

1 WESTERN INTERIOR ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME II

7
8 McGrath, Alaska
9 October 6, 2010
10 8:30 o'clock a.m.
11

12
13 COUNCIL MEMBERS PRESENT:

14
15 Jack Reakoff, Chairman
16 Ray Collins
17 Timothy Gervais
18 Donald Honea
19 Carl Morgan
20 Jenny Pelkola
21 Mickey Stickman
22 Robert Walker
23 Eleanor Yatlin

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27 Regional Council Coordinator, Donald Mike
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1 P R O C E E D I N G S

2
3 (McGrath, Alaska - 10/6/2010)

4
5 (On record)

6
7 CHAIRMAN REAKOFF: So we're going to
8 bring the meeting back to order, Western Interior
9 Regional Advisory Council, it's 8:31 on the clock on the
10 wall. And we have Steve Hayes and who else on the phone
11 then, on the conference call, Rich?

12
13 MR. CANNON: Mr. Chairman. I believe
14 just so far this morning we've only heard from Steve
15 Hayes who is now.....

16
17 CHAIRMAN REAKOFF: Okay.

18
19 MR. CANNON:joining us on the
20 teleconference.

21
22 CHAIRMAN REAKOFF: Okay. Can you hear us
23 okay, Steve?

24
25 MR. HAYES: Yeah, we got you loud and
26 clear.

27
28 CHAIRMAN REAKOFF: Okay. And so we went
29 through proposal -- finished Proposals FP11-01 and FP11-
30 06. We're on FP-02.

31
32 And go ahead with the presentation, Rich.

33
34 MR. CANNON: Thank you, Mr. Chairman.
35 Good morning, Council Members. My name is Richard
36 Cannon. The analysis for Proposal 11-02 begins on Page
37 53 of your Council books.

38
39 This proposal was submitted by Jack
40 Reakoff from Wiseman. It requests that Federal public
41 waters of the Yukon River be periodically closed to
42 subsistence and commercial fishing from the river mouth
43 to the Canadian border. These rolling closures would
44 correspond to periods of the chinook salmon migration
45 when stocks returning to Canadian waters constitute the
46 majority of the run. No harvest on these stocks would be
47 allowed for at least 12 years or until such time as this
48 stock's abundance and escapement quality is restored to
49 a level that provides sustained yields to support
50 historic levels in commercial and subsistence fisheries.

1 The proponent submitted this proposal to address long
2 standing concerns expressed by Yukon River fishers and
3 Regional Advisory Councils regarding diminished quality
4 of escapement for Yukon River chinook salmon that spawn
5 in Canada.

6
7 Now there -- in order that -- in order
8 for the State and Federal programs to cooperatively
9 address this issue the existing State chinook salmon
10 management plan would have to be revised to establish an
11 optimal escapement objective rather than a maximum
12 sustained yield approach currently in place. This issue
13 is discussed on Pages 55 and 56 under the existing State
14 regulations subheading of the analysis. The biological
15 background which begins on Page 60 of the analysis
16 updates the chinook salmon stock status information
17 recently provided the Federal Board when it considered
18 mesh size changes and specifically addresses the quality
19 of escapement and managing for escapement goals in
20 Alaska.

21
22 In addition the analysis provides some
23 new information on the run timing of Canadian/Oregon
24 stocks provided by a study of radio tagged chinook
25 salmon. This information is summarized on Figure 7 on
26 Page 66. The discussion of this information is found on
27 Page 65.

28
29 Individual Canadian Chinook stocks enter
30 the Yukon River over a protracted period of time.
31 Individual stocks comprising the middle and upper river
32 overall Yukon stock groups enter the river in a very
33 compressed time period with run timing being highly
34 overlapped. Differences in timing among these stocks do
35 not appear to offer a useful means to conserve or target
36 individual stocks or even between these two stock groups
37 in fisheries. However there may be sufficient difference
38 in migratory timing of the lower river stocks to allow
39 managers to use these differences to effectively target
40 or conserve these stocks.

41
42 Now I don't want the Council to when we
43 talk about different stock groups to get confused. On
44 that table that I mentioned, on table -- or rather on
45 Figure 7 on Page 66, that's looking at just the upper
46 Yukon stock group and looking at the difference --
47 individual stocks that make up that group. And they have
48 differences in timing. So the one -- those that come in
49 sooner are lower in the Canadian drainage, part of the
50 drainage than those that are going into the upper part of

1 the drainage. They come in a little bit later and you
2 can see that they're extended out over -- at least
3 through -- and if you look at the upper part of Figure 7
4 you can see they come in all the way through, you know,
5 almost past the middle of July. But the bulk of them do
6 come in by at least the 25th -- 24th or 25th of June.

7

8 MR. GERVAIS: Can you say that one more
9 time, Rich.

10

11 MR. CANNON: You can see -- just looking
12 at the timing, you have the dates on the -- down on --
13 along the bottom, the X axis, and you can see that most
14 of those stocks are going to -- you know, the -- and this
15 is over a two -- about a two year period so it's limited
16 data, but that's all we have, but they -- during that
17 year when these fish were looked at with tags they came
18 in -- most of them would -- were entering -- were going
19 through the lower Yukon. This is looking at when they
20 were actually tagged in the lower Yukon down by --
21 between Marshall and Russian Mission. They were coming
22 in through the lower Yukon and they -- most of them were
23 through by about -- which would be the -- about the
24 median date for the overall run which is about June 25th.

