMAN L. WILDE: Any questions on the Kuskokwim Monitoring Plan.

MS. GREGORY: Mr. Chair. I move we accept the Kuskokwim side of the proposal. Is that what it is? Okay.

CHAIRMAN L. WILDE: Any further questions on the Kuskokwim Monitoring Plan.

MR. ALOYSIUS: There was no second.

CHAIRMAN L. WILDE: Oh, there was no second? There was no motion.

MS. GREGORY: I moved to accept the proposal and there was no call for a second.

MR. CHARLES: Okay. I'm sorry. I didn't hear you make the motion for acceptance. I'm sorry.

MR. CHARLES: Second, Mr. Chair.

CHAIRMAN L. WILDE: A motion has been made to accept the Kuskokwim Monitoring Program by Mary Gregory and seconded by James Charles. Any discussion. Mr. Aloysius.

MR. ALOYSIUS: I've got a question on your 10-352 Kuskokwim salmon postseason harvest monitoring. How far upriver is it from the mouth of the Kuskokwim to where you're counting?

MR. CANNON: Mr. Chairman. Mr. Aloysius. This is the postseason subsistence harvest monitoring where people go to the communities and actually interview people, so it's done throughout the Kuskokwim. This is the postseason subsistence harvest monitoring.

MR. ALOYSIUS: How far upriver do they go?

MR. CANNON: I think they go all the way up to Nikolai, places like that, I believe.

MS. KENNER: Really quick, Mr. Chairman. This is Pippa Kenner with OSM. The survey hasn't been fully funded in quite a few years and they don't go all the way up the river. I think they don't go to McGrath and up. I don't know how far before McGrath they've gone in the last few years.

CHAIRMAN L. WILDE: Did that answer your question, Mr. Aloysius?

MR. ALOYSIUS: Yes.

CHAIRMAN L. WILDE: Any further discussion on the Kuskokwim Monitoring Plan.

(No comments)

MR. HOELSCHER: Question.

CHAIRMAN L. WILDE: The question has been called for. Mr. Aloysius, could you call the roll, please.

MR. ALOYSIUS: John Andrew.

MR. ANDREW: Yes.

MR. ALOYSIUS: Ray Oney.

MR. ONEY: Yes..

MR. ALOYSIUS: William Brown.

MR. BROWN: Yes.

MR. ALOYSIUS: Harry Wilde.

MR. H. WILDE: Yes.

MR. ALOYSIUS: Edgar Hoelscher.

MR. HOELSCHER: Yes.

MR. ALOYSIUS: Mary Gregory.

MS. GREGORY: No.

MR. ALOYSIUS: Elias Kelly.

MR. KELLY: Yes.

MR. ALOYSIUS: Lester Wilde.

CHAIRMAN L. WILDE: Yes.

MR. ALOYSIUS: Paul Manumik.

(No response)

MR. ALOYSIUS: Joseph Mike.

MR. MIKE: Yes.

MR. ALOYSIUS: Greg Roczicka.

MR. ROCZICKA: Abstain.

MR. ALOYSIUS: Bob Aloysius. Yes. James Charles.

MR. CHARLES: Yes.

CHAIRMAN L. WILDE: Motion passed. Thank you, Mr. Rich Cannon.

MR. ROCZICKA: Mr. Chairman. For the record, I'd like to explain my abstention. My employer

is a partner in some of these projects and obtains funding.

CHAIRMAN L. WILDE: Thank you for the clarification. We are now down to Item 10, subsistence fisheries issues, Yukon River salmon postseason report, U.S. Fish and Wildlife Service and ADF&G.

MR. GERKEN: Good afternoon, Mr. Chairman. Council members. My name is Jonathon Gerken. I work for the Fish and Wildlife Service subsistence fisheries branch in Fairbanks and I'm representing Russ Holder today. To the right is Steve Hayes, Alaska Department of Fish and Game, summer season manager.

Today I'd like to give a summary of the 2009 chinook salmon and fall chum salmon or summer and fall season salmon fishery on the Yukon. I think we're handing out a document that should look like this that's probably coming your way.

CHAIRMAN L. WILDE: Could we wait just a couple minutes before your presentation.

MR. GERKEN: Sure, no problem.

(Pause)

CHAIRMAN L. WILDE: While we're waiting, I'd like to ask the presenters at this time for proposal copies for all members of the Staff, if possible, and copies of all documents, if possible. Individual testifiers need to first register and state their name for the record and copy of testimony if possible given to the young lady over there. She needs to record those.

MS. GREGORY: Mr. Chairman. I'd like to ask him to restate his name because I didn't get it.

CHAIRMAN L. WILDE: Go ahead.

MR. GERKEN: Mr. Chairman. My name is John Gerken and I work for the U.S. Fish and Wildlife Service in Fairbanks with the subsistence fisheries branch and I'm representing Russ Holder today.

MR. HAYES: Mr. Chairman. My name is Steve Hayes. I'm with the Alaska Department of Fish and Game. I'm the summer season Yukon area manager.

CHAIRMAN L. WILDE: Would you begin.

MR. GERKEN: Thank you, Mr. Chairman. I just want to draw your attention to the summary that was just handed out. Typically I would read the whole thing, but if you would like me to paraphrase or cover the points, then I guess I would leave that up to your judgment.

CHAIRMAN L. WILDE: We're able to read. Just go over the points.

MR. GERKEN: Thank you, Mr. Chair. I kind of want to break this down into a couple different pieces, so I'd like to start with the preseason, what was done on the Yukon preseason 2009, move through the summer season and then into the fall season and then just a quick couple sentences about the upcoming 2010 season.

The chinook salmon run this year 2009 was anticipated to be below average to poor and less than the size of the 2008 run. The summer and fall chum salmon runs were projected to be near average, while coho salmon were anticipated to be average. A lot of this information came out at this time last year in the RAC meetings and what happened is we had a big buy-in from all the users on the Yukon River and the buy-in was to really help the managers come up with a management plan for what was going to be predicted to be a low run on the Yukon.

What that entailed was working with YRDFA, the Yukon River Drainage Fisheries Association, who sponsored a number of teleconferences and then also meetings that got users from all over the river together to discuss management options for the upcoming 2009 season.

The results of those meetings and teleconferences were kind of five things. This was specific for the chinook salmon season of things we could do to conserve more fish to get upriver for conservation.

Those five things were anticipating no direct commercial fishing on chinook salmon. We're going to start the regulatory Board of Fish windows seven days after ice out in Alakanuk. Reduce the regulatory subsistence fishing windows by half. Eliminate fishing on the first pulse of chinook salmon by pulling one or

1 two windowed periods. Then the Federal manager implement
2 a special action to limit the harvest of chinook salmon
3 subsistence to Federally qualified users. In this case,
4 Federally qualified users is rural residents. So it
5 restricted people from Fairbanks and Anchorage from
6 fishing. That special action was only on Federal waters
7 throughout the drainage.
8
9 The run strength assessment for in-season
10 abundance of chinook and summer chum salmon was based on
11 the lower river test fishery, Pilot Station sonar and
12 subsistence fishermen catch reports. Additionally, the
13 managers reviewed daily catches in a mesh study that was
14 staffed by commercial fishermen in the Emmonak or Lower
15 Yukon area.
16
17 What happened as a result of the 2009
18 run, the preliminary end of season Pilot Station sonar
19 estimate was approximately 122,000 chinook salmon and
20 that compared to the 2008 number, which was 130,600, so
21 it was lower than the 2008 number. And the summer chum
22 salmon run strength of 1.3 million fish was also below
23 average.
24
25 Specific to escapement and conservation,
26 the managers recognized that the assessment indicators
27 were conservative this year and there was a variety of
28 reasons. There were some challenging water conditions
29 during most of the season. We had post-season evaluation
30 of the chinook salmon escapement numbers confirmed that
31 most Alaskan escapement goals were near the upper end of
32 the desired escapement goal range. We also put
33 approximately 70,000 chinook salmon passing Eagle sonar
34 into the border or Canadian waters. So that fulfilled
35 our U.S. treaty obligations for escapement and that was
36 the first time we'd done that in three years.
37
38 Specific to subsistence in the summer
39 season, most subsistence fishermen delayed their fishing
40 effort due to high water, high gas prices and low fish
41 numbers early in the season. The half-time windowed
42 subsistence salmon fishing schedule was initiated on June
43 8th in District 1 and that continued chronologically
44 upriver as the run progressed.
45
46 The subsistence salmon in-season harvest
47 information is a project that the U.S. Fish and Wildlife
48 Service does with YRDFA and ADF&G has a lot of other
49 subsistence in-season subsistence reports that they
50 collect. Kind of the results of that were that many

fishers did not meet their goals and a lot of them reported fishing one or two weeks longer and still not making their subsistence fishing goals this summer.

Specific to commercial fishing on the Yukon for summer season, part of the preseason management plan was not to have any directed chinook salmon commercial periods. None occurred. After around the 85 percent mark of the chinook salmon run, summer chum salmon commercial fishing opportunities were pursued if there was processor interest. The total for periods occurring in districts Y-1, Y-2, Y-4 and Y-6 was 171,000 summer chum sold.

I'd like to move on to the fall season. The managers entered the 2009 fall season expecting a near average run. Near the midpoint of the run there was some concern that the run would be much weaker than was projected. The in-season run size projection was moved between 200,000 and 400,000 for most of the season, but that number was well below the preseason projection of 600,000 to 900,000 fish.

Specific to coho, the coho salmon run appeared to have average timing and an average to above average run size for the season. Based on a preseason outlook, fall chum salmon commercial fishing occurred during the early portion of the run and suspended during the middle portion of the run due to less than expected run size. Commercial fishing resumed during the late portion of the season to target coho salmon under authorization from the Alaska Board of Fish through adoption of an emergency regulation. The Yukon commercial harvest was 25,000 fall chum and 8,000 coho salmon.

So in summary for the 2009 summer and fall run, management of both the summer and fall salmon seasons was very challenging due to the anticipated low chinook salmon run size and the unanticipated low fall chum salmon return. Many subsistence fishermen lowered harvest goals, had to work harder than usual and shifted their subsistence harvest to other species to provide for household needs this coming winter.

Overall, 2009 was a difficult fishing season with unprecedented management actions taken to achieve chinook salmon escapement into Canada and for ADF&G to provide limited commercial opportunities for summer chum, fall chum and coho. I guess I'd also like

to add that it was also unprecedented on the amount of combined work from the management point of view, but also getting users to kind of contribute information prior to the season with management strategies.

Just a couple quick points on the 2010 outlook. The 2010 outlook will be prepared by ADF&G after escapement information and age composition analysis are completed over the next few months, several months. Managers are concerned that should the trend of poor productivity continue into 2010 conservative management actions will continue to be necessary to maintain the long-term health of the Yukon River salmon population. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Any questions.

MS. GREGORY: Mr. Chair. Mr. Gerken. Under your preseason explanation down there under your five approaches, the fifth one, Federal manager to implement a special action to qualified subsistence users only to limit the harvest. I was wondering why you put that down there and not just everybody. Did you close it for the Yup'ik people and open it for others?

MR. GERKEN: Mr. Chairman. The reason it's under the discretion of the Federal manager to limit subsistence harvest to Federally qualified users in Federal waters. The reason we did that was we wanted fish that were going to be harvested for subsistence to stay on the river, in the villages. So what that means is when we restrict it to Federally qualified users, we're not allowing people from Anchorage or Fairbanks to come out and fish and take those.

MS. GREGORY: Pardon me for misunderstanding. I just realized that.

CHAIRMAN L. WILDE: Any further questions. Mr. Charles.

MR. CHARLES: Thank you, Mr. Chairman. What are these numbers below river, 124, 564, those numbers.

MR. GERKEN: Mr. Chair. The table in the back is a list of the Federal projects we have in our branch and those are the river mile location of where those projects are located on the river.

CHAIRMAN L. WILDE: Any further questions. Harry.

MR. H. WILDE: Mr. Chairman. Fishermen, subsistence fishermen on Lower Yukon are not happy with the reports and all that this summer and they're having a problem counting in the Pilot Station, miscount the king salmon upriver fisheries. They put the Lower Yukon very, very concerned and poor summer. Sonar counts later on they find out Canada king salmon went up to over 700,000. After the king salmon arrive up there to Eagle River, people in Eagle River say, Lower Yukon, you guys could sell the king salmon now, Canada fish, after 45,000 pass.

What kind of people are running sonar in Pilot Station? They must not be understanding or on purpose they do it or not. Way down there people couldn't even afford to eat the king salmon that has been living for over 1,000 years. Something has to be done. It hurts people downriver. They give them a ticket. You're not supposed to eat this king salmon as long as you have tail and fins clipped. People downriver don't have any -- afford to get the king salmon to cut the fin. They're using chum salmon net, 6 inch or less. First time I ever seen Pilot Station counting it like that. Miscount. I think it's a miscount.

We didn't hear from Fish and Game taking care of the place up there in the sonar and mouth of Yukon. We heard it from Canada people. We didn't know that Pilot Station sonar miscount until we hear from Eagle River sonar after they pass. All these years that people downriver, Y-1, 2 and 3, they're having a problem. We ask Lower Yukon, Emmonak test fishery, every time we call them, too low, fish are too low, king salmon too low. When it arrives Eagle River, take out their limit over and they start selling king salmon and we're down here hungry for king salmon. Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Any further comment on the Yukon monitoring report. Mr. Aloysius.

MR. ALOYSIUS: I've got a real concern. During lunch I overheard something that really upset me, that the Lower Yukon people were restricted during their subsistence fishery by closures and other means of restricting their ability to go out and secure fish for their homes and yet upriver they were allowed to commercial fish. Why is that? That doesn't make a damn

bit of sense to me, especially to people on the Lower Yukon. If you're restricted for harvesting subsistence food, why is it allowed for commercial upriver.

CHAIRMAN L. WILDE: Any answers to that, Steve?

MR. HAYES: Mr. Chairman. Mr. Aloysius. Just to clarify, there was no directed king fishery in the Alaska portion of the river this year. The only chinook fishery that took place was in Canada. Based on their management plan, as long as we're supplying the border passage, which includes escapement in an allowable harvest for their aboriginal and a surplus for commercial, they have the right within the treaty to go commercial fishing. They took a total of 364 kings in their commercial fishery, which was pretty minimal. If we go back to 2007 when we went commercial fishing in the lower river and took 30,000 kings, we missed the Canadian escapement goal pretty big. So, in comparison, the amount of fish they took was pretty minimal.

As I said, there was no directed king fishery in Alaska this year. The only kings that were taken on this side of the border were 316 total and those were taken during fall season commercial periods as incidental harvest. They were allowed to sell them then.

If that answers your question, I kind of want to add some sonar. There was a sonar question about some steps that were taken to work on the sonar issue. I can answer that after.

CHAIRMAN L. WILDE: Greg.

MR. ROCZICKA: Mr. Chairman. Just following along that, I guess I'd ask John first, what is the average or normal take of subsistence like in Y-1, 2 and 3, which were getting only a little over half when they used to get up to 75 percent or better as far as historical averages that you've got in here? I mean as a general number, what would that be for Y-1, 2 and 3?

MR. HAYES: Right off the top of my head I believe it's about 15,000.

MR. ROCZICKA: Okay. That's pretty much what I expected to hear. That's why I'm wondering how did you miss 20 percent of the run? If you're looking at exceeding that escapement of 45,000 that you're looking

for by 25,000 fish, 25 to 30, how did you miss 20 percent of your run if you projected a 122 for your total run and you missed 25,000 fish?

MR. HAYES: Mr. Chair. Mr. Roczicka. I think you have to understand that the 122 number at Pilot Station is a conservative number. We realized in-season that we had high water issues that were affecting the sonar with high water and turbidity on that left back shore that was affecting the counts.

We took that into consideration in our management strategies, the uncertainty we had in that number. But even with that uncertainty it was still determined that with the restrictions we had in place that we would still be fairly close to whether we were going to meet the goal or not into Canada. As I said, the 122 number is conservative. I would say that it's not the actual number. It's an index. When Mr. Gerken said it was lower than 2008, it was lower as the number, but actually, as you said, the sonar did miss some fish. I mean exactly how many we're not sure.

MR. ROCZICKA: Are you guys looking at getting a DIDSON or something in there to do it a little better, although maybe DIDSON wouldn't be any better because that's made more for clear water.

MR. HAYES: Mr. Chairman. Mr. Roczicka. There is a DIDSON in the left bank, which is where we had the issue this summer with the high water and turbidity creating the silt problem, which made it difficult to see a portion of the river there. The sonar staff will be conducting -- next year they're looking at using these side scan sonar on that left bank so that they can see if we have these high water issues, that if we can see if we're missing fish.

Currently they're using 25 fathom drift gillnets in their test fishery, which is what they do their species apportionment with. Next year they're going to be using 50 fathom gillnets or they're testing 50 fathom gillnets to see if they're having an avoidance problem with the fish with different gear lengths.

Additionally, they're testing an alternative location downriver for the left bank sonar to see if moving it down will work better. They're also exploring different sites entirely for this sonar. This year they've looked at Pitka's Point. They've actually

done some transects there. My understanding, I'm not a sonar expert, but what's been explained to me is that the Pitka's Point site looks pretty good as far as a bottom profile goes, but there's some sandbars that concerns the sonar people that during low water or something could create a problem.

Next summer they're going to Marshall and Russian Mission to test sites in those locations for possibly moving the sonar there. The only issue with that from a management standpoint is that's an additional two to three days of waiting for those fish numbers, which is a pretty big delay when you're managing a fishery down there. That is another option.

One thing I'd like to add, the sonar staff is constantly working on the sonar trying to make sure it's operating properly, but, as we all know, especially this year, we had extremely high water conditions until about the third week of June. We had difficulties with our test fish sites at the lower river. It was about half of average. Subsistence fishermen were having difficulties fishing early in the season. We delayed implementing the subsistence schedule for that reason, to allow subsistence fishermen more time to be able to catch those earlier chinook and other species.

So I just wanted to remind people that while we can follow through and check all these things, we're still potentially -- in the future you can still have some of these issues with these projects and that's why we're looking at -- when we manage, we're using all these projects as an aggregate to manage this fishery.

MR. ROCZICKA: Just one last one for my own curiosity. As far as the test fishery goes down at the mouth where you've got it located and I'm quite familiar with the issues of long term comparative issues using it as an index and so forth, not a real number as far as what's coming back and so on. Where is that located? I know it's down by Emo somewhere, but is it above -- as I understand, there's what three mouths down there, different channels. Is it above all of those?

MR. HAYES: Mr. Chairman. Mr. Roczicka. Yes, there are three mouths that we do monitor. We have the north mouth, middle mouth and south mouth and we have nets in all those locations above where the channels would come together. We are looking at next year you have issues with sites becoming non-productive and we'll

have to look at relocating those sites. As you said, it's always important to have those things comparative from year to year, but at times you do have to move.

One thing to point out, it's another difficult one. In 2008, when we had the poor run, the test fishery showed it was an average run, so we're constantly dealing with these difficulties. As I said, that's why we're looking at all these assessment projects together.

The other thing, I don't know if anyone is familiar with, we had the Marshall drift project. We chose not to run it this year because we were running the last year of the mesh size study and also to conserve chinook salmon. We weren't planning on commercial fishing, so we felt we didn't need the project. I'm not sure exactly who's going to put the project in, but there will be a proposal for Mountain Village project test fish project for this summer season, which will hopefully give us another indicator prior to Pilot Station after the lower river test fishery.

MR. ROCZICKA: Just one final one. What steps are you taking to incorporate the trawl fleet bycatch into your consideration for returns and the effect that's having on subsistence?

MR. HAYES: Well, at this time, it's not that you're incorporating -- you know, if you knew what number you were missing, we don't know at this point, so it's tough to incorporate it in. Based on parent year escapements, what we can project that will be coming back from that year is what we have to use. Then we manage in-season once the run starts coming back. That's where last year, as Mr. Gerken explained, we had a management strategy that was set going into the season on what we were going to do.

We were going to start off with the reduced schedule, we were going to pull periods on the first pulse, and that's what we did. We followed through with it. This winter we'll be looking at doing that again. It sounds like YRDFA is going to be requesting funding to the Yukon River Panel to have these teleconferences and meetings again. And we'll be looking at how to change the actions we took this year if we need to to be possibly less restrictive if we don't need to be so that subsistence fishermen can get more of the fish. But as far as incorporating the bycatch into it, at this

time we're not.

CHAIRMAN L. WILDE: Any further questions on Yukon salmon post-season report.

MS. GREGORY: Mr. Chairman. How long does it take for our fish to get from the mouth of the ocean to the Canadian headwaters?

MR. HAYES: Mr. Chairman. Ms. Gregory. It's about 30 days.

CHAIRMAN L. WILDE: Any further questions on the Yukon salmon post-season. Mr. Kelly.

MR. KELLY: Thank you, Mr. Chairman. Steve and Mr. Gerken. I'm from Pilot Station and I'm familiar with the sonar site at Pilot Station. Right now I could ask a lot of questions about anything and everything, but I guess I just have two that are primary. The Lower Yukon River communities are part of the Wade Hampton census area and economic characteristics of this census area are unlike anything in any other community or census area in Alaska or in the U.S.

Some of the management actions that the agencies took this summer created some really economic hardships. Not only for subsistence, but also for commercial fishermen. Sometimes it's really hard for non-locals to see that the subsistence fishermen are also the very same commercial fishermen who use the same gears, same equipment, same outboard. Everything is the same that the subsistence fishermen use as with commercial fishermen.

As part of the economic hardships that were caused in July Governor Parnell requested that the Lower Yukon be declared an economic disaster. Do you guys have any information on that?

CHAIRMAN L. WILDE: Steve.

MR. HAYES: Mr. Chair. Mr. Kelly. No, at this time I have no information on where that stands.

MR. KELLY: My other question is both your representatives of agencies, the Federal government and the State, as Fish and Wildlife Service, the Department of Interior has fishing guidelines similar with the Alaska Department of Fish and Game that

recognize consultation policies with Federally recognized tribes in Alaska. You have Gene Sandone sitting behind you, who is a representative for the Drainage Fisheries Association which you mentioned. I'm not a member of that organization. My traditional council is not a member of that organization. The governments agree to consult with tribes in pretty much any matter regarding tribal members. Everyone in Pilot Station who subsistence hunts and fish, everyone in Pilot Station who will qualify as a resident user is also a tribal member. Regarding these sanctions like against the fisheries, were any of the tribes consulted before these actions took place?

MR. HAYES: Mr. Chairman. Mr. Kelly. Yes, during these meetings that we had in the wintertime, the teleconferences and then we had the final meeting in April, there were select people that were selected through YRDFA, whether they volunteered to be part of the group or not, they were part of tribes. We also had Tanana Chiefs Conference involved in it. The unfortunate thing is that we can't contact everybody. So what you're hoping is that these people that are involved in these meetings and groups go back to the communities and relay this information to everybody.

Additionally, we had a pretty good media blitz type thing that we did, the Federal government sent out posters, news releases and flyers, trying to get this information out to everybody on the river this last spring and we will do the same thing again this spring if we're anticipating another poor run.

I want to clarify one thing with the sonar having difficulties this summer. I think there's a misconception that there would have been enough fish for a commercial fishery this year. While we're still waiting on subsistence harvest information, our Staff is out collecting it now, just based on the preliminary numbers we have now there would not have been enough fish for a directed commercial fishery. I think unfortunately -- I mean it's a positive thing that we met the escapement goals, but, unfortunately, it came at the expense for the subsistence fishermen.

That's why I was saying this coming winter we're going to have to go back to the table, look at the conservation steps we took this year, which were pretty effective, and see which ones didn't work, which ones worked. We may not have to be as restrictive.

Maybe it's just pulling one period off the first pulse. Maybe that will do enough to meet our goal into Canada. So our main goal is we do not want to be as restrictive to the subsistence users.

For the commercial fishery, one of the main reasons that we pushed to not have during the directed chum fisheries to not have the kings sold, that was a way for us to start the chum fishery earlier so that those kings could go into the subsistence harvest and that enabled us to start fishing for chums to provide some type of economic opportunity.

MR. KELLY: Thank you. I appreciate the answer. You did mention again regarding the Drainage Association. As part of ANILCA, this Council was created to address subsistence hunting and fishing issues. The Yukon River Drainage Fisheries Association is a special interest group and whether as a special interest group you could decide whether you want to be a member of that group or not. As long as you pay the fees, you can be a member of that. That's similar to any other special interest group, Audubon Society. Any other special interest group can step in and provide their say on the issues, like, for example, our subsistence fisheries. For those of us that live on the river and depend on the river, where does precedence come in?

MR. HAYES: Mr. Chairman. Mr. Kelly. Just to clarify. YRDFA was not conducting these meetings to, I guess, push their agenda. They were just the group coordinating teleconferences and meetings to pull the people together from the river. So anybody could have volunteered to be within this group at these meetings. I would strongly recommend that if you're interested that when we do have these meetings this winter that you contact YRDFA and say that you'd like to be involved and I'm sure they'd be more than welcome to be involved in it.

CHAIRMAN L. WILDE: Are you done? Any further questions concerning the post-season report?

(No comments)

CHAIRMAN L. WILDE: Anything to add on to that from the U.S. Department?

(No comments)

CHAIRMAN L. WILDE: Okay. Thank you. We are down to Item B, Kuskokwim River salmon post-season report. Robert.

MR. ALOYSIUS: What about the question written down?

CHAIRMAN L. WILDE: Oh, okay. There was one question that I didn't know I was supposed to ask it. Why wasn't customary trade suspended. Could somebody from the Feds answer that.

MR. GERKEN: Mr. Chair. Initially when we were coming up with some of the management strategies early in the year with YRDFA and the stuff we had just kind of talked about, there was talk of customary trade being, I guess, changed for the year for conservation. So the idea was that if there wasn't customary trade, there would be more fish on the water and less leaving the river for the most part.

The problem is that customary trade, as a Federal manager, we don't have the ability to change customary trade on an annual basis. As I understand it, the way we could change that would be the Federal Subsistence Board would have to change any type of thing dealing strictly with customary trade. So although it was part of one of the strategies that was brought up in these pre-season meetings, the Federal manager does not have the authority to change that in-season.

CHAIRMAN L. WILDE: Thank you. I hope that answered the question. Steve.

MR. HAYES: I just wanted to add one thing. I think too that with customary trade and able to stop it even for one year is that you have to show that that is having a negative impact on the run and that that's part of the problem as I understand it.

CHAIRMAN L. WILDE: Thank you. Any more questions. One last question, William.

MR. BROWN: Mr. Chairman. I was going to add a question about what I experienced when I used to conduct the Eek test fishery. In that time, they were trying to monitor with sonar monitoring by the mouth of the Kuskokwim, but due to the high and low water situation, the equipment, they couldn't figure out where to put that sonar, so they cancelled that. So I'd say in

your paper due to the high water in that area of Pilot Station have the same high and low tides, I have a concern about that.

CHAIRMAN L. WILDE: The question was does Pilot Station have tides and does that affect the operation of the sonar.

MR. HAYES: Mr. Chairman. Mr. Brown. Pilot Station is far enough upriver that they're not affected by the tidal influence, but they are affected obviously by high water conditions from runoff water building up and rain and things farther up the river. No, they're not affected by the tidal influence.

MR. BROWN: So when they're showing up on the screen, we couldn't identify what species went through. That was one of the problems too.

CHAIRMAN L. WILDE: I didn't get what that question was on that.

MR. HAYES: The sonar itself doesn't tell us what type of species they are, whether they're chums or kings, and that's why we conduct the test fishery now, is to do the species apportionment. So the sonar gives us basically a bunch of blips and then we do our test fishing to catch the fish to separate out the species on how many are king and how many are chums. I'm sure there's probably a better technical definition.

CHAIRMAN L. WILDE: Does that answer your question?

MR. BROWN: Yes.

CHAIRMAN L. WILDE: Thank you, both of you. We are down to Kuskokwim River post-season report, U.S. Fish and Wildlife Service and ADF&G.

MR. ESTENSEN: Good afternoon, Mr. Chairman. Members of the Council. My name is Jeff Estensen. I'm with the Alaska Department of Fish and Game, Kuskokwim area manager. You should have received a handout that just went around and that's a post-season summary for the '09 season for the Kuskokwim. That includes both the Kuskokwim River District 1 and also the two commercial fisheries down in the Kuskokwim Bay, W-4 Quinhagak, and W-5 Goodnews.

I don't really intend to go through this packet word for word, page by page. What I'd like to do is just kind of give you a summary here. Obviously, if you have any questions, I'll be more than happy to answer them.

I just want to start off by saying that all the numbers that I'm presenting in this packet are considered preliminary right now.

CHAIRMAN L. WILDE: Could you wait just a minute. I've got the Yukon preliminary summer season report and I didn't get the Kuskokwim report. Was that passed out? Let's take a 10-minute break. Stand down for 10 minutes until we get that information, please.

(off record)

(On record)

CHAIRMAN L. WILDE: I think we all have the right papers now, so we'll go down to the Kuskokwim area salmon fishery news release.

MR. ESTENSEN: Thank you, Mr. Chair. Members of the Council. Now that everybody has the document in front of them. As I was mentioning, I'm not going to go through every graph and page and whatnot. Just to let you know, the three tables that will help you out when I'm giving my summary here, Table 1 on Page 5 of your packet, which is essentially showing the harvest for this year and comparing it to the most recent 10-year and also the same with the ex-vessel value.