25

26 MR. GERVAIS: Can I clarify one thing,
27 Jack?

28

29 CHAIRMAN REAKOFF: Go right ahead, Tim.

30

31 MR. GERVAIS: Sorry, you're -- are you
32 saying that the stocks that are going to Canada are
33 coming in -- they're not coming in at the front end of
34 the run, they're coming in in the middle or last half of
35 the run?

36

37 MR. CANNON: What this -- what this
38 figure shows you is that when the stocks that are going
39 up into Canada come in over a protracted period of time.
40 And those that are going to the lower part of the
41 Canadian part of the drainage, if you look -- you know,
42 this actually starts -- you have the Porcupine, Klondike,
43 Stewart, White, these are as you're going farther up into
44 Canada they -- as you go up the graph, you can see that
45 they're coming in earlier through the lower Yukon than
46 those that go up -- farther up into Canada. And they
47 come in well, through -- actually well into July for
48 those that are up in the mid-upper Yukon or upper Yukon
49 headwater streams. They don't all come in -- all of
50 those stocks come in right at -- in the first couple of

1 pulses, that's what this graph is telling you.

2

3 Mr. Chairman.

4

5 CHAIRMAN REAKOFF: Thank you.

6

7 MR. CANNON: So I'll continue, but I
8 didn't want you to get confused by -- when I talk about
9 different stocks.

10

11 CHAIRMAN REAKOFF: Right.

12

13 MR. CANNON: Okay. So individual stocks
14 comprising the middle and upper river stock groups enter
15 the river in a very compressed time period when run
16 timing -- with run timing being highly overlapped and
17 we're talking about those in the middle Alaskan Yukon and
18 the Canadian, they're highly overlapped. Differences in
19 timing among these stocks do not appear to offer a useful
20 means to conserve or target individual stocks or even
21 between -- or to try to make differences between those
22 two stock groups. However there may be sufficient
23 difference between the lower Yukon stock groups and these
24 other two major stock groups in terms of dealing with
25 them those differences in timing for management purposes.
26 And the author of this study looked at that question
27 throughout the range of salmon, looked at salmon
28 management scenarios in British Columbia and Columbia, on
29 the Columbia River and the stocks in the Yukon are some
30 of the most compressed in terms of timing of any that
31 occur with -- for chinook salmon.

32

33 So the recommendation to oppose this
34 proposal is based largely on this Canadian stock run
35 timing information that suggests that simply closing the
36 fishery during the first pulses may not be an effective
37 means to conserve all Canadian origin stocks. Rather
38 reducing exploitation over the run by reducing fishing
39 time when necessary in various portions of the river may
40 be a more effective conservation measure. This could be
41 accomplished during years with poor runs by pulling
42 periods during the scheduled subsistence openings early
43 in the run or until such time that in-season assessment
44 of the run determined that the run was large enough to
45 allow additional fishing opportunity.

46

47 And that concludes my comments on the
48 analysis.

49

50 Mr. Chairman. Thank you.

1 CHAIRMAN REAKOFF: Thanks, Rich. That
2 was very enlightening, this graph showing the overlap and
3 the misperception that I had that the majority of the far
4 reaches came at the first part of the run. And so I
5 proposed this issue basically coming right off of the
6 Council's resolution.

7

8 Go ahead, Rich.

9

10 MR. CANNON: I want to make sure that you
11 understand something though. The first pulses do contain
12 a major part of the Canadian stock component, but there
13 are some differences and that's what I'm trying to point
14 out to you here. Protecting those first pulses do
15 protect a lot of the Canadian stocks.

16

17 CHAIRMAN REAKOFF: Right. I understand
18 that issue. I -- it was the Councils, Eastern and
19 Western Interior Councils' opinion that protection of the
20 first pulse worked well in 2009 and that a resolution to
21 protect the first pulse through for a 12 year period is
22 the basis of this proposal. And I figured we need to
23 have this on the table for our Fisheries meeting, that's
24 where this proposal's coming from. This analysis, very
25 well written analysis, helps us decide on this proposal.
26 I do want the Council's input on the analysis.

27

28 Does the Council have any questions,
29 further questions for Rich, on the presentation?

30

31 You got another comment, Rich?

32

33 MR. CANNON: Yeah, Mr. Chairman. We're
34 -- I wanted to make sure we make ourselves clear on --
35 with regard to what this figure is showing you. If you
36 look at the Y axis and the scale, I mean, the numbers in
37 some of these upper river Canadian stocks are much
38 smaller than those in the lower part of the drainage and
39 that -- just to keep that in mind in terms of numbers of
40 -- numbers of -- the magnitude that we're looking at.

41

42 CHAIRMAN REAKOFF: Uh-huh. Council
43 member questions.

44

45 Tim.

46

47 MR. GERVAIS: Yes, Richard, on Figure 7
48 can you just tell us -- you have all these different
49 river systems, I'm not familiar with all of them. Can
50 you tell us which ones are counted as part of the

1 Transboundary escapements and which ones are diverted off
2 like I know the Porcupine and probably the White River
3 turns off before it gets to the border count, but can you
4 go through that?

5
6 MR. CANNON: Yeah, they -- you're -- Mr.
7 Chairman. The only one that is not included in the Eagle
8 Transboundary analysis that's done is the one on the
9 Porcupine, the rest are all part of that upper river
10 stock group that goes past Eagle.

11
12 MR. GERVAIS: And the Porcupine, does
13 that ever get counted regarding the Treaty obligations?

14
15 MR. CANNON: Not -- it's really not part
16 of the Treaty count itself, that goal that's being set.

17
18 CHAIRMAN REAKOFF: So any other questions
19 from the Council.

20
21 Robert.

22
23 MR. R. WALKER: Thank you, Mr. Chair.
24 Rich, 2009 when you counted so many kings that went by
25 the weir at Pilot Station, apparently about a third or a
26 quarter of the fish went up the Koyukuk that were
27 destined for the Canadian, I mean, is there some kind of
28 data here that -- does anybody know why this had done
29 happened?

30
31 CHAIRMAN REAKOFF: Go ahead, Rich.

32
33 MR. CANNON: Mr. Chairman, through the
34 Chair to Mr. Walker. Yeah, as far as the stocks that are
35 going up to the Koyukuk, I don't know exactly what made
36 as big a difference in 2009 with regard to what people
37 observed other than, you know, there was very little
38 fishing on that first segment of the run and I like -- I
39 think we all heard the reports of it being better numbers
40 and size of king salmon up on the Koyukuk that year.

41
42 CHAIRMAN REAKOFF: When Ben Jones was on
43 this Council he said it many times on the record and in
44 the meeting that when there's heavy fishing in the lower
45 river on the -- at -- through the quarter -- on the
46 quarter point of the chinook run, it basically
47 annihilates the Koyukuk chinook run. And so Ben has
48 lived right at the mouth of the river, I put a huge
49 confidence in Ben's over many years heavy fishing at the
50 quarter point annihilates the Koyukuk stock and that's

1 apparent to me. I've -- when there's heavy fishing on
2 the -- throughout the quarter point the Koyukuk fish just
3 don't show up. Last year we didn't fish in the quarter
4 point and a lot of fish got through. And I hadn't seen
5 that kind of return into the upper Koyukuk for 15 years,
6 I hadn't seen that for a long time. It was getting to be
7 real hard to find chinook salmon, last year there was
8 lots of chinook on the -- in the upper Koyukuk. So I put
9 quite a bit of confidence in Ben's assessment to answer
10 that question. It's anecdotal, but I do feel that that's
11 a correct assessment of why that would happen.

12
13 Other questions for the -- on the
14 analysis.

15
16 Don.

17
18 MR. HONEA: Thank you, Mr. Chair. Rich,
19 according to the graphs here and maybe I'm not -- I'm
20 just trying to get a sense of if the first pulse is not
21 making much of a difference in the breeding stock or
22 whatever that -- you know, that's going to return, then
23 does this graph some -- maybe it's a second or the third
24 pulse or which is of the most importance.

25
26 MR. CANNON: Mr. Chairman.

27
28 CHAIRMAN REAKOFF: Go ahead.

29
30 MR. CANNON: I want to be -- make sure
31 I'm clear with the Council on this. The first pulse does
32 make a difference on the Canadian stocks. And that first
33 pulse is going to occur before the first quarter point
34 which, you know, at Pilot's Station is about June 19th.
35 And so yeah, much of what you see here occurs before that
36 date at that point in the river.

37
38 CHAIRMAN REAKOFF: Other questions from
39 the Council.

40
41 (No comments)

42
43 CHAIRMAN REAKOFF: Oh, Larry, go ahead.

44
45 MR. BUKLIS: Mr. Chairman. Just to
46 underscore what Rich is saying, this isn't to say that
47 the first pulse is not significant, it's just showing
48 finer detail that it's not -- it's not as simple as first
49 pulse is Canadian, second pulse is middle, third pulse is
50 Tanana or second pulse is Tanana, third pulse is lower,

1 it's not that simple.

2

3 CHAIRMAN REAKOFF: Right.

4

5 MR. BUKLIS: There's some predominant run
6 compositions, but when you look within what we call upper
7 or Canadian more finely and look at the stocks up in
8 Canada, they each have their own timing and as Rich said
9 into late June it accounts for much, much of that
10 passage. But there is some complexity and some of those
11 stocks do proceed on into July and some go, you know,
12 middle July they were tagged in the lower river and still
13 making it up into Canada later.

14

15 CHAIRMAN REAKOFF: Right.

16

17 MR. BUKLIS: And so it's just -- it's
18 more complex, but the rule of thumb is still helpful, but
19 there's more complexity than that.

20

21 CHAIRMAN REAKOFF: Well, this analysis is
22 very enlightening as to the -- more of the nuances of
23 complexity. And I think the Council's expectation that
24 full protection of the first pulse was a cure all, but I
25 can see that that's not really going to be the case.

26

27 Other questions for the analysis from the
28 Council.

29

30 Tim.

31

32 MR. GERVAIS: Richard, can you comment
33 about the quality of this information, like how many fish
34 was it and there seems to be quite a bit of variability
35 from year to year and that could very well just be from
36 the natural -- the natural occurrence, like how many fish
37 got sampled and was it the same amount of fish in each of
38 the years?

39

40 MR. CANNON: Right. These - this is
41 based on the cumulative tagging that was done with the
42 radio tags, not the archival tags in this case. And so
43 we were -- you're looking at -- I forget the exact
44 number, total number, but you're dealing with several
45 thousand samples. So it's a fairly good sample size for
46 a tagging study.