If you look on Page 6, the table there basically shows the historical ex-vessel value for all the different districts for the Kuskokwim area since 1989. Table 3 on Page 7, which is a summary of ONC in-season subsistence harvest survey that they did this summer.

Again, I just want to point out that all the information I'm presenting today is preliminary, subject to change, and that's probably more in regards to the escape information that's in the packet as opposed to the commercial harvest numbers.

I'm going to start off with the river, District 1, on the Kuskokwim River. Looking at subsistence, we didn't have any subsistence closure this

year or not subsistence windows. Subsistence fishing was allowed seven days a week with the exception around commercial openings where it was closed before, during and after. Based on our run assessment and in-season survey reports, we expected the amounts necessary for subsistence were met this year on the Kuskokwim River.

The working group met 15 times this year and we met to discuss fisheries issues, management issues and so forth. Moving on to the commercial fishery, in District 1 on the river, the commercial season opened on 6/23 and went to August 22nd. We had 16 commercial openings on the Kuskokwim River this year. Because of processing capacity we had one single registered buyer in the district. More tendering capacity issues than anything else. All of our commercial openings were restricted to subdistrict 1-B. That's the portion of District 1 that's below Bethel.

On top of that, three of those commercial openings were further limited to the lower section of subdistrict 1-B. Again, more for tendering issues than it was anything else. We had 342 permits that participated in the District 1 fishery this year, which is actually below the most recent 10-year average, 404 permits.

The commercial harvest for kings was 6,600 fish, which was above the most recent 10-year average of 2,437 fish. Chum salmon harvest issue was 76,800 fish, which was above the most recent 10-year average of 21,500 fish. By the way, this is the second largest commercial harvest of chum that we had since 1998. That's the same for chinook salmon as well.

Moving on to sockeye salmon, our harvest was 25,800 fish, which is well above the most recent 10-year average of 8,700 fish. This was the highest harvest we've had in the Kuskokwim area in District 1 since 1998.

Finally, for coho salmon, our harvest was 104,500 fish. This was well below our 10-year average of 189,000 fish. This was the second lowest harvest for coho salmon that we've had since 1998.

The ex-vessel value for District 1 commercial fishery was $500,000, which was above the 10-year average of 441,000. Our escapement information is very preliminary right now. However, just kind of in a nutshell our escapement for chinook we consider this to

be a lower abundance year, although the escapement was considered to be adequate and we did have normal run timing. When I say lower abundance, I'm comparing it to what we've seen in the last three years where we've had some pretty large runs of chinook.

For sockeye, we characterized the run this year as above average with normal run timing. The chum salmon run was average to above average and coho was average to above average.

I can either take questions for the Kuskokwim River right now or move on to the bay districts, Mr. Chair.

CHAIRMAN L. WILDE: Why don't you go ahead and move on and then we'll ask questions later.

MR. ESTENSEN: Moving on to District 4, Quinhagak, this is down in Kuskokwim Bay. Again, the subsistence harvests were good. There was no closures except for those around commercial openings. Again, based on information from the folks in run assessment that we expected amounts necessary for subsistence will be achieved. The commercial season in District 4 opened on June 15th, 179 permits, which was above the most recent 10-year average of 150 permits and we had 29 periods down there.

Commercial harvest for kings was 14,000 fish, which was below the 10-year average of 18,000. Reds was 112,228 sockeye salmon that were harvested. That's well above the 10-year average of 60,000. We had a record harvest of sockeye salmon in District 4 this year. For chum salmon the harvest was 91,000 fish, which was well above the 10-year average of 21,500. Again, we had a record harvest of chum salmon in District 4. For coho salmon, the harvest was 48,000 fish, above the most recent 10-year average of 42,000 fish.

We did have to take some conservation measures down in both Districts 4 and 5 for coho where the runs weren't shaping up. To allow more escapement into both the Kanektok and Goodnews Rivers, we ended up restricting fishing time down to fishing opportunity. We also had to do the same thing for chinook salmon in W-4 as well early in the season in June.

The ex-vessel value for the Kanektok W-4 fishery was $747,000, which is above the most recent 10-

year average of $438,000. Escapement at the Kanektok weir for kings, chum and coho was in the average range. We did have 278,483 sockeye escapement to the Kanektok River drainage, which was the second highest we've had. The high before that was 350,000, I think it was. So we had a great run of sockeyes in W-4 and Kanektok River.

Moving on to District 5, pretty much the same story with subsistence. There was no closures other than what was around the commercial openings. Indications that amounts necessary for subsistence will be met in that district. We had 1,500 kings that were harvested, below the most recent 10-year average of 2,200. Sockeye was 32,500, which was above the most recent 10-year average of 26,700. Chum salmon was 17,000 fish, which was well above the most recent 10-year average of 7,000 fish. Coho, we harvested 8,500 fish, which was below the most recent 10-year average of 12,700. The ex-vessel value for the District 5 commercial fishery was $192,000, which was above the most recent 10-year average of 140,000.

We made escapement with no problem for chums, reds and coho at the middle fork Goodnews River weir. The chinook salmon escapement came in at 1,453. Our escapement goal is 1,500, so we missed it by 47 fish. Unfortunately, we were not able to fly any aerial surveys in the bay districts this year because of poor weather.

That's all I have for the post-season summary.

CHAIRMAN L. WILDE: Any questions.

(No comments)

CHAIRMAN L. WILDE: Any questions. Mr. Charles.

MR. CHARLES: Mr. Chairman. I don't have a question, but I've got a comment to Jeff about Kuskokwim salmon fishery. When we had that subsistence closure, radio talk shows were getting loud at that time. People didn't want the closures, but we are off the restrictions now and that quieted down and nobody complained about subsistence fishing on the Kuskokwim River now. The only time we have closures is when we have commercial fishing. That's the only time the river closes for subsistence. As many of you heard Mr. Hamazaki (ph), what's his name, that windows doesn't work

on Kuskokwim. I remember that from what he said at the interagency meeting. That helps make things easier for us on the Kuskokwim and people don't complain too much now like they used to when we had the closure, subsistence closures on Kuskokwim. That makes things sound better. The radio station I listen all the time.

I appreciate the Department of Fish and Game and Federal subsistence people make our river or this area sound better or make things quiet down. Like our traditional people, they always warn us not to argue and fight about the racehorse. Our traditional people always warn us. So I like what the Department and the Federal people are doing now for this reason. Thank you.

CHAIRMAN L. WILDE: Any further questions. Mr. Brown.

MR. BROWN: Yeah, I brought this up to the Federal person. I didn't know I wasn't in the commercial fisheries. My concerns about that District 4 Quinhagak boundary line, north boundary line. Those folks from my area told me that that line was moved backwards and we asked who put those markers. Nobody knows. They were suggesting that they want someone that knows the area from like Quinhagak to relocate that marker. They said it's not in the right place. Somehow, maybe one of your staff could relocate that marker so those folks back home, the guys who know the area, they want to put it in the right place. They just wanted me to bring that out in this meeting.

MR. ESTENSEN: Thank you, Mr. Chairman. I didn't quite understand. What northern boundary, on the river or down in W-4.

MR. BROWN: W-4. And then they want that parallel marker behind that big marker. They want to extend that off from the shore. When you're out there in low water, it's hard to see.

MR. ESTENSEN: Mr. Chairman. Mr. Brown. Yeah, those markers always have been a problem since I was here before and it's a matter of figuring out some way to get them. We try to do the line of sight. Having one marker there doesn't do work for you because depending where you are is where you interpret the boundary to be, so we try to do the gun sight type. The problem is we put a boundary marker up and two days later

it's gone or shot at or whatever. So we try to do the best we can. One of the priorities we're going to have from now on is making sure we get our crew out there and try to do the best we can to set up a marker.

MR. BROWN: When they used to have one line marker it used to be hard to tell whether you're outside or inside that line, but if you hooked parallel markers you could tell whether you're outside or inside. This inland marker is too small, so you have to make them visible from way out. Thank you.

CHAIRMAN L. WILDE: Okay. Any further discussion on the Kuskokwim salmon post-season report.

(No comments)

CHAIRMAN L. WILDE: If not, thank you, Jeff. At this time we're going to hear a couple testimonies. One is James Nicori on fisheries.

MR. NICORI: Thank you, Mr. Chairman. I have the fish report that has been given to us, escapement from the Kuskokwim, Aniak, Tatlawiksuk and Takotna, Kwethluk and Tuluksak. As you know and look at the report, the past two years the numbers has been dwindling down on the chinooks, especially on the Kwethluk River, which was in 2006, 16,000, 2007 were 13,000, 2008 they went down to 5,000. Tuluksak, two and a half thousand down to 1,000. From 2007 it went down to 300, 600 and 400.

The reason behind these, the bycatch of the pollock fisheries is going up the past several years. Putting these windows in our fisheries on the Yukon and the Kuskokwim won't solve this problem. It won't send more fish up the river. What is happening is the fish that are supposed to be returning to the Kuskokwim and the Yukon are being caught and wasted by the pollock fisheries. When I estimated the amount of fish that were on the pike bycatch and wasted last year, estimating the whole number and looking at the village of Kwethluk, all the households in the village of Kwethluk would have been given over 100 chinooks per family and that would also do the same in Akiachak and Akiak. That was the whole bycatch that was being thrown away by the pollock fisheries. Something has to be done about this fisheries before the Yukon and the Kuskokwim are out trying to buy fish from the grocery stores.

Looking over that bycatch, it's hard to believe why this is going on for years and years when we are targeted on the river for wasting the fish. Why us? Why are they pointing a finger at us when the numbers are very visible on the bycatch fisheries of the pollock being thrown away by the fisheries and wasted in the ocean.

As you know, as everybody know, the Yukon and the Kuskokwim River is the Safeway and Carrs of the Native people living on the River. We get those fish in 30 days limited so we can last a whole winter. Again, as I say, are we conserving the fish to go up the river and spawn and go out to the ocean to be wasted by the pollock fisheries. That is my question.

Something has to be done about this pretty soon, very soon, otherwise we would be like the northern brothers and sisters of the Kotzebue and Nome area. The way it sounds, I don't like it to be chosen to fish for the summer, then another family the next year. I don't think that would be good for us. Again, I say something has to be done about this bycatch fisheries that are wasting our fish that we are conserving.

Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you, Mr. Nicori. Next to testify will be AVCP, Myron Naneng.

MR. NANENG: Thank you, Mr. Chairman. Members of the Regional Advisory Council of the Yukon-Kuskokwim Delta. My name is Myron Naneng. I'm the president of the Association of Village Council Presidents representing 56 villages on the Yukon-Kuskokwim Delta Region.

Economic genocide is occurring on the Lower Yukon. There is no other way to describe it. A once thriving fishery is now being killed; one by the pollock fisheries and one by the State of Alaska's management of fishery resources. And also the restrictions that have been placed by the management by both State of Alaska and Office of Subsistence Management.

Our kids play games with computers, Nintendo. All they concentrate on is that game that's shown on TV. The way the sonar has been operated by Fish and Game in collaboration with the Office of Subsistence

Management, that's how it seems that the sonar was being monitored, fish was being monitored on the Yukon River.

The report is that the sonar on the left side of the river on the Yukon was not reliable or non-functional until June 21st. That's six days into the complete closure of subsistence on the Lower Yukon. They closed it from June 15th to June 21st. That has caused a lot of hardship for our people on the river. Because of the fact that people in the villages were observing the fish runs, the salmon runs, Marshall and Ohogamiut went fishing for their elders to get food on the table because of the fact that some of the reliable information that had been used in the past was ignored.

Local subsistence fishermen reporting that they're catching chinook salmon. That was ignored by both Alaska Department of Fish and Game and by Office of Subsistence Management. Yet reports were made up in Holy Cross, which is quite a ways beyond the Pilot Station sonar that they were catching chinook salmon and Fish and Game said nope, I don't think they should be catching any chinook salmon now because our sonars have not picked them up.

At the same time Fish and Wildlife and Fish and Game law enforcement were flying around looking for people to cite during that closed season and they weren't even asked to verify the catches of chinook salmon that was further up and beyond the Pilot Station sonar. Did they do that? No, they did not. That's why we had a citation of one individual issued a couple days ago by Fish and Wildlife Service for someone who was trying to feed elders and those that are in need in the village.

While, as the previous speakers stated, Alaska Department of Fish and Game commissioner made the recommendation that the pollock trawl fleet can waste up to 68,000 chinook salmon as bycatch. Is that fair to the people that got 100 chinook salmon to share with their family members in the village? Nope, that's not even fair.

The sonar was not only having problems during the early summer. In late August, Fish and Game reported there was a low number of fall chum. When the Lower Yukon people started asking for special openings for cohos that they observed running in high numbers, it seems for some strange reason the low number which was

less than 100 suddenly became over thousands, up to about 3,000.

The commercial opening that occurred late in June for chum salmon, the only reason why they opened that is because of fish buyers were asked not to buy chinook salmon and then at the same time Fish and Game was concerned about some of our fishermen throwing chinook salmon if they catch it because they couldn't bring it home, they may have met their subsistence needs in the village, but they were asked if it was alive to let it go, but if it was dead, they were concerned that they were going to throw it overboard. What's the difference between a pollock trawl fleet and our own fishermen. And if our own fishermen on the river system had done that, they would have been cited for wanton waste.

One of the things we're encouraging our villages from Lower Yukon and along the coast is not to participate with YRDFA, Yukon River Drainage Fisheries Association. It does not represent the tribal members. It's only a membership, paying dues member organization. Like if I paid $100, then I'll be a member of YRDFA. Yet I'm a tribal member of Hooper Bay. Hooper Bay Tribal Council will not be involved. They're making determination according to Fish and Game and OSM that YRDFA is a management body.

It's unfortunate for the State of Alaska they encourage 68,000 waste of chinook salmon during the North Pacific Fishery Management Council and a week later telling people on the Yukon that you are going to be closed for subsistence and commercial fishing and then making criminals out of our people.

Did OSM question any of the assessments made by Alaska Department of Fish and Game? As far as we know, no, they did not. They didn't even question them. They just went along with them. The windows on Lower Yukon have been implemented since the late '90s and early 2000's to help try and rebuild the chinook salmon stocks. This summer our people were restricted to two 18-hour periods per week. If you have a concentration of that opening with all the fishermen trying to get their food for the winter with those opening, I'm sure you're going to hit as many fish as you can of those that you're trying to protect. At the same time, I think it's defeating the purpose of trying to conserve those fish for escapement.

In light of this past summer, I think there's got to be some definite changes requested by our Regional Advisory Councils to OSM. One, to work with the villages to make sure that whatever monitoring is done on the Yukon be done in consultation with the tribal governments in the villages, not with YRDFA.