47

48 CHAIRMAN REAKOFF: Thank you. Other
49 questions from the Council on the analysis.

50

1 (No comments)

2

3 CHAIRMAN REAKOFF: I don't see anymore
4 questions. I do appreciate the work that you put into
5 this analysis and I -- this gives us a real good baseline
6 for this whole issue that I would like to see used
7 throughout the -- this next year's planning, this data
8 set shows that, you know, there's -- we need to do
9 something. This proposal is basically to get the issue
10 on the table and we need to do something. And this
11 analysis is a good baseline data set to -- as a starting
12 point on where -- how to address this issue.

13

14 And so that was the analysis, Agency
15 comments, Alaska Department of Fish and Game.

16

17 Are you going to speak to this proposal,
18 Steve.

19

20 MR. CANNON: Steve. Steve Hayes.

21

22 CHAIRMAN REAKOFF: And I heard another
23 person come on-line also.

24

25 MR. HAYES: Right here, Mr. Chairman,
26 this is Steve Hayes. And I believe George Pappas was
27 going to give the State comments on it.

28

29 CHAIRMAN REAKOFF: Okay.

30

31 MR. HAYES: Is he there?

32

33 CHAIRMAN REAKOFF: Yeah, he's here.

34

35 Go ahead, George.

36

37 MR. PAPPAS: Thank you, Steve. Good
38 morning, Council. Our comments begin on Page 78 in the
39 book. And I'll do my best to summarize, this one will be
40 a little more lengthy than our average summary. And then
41 Steve will be available for comments and questions.

42

43 This proposal is submitted to establish
44 a 12 year management plan to prohibit harvest of chinook
45 salmon in sequentially rolling statistical area closures
46 during the first pulse of returning salmon or the second
47 pulse if the first pulse does not materialize in waters
48 claimed under Federal jurisdiction from the mouth of the
49 Yukon River to the Canadian border.

50

1 If adopted Federal subsistence users
2 would be required to forego harvest of chinook salmon
3 during the first or second pulse of chinook salmon
4 returning to the Yukon River through the year 2022 unless
5 stock status and conditions improve before that time.
6 The proponent anticipates Federal subsistence users who
7 fish in Federally claimed waters would likely see
8 reduction of harvest during the enactment of this
9 fisheries management plan. If Federal regulations differ
10 from State regulations fishing for chinook salmon may be
11 liberal in waters not claimed under Federal jurisdiction.
12 This would increase responsibility of the subsistence
13 user to identify the applicability of differing
14 subsistence laws and regulations based on land ownership
15 and claimed Federal jurisdiction.

16
17 For opportunity on the Department -- on
18 the State side salmon may be harvested under State of
19 Alaska regulations throughout the majority of the Yukon
20 River watershed, including liberal subsistence fisheries.
21 Under State regulations subsistence is a priority
22 consumptive use therefore State subsistence fishing
23 opportunities is directly linked to abundance and is not
24 restricted unless run size is inadequate to meet
25 escapement needs. When the Yukon River chinook salmon
26 run is below average the State subsistence fishing
27 periods may be conducted based on a schedule implemented
28 chronologically throughout the Alaska portion of the
29 drainage which is consistent with the migratory timing as
30 the salmon run progresses upstream.

31
32 For conservation issues Yukon River
33 chinook salmon stock is currently classified as a stock
34 of yield concern. Since 2001 subsistence time on the
35 Yukon River has been limited by a window schedule. The
36 majority of the Yukon River drainage escapement goals
37 have been met or exceeded since 2000 including the Chena
38 and Salcha Rivers which are the largest producers of
39 chinook salmon on the United States side portion of the
40 drainage. The escapement objective for the Canadian
41 mainstem was met every year from 2001 through 2006 with
42 2001, '3 and '5 being the three highest spawning
43 escapements on record. The escapement objective for the
44 Canadian mainstem was not met in 2007, 2008 and 2010.
45 Although the subsistence harvest continues to remain
46 stable, nearly 50,000 chinook salmon annually, commercial
47 harvests have decreased over 60 percent from an average
48 of 100,000 fish from '89 to '98 to a recent five year
49 average from 2005 to 2009 of 23,000 fish. Considering
50 all salmon species together the overall total subsistence

1 salmon harvest in the Yukon area has declined
2 approximately 30 percent since 1990. Specifically fall
3 chum harvest have fallen within ANS ranges only three
4 times since 2001.

5
6 It is not possible to determine whether
7 size-selective harvests, variations in environment or a
8 combination of factors are causing the decrease in
9 harvest of age-7 fish or decreasing size trends of older
10 fish. Decreasing size of chinook salmon have been
11 anecdotally noted across much of Alaska in recent years.
12 However increasing the number of larger and older chinook
13 salmon in spawning escapements throughout -- through mesh
14 size regulations should provide for a better future
15 production potential.

16
17 It is not necessary to prohibit the
18 harvest of chinook salmon during the first pulse by
19 regulation for a 12 year period if a harvestable surplus
20 is available. The management strategy of fisheries
21 closures during the first pulse poses a hardship on
22 subsistence users and would likely increase the
23 exploitation of other stocks or stock groupings. As part
24 of the preseason planning with public involvement this
25 type of action can be taken by managers through emergency
26 order authority as a conservation measure to meet
27 escapement goals in the Yukon River Treaty commitments.
28 However managers and fishermen need flexibility in order
29 to adjust to this management strategy. For example given
30 the variation in stock specific run timing it may be
31 better to biologically distribute subsistence closures
32 over the first two pulses rather than singling out the
33 first pulse throughout the river.

34
35 And the Department does oppose this --
36 the State does oppose this proposal.

37
38 Thank you, Mr. Chair. And the State will
39 be available for questions.

40
41 *****
42 STATE OFFICIAL WRITTEN COMMENTS
43 *****

44
45 Alaska Department of Fish and Game
46 Comments to the Regional Advisory Council

47
48 Fisheries Proposal FP11-02:
49
50 Establish a new Yukon River chinook

1 salmon fisheries management plan for all fisheries in
2 order to protect the first pulse of returning salmon.

3

4

Introduction:

5

6

7 Jack Reakoff submitted this proposal to
8 establish a 12-year management plan to prohibit harvest
9 of chinook salmon in sequentially rolling statistical
10 area closures during the first pulse of returning salmon
11 (or the second pulse if the first pulse does not
12 materialize) in waters claimed under federal jurisdiction
13 from the mouth of the Yukon River to the Canadian border.
14 The proponent indicates this first pulse protection plan
15 will provide greater protection of the chinook salmon
16 stocks without negatively impacting conservation of other
17 stocks. The proposal requests the pulse protection plan
18 be implemented for at least 12 years or until such time
19 that chinook salmon stock abundance and quality are
20 restored to a level that provides sustained yields from
21 normal commercial and subsistence fisheries. Note that
22 approximately half of Yukon River chinook salmon spawn in
23 Alaska and do not migrate the full 1,900 miles of river.

23

24

Impact on Subsistence Users:

25

26

27 If adopted, federal subsistence users
28 would be required to forgo harvest of chinook salmon
29 during the first or second pulse of chinook salmon
30 returning to the Yukon River in waters claimed under
31 federal jurisdiction through the year 2022 unless stock
32 status and conditions improve before that time. The
33 proponent anticipates federal subsistence users who fish
34 in federal-claimed waters will likely see a reduction in
35 harvest during enactment of this fisheries management
36 plan. If federal regulations differ from state
37 regulations, fishing for chinook salmon may be more
38 liberal in waters not claimed under federal jurisdiction.
39 This would increase the responsibility of subsistence
40 users to identify the applicability of differing
41 subsistence laws and regulations based on land ownership
42 and claimed federal jurisdiction.

42

43

Opportunity Provided by State:

44

45

46 Salmon may be harvested under State of
47 Alaska regulations throughout the majority of the Yukon
48 River watershed, including in a liberal subsistence
49 fishery. Gear types allowed are gillnet, beach seine,
50 hook and line attached to a rod or pole, hand line, and
fish wheel. Although all gear types are not used or

1 allowed in all portions of the Yukon River drainage,
2 drift and set gillnets and fish wheels harvest the
3 majority of fish taken for subsistence uses. Under state
4 regulations, subsistence is the priority consumptive use.
5 Therefore, state subsistence fishing opportunity is
6 directly linked to abundance and is not restricted unless
7 run size is inadequate to meet escapement needs. When
8 the Yukon River chinook salmon run is below average, the
9 state subsistence fishing periods may be conducted based
10 on a schedule implemented chronologically throughout the
11 Alaska portion of the drainage, which is consistent with
12 migratory timing as the salmon run progresses upstream.
13 Federal regulations under Special Actions to restrict
14 federally-eligible users have been rare and mirrored the
15 state in-season actions necessary to meet escapement
16 goals, except where state and federal regulations differ
17 in subdistricts 4-B and 4-C. Amounts reasonably
18 necessary for subsistence (ANS) for chinook salmon (5AAC
19 01.236 (b)), as determined by the Alaska Board of
20 Fisheries, have been met in the Yukon River drainage for
21 six of the last nine years (below ANS in 2002, 2008, and
22 2009).

23

24 Conservation Issues:

25

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

1 the recent 5-year average (2005 2009) of nearly 23,000
2 fish. Considering all salmon species together, the
3 overall total subsistence salmon harvest in the Yukon
4 Area has declined by approximately 30% since 1990 (Fall
5 et al. 2009:39). Specifically, fall chum salmon harvests
6 have fallen within ANS ranges only three times since 2001
7 (Fall et al. 2009:43).

8
9 It is not possible to determine whether
10 size-selective harvests, variations in environment, or a
11 combination of factors are causing a decrease in harvest
12 of age-7 fish or decreasing size trends of older fish
13 (JTC SSS 2006). Decreasing size of chinook salmon has
14 been anecdotally noted across much of the state in recent
15 years. However, increasing the number of larger and
16 older chinook salmon in spawning escapements through mesh
17 size regulations should provide for better future
18 production potential. The Alaska Board of Fisheries
19 adopted a maximum mesh size of 7.5 inches for subsistence
20 and commercial gillnets effective in 2011 in the Yukon
21 Area. The Federal Subsistence Board took no action on
22 deferred proposal FP09-13 to limit mesh depth at the
23 April 13 14, 2010, meeting after adopting deferred
24 proposal FP09-12 parallel to the Alaska Board restriction
25 to a maximum net mesh size restriction of 7.5 inches.