Other impacts. There's some Fish and Game proposals that came out a few years ago that AVCP and many of you who are sitting on the RAC right now were involved with. We made a concerted request through the Board of Fisheries to reduce the coho or sockeye and chum ratio and the number of catches that they have in Area M. It was a 1 to 1 ratio. They got 1,671,300 sockeye and for the chums they got 1,649,000-plus chums. Which rivers did they affect with that high chum catch? Western Alaska rivers. They'll probably say that fall chum on the Yukon were not impacted, but you know more often than not the fall chum usually starts showing up after July 15th according to Fish and Game and were assured with the number of catch of chums by the South Peninsula fishermen it impacted.

One last final comment that I'd like to make is that in light of what's been proposed by the RACs upriver, Interior and Western Interior, I think the Lower Yukon and Kuskokwim RAC needs to be divided into two; one to cover the Yukon and one to cover the Kuskokwim. It seems like everything the RACs do upriver is based on the proposals that we see before us, is to eliminate and to create economic genocide on our people on the Lower Yukon. Even eliminate subsistence fishing for that matter while they continue to have customary trade. I think the RACs should go to the Federal Subsistence Board and request that be dealt with.

We're good friends with our friends up in Tanana Chiefs, but when it's really hurting our people and we're anticipating another winter that we had last winter where people were short of money, and this morning I met with Health and Human Services -- Social Services in Anchorage to try and plan to have more money come to the region because many of our people are not going to be able to pay for either food or fuel like they did last winter.

So I'd encourage the Regional Advisory Council to take a look at those, but I think that ultimately Fish and Game and Office of Subsistence Management and we've told Pete Probasco, the director of

Office of Subsistence Management that AVCP is going to encourage our villages on Lower Yukon that any agreements that are made with YRDFA will not be abided by our Lower Yukon villages unless it's tribal consultation.

I think with the recent decision that was made by Judge Holland regarding lands that are still under Federal jurisdiction the Federal government has no other choice but to work with our tribal governments and do tribal consultation on any of the management of resources that are on our lands.

With that, I'd like to thank you very much, Mr. Chairman and members of the Regional Advisory Council. Any questions?

CHAIRMAN L. WILDE: Thank you. Are there any questions for Mr. Naneng? Greg.

MR. ROCZICKA: Mr. Chair. It kind of occurred to me now and I know you've been dealing with fisheries issues for a long time, Myron, but have you tried to get the Department to explain from Homashon (ph) when he came out with the American Fisheries Society, I believe it was, a couple years ago and his report on analyzing on the Kuskokwim how windows were ineffective, why it's kind of accepted here but it's not accepted on the Yukon.

MR. NANENG: The windows on the Yukon have been in place since late 1990s and early 2000s. What they did was for implementation of restrictions that were placed last summer. They just further reduced the number of hours. Around early 2000s they implemented two 36-hour periods per week for subsistence. We have not seen any increase in the number of chinook salmon that are coming back to the village or to the spawning grounds that was the original intent for them.

MR. ROCZICKA: One other I'd like you to explain a little more since it affects us directly. If I understood you right, you're making a recommendation for this Advisory Council to be separated into two, one for Kuskokwim and one for Yukon. Did I hear you right?

MR. NANENG: Yes, that is a recommendation because with all the proposals that are coming down to further reduce Lower Yukon and at some point it may be on the Kuskokwim. I know that both Yukon and the Kuskokwim Delta RAC has been pretty supportive of

trying to work with each other in making sure that they protect the rights of our people to continue to subsistence fish and all that. But I think it's about time that we consider taking a look at a stronger voice in the Lower Yukon to be able to try and protect their fishing rights on there.

CHAIRMAN L. WILDE: Thank you, Myron. We'll take a five-minute break. At 3:30 we're going to start our public hearing on lead shot.

(Off record)

(On record)

CHAIRMAN L. WILDE: Call the meeting back to order. It is now 3:33. Mr. Tom Kron.

MR. KRON: Mr. Chairman. Members of the Council. Interested public. This meeting is to hear comments on Wildlife Special Action 09-09. Barb has passed out copies of the analysis. I'll apologize right up front. We just completed this two days ago, so it's hot off the press. It's an issue that you're very familiar with.

As people know, there was a switch from lead shot to steel shot for duck and goose hunting back in 1991. In spite of that, the Spectacled and Steller's Eiders continue to still pick up a fair amount of lead. There was lead poisoning going on. We were still having those two eiders dying.

Two years ago the village of Hooper Bay submitted a request to the Alaska Board of Game when they met here in Bethel in November of 2007. The Board of Game, at the request of Hooper Bay, adopted a State regulation which basically said that if people are hunting wildlife as well as waterfowl, they need to use steel shot because we're getting too much of the lead out in the areas where the waterfowl, these two threatened eiders could pick it up.

The refuges last fall and again this fall went out to the villages and basically exchanged steel shot for lead shot. If people had lead shot, the refuge would basically give them even trade for steel shot to help basically the public be able to deal with this.

A year ago this Council unanimously

supported essentially a Federal prohibition of use of lead shot, so basically this same idea is incorporated here. There was some adjustments made at the request of the Council last fall to that. That special action, because of the regulations, that can only extend through the end of the fiscal year. So that expired on June 30th this past summer.

The refuge submitted a second special action request. That's the one that's before you right now and, again, the request is to basically continue this on the Federal side, continue the lead shot prohibition on the Federal side. It's already in place on the State side. As Robert mentioned this morning, the refuge has submitted a proposal to be considered during the wildlife cycle to put this into the Federal regs, so it would be parallel with the State regs. Again, that wildlife Board meeting won't occur until next May.

So that's what this is about. Pete DeMatteo is going to present the analysis before you, give you a quick overview of what's there. It's a real familiar issue to people out here. Again, it was addressed at the Board of Game meeting here two years ago. It was addressed at your Council meeting a year ago. It's basically a continuation of the same thing.

Again, Pete is going to present and we'd like to hear from the members of the public if you would recognize them. At the conclusion, we'd like to hear your recommendation. What is the Council's recommendation on how to proceed with this special action.

Thank you, Mr. Chairman. Again, Pete, I think, is ready on the phone to give us the analysis. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Kron. Pete, you're on.

MR. DEMATTEO: Tom, Mr. Chair. I'm having a hard time hearing because of the hum that's in the line here. Am I to present now?

MR. KRON: Yes, Pete. Go ahead.

MR. DEMATTEO: Very good. Mr. Chair. Members of the Council. Special Action Request WSA09-09 was submitted by the Yukon Delta Refuge. The refuge

requests that there be a prohibition on the possession or the use of shot shells containing size T lead shot or smaller for the taking of wildlife in Unit 18.

The proponent claims that the requested action would accomplish several objectives. The first objective is to help address waterfowl conservation within the National Wildlife Refuge and the western Alaska waterfowl flyway. To manage for the decrease of lead toxicity in waterfowl species, the need for reductions in lead shot in the environment has been well documented. Waterfowl and other birds can be exposed to toxic amounts of lead from spent lead shot mistakenly ingested as food or grit.

Because of high mortality related to this ingestion, lead shot was banned in Alaska for waterfowl hunting in 1991. In the years since the ban, studies in Alaska document significant lead exposure in waterfowl when compared to studies conducted in the lower 48 states.

Breeding habitat used by waterfowl in the summer is also used by upland species throughout the year; therefore, lead shot used legally to harvest upland bird or fur animal species may end up in waterfowl breeding habitat.

The upland bird species include the following for Unit 18: Sandhill Cranes, grouse and ptarmigan. The fur animal species for Unit 18 include the following: beaver, coyote arctic fox, red fox, marten, mink, weasel, muskrat, river otter, lynx, squirrel, hares, wolves and wolverine.

If the proposed regulatory language were adopted, it would extend the mandatory, non-lead shot use-zone beyond the wetlands and into the upland areas of Unit 18, benefitting waterfowl by helping to decrease the amount of lead shot in the environment.

Mr. Chair, the second objective is to temporarily align Federal regulations with the current State regulations. The third objective is to join the Federal Subsistence Board, the Refuge, the State and local hunters in a joint leadership role in conservation of waterfowl and wetlands in Unit 18.

In February of 2009, the Federal Board adopted WSA08-03 that temporarily placed the same

restriction in Federal regulations as requested in this special action. The proponent of the Special Action Requests has submitted a wildlife proposal to the Board requesting the lead shot restriction be made a regulation. The Board will take action on the proposal at its May 2010 wildlife meeting.

Two species of eider that inhabit Unit 18, the Spectacled and Steller's eider, are listed as threatened under the Endangered Species Act and are directly affected by lead shot in their habitat. Because there is currently no Federal regulation addressing the possession or use of lead shot for the purpose of taking upland birds or fur animal species in Unit 18 under hunting or trapping regulations, adoption of this request is necessary to have the restriction in temporary regulation for this hunting season.

Mr. Chair, if you look on Page 2 of the analysis, you can see the proposed language that would be put in the regulation for this year. It basically would say that the proposed regulation is as follows: In Unit 18 the possession or use of shot shells containing lead shot size T or smaller, including loose shot used in muzzle loading firearms, is prohibited while hunting or trapping.

The same restriction is currently found in the State regulations for Unit 18. The proposed regulatory language was submitted to specifically benefit waterfowl in the unit, especially the threatened Spectacled and Steller's Eiders. However, eliminating or even reducing the amount of lead shot into the environment would help to reduce the chance of lead exposure for all species that use habitat where lead shot is found.

Consumption of lead shot deposition by waterfowl and other bird species occurs when the smaller lead pellets, such as lead shot size T or smaller, are mistaken for food such as seeds or are selected for grit.

Results from research conducted on the Yukon-Kuskokwim Delta since 1991 on the lead shot for waterfowl hunting has shown that the ingestion of lead shot by Spectacled and Steller's Eiders remains a significant problem and may be constraining efforts to support recovery of both species.

Results in research conducted on the Yukon-Kuskokwim Delta conclude the following: Because of the freeze-thaw action that occurs each year, lead shot pellets trapped near the surface remain available for waterfowl for many years. Dead or dying eiders found in the Yukon-Kuskokwim Delta have been diagnosed with acute lead contamination.

X-ray images taken of female Spectacled Eiders nesting on the Yukon-Kuskokwim Delta show that 12 percent contained lead shot pellets in their gizzards.

Analyses of blood samples from Spectacled Eiders while on the breeding grounds on the Yukon-Kuskokwim Delta showed that 36 percent of the females and 12 percent of the ducklings had been exposed to lead.

Female Spectacles Eiders that have been exposed to lead shot suffer about 50 percent reduction in annual survival rates compared to unexposed females. Studies conducted in the lower Kashunuk River drainage on the coastal fringe of the Yukon-Kuskokwim Delta have shown that a large portion of annual mortality in females probably occurs on breeding areas. The studies conclude that lead poisoning or Kashunuk River accounted for 40 to 60 percent of observed female mortality and this percentage has probably increased from historic levels.

Finally, blood lead concentration studies conducted on Spectacles Eiders and Long-Tailed Ducks revealed high proportions of these species were exposed to lead contamination based on blood lead concentrations found in their blood.

Mr. Chair, your Council has supported this lead shot restriction in the past and supported a temporary action taken by the Board for the last regulatory year. The regulatory restriction was temporary as it ended on June 30th, 2009, making it necessary to establish another temporary regulatory restriction for this year. Again, the Board will take action on the proposal in May 2010. It would put it into regulation so the following year would not have to go through a Special Action Request.

Written comments received from the Department of Fish and Game support the adoption of Special Action Request 09-09. The Department suggests that the regulatory language be modified to add that .20 caliber be added in the language after size lead T so

that hunters do not confuse size T with another lead shot size that is TTT.

Department of Fish and Game is in the process of submitting a proposal to Alaska Board of Game that will add the size of the lead shot restriction to the State regulations to avoid hunter confusion.

Mr. Chair, adoption of the proposed restriction should provide conservation benefits to threatened Spectacled and Steller's Eiders and also to other waterfowl species by reducing the possibility of ingesting lead shot and the resulting exposure to lead shot environment. Therefore it is logical that by reducing the amount of lead shot available in the environment will result in reduced opportunities for ingestion of lead shot and thus a reduction in lead toxicity in waterfowl.

It is important to understand that wetland areas used by breeding waterfowl overlap with upland habitats used by other species during the winter where they are harvested by subsistence users. As a result of this, lead shot deposits still occur in waterfowl breeding habitat regardless of the 1991 ban on lead shot.

Adoption of the proposed regulatory change would benefit public health by reducing the chances of human consumption of waterfowl with significant lead toxicity levels. Adoption of the proposed regulation would benefit all wildlife resources in the long term, but could adversely effect subsistence users who may be using lead shot for hunting upland bird and furbearer species should they do so with a shotgun in Unit 18.

Adoption of the request would help to reduce confusion for hunters, village stores that sell ammunition, resource managers, and law enforcement personnel.

Mr. Chair, with all that said, the OSM preliminary conclusion is to support the Special Action Request. This concludes my presentation on the Staff analysis. Thank you.

CHAIRMAN L. WILDE: An'anaq.

MS. GREGORY: Mr. DeMatteo, Mary Gregory

here. Can you tell me how is it different from the one that we adopted almost two years ago? I know in the Kuskokwim area we had to trade for lead shot with steel shot when you bring them to the Fish and Wildlife office.

CHAIRMAN L. WILDE: Pete, did you get that?

MR. KRON: Pete, did you hear the question from Mary?

MR. DEMATTEO: No, I'm sorry, I did not.

MR. KRON: Mary's question was how is this different from, as I understand it, the lead shot prohibition that started back in 1991? Again, this Council supported a change for a Special Action a year ago. So I guess the question is how is this current proposal different from what they saw in 1991 and last fall.

MR. DEMATTEO: Mr. Chair. Ms. Gregory. If I understand the question correctly, you want to know how this differs from the original ban. This will put into regulation for this year that you cannot use lead shot that contains size T or anything smaller for the taking of upland birds, which I said for your area is Sandhill Crane, grouse and ptarmigan or for fur animal species or any of the furbearers.

This time this targets people not only taking waterfowl, but targets anyone shooting upland birds or fur animals. Does that help?

MS. GREGORY: I have one comment. I haven't seen (Yup'ik) for a long time. They don't come in droves. When this eider (Yup'ik) has (Yup'ik) up to four or five, so their (Yup'ik) is not that -- chances of them getting more is not that much. Also their food may be different from what's happening and I haven't seen (Yup'ik) for a long time, since I was a little girl. I'm 72 years old and I was a little girl like 50 years ago.

MR. DEMATTEO: I'm sorry, I did not hear the question.

MS. GREGORY: Those two birds don't come in droves.

MR. KRON: Mary's comment, Pete, was that

the Steller's and Spectacled Eiders are low in numbers. They don't come in droves. She's wondering if somehow they're different and more susceptible to the lead poisoning.

MR. DEMATTEO: I'm sorry, Tom. I couldn't catch a word of that. You're competing against a very loud hum.

MR. KRON: Mary's comment was that there aren't very many Spectacled and Steller's Eiders. She hasn't seen very many of them and she's wondering if they are more susceptible to the lead poisoning than some of the other species.

MR. DEMATTEO: Mr. Chair. Ms. Gregory. I think another way of wording that question might be does the lead poisoning have more of a detrimental effect on the eiders than the other waterfowl species. The answer is we don't know if their systems are more susceptible to that than say other bird species, but we do know that non-discriminately they get down and they eat grit and at the same time they pick up the lead shot and that's how it gets in their guts.

Anyone hunting upland birds or furbearers for whatever reason happens to be using a shotgun, which most people don't, puts spent lead shot out in the areas where those birds may be feeding. So what this would do is expand the area where you can't use lead shot from the wetland areas where the waterfowl normally are up into other areas where those birds may be feeding at other times.

MS. GREGORY: Mr. DeMatteo, Mary again. These birds don't go upriver. They're ocean birds.

MR. KRON: Pete, did you hear that?

MR. DEMATTEO: No, I did not.

MR. KRON: Let me repeat it. She said these are ocean birds, they don't go upriver.

MR. DEMATTEO: That needs to be put in the analysis. Tell her I appreciate her comment.

CHAIRMAN L. WILDE: Go ahead, Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. Define size T. What gauge or what caliber?

MR. DEMATTEO: Mr. Chair. Mr. Hoelscher. The T shot is .20 caliber or two-tenths of an inch in diameter.

CHAIRMAN L. WILDE: Does that answer your question, Mr. Hoelscher?

MR. HOELSCHER: Are you saying like a .22 rifle or are you saying a 410 gauge, 20 gauge? I'm trying to get what kind of shotgun shell or rifle ammo are you talking?

MR. KRON: Pete, Edgar's question was what kind of shotgun shell are you talking or caliber. He's still confused. He asked if it was 410 or 20 gauge. We're talking about shot that's inside the shells and the size of the lead shot.

MR. DEMATTEO: That's a very good question. Any gauge, 1620, 28 gauge, 410. Any of those gauges. Any shotgun shell that you put inside that has lead. You cannot use a shotgun shell in any of those gauges that has lead shot of the size T or smaller, but you can use lead shot that's larger than T, larger than two-tenths of an inch.

MR. KRON: Mr. Chairman. Mr. Hoelscher. When you buy your shot shells to go hunting, I would usually get a size 2 or a 4, but there's a size T also that you can get. Basically it is the diameter just a little bit smaller than a .22 shell. So a pretty good size chunk of shot to throw out there, but it's the shot size that they're talking about because we know that some people use their shotguns to hunt seals with pretty good size shot. We're staying away from that. This is focused only on the game bird, upland game hunting issues. It's the size of the shot that's in those shot shells. Thank you, Mr. Chair.

MR. HOELSCHER: Thanks for the clarification. The reason why I ask is I grew up using a 410. My son grew up using a 410 at a range of about eight to ten years old. That's how we learned to subsistence hunt. I would like to see my grandson use that 410 still.

CHAIRMAN L. WILDE: Just a minute. Mr.

Aloysius had a question.

MR. ALOYSIUS: Thank you. There's some confusion in my mind because ever since the steel shot came into effect that was the time that the T shot came into existence. Before that there was no such thing as a T shot in lead. What is the equivalent of a T shot in lead? Is that a BB or bigger? It has nothing to do with caliber the size of the shot.

CHAIRMAN L. WILDE: Can somebody come up with an answer to that?

MR. PERRY: I'll try to answer that, Bob. This is Phillip with Fish and Game. Like if you look at what most people would use for, say, a goose load, if you look at BB or BBB, those are 17 caliber and 19 caliber, so those remain anything that size and smaller would be -- you would be required to use non-toxic steel shot or one of the alternatives. Bigger than T you could use lead.

The reason they didn't prohibit all -- and I'm speaking from my memory of the Board of Game meeting. They didn't want to prohibit anything bigger than that because people were using it for hunting seals or other things with buckshot. So buckshot is legal to hunt. It's not something you'd hunt ducks and geese with, but it would be legal to hunt seals or other larger game animals. Hopefully that gives you a reference of the size. That BBB you can buy for say a goose load is a 19 caliber.

CHAIRMAN L. WILDE: Robert.

MR. ALOYSIUS: You talk about buck shot, you have double ought, triple ought, all those, but they never tell you what the diameter of the buck shot is. We need to have real good clarification as to what size this 20 caliber is.

CHAIRMAN L. WILDE: Mr. Perry.

MR. PERRY: I'm going off my memory here. I think the smallest buck shot is about 25 caliber and the largest triple ought is I want to say 33 caliber, so they're quite a bit larger than what we're talking about.

MR. ALOYSIUS: Thank you.

MR. DEMATTEO: Mr. Chair.

CHAIRMAN L. WILDE: Mr. DeMatteo, go ahead.

MR. DEMATTEO: Yes, Mr. Chair. I don't know if anyone has mentioned this so far, but this restriction would not affect anyone hunting those species, be it upland birds or the fur animal species. If they're hunting with a .22 caliber rifle, this would not affect them.

CHAIRMAN L. WILDE: Mr. Charles.

MR. CHARLES: Pete, that means we can still use .22 for ptarmigan and rabbit?

CHAIRMAN L. WILDE: Mr. Perry, go ahead.

MR. PERRY: George Pappas just handed me a cheat sheet for shot sizes. If you look at buckshot, the larger triple ought buckshot is 36 caliber and number 4 buckshot, which really confuses us, it's not the same as number 4 shot, is 24 caliber. So between those there's five or six more sizes. Those would all be legal to use. There are places where people hunt deer and other things with buckshot and I think that was one of the questions from several people on the coast, if it would still be legal to hunt seals with those and that's yes.

The way it's written for using .22's that's fine. It's larger than 20 caliber and it's also not a shot size that we're talking about. So it is still legal to hunt under State regulations to hunt ptarmigan with a .22 long rifle.

CHAIRMAN L. WILDE: Mr. Charles.

MR. CHARLES: Mr. Chairman. So if this proposal is passed it would be permanent regulations then or it would be like two years ago, just one year, good for one year?

CHAIRMAN L. WILDE: Mr. Kron.

MR. KRON: Mr. Chairman. Again, if this is adopted -- we're seeking your recommendation and the Board will take it up. If it's adopted, it would basically go into effect whenever the Board adopted it,

if they did so. It would continue only through June 30th next summer. Again, you'll be looking at the proposal the refuge submitted at your winter meeting. The Board will take action on that next may, but they've submitted a proposal to put it in the reg book. It's not in the reg book right now. It's in the State reg book, but it's not in the Federal reg book. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Mr. Andrew.

MR. ANDREW: Thank you, Mr. Chairman. My concern is the lead shot is still used in the mainland for small game and the majority of the elder hunters and subsistence users would be pretty reluctant to switch to steel shot right away. They should gradually phase them out. My concern is basically what I said, but they should concentrate on the coastal area and the tundra and marshland areas first and gradually work their way up inland. They still use lead shot for other game and fur animals. The majority of the affected area will be in the coastal areas. A lot of our people in the mainland don't hunt birds. Thank you.

CHAIRMAN L. WILDE: Thank you, Mr. Andrew. Any other comments. Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Pete, I don't know if you can hear me or not, but I believe I found an error in the special action regulation that you quote in here. It says in subparagraph 19(B) and I look at that in these proposed revisions to regulations in our book starting on Page 83 and there's no way to tell under these proposed revisions what's former language and what's not, but there's no reference at all in that subparagraph B on continued viability language. You find that in paragraph A under the emergency special action.

CHAIRMAN L. WILDE: Mr. Kron, you might be able to make that correction?

MR. KRON: Mr. Chairman. Mr. Roczicka. You're way ahead of us again, as usual. The special action regulations, they're submitting a proposal to consider a change there. What Mr. Roczicka is looking at is that proposed change. I have a copy of the current special action regs and that's what we're referring to in this special action. The 19(B) section of the current regs. We have to operate off the current regs until there's a change.

At this meeting tomorrow essentially we're going to be sharing with you what Greg has already talked about and that's basically the proposed revised language. It incorporated more reliance on Council input through the special action process. Again, things have been changed. The lettering has been changed and because of that what Greg is looking at, that's proposed. That isn't what we're operating under. We're operating under current regs and I've got a copy of those if any of you or Greg wants to see that.

Thank you, Mr. Chairman.

CHAIRMAN L. WILDE: Thank you for your clarification. Any further discussion.

MR. PAPPAS: Mr. Chair. George Pappas, Department of Fish and Game. The Department, as Pete said earlier, we do support this special action and the Department is going to go forward to the Board of Game and put our own proposal in to further clarify.

We had two recommendations. One recommendation to prevent this confusion about the size because you've got shot size, T size, BB size, what have you. We're looking for the specific language to say 20 caliber or less in diameter. Not the word smaller because the smaller you go for number on the shot size, the smaller the BB is. The smaller you go on the letter size, the bigger. It's confusing. We just want to say 20 caliber or smaller, which is T shot.

The second thing for clarification, it's prohibited to have the lead shells in possession while you're hunting, trapping or in possession of game. If you run into someone in the field who has a duck and lead shells in his gun, the way the regulations are currently written and the way the special action is going forth that might cause more confusion.

So two things. One is the words less in diameter and the second one is also in possession of game. So the Department is going to go forth with that. That's the intent of the Department. We're going to clean up on our end because the way our regulations are written right now it is too confusing. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Thank you. Any further discussion, Council.

(No comments)

CHAIRMAN L. WILDE: In support of or in opposition to?

(No comments)

CHAIRMAN L. WILDE: Any discussion from the audience on this matter. This is a public hearing, so everybody from the public is invited to come up and give us their views on what they believe.

MS. B. ARMSTRONG: No one is signed up.

CHAIRMAN L. WILDE: Any other comments.

MS. GREGORY: I will say again that those two birds we don't see them. They're not (Yup'ik). Even when I was a little girl there were few then. That was like 50-some years ago. It shouldn't be (Yup'ik).

CHAIRMAN L. WILDE: I am in total support of this lead shot ban because I made my home in Hooper Bay, I live there and I intend to be buried there. My children are growing up, but I have one daughter that's growing up in Hooper Bay and that affects even our unborn children when ingested by the mother, the lead shot. Out in our area, to some of us, it's something we've taken into consideration at the time this was proposed. There's a group of us and I think maybe a large percentage of the population that are having their children grow up out there and live out there that are in support of this lead shot ban. As an individual, I do support that ban on lead shot.

MR. ALOYSIUS: Mr. Chairman. I move that we support this proposal.

CHAIRMAN L. WILDE: A motion has been made to support the proposal to ban lead shot in Unit 18. Do I hear a second.

MR. CHARLES: Second.

CHAIRMAN L. WILDE: Seconded by James Charles. Any further discussion.

MR. ALOYSIUS: Question.

CHAIRMAN L. WILDE: Question is called

for. Roll call vote, please.

MR. ALOYSIUS: Ray Oney.

MR. ONEY: Yes.

MR. ALOYSIUS: William Brown.

MR. BROWN: Yes.

MR. ALOYSIUS: Harry Wilde.

MR. H. WILDE: Yes.

MR. ALOYSIUS: Edgar Hoelscher.

MR. HOELSCHER: Yes.

MR. ALOYSIUS: Mary Gregory.

MS. GREGORY: Yes.

MR. ALOYSIUS: Elias Kelly.

MR. KELLY: Yes.

MR. ALOYSIUS: Lester Wilde.

CHAIRMAN L. WILDE: Yes.

MR. ALOYSIUS: Paul Manumik.

(No response)

MR. ALOYSIUS: Joseph Mike.

MR. MIKE: Yes.

MR. ALOYSIUS: Greg Roczicka.

MR. ROCZICKA: Yes.

MR. ALOYSIUS: Robert Aloysius. Yes. James Charles.

MR. CHARLES: Yes.

MR. ALOYSIUS: John Andrew.

MR. ANDREW: Yes.

CHAIRMAN L. WILDE: Motion is carried. Are we done with the public hearing?

MR. KRON: (Nods affirmatively)

CHAIRMAN L. WILDE: We've got a couple more hours. We are down to Item C on our subsistence fisheries issues. That is Alaska Board of Fisheries AYK Region review and pending proposals. Gene Sandone.

MR. SANDONE: I just need a second to set up.

CHAIRMAN L. WILDE: We'll take a five-minute break.

(Off record)

(On record)

CHAIRMAN L. WILDE: Call the meeting back to order.

MR. SANDONE: Good afternoon, Mr. Chair. Members of the Y-K Delta RAC. My name is Gene Sandone. I'm a private consultant and I was commissioned by Yukon Delta Fisheries Development Association to produce this slide show. It's going to be given in a number of places. This is the first time I've given it and I wanted to just preface the show saying any errors found by Mr. Roczicka will be fixed.

(Laughter)

MR. SANDONE: I want to also say that you've got two things that were handed out to you. One is the slide show and the other is the Board of Fish proposals for the Yukon area. I'm not going to cover the Kuskokwim, just covering the Yukon area. In the back, in the white box in back of me, there are additional copies of the presentation and the proposals. With that, I'll start.

There's two parts to this slide show. One is Alaska Board of Fisheries proposal and discussion. The second one is looking at the Board of Fish Advisory Council structure and representation and also the RAC structure and representation.

The goals of the presentation is to

provide a brief summary of Board of Fish proposals that affect the Yukon area fisheries to inform you of the effect that each proposal if adopted will have on the fisheries and the fishers of Yukon area with special attention to Lower Yukon area, and to provide an overview of the Board of Fish Advisory Committee and Federal Subsistence Regional Advisory Council structure and representation.

The first thing we're going to do is go over the proposals to the Alaska Board of Fisheries for this year, which will be heard in Fairbanks in January. There's a total of 35 proposals. Fifteen proposals concern sportfish regulations. Seven proposals concern subsistence fishing regulations with six concerning salmon, one concerning northern pike management. Eight proposals concern commercial fishing regulations only and four proposals concern subsistence and commercial fishing regulations and one proposal concerns the regulations for all the fisheries.

There's three proposals that have been submitted by ADF&G. Proposals 81 and 82 are basically housekeeping proposals and they deal with putting in regulations what the Department has recently done by emergency order on a yearly basis.

The other Proposal 87 opens the Yukon king salmon management plan for alteration and discussion. This is important and it needs to be done. The Yukon River king salmon has been designated as a stock of concern in 2007 in the yield level. An action plan must be presented by ADF&G and it must ensure that escapements are achieved. I would strongly recommend that if you're interested in Yukon River king salmon that you try to get on the committee for this proposal.

Fourteen proposals that have been submitted have been submitted by upper Yukon area AC's or Regional Advisory Councils, and/or. Proposal 93 was submitted by a private individual concerning king salmon and Proposal 98 was submitted from a Lower Yukon interest and that's KwikPak Fisheries.