26

27 Jurisdiction Issues:

28

29 A large percentage of the lands along the
30 Yukon River are state or private lands on which
31 subsistence users must use gear types consistent with
32 state regulations. If this proposal is adopted, detailed
33 maps are needed that depict land ownership and specific
34 boundaries of areas where federal regulations are claimed
35 to apply, so that fishermen know when they are on state
36 or private lands (including state-owned submerged lands
37 and shorelands) where they must comply with state laws
38 and regulations.

39

40 Other Issues:

41

42 It is not necessary to prohibit harvest
43 of all chinook salmon during the first pulse by
44 regulation for a 12-year period if a harvestable surplus
45 is available. A management strategy of fisheries
46 closures during the first pulse poses a hardship to
47 subsistence users and would likely increase exploitation
48 on other stocks or stock groupings. As part of preseason
49 planning with public involvement, this type of action can
50 be taken by managers through emergency order authority as

1 a conservation measure to meet escapement goals and Yukon
2 River Treaty commitments. However, managers and
3 fishermen need flexibility in order to adjust this
4 management strategy. For example, given the variation in
5 stock specific run timing, it may be better biologically
6 to distribute subsistence closures over the first two
7 pulses rather than singling out the first pulse
8 throughout the river.

9

10 Recommendation:

11

12 Oppose.

13

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36

37 CHAIRMAN REAKOFF: Thanks, George.
38 Appreciate those comments. Council, questions to the
39 State's position on the proposal. Tim.

40

41 MR. GERVAIS: Yes, George, so it sounds
42 as though the State's position is that the last 10 years
43 the management's been executed in an appropriate and
44 sufficient manner, you're naming off three years of high
45 abundance and are you -- is the State content with the
46 performance of the fishery over 10 years, the last 10
47 years?

48

49 MR. PAPPAS: I'll defer that question to
50 Steve Hayes.

1 Steve.

2

3 MR. HAYES: Mr. Chairman. This is Steve
4 Hayes and it's kind of difficult to answer that. Our
5 position on this proposal is not that we feel that
6 management in the last 10 years has been appropriate for
7 the run sizes that we've seen, our position is that this
8 proposal itself doesn't fit within the management -- you
9 know, for the run sizes that we are seeing.

10

11 And I'll reference the comments that Mr.
12 Pappas presented to the Council and also add that, you
13 know, in 2009, you know, based on the projection that we
14 were going to have a poor run we went into the season
15 with, you know, period closures, actually closed
16 subsistence fishing for about 10 days in each district
17 through Districts 1 through 5. And in hindsight, you
18 know, it was a bit restrictive, you know, we had over
19 escaped into Canada and we had high escapements in the
20 Alaska streams. So in hindsight it was a bit restrictive
21 and unfortunately on the back of the subsistence users.
22 And in 2010, you know, we didn't want to make the same
23 mistake, currently we're still trying to meet the
24 escapement obligations into Canada as well as our
25 escapement goals, but also provide, you know, harvest for
26 the subsistence fisherman. But, you know, again in
27 hindsight it looks like in 2010 we probably should have
28 been a little bit more restrictive, but also, you know,
29 in monitoring the run this year, the run came in much
30 lower than projected and also, you know, it dropped off
31 sooner than we expected. So there was some difficulties
32 in that.

33

34 So our future planning will be going into
35 like next year for 2011 we'll be working with YRDFA again
36 on these preseason meetings to come up with a plan that
37 will, you know, obviously meet -- be ample to meet the
38 escapement goals in both Alaska and Canada and our
39 obligation to Canada and also try to get the surplus fish
40 to subsistence fishermen, but I think what we're going to
41 be looking at is something similar to 2009 or something
42 in between 2009 and 2010.

43

44 You know, in reference to this proposal
45 like what we're seeing is that we need the flexibility
46 to, you know, maybe close on the first pulse, close on
47 the second pulse and it may be different within
48 districts, you know, Districts 1 through 3 may get closed
49 on the first and the upper river on the second pulse, but
50 we do need that flexibility to be able to close based on

1 where the fish are at in timing, pretty much stock
2 specific abundance to where we need to save the fish, but
3 we are going to be going into next year as I said with --
4 after we work with -- we heard from the fishermen this
5 winter on what the plan is, but I would expect that it's
6 going to be something similar to or -- 2009 or something
7 in between what we've done the last two years. But I do
8 foresee that we're probably -- probably going to be in
9 this type of conservation mode for the next few years.
10 Okay.

11
12 CHAIRMAN REAKOFF: Thanks, Steve. Does
13 that answer your primary question, Tim, or you got
14 another one?

15
16 MR. GERVAIS: Yes, but, Steve, wouldn't
17 you agree that what this proposal's proposing is a
18 management strategy to 2009 so it's basically addressing
19 that concern?

20
21 MR. HAYES: Mr. Chairman. As I stated in
22 2009, you know, obviously our goal was to, you know,
23 reduce harvest so that we can meet our escapement goals
24 based on what our projected run size was, but, you know,
25 unfortunately it was a bit too restrictive. You know, we
26 had put an additional I believe 17,000 in kings across
27 the border into Canada that could have gone to
28 subsistence fishermen in Alaska, you know, and that was
29 unfortunate and that's not something that we want to
30 repeat, you know, but unfortunately we don't have the
31 precision management, you know, that we can get the exact
32 number of fish and the escapement, exact number of fish
33 and the subsistence users, so it's not going to be
34 perfect every year, but we are going to have to go into
35 this conservation type mode for the next few years where
36 we may end up, you know, possibly over escaping into
37 these areas until these runs get better.

38
39 CHAIRMAN REAKOFF: Thanks, Steve. Other
40 Council Member questions.

41
42 Tim.

43
44 MR. GERVAIS: Steve, don't you --
45 wouldn't you say though that it's better to over escape
46 by 17,000 than under escape by 12,000 for the long-term
47 viability of the stock? I understand that you can't
48 manage down to precision and stuff, but I feel at this --
49 at this stage of abundance I think we need to start kind
50 of getting an attitude that it's all right if we over

1 escape a bit because we have -- we have to build up our
2 bank account of salmon a little more than have continual
3 and, you know, this frequent under escapement, that's
4 extremely detrimental I feel.

5

6 CHAIRMAN REAKOFF: Thanks, Tim.
7 Response, Steve.

8

9 MR. HAYES: Mr. Chairman. I think one
10 thing for people to remember is, you know, these runs
11 coming back the last couple of years here came off of
12 some really high escapements. So I -- you know, I don't
13 know if over escaping, you know, to a great number is the
14 answer, I do know that we need to meet our escapement
15 goals and do everything possible to do that. I don't
16 think we want to overshoot escapement goals on the back
17 of subsistence users, I still think -- you know, that is
18 a number 1 priority after escapement and that's what
19 we're attempting to do is we're trying to find, you know,
20 that median between getting our escapement goals and
21 still providing subsistence fish to the users.

22

23 And I think people need to remember too,
24 you know, next year in 2011 we've got the mesh size
25 change that will go into effect for both subsistence and
26 commercial fishing throughout the drainage, you know,
27 will help the quality of the escapement also for those
28 older and larger fish in the escapement. Of course
29 that's going to take some time before we realize the
30 affects of that mesh size change, but that is another
31 thing to add to the pie here.

32

33 But I'm not disagreeing that, you know,
34 we need to meet escapement and we will be working as I
35 said with users this winter to come up with a plan that
36 will attempt to do that. But again I think people need
37 to remember that there's a lot of variable things going
38 on and uncertainties out there that we don't have control
39 over. So we can do the best job we can do in coming up
40 with our projections and in-season management, but there
41 is no guarantee on any given year that we're going to
42 have enough fish to meet all these goals, but we attempt
43 to do our best.

44

45 CHAIRMAN REAKOFF: Thanks, Steve. Other
46 Council comments, questions.

47

48 (No comments)

49

50 CHAIRMAN REAKOFF: Now my comments would

1 be that the -- I have -- I can't find it or it's not
2 provided, the quality of escapement across the border
3 through the Eagle project, I would like to know the
4 male/female component and size of the fish entering into
5 Canada. That's these large escapements coming back weak
6 can be an indicator that we've put poor fish on the
7 spawning grounds, we put a lot of jacks, a lot of males
8 on the spawning grounds, we have very few females. We
9 don't have the quality numbers to state that large
10 escapements were actually quality escapements. That --
11 I haven't seen that and is that data set around. I --
12 and so the percentages of females that I've seen in the
13 upper river and the size of the females that I've seen in
14 the upper river data sets have been showing real small
15 and it's a well known fact that fecundity of those up
16 river stocks is much lower. So I would question the
17 perception that these larger escapements are actually a
18 quality escapement. We don't know -- I don't feel that
19 they have been. What I've seen in the upper Koyukuk
20 after intensive fishing is very poor quality escapements,
21 majority males, hardly any females, and small females.
22 They don't see the big females anymore, haven't seen
23 those for years. And so I question these escapements,
24 big -- big deal we got 17,000 fish that went into Canada,
25 we got one year where some larger fish got over there
26 last year, but this year I really question -- we put in
27 a bunch of fish, but if they went in there like I saw in
28 the Koyukuk it was such a poor quality escapement we're
29 going to continue into a regression because we don't have
30 the fecundity, we're putting poor quality escapements on
31 the spawning grounds. And so I quest -- I pose that to
32 the State that the high bumps do not offset the low, very
33 low escapement years, and then the qualities of
34 escapements that we've had with large mesh gear.

35
36 And so did -- were you looking for a data
37 set on that, Rich, or you have that available somewhere?

38
39 MR. CANNON: Mr. Chairman. No, I do not.
40 I checked with the data that was provided by the
41 Department and this is a fairly large summary of the
42 available escapement information and I do not have that
43 information at the meeting.

44
45 CHAIRMAN REAKOFF: That's -- well, I've
46 yet to see a quality -- quality of escapements into
47 Canada. I feel that this is a huge issue, not just --
48 not a peripheral issue, it's a huge issue about what
49 we're act -- the fecundity capacity that we putting on
50 the spawning grounds. And so I'm real, real concerned

1 that we've been putting many -- as we went into low
2 production years and we chewed the run up extensively
3 with trying to meet this subsistence needs and so forth,
4 that we're -- that our escapements have been in the
5 toilet as far as quality and we're just reaping the
6 benefits of a poor quality escapement for now. I have
7 seen for at least 15 years very few large females in the
8 upper drainages. And so I don't feel these larger bumps
9 that we've been getting like last year was probably the
10 -- some of the highest quality escapement that we've
11 seen, but they're still not that big a fish. Last year
12 -- this year's was terrible.