These are not going to be covered in my presentation, so I'm briefly going to run through them. Proposal 83 require reporting of subsistence harvest on catch calendars. I'll just say a little bit more about this. The Department conducts a post-season survey of villages to get the number of all species that were

harvested by subsistence users. There may be some discussion whether this is accurate or not. The proposer wants to basically put in a permit system the entire Yukon River for subsistence harvest. It may not be a bad idea.

Proposal 84, allow driftnet fishing for kings in a portion of subdistrict 4B and 4C. That is close to the Federal area that allows driftnetting for subsistence. Proposal 85 is basically the same proposal except it adds fall chum salmon.

Proposal 86 is allow set gillnets to be tied up during closures in subdistrict 5D instead of having the people pull them. So if you tie up, it's not fishing, and they would like that. That's by Eastern Interior RAC.

Proposal 98 allows commercial fishing between Chris Point and Black River on the coast. I don't really know why this section -- there's no commercial fishing in that section and I think Steve Hayes is going to find out. I don't know why that's excluded from the coast area fishing.

Proposal 99 allows commercial salmon fishing within the Andreafsky River and that's submitted by the Fairbanks AC.

I'm going to cover proposals that affect the Yukon fisheries dramatically. There's nine proposals submitted by Upper Yukon ACs and RACs and one Proposal 93 submitted by a private individual, if adopted, will dramatically and negatively alter the Lower Yukon salmon fisheries, the Lower Yukon fishers ability to catch salmon for subsistence and the Lower Yukon fishers ability to commercially sell that salmon they catch.

I'll run through these and then we'll go one by one. Proposals 88, 89 and 90 seek to limit or restrict fishing gear used in the Yukon area. Proposals 91, 92 and 93 seek to limit, prohibit the sale of, or retention of incidentally-caught king salmon in non-king directed fisheries, such as the summer chum salmon fishery.

Proposal 94 seeks to restrict all fishing periods within the entire drainage to a specific period of time, the windows. So, in other words, in the lower river you would not be able to fish any time, subsistence

or commercially, except in those windowed periods.

Proposals 95, 96, and 97 seek to reallocate the drainage-wide king, summer chum and fall chum salmon commercial harvests.

Now we're going to go through them one by one. Proposal 88. Prohibit drift gillnet fishing for subsistence and commercial throughout the Yukon area. Districts 1, 2 and 3 driftnet fishing is legal gear. In District 4A, it's legal for subsistence and there's a Federal area in 4B and 4C where it's legal.

If this proposal is adopted, the only legal gear will be setnets and fishwheels. This is proposed by the Tanana rampart Manley AC, Eastern Interior Regional Advisory Council, Fairbanks AC, Minto Nenana AC and Ruby AC.

Proposal 89 is restrict the depth of subsistence and commercial 6-inch mesh to 35 meshes or 15 feet. Again, it's proposed by the same group of ACs and RAC. It's obvious it's going to restrict the depth of the 6-inch mesh gillnets.

Proposal 90 prohibits subsistence and commercial gillnets larger than 6-inch. So your maximum mesh size if this proposal is adopted would be 6-inch. There would be no more unrestricted for commercial and no more unrestricted for subsistence.

Proposal 91 restrict king salmon catch in all non-directed king salmon fisheries to 3,000 king salmon. In the summer chum salmon fishery, once 3,000 is -- there would be a limit of 3,000 and when that limit is reached all the non-directed king salmon fisheries would close on the entire river.

Proposal 92 is prohibit the sale of incidentally-caught king salmon harvested in non-king directed fisheries. In other words, all your incidental kings caught in your summer chum salmon fishery would be prohibited. You would not be able to sell them. Again, that's proposed by the same group of ACs and RAC in the upper river.

Proposal 93 is prohibit the retention of incidentally-caught king salmon harvested in non-king directed fisheries in Districts 1 through 5, the mainstem Yukon River. Yes.

MR. ALOYSIUS: Can you explain what retention means.

MR. SANDONE: It means that you will be forced to return to the water all king salmon caught in any non-directed king salmon fishery even if the king was dead. Yes.

MS. GREGORY: That would be wanton waste. You're going too fast for me. Are you going to go back and do every proposal one by one?

MR. SANDONE: I'm doing every proposal one by one and I'm hurrying because I have a hell of a lot of slides. But if you want me to slow down, I'll slow down.

Proposal 94 requires scheduling of commercial and subsistence fishing periods within the windowed subsistence fishing periods. Say in the lower river you have two 36-hour periods per week, the windows, this proposal says that all the fishing needs to be done in those two 36-hour periods, commercial and subsistence. This is proposed by the Fairbanks AC.

MS. GREGORY: What is AC?

MR. SANDONE: Advisory Council. Proposal 95. Now we're getting into the reallocation aspects of these proposals. This one deals with Yukon River king salmon commercial harvest reallocation. This is proposed by the Eastern Interior RAC. What this proposal would do is reduce the District 1 and 2 combined commercial allocation of king salmon by approximately 50 percent.

On this graph I've got the current guideline harvest range on the left and the proposed guideline harvest range. Right off the bat you can see that it's being reduced substantially. 67,000 to 129,000 and now it's proposed to be reduced 0 to 60,000. On the surface, you know, that's not a bad thing. Guideline harvest range is basically what the fisher can expect to catch. Last year basically directed king salmon fishery was zero. We haven't gone over 60,000 in quite a few years as far as drainage wide. What's important here is the District 1 and 2 combined. It used to 60,000 to 120,000 and now it's 0 to 26,700. So how does that relate to the 0 to 60. Well, previously District 1 and 2 combined got about 90 percent of the commercial harvest

allocation. The proposed percentage would be about half, 44.5 percent.

This is the way it lines up in numbers. You can see there's a great reduction in Districts 1 and 2. All the proposed guideline harvest ranges starts with zero just in case there isn't a commercial fishery for king salmon, but in every district other than 1 and 2 the high end is increased. What this proposal is doing is taking the allocation that is being reduced in Districts 1 and 2 and distributing it upstream.

This is a graphic presentation. On the left you have number of king salmon. On the X-axis you have subdistricts and districts. Take for instance District 1, the current guideline harvest range is 60,000 to 120,000. The proposed in red is 0 to 26,700. You can see in every other district the high end is increased where Districts 1 and 2 are substantially decreased.

This is just looking at Districts 1 and 2 harvest share. The black line is the current guideline harvest range and the red line is the proposed guideline harvest range with District 1 and 2 harvest shares below it. In other words, if you take a look at the 67,350 on the black graph, the harvest share is 60,000. If you look at the red graph, if the drainage-wide harvest is 60,000, it will be 27,300 for Districts 1 and 2. I took the liberty of extending that red line out using the same percentages. You can see that at the high end it's a little more than half and at the low end it's a little less than half, but it's just about 50 percent reduction across the board for Districts 1 and 2 harvest shares.

Below 60,000 the current situation is that Districts 1 and 2 share is 89.1 percent and on the proposed it would be 44.5 percent. This is a percentage that other districts would get. You can see that there's a great reduction in 1 and 2 and an increase in all other districts and subdistricts.

By the way, District 3, the other part of this proposal -- I'll get to that later. Sorry. So this is the Districts 1 and 2 harvest share under the current and the proposed if it's less than 60,000. Again, it's about half. This is just a representation of the percent of guideline harvest range. On the left-hand side you have percent going up on the X-axis you have districts or subdistricts. Again, you can see the great reduction in percentage on Districts 1 and 2 and the increase in all

other districts and subdistricts. Some going from 0.9 percent to 13.3 percent.

If adopted, this proposal will also prohibit drift gillnets in District 3 for commercial. It increases all districts allocation from approximately 300 percent to 1,400 percent. This is a graphic representation of that where you see a 50 percent reduction in 1 and 2 and a nearly 1,400 increase in District 6, which is the Tanana River.

Financial implications of this. Let's make some basic assumptions. Say there's a drainage-wide commercial harvest of about 60,000. Each king weighs about 20 pounds and fishermen are paid $5 per pound from the buyer. Let's say there's 600 participating fishermen, which is I believe normal in the Lower Yukon. Under current regulations the fishery would value about $5.3 million. Under proposed regulations, it would be about half that at $2.7 million. Probable loss of fishery value under the proposed regulation would be $2.7 million or 50 percent. The probable average loss of income to each fishermen would be about $4,500 or, again, about 50 percent.

This is a graph of the commercial fishery, the value of the commercial fishery under current and proposed regulations at different drainage total commercial harvests. So you can see when the harvest is up towards the upper end of the current guideline harvest range, the fishery would be worth $12 million and under the proposed regulation it would be about half, $5.9 million.

Okay. Now Proposal 96 looks at Yukon River summer chum salmon commercial harvest reallocation. If adopted, this proposal would reduce the combined Districts 1 and 2 guideline harvest range by about 30 percent. The proposed doesn't change from the current. It's 400,000 to 1.12 million. However, the District 1 and 2 combined changes dramatically. It goes from 251,000 to 775,000 or about 63 percent of the commercial allocation to 180,000 to 540,000, about 45 percent of the current allocation.

This is it in numbers for each district and subdistrict. You can see there's a decrease in Districts 1 and 2, but there's increases in every other district while the total guideline harvest range remains the same. Again, what the proposer is doing is reducing

Districts 1 and 2 and reallocating it to upper river districts.

You've seen this before. This is number of salmon on the Y-axis and district or subdistrict on the X-axis and these are the guideline harvest ranges and you could just take a look at District 1 and 2. It goes from 251,000 to 775,000 currently. Proposed 180,000 to 540,000. District 4A doesn't get much of an increase in summer chum, but 4B and 4C and District 3 and 6 get substantial increases.

This is the same graph you saw with the king salmon. It's Districts 1 and 2 harvest share on the Y-axis and total drainage commercial harvest on the X-axis and you can see up at the upper end the 1.2 million level we're looking at 775,000 versus 540,000, so it's a decrease there all the way across the board and this is District 1 and 2 harvest share under the current regulations and the proposed regulations.

Below 400,000 total drainage harvest right now the current regulation allocates about 63 percent to Districts 1 and 2. The proposed regulation will allocate 45 percent and you can see the difference, 251,600 to 180,000, about 71,000 fish difference.

This is percentages. You can see that Districts 1 and 2 have a decrease in percentage, about 30 percent, while all the other districts have an increase and some pretty substantial.

That's the percentages looking at each district. The current guideline harvest range, we're looking at about 63 percent here under current regulations, about 45 percent under proposed regulations and each of the other districts increase. So what they're doing is taking this here that has been reduced and reapportioning it to upper river districts.

Other districts allocations would increase from about 6 percent to 175 percent. District 3 would be one of the main benefactors of this proposal, but I don't know if they have a market to take that many fish. District 5 would also get a substantial increase along with Districts 4B, 4C and 6.

Financial implications of the summer chum salmon harvest reallocation. We just take the midpoint, 800,000 drainage-wide harvest, 6.5 pound average weight,

50 cents per pound paid to the fishermen and 600 participating fishermen. Current regulations, you have about a $1.7 million fishery. Under proposed regulations you have about a $1.2 million fishery. Probable loss of fishery value is close to 500,000 or 29 percent. Probable average loss of income to each fisherman is about $820.

Proposal 98. Yukon River fall chum salmon commercial harvest reallocation. If adopted, this proposal will reduce the District 1, 2 and 3 guideline harvest range by nearly 64 percent at the low end of the guideline harvest range and in about 56 percent at the upper end of the guideline harvest range.

Now we'll compare current regulations and the proposal. Very similar total drainage guideline harvest range. There's 500 less the top end on the proposed than the current and then Districts 1, 2 and 3 combined guideline harvest range currently is 60,000 to 220,000. On the proposal it would be about 27,000 to 96,000. As I said before, the lower and the upper are different. At the lower edge, Districts 1, 2 and 3 get 82 percent of the allocation. At the upper end, they get 69 percent of the allocation. At the proposed guideline harvest range, it would be a flat 30 percent. This is how the guideline harvest range is for each district. Note that Districts 1, 2 and 3 have a substantial decrease from the current to the proposed, but all other districts and subdistricts have a substantial increase.

This is the graphic form. Again you can see from the current, which is black, guideline harvest range to the proposed, which is red, and you can see each district receives an increase except 1, 2 and 3, and District 6 receives an appreciable increase.

This is a comparison between the proposed and the current. Say at the top end if there is 320,000 fish harvested, Districts 1, 2 and 3 share would be 220,000 under the current regulations, but only 96,000 under the proposed regulations. Below the low end of the guideline harvest range, the current regulations stipulate that Districts 1, 2 and 3 receive 71 percent of the allocation. There's no provision in the proposed guideline harvest range, but I think you can safely assume it's 30 percent.

So, if adopted, this proposal would increase all other districts allocation from nearly 200

percent to nearly 700 percent at the low end of the guideline harvest range, and from 60 percent to 370 percent at the high end. These graphs illustrate that.

At the upper end of guideline harvest range Districts 1, 2 and 3 under current regulations would get about 220,000 fish. Under proposed regulations it would get 96,000 fish or drop to 30 percent. District 6 currently gets about 6.4 percent of the allocation and the proposal would give it 30 percent. If you look to the graph to the right, this is the change, the increase or decrease, in the upper end of the guideline harvest range. Districts 1, 2 and 3 would be reduced by 56 percent while District 6 would increase 369 percent.

You look at the financial implications of this proposal. Again basic assumptions. Drainage-wide commercial harvest 197,000 fish near the midpoint. Average commercial harvest 6.6 pounds -- average weight rather. Seventy cents paid to the fishermen per pound and less fishermen participating. Usually less fishermen participate in the fall season. Figure about 300.

Current regulations, the value of the fishery would be about $647,000. Under the proposed regulation it would drop to $273,000 for Districts 1, 2 and 3. Probable loss of fishery value about $374,000 or 58 percent what it is now. Probable average loss of income to each fishermen would be about $1,200 or a decrease of 58 percent for this fall chum fishery.

If we look at a summary and we say on a season, let's say Districts 1, 2 and 3 caught 60,000 kings, 800,000 chums or the drainage-wide harvest was 600,000 kings, 800,000 summer chum, 197,000 fall chum. The share for Districts 1, 2 in the kings, summer chum and 1, 2 and 3 in fall chum under current regulations would total about 700,000 fish. Under the proposed regulations it would be about 446,000 fish. The value of the commercial fishery would drop from about 7.7 million to about 4.1 million for Districts 1, 2 and for fall chum include Districts 3.

The average income would drop from about 13,900 to 7,340, a loss of $6,525, about 47 percent decrease because of the reallocation scenarios.

I just want to review just what we did real quick. Proposals 88 prohibits driftnet fishing. Proposal 89 limits the 6-inch mesh to 35 meshes deep.

Proposal 90 maximum mesh size used in the Yukon River for commercial and subsistence 6-inch max. Proposal 91 limits the incidental chinook salmon harvest to 3,000 drainage wide in the incidental fisheries such as the summer chum salmon fishery and when that limit is reached it closes the summer chum salmon fishery. 92 prohibits the sale of incidental kings in non-king directed fisheries and 93 prohibits the retention. That means live and dead fish have to be turned back into the Yukon. You cannot keep them in a non-directed king salmon fishery. Proposal 94 seeks to restrict all fishing periods to the windows. Proposals 95, 96 and 97 seeks to reallocate Districts 1, 2 and in the case of fall chum 1, 2 and 3 the allocation upriver.

Okay. I'm finished with proposals. Is there any questions before I go on to the next section? Which is short, I promise.

CHAIRMAN L. WILDE: Any questions for Mr. Sandone concerning his presentation. Mr. Roczicka.

MR. ROCZICKA: No questions. Good job except for Proposal 98 when you start talking about Proposal 97.

MR. SANDONE: I'll correct that next time.

MR. ROCZICKA: Since we're dealing with proposals and just to move it forward, I mean there should be no question we should go on record opposing them all. Reasons behind it being I believe these guys are taking a tack here of trying to ask for the moon and hope through the Board of Fish committee promise that they're going to be able to work out some kind of an increase through a reallocation of the commercial fishery.

The main arguments we have from the subsistence aspect from this area certainly is that what's being done for these proposals is that it's taken from the area with the least economic alternatives to an area that already has a very great amount of economic alternatives, i.e. the Fairbanks North Star Borough. It's doing it in such a way as to expand or create new commercial markets at the expense of a primary subsistence use that's been on the record for so many years with the subsistence fishery in the Lower Yukon -- or, I'm sorry, the commercial fishery essentially

supporting subsistence activities. So it should not be given merit in that regard.

I'm seeing it also -- maybe there is a question here. For that middle section of the river once you get up in the Tanana area, you're essentially looking if there is a market it's going to be a roe market. So you're looking at the loss and the waste of the carcasses of all those fish. There would have to be a substantial change in the industry I would think to even market those fish at $5 a pound.

Just essentially those basic reasons I think would be enough to go on record that you're taking from the Wade Hampton district, a primary subsistence area, and reallocating to the Fairbanks North Star Borough area that has a vast amount of economic opportunity already as far as alternatives go.

MR. SANDONE: You're right, there's not a big flesh market in the upper river. I believe there is a flesh market for kings, but it's limited. I would defer to Steve Hayes because I've been away from the Yukon for a couple years of the changes that are occurring in the commercial market in the Upper Yukon.

I also want to caution you not to throw the baby out with the bath water. There are some proposals in the packet that are worth considering and maybe even supporting. Maybe I'm off the mark, but the one about the subsistence reporting I think is a good proposal that should be looked into and that's my own personal opinion. As you know, there's a lot of sale of fish going on and this would require the people to at least report what they're catching.

MR. MIKE: My name is Joe Mike. Is it late to make a proposal from our area?

MR. SANDONE: From the Kuskokwim area?

MR. MIKE: Is it late to make a proposal from our area?

MR. SANDONE: There's one proposal from the Lower Yukon area, that's all, and that's expanding the commercial area on the coast. That's the only proposal from Lower Yukon interest. Is that what you're asking?

CHAIRMAN L. WILDE: He was asking you if it was too late to entertain a proposal from this area.

MR. SANDONE: It's too late now. The deadline was April 10th earlier this spring. As I will mention in the next part of the presentation, participation in the Board of Fish process, you can alter some of these proposals when they're being brought up. And I believe there's a possibility the Board of Fish will open up all the management plans to be critically looked at. I'm hoping that's going to occur.

So participation at the Board of Fish is imperative. Testimony at the Board of Fish regarding these proposals is imperative.

CHAIRMAN L. WILDE: Concerning the presentation, go ahead.

MR. ROCZICKA: Well, concerning the presentation. With the exception of the one that Mr. Sandone named and as far as this body going on record in opposition of those, they are a reallocation from subsistence to expanding or creation of new commercial fisheries in an area that already has a great amount of economic alternatives available to it. I would say we'd be on record as opposed to the other one as well that you mentioned at this point in time since you mentioned being away from it a couple years, Division of Commercial Fisheries has started to -- and Steve may be familiar with this -- but through their post-season surveys and so forth they've gone into taking over a lot of that and it's just being developed whereas the Division of Subsistence had done it before. That needs a chance to work to see how that goes first. Telling people to get another piece of paper never flies very far anyway and it's not going to work any more effectively I think than the subsistence calendars do. That's a different argument.

For all those reallocation proposals, especially the ones for the restrictions of subsistence to such a degree, I would make a motion that we oppose all those proposals.

CHAIRMAN L. WILDE: We have a motion on the floor. Do I hear a second to the motion.

MS. GREGORY: Second.

CHAIRMAN L. WILDE: Seconded by Mary Gregory. Discussion. Robert.

MR. ALOYSIUS: Remember we have to make positive motions. You move to support, not to oppose.

MR. ROCZICKA: That's not the way that the Board of Fish will see that. You're either in favor or you're in opposition as you come across with an Advisory Committee. Rather than just say we do not support it.

CHAIRMAN L. WILDE: Robert. Bob. Anything else. There's a motion on the floor to oppose.....

MR. ROCZICKA: I'm trying to figure out how to reword it so that the Fish Board will be clear.

CHAIRMAN L. WILDE: Was that motion seconded?

MS. GREGORY: It was seconded. The only way we can correct it is to support it and vote it down.

CHAIRMAN L. WILDE: Greg.

MR. ROCZICKA: I don't want to say support any of them in any way, shape or form. Yeah, we did make that as one of our rules of process. So I'll accept that change. Move to support but then state that we can't support and I can give these main points to the Staff as to the reasons why.

CHAIRMAN L. WILDE: Is that okay with the second?

MS. GREGORY: I accept.

MR. ROCZICKA: I would change my motion to move to support and then encourage everybody to vote no.

MS. GREGORY: Second. (In Yup'ik)

CHAIRMAN L. WILDE: Any further discussion on this motion. Mr. Charles.

MR. CHARLES: Mr. Chairman. Clarification on the motion. What's that motion for? I

didn't get it.

CHAIRMAN L. WILDE: Could you restate your motion so it's more understandable, Mr. Roczicka.

MR. CHARLES: On the proposal.

CHAIRMAN L. WILDE: Yes. All the proposals that were presented.

MR. ROCZICKA: 83 through 97. You didn't have one there for a 87 or a 93, is that correct?

MR. SANDONE: That's correct. I covered those. There's three Fish and Game proposals, 81, 82 and 87. Two are housekeeping ones, the Yukon River Chinook Management Plan and the other ones I didn't cover were the opening of the Andreafsky River, the extension of the coastal area between Black Point and Chris Point. I can go through those, but the ones I did present are listed there.

MR. H. WILDE: Mr. Chairman.

CHAIRMAN L. WILDE: Mr. Wilde, go ahead.

MR. H. WILDE: Yeah, Mr. Chairman, the Lower Yukon Y1 and 2 is under the Federal public land in the Yukon. It's Federal concern has never changed for the thousands of years of Native harvest of fish and wildlife resource. Following the Alaska purchase by the Federal government from Russia in 1968 the Federal government managed Alaska salmon and the wild resource. In 1971 Congress passed and approved ANCSA to Alaska Natives title to move 40 millions of acres of land and nearly $1 billion to Alaska Natives for hunting and fishing rights and to protect the subsistence needs to Alaska Natives.

Also Congress passed and approved Title VIII of ANILCA giving priority for subsistence users over other users of fish and wildlife on Federal public land in Alaska.

Mr. Chairman, Title VIII of ANILCA gave priority for subsistence users over other users of fish and wildlife on Federal public land in Alaska. Thank you.

CHAIRMAN L. WILDE: Mr. Kron.

MR. KRON: Mr. Chairman. Just to clarify the motion. It would help if there was clarity on specifically the proposal numbers that you're talking to in the motion.

MR. ROCZICKA: I was just trying to work through this and pull those ones out. I'll withdraw the motion for the moment.

CHAIRMAN L. WILDE: Will you need some time?

MS. GREGORY: (In Yup'ik)

CHAIRMAN L. WILDE: Would you go over those proposals that are pertaining the Yukon harvest.

MR. SANDONE: Yes, I will. The ones that I presented were Proposals 88, 89, 90, 91, 92, 93, 94, 95, 96 and 97. I can go back and look at the other proposals too if you want.

MS. GREGORY: That would be more confusing. Thank you.

CHAIRMAN L. WILDE: Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman, move to support (laughing) Proposals 88 through 94, which are all restrictions directly affecting the subsistence fisheries in Y1, 2 and 3 on the Lower Yukon I should say.

MS. GREGORY: Second.

CHAIRMAN L. WILDE: There's a motion on the floor and second.....

MS. B. ARMSTRONG: What about 95 to 97.

MR. ROCZICKA: I wasn't quite finished. There's three more. Proposals 95 through 97 as well which take the gains from those restrictions and put in place through 88 through 94 if they should pass and reallocate some to commercial interests in Fairbanks North Star Borough area.

CHAIRMAN L. WILDE: The motion on the floor is to support Proposal 88, 89, 90,91,92, 93,94,95,96 and 97. There was a second to that motion. Discussion. Mr. Aloysius.

MR. ALOYSIUS: Just remember that we have to deal in positive motions. If you vote yes, that means you're for this. Be careful when you vote. If you're against it, you vote no.

CHAIRMAN L. WILDE: Thanks for the clarification. Any other discussion.

MR. ALOYSIUS: Question.

CHAIRMAN L. WILDE: Roll call vote please.

MR. ALOYSIUS: William Brown.

MR. BROWN: No.

MR. ALOYSIUS: Harry Wilde.

CHAIRMAN L. WILDE: Do you got that, Harry? No would mean that you are not supporting the proposals. Yes means that you will.

MR. ROCZICKA: A yes vote means that you support reallocating half of the Lower Yukon fisheries to the Tanana River and the middle districts up the river and also means that you support putting very substantial further restrictions on the subsistence fishery.

MR. H. WILDE: No.

MR. ALOYSIUS: Edgar Hoelscher.

MR. HOELSCHER: No.

MR. ALOYSIUS: Mary Gregory.

MS. GREGORY: No.

MR. ALOYSIUS: Elias Kelly.

MR. KELLY: No.

MR. ALOYSIUS: Lester Wilde.

CHAIRMAN L. WILDE: No.

MR. ALOYSIUS: Paul Manumik.

(No response)

MR. ALOYSIUS: Joseph Mike.

MR. MIKE: No.

MR. ALOYSIUS: Greg Roczicka.

MR. ROCZICKA: No.

MR. ALOYSIUS: Robert Aloysius. No. James Charles.

MR. CHARLES: No.

MR. ALOYSIUS: John Andrew.

MR. ANDREW: No.

MR. ALOYSIUS: Ray Oney.

MR. ONEY: No.

MR. ALOYSIUS: Unanimous opposition to the motion.

CHAIRMAN L. WILDE: That was unanimous. Thank you, Robert. At this time go ahead with the second portion of your presentation, Mr. Sandone.

MR. SANDONE: As I was going through these proposals and looking at the Advisory Council, the question came to me is the Lower Yukon fairly represented in the State and Federal regulatory process. I'd just like to present some of the data that I came up with.

The Alaska Board of Fish Advisory Committee there's 14 Advisory Committees located within the Yukon area. This is a map of the Interior Region. The only one that's missing is the Lower Yukon. So we have a number of Advisory Committees within the Upper Yukon. There's 13 of them. I'm not going to read them all, but there's 13 Advisory Committees in the Upper Yukon and there's only one Advisory Committee in the Lower Yukon.

I've highlighted a couple purposes of the Board of Fish Advisory Committees and one of them is developing regulatory proposals and the other one I think is important is evaluating regulatory proposals and making recommendations to the appropriate board.

Now each committee chair can testify up to 15 minutes at the Board of Fisheries regulatory meetings. Combined, the 13 Upper Yukon Advisory Committee chairs can testify up to 3.25 hours at Board of Fish meetings. The one Lower Yukon Advisory Committee chair can testify up to 15 minutes.

The Lower Yukon Board Advisory Committee membership includes representatives from each of the 13 villages located from Scammon Bay to Russian Mission. It's a huge area. Budget constraints limits the Lower Yukon AC to only one meeting a year. Other ACs meet more often because areas of jurisdiction are much smaller, requiring less of a travel budget for members. So not only is it 13 to 1 upper river/lower river, but they have more meetings because they're closer together.

I believe, and this is my opinion, there's a critical need for the people of the Lower Yukon area to be fairly represented in the Board of Fish AC process. Again, these are my opinions now. I've left the facts behind, but these are things that I think you can do about it. You can testify at the Board of Fish meeting in January and become part of the committee that's going to make recommendations on these proposals. Lobby your state legislators for creation of additional Advisory Committees in the Lower Yukon area.

I was just informed that RAC members cannot lobby State or Federal regulators, but you could tell other people to do it, I guess. Lobby your state legislators for larger AC travel budgets to facilitate more meetings.

I also looked at the Federal Subsistence Advisory Councils within the Yukon area and there's three of them. There's the Eastern Interior RAC, Western Interior RAC and the Yukon-Kuskokwim Delta RAC. The area of jurisdiction for the Eastern Interior RAC is the Upper Yukon mainstem, solely. That means they're totally concerned with Yukon River issues. Ten out of the 10 members are from Upper Yukon area villages. Some of them are up in Tanana, goes to the border at Eagle and down to Tanana.

Western Interior RAC the area of jurisdiction is the middle Yukon and the Upper Kuskokwim, but because the working group in the Kuskokwim works so well I believe and I've been told that they're primarily concerned with Yukon River issues. They're not concerned

with Kuskokwim issues. Somebody correct me if I'm wrong. Eight out of the 10 members on this RAC are from Upper Yukon villages. There's only two representatives that are from the Kuskokwim. So that makes sense that they're primarily involved with Yukon River issues.

Now Yukon-Kuskokwim Delta RAC the area of jurisdiction is the Lower Yukon and Lower Kuskokwim. They're concerned with both Lower Yukon and Lower Kuskokwim River issues, so their time is split between these issues. Only five of the 13 members are from Lower River area villages. I know that two of the members are from Hooper Bay and they're probably concerned with Yukon River issues, but that still makes it a little more than half.

So, in my opinion again there's a critical need for the people of the Lower Yukon area to be fairly represented in the Federal subsistence RAC process. In my opinion, they're not right now.

The things you can do? Testify at all Federal Subsistence Board meetings. Make your voice heard. Again, lobby is the wrong word, but lobby your State and Federal legislature for the creation of an additional RAC that exclusively represents the subsistence users of the Yukon Delta. Express your concern to the Federal Subsistence Board about the unfair RAC representation within the Yukon River drainage and insist that RACs -- and you may not agree with me on this one. Insist that RACs have jurisdiction within the Yukon area meet together so that solutions to problems within the Yukon area can be worked on together.