13

14 And so that would be my comment on the
15 data presented and the Department's position is we're
16 putting some -- much larger bumps over the border, but I
17 don't feel that they're the quality escapements. So that
18 would be my position on that.

19

20 And you have a comment there, Mickey?

21

22 DR. HOWARD: Mr. Chairman.

23

24 MR. STICKMAN: Thanks, Mr. Chair.

25

26 CHAIRMAN REAKOFF: I'll take you next,

27 I'll -- Mickey's going to make a comment.

28

29 MR. STICKMAN: I don't know, as you know
30 I always bring up the 2009 when we let that first pulse
31 go through. I don't really believe all the information
32 that you have is correct because I went up into Canada
33 that year that we let that first pulse go through, I went
34 up to the headwaters and I was checking out the spawning
35 grounds in the Kelly River and the Tetlin and the
36 Canadians there, the aboriginal people there, the First
37 Nation people, they said that was the biggest and the
38 best quality fish that they've seen in years.....

39

40 CHAIRMAN REAKOFF: Right.

41

42 MR. STICKMAN:and that was the year
43 that we let that first pulse go through. But I had the
44 opportunity to go up there and travel these rivers for
45 about a week and visit some of the fishermen there.

46

47 One of the things that I learned was even
48 though they have commercial fishing permits there,
49 there's really no commercial fishing, there's no buyer.
50 So people who fish, it's almost like a personal use

1 fishery where commercial fisherman will store up to 10
2 kings in their freezer and they'll sell to their
3 neighbor, but there was no like fish buyer like Kwik'pak
4 or anything like that.

5
6 And then the other thing was there was,
7 you know, I think like 22 fishermen that were non-
8 aboriginal fishermen, but they all had permits, but out
9 of the 22 only seven actually fished and they probably
10 only fished one day maybe. So even though there was that
11 huge abundance and they were really happy with the
12 quality and the size of the fish, they -- there's no real
13 commercial fishing on the Canadian side. They say that
14 their fishing time, they still cut it in half.

15
16 Yeah, so all the information that we get,
17 you know, sometimes you have to -- sometimes you're
18 better off if you just go look.

19
20 CHAIRMAN REAKOFF: Thanks for the
21 comment, Mickey.

22
23 I did -- felt that that first pulse
24 protection probably put more of a natural sex ratio
25 composition into Canada and I felt that -- that's what I
26 saw, I saw a lot of females last year on the Koyukuk,
27 every male had a female, I mean, that -- there was a good
28 sex ratio. And so I question what we've been doing with
29 intents of fishery all the way up the Yukon and the
30 qualities that we've been getting into Canada and that
31 was a good point that the protection actually did provide
32 for a quality escapement. And so that's -- that's
33 something to be considered by the managers for this
34 coming season is to rebuild the quality of escapement
35 whether that's through reduced fishing time or however
36 that may be.

37
38 And so we're -- that's -- anymore
39 comments to the.....

40
41 MR. R. WALKER: On the phone.

42
43 CHAIRMAN REAKOFF: Oh, we have one phone
44 comment there. Go ahead. There was a lady that was
45 going to comment. You're muted still.

46
47 DR. HOWARD: Mr. Chair. This is Katie
48 Howard, Yukon area biologist for the Alaska Department of
49 Fish and Game.

50

1 CHAIRMAN REAKOFF: Oh, yeah. Hi, Katie.

2

3 DR. HOWARD: And just regarding the
4 quality of escapement discussion, I just wanted to let
5 everyone sort of -- help everyone understand why there
6 isn't really good data available as far as border passage
7 sex and size composition information and that's basically
8 because historically we've had the fish wheel project to
9 estimate border passage. And that had its biases in
10 terms of both number and the type of fish that were
11 caught in the fish wheel and now we're counting fish with
12 this sonar program and using gillnets, just gillnets to
13 gather ASL information. And so we're now working on
14 projects we started last -- the summer of 2010 and are
15 hoping to continue working. To get a better idea we're
16 working with fish wheel operators both on the Canadian
17 side and on -- in Eagle to get information -- additional
18 information from fish wheel ASL and data as well as what
19 we get from the test field -- the test fishery operations
20 so that we can make that comparison in the future and we
21 can go back historically and get a better idea of what
22 exactly the sex ratio has been and what actually the size
23 has been for those prior escapements. So hopefully that
24 will be something to look forward to in the future.

25

26 Thank you.

27

28 CHAIRMAN REAKOFF: So your analysis would
29 be wheels catch more male and smaller fish and so your
30 analysis is with the drift gillnet is to try to figure
31 out what the disparity would be and try to rebuild that
32 stock composition as it -- over the years previous to
33 2010?

34

35 DR. HOWARD: Mr. Chair. Yeah, that's --
36 basically the idea is that if we can compare the -- what
37 the fish wheels are catching with what the gillnets are
38 catching then we can look back in time and not be
39 comparing apples and oranges.....

40

41 CHAIRMAN REAKOFF: Right.

42

43 DR. HOWARD:say okay, well compared
44 to what the sonar's catching today this is what the fish
45 looked like 10, 15 years ago.

46

47 CHAIRMAN REAKOFF: And do you have any
48 data from this year on composition of male/female passage
49 into Canada?

50

1 DR. HOWARD: I don't have that data at my
2 fingertips, I'm -- I.....

3
4 CHAIRMAN REAKOFF