That's the end of my presentation.

CHAIRMAN L. WILDE: Mr. Kron.

MR. KRON: Mr. Chairman. Mr. Sandone made a rationalization that I don't think is fair. I do not think that OSM or the Western Interior Regional Council would agree with. The Western Interior Council has jurisdiction for both the Middle Yukon and the Upper Kuskokwim. They are very concerned about both. So to characterize them to say that they are primarily concerned with Yukon I don't think is fair. It's not consistent with the regulations or the set-up of the Council.

Again, if he's going to present this to

Western Interior, it will be interesting to see how they respond to that comment. I just wanted to share that with you. Thank you, Mr. Chair.

CHAIRMAN L. WILDE: Thank you. Thank you, Mr. Sandone, for your report. At this time are there any questions for Mr. Sandone? I think I saw Mr. James Charles raise his hand.

MR. CHARLES: Thank you, Mr. Chairman. I think it was two years ago the Department of Fish and Game Advisory Committees changed their areas, but I think the Advisory Committee changed their areas and numbers of members two years ago, so the RAC has not changed anything. So on the Kuskokwim, we have Western Interior members on the Kuskokwim, so Tom is right about that. When we testify about the proposals, that has come to my mind when we testify for State proposals, we as a chairman of the AC are allowed to testify for 15 minutes like Sandone said, but we are given more time for self-testify, but the RAC has not changed, so we on the State side has changed and members and areas have changed. So upriver Kuskokwim has now two ACs. Thank you.

CHAIRMAN L. WILDE: Was there any further discussion or questions. Mr. Kelly.

MR. KELLY: Gene, I want to thank you and I understand where you're coming from in providing this information especially to community members and to the public about the issues the Lower Yukon is facing. I'm familiar with YRDFA. I guess my question is in regards to impartiality.

YRDFA receives Federal funds and as a Federally funded program you guys are required to, for instance, create policies and procedures regarding your Board members. If organizations like the AYK or this Council were to request YRDFA or the YRDFA Board members to oppose these proposals, that's going to put you guys in a bind.

In the past, YRDFA has supported or opposed proposals adjacent with Fish and Game. These proposals are made because they've got more than one organization backing them. They've got almost a little more clout with it. If any of the Lower Yukon River communities were to ask YRDFA to oppose these proposals, would you guys support that?

MR. SANDONE: Mr. Chairman. Mr. Kelly. I think you're confused. I'm not employed by YRDFA. It's the Yukon Delta Fisheries Development Association and it's the KwikPak Fisheries that is part of that association, so I'm not with YRDFA.

MR. H. WILDE: Mr. Chairman.

CHAIRMAN L. WILDE: Mr. Wilde.

MR. H. WILDE: When we first start Yukon Kuskokwim Regional Council, I was with them first time first day. We see to each other. We're going to work together as one team. Kuskokwim and Lower Yukon. That was our promise first day, first start when we start the Yukon-Kuskokwim Delta Regional Council. We've been helping each other ever since. That's a long time when we first start. One of us got a problem, we help each other. We are human beings and we are taught by our ancestors and our grandfathers you work together with your Native people. Make sure you wouldn't be hungry while the fish or wildlife are there. Ever since we have been working together and we still want to work together. Thank you.

CHAIRMAN L. WILDE: Any other discussion on this. Mr. Andrew.

MR. ANDREW: Thank you, Mr. Chairman. I would like to comment that Mr. Gene Sandone had an excellent presentation of a PowerPoint, which it's really easy to understand. I'd like to go on record on Proposals 91, 92 and 93 because they limit, prohibit and keep you from retenting or keeping your incidental catches with other gear, which is not culturally acceptable to our people. We don't throw away our catches. We give it to our household, family, elders and neighbors.

Quyana.

CHAIRMAN L. WILDE: Thank you. We are in agreement with that. Mr. Hoelscher.

MR. HOELSCHER: Thank you, Mr. Chairman. Just a comment. The RAC that's sitting here went through the application process with the SI and the SI did select who within the Yukon-Kuskokwim Delta of the qualified applicants to sit on the RAC. Thank you

CHAIRMAN L. WILDE: Any further comment. Go ahead.

MS. GREGORY: I want to thank this gentleman for coming and enlightening us on the issues that was brought before us and I'd like to reiterate what Mr. Wilde, the elder, said. That we, the Y-K Delta RAC, work together. We look out for each other and we support each other. Sometimes I don't agree with you and that's when I make it known where I stand, but most of the time we are looking out for each other because we speak the same language, eat the same kind of food and wear the same kind of Yup'ik clothing.

CHAIRMAN L. WILDE: Thank you, An'anaq. Anybody else? Mr. Roczicka and then Mr. Brown.

MR. ROCZICKA: Mr. Chairman. I wanted to ask Tom or whoever is writing down the reasons for our actions for everyone where we take a position that he include John Andrew's comments that he just made regarding the reason why we are opposed to these and why the Board of Fish should also fail these proposals when they come before them. Not retaining fish whether they're dead or not should be against everything's concern, especially the State with their laws on wanton waste as well as those other points that I mentioned earlier on the reallocation from subsistence to commercial interests.

CHAIRMAN L. WILDE: Go ahead, Mr. Kron.

MR. KRON: Mr. Chairman and John. I guess just for clarification your comment related to Proposals 88 through 97, the earlier motion that resulted in opposing those proposals that you object to fish having to be thrown back. It's wasteful. It's not culturally consistent with your culture.

MR. ANDREW: Mr. Kron, I have no objection to it. It's only 91, 92 and 93. Thank you.

CHAIRMAN L. WILDE: Mr. Brown.

MR. BROWN: When I first joined my local council, I used to get really good advice from my group elders. Make sure if you get to some kind of a hard agreement you have to take it home and discuss it with your elders first before you agree. We have to do that when we're participating our tribes. That's what I

always do. When I used to participate away from my group, I get advice from the elders to make sure you bring it home before you sign any agreement. Thank you. That's my comment.

CHAIRMAN L. WILDE: Thank you. Mr. Kelly.

MR. KELLY: Thank you, Mr. Chairman. I just wanted to get on the record and apologize to Gene. I'm sorry about affiliating you with YRDFA there. I guess I just recommend that you identify yourself first as a CDQ group. Thank you.

CHAIRMAN L. WILDE: Mr. Roczicka.

MR. ROCZICKA: Thank you, Mr. Chair. I want to thank you too as well, Gene. I know we've been on different sides of a lot of issues, but on the same side as others. Putting this into perspective, people have discussed it various times and having this laid out in front of the Board I hope can get them to have some realization there.

But you did ask me to look specifically for where you messed you up and it's already been -- James touched on it as well as far as you might want to correct it in your Advisory Committee as far as lobby your legislators for the creation of additional Advisory Committees. That is not done by the legislature, that is done by the Board, specifically the Board of Game. I think the Fish Board is kind of deferred to them in making those changes. It was just dealt with, as James said, two years ago.

The current cycle coming up when the Board has their statewide meeting in January immediately the week prior to the Board of Fish meeting in Anchorage it's their statewide cycle. It does not address Advisory Committees or Game Management Unit changes and things of that nature. So the legislature is going to say go talk to the Board, that's your administrative process to do that, so we're looking at 2012. So that's something that anybody here can -- if Lower Yukon wants to get each one of their villages to form their own committee and point this out.

I certainly hope you do bring this forward to the Board and point this out. I really appreciate that. Your point as far as lobbying the

legislators again to fund the Advisory Committees. Many times we don't even get one meeting a year. It follows the cycles of either the Board of Fish or the Board of Game, so you're looking at two years many times when you don't have meetings. Maybe two years in a row and then you go a year absent. The Board of Game is on a two-year cycle and the Board of Fish is on a three-year cycle. Again, thank you for that.

CHAIRMAN L. WILDE: Any further comments.

(No comments)

CHAIRMAN L. WILDE: If not, thank you, Mr. Sandone. At this time I have a person to testify on king salmon. Mr. Billy McCann. Those of you who do not understand Yup'ik, I would advise you to get a translator earpiece so you could understand because he's going to make his presentation in Yup'ik. Go ahead, Mr. McCann.

MR. MCCANN: I want to talk about the king salmon going downhill. I don't think it's Yukon and Kuskokwim area.

CHAIRMAN L. WILDE: Mr. McCann, if you would like to make the presentation in Yup'ik, you can.

MR. MCCANN: (In Yup'ik)

TRANSLATOR: Okay. Thank you. These king salmon are decreased. In his opinion, he knows that the Fish and Game is not working actively at managing. They say they're trying to get to the bottom of where they're going on a decline. They're not doing their work together. We used to have an abundance of king salmon. Then he says he's aware these trawlers, ocean trawlers go out and catch quite a bit of fish out there and they waste a lot of kings out there, about 9,000 a day. He's aware of it. We're not the ones to blame for the decline. I think something has got to be done and not putting a finger on the people of the Kuskokwim or the Yukon.

When it first became a state, the subsistence rights of the people was the first priority for the State and the State should be working towards keeping their end of the promise. We don't talk or blow air just to talk about it, we need to do something. We know that the salmon comes up the river to spawn to get more fish. We are not someone to blame for the salmon

stocks. As it is, those are the trawlers who catch quite a bit of fish and certainly the incidence of bycatch salmon fish, the king salmon.

You elders, there were days when we used to have dog teams and the smokehouse used to be filled to the hilt with dried salmon and fish. It never seemed to be depleted even though we kept thousands of fish. This is a god-given right to us to take care of the salmon.

We talk about caribou. We know the decline of caribou. We know the wolves come in and they are predators that decrease the caribou. Back then there was quite a bit of reindeer and the wolves depleted the reindeer. So we are to take care of our natural resources, wildlife. We're given a responsibility. If Fish and Game were not to bring forth these concerns at the end, it should be going to the source of the problem of the ocean trawlers and predators and so forth.

Quyana. Thank you very much.

CHAIRMAN L. WILDE: Quyana. Mr. Wilde, did you have something to say on subsistence?

MR. H. WILDE: I already said that.

CHAIRMAN L. WILDE: Oh, okay. If there is nothing else, we're down to Alaska Board of Fisheries, AYK Region, review of pending proposals. Who is making that presentation? After that, at 6:00 o'clock we'll break.

MR. ESTENSEN: Mr. Chairman. Members of the Council. I don't know if this is necessarily a presentation, but just an FYI. There's one proposal, Proposal 67. This is for the Kuskokwim area commercial fisheries. What this proposal does, it was submitted by the Kuskokwim area management or Kuskokwim River Salmon Management Working Group.

Essentially what this proposal proposes to do is to take off or rescind the regulation that was put on the books in '07 to allow 8-inch gear on the Kuskokwim River in the commercial fisheries. So, in essence, if this proposal was approved by the Board of Fish, that regulation would be taken off the books and the commercial fisheries would be restricted to 6-inch or less mesh gear.

CHAIRMAN L. WILDE: Did you understand what he said?

MR. ALOYSIUS: (Shakes head no)

CHAIRMAN L. WILDE: Could you put that in a.....

MR. ESTENSEN: I'm sorry. Let me say that a different way. Sorry, Mr. Chair. Currently on the books right now there's a regulation gillnet specifications and operations. This is 5 AAC 07.331 that allows the use of up to 8-inches of mesh gear in your gillnets for commercial fishing. That was put on the books in 2007 at the Board of Fish meeting.

What Proposal 67 proposes to do is to remove that regulation from the books. In other words, rescind the regulation that allowed the use of up to 8-inch mesh gear. So, in essence, that would basically go back to what it was before 2007 where mesh size was restricted to six inches or less.

CHAIRMAN L. WILDE: That was forwarded by which agency, which organization?

MR. ESTENSEN: This was proposed by the Kuskokwim River Salmon Management Working Group.

CHAIRMAN L. WILDE: Any comment on this. Mr. Charles. You look like you know exactly what you're going to say.

MR. CHARLES: Mr. Chairman. That was off the books before, but Lower Kuskokwim Fish and Game Advisory Committee made the proposal and the Board of Fish passed that proposal, but it has not been used. That's why the working group proposed to get it back off the books. It's just cleaning house or something like that. We did not have any comments about that because it has not been used and we've been using 6-inch in other areas like Quinhagak and Goodnews when we fish for kings. Thank you.

CHAIRMAN L. WILDE: Is the working group in support of that proposal?

MR. CHARLES: That was their proposal.

CHAIRMAN L. WILDE: Okay. Thank you.

Mr. Roczicka.

MR. ROCZICKA: Mr. Chairman. Any discussions surrounding this too, it was a bit divided on the vote and so forth, but what it come down to final as far as Kuskokwim goes and what the working group felt in sponsoring this is that our large component of king salmon we feel is already fully allocated for subsistence. There isn't a lot other than what can be perhaps taken in incidental in the other fisheries, but it's fully allocated for subsistence and escapement and there shouldn't be something on the books to have that directed fishery come back. The targeted king salmon that are taken and there's a market for can be taken with a 6-inch gear for the smaller jacks and so forth. But the subsistence use has a preference for the larger fish that are harvested with the 8-inch gear or 6-inch in over gear.

CHAIRMAN L. WILDE: Any other comments. Mr. Bob Aloysius.

MR. ALOYSIUS: Just to make it very clear, it's only for the Kuskokwim River commercial fisheries. It's not for anybody else. Just make sure you understand that. It has nothing to do with the Yukon River.

CHAIRMAN L. WILDE: That's understood. Any other comments.

(No comments)

CHAIRMAN L. WILDE: Would you like to have a motion in support of this proposal?

MR. ALOYSIUS: Mr. Chairman.

CHAIRMAN L. WILDE: Mr. Aloysius.

MR. ALOYSIUS: I move that we support the proposal.

CHAIRMAN L. WILDE: The motion has been made to support the proposal as presented. Do I hear a second?

MR. MIKE: Seconded.

CHAIRMAN L. WILDE: Seconded by Mr. Mike.

Any further discussion.

(No comments)

CHAIRMAN L. WILDE: There being none. All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN L. WILDE: All opposed same sigh.

(No opposing votes)

CHAIRMAN L. WILDE: Motion is carried. Is there anything else that you would like. Okay. We'll meet in the morning at 8:30 as we did this morning. We'll break for the evening.

(Off record)

(PROCEEDINGS TO BE CONTINUED)

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, do hereby certify:

THAT the foregoing pages numbered 02 through 154 contain a full, true and correct Transcript of the YUKON-KUSKOKWIM DELTA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically by our firm on the 2nd day of October 2009, beginning at the hour of 8:30 o'clock a.m. at Bethel, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed 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 9th day of October 2009.

_____
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires:9/16/2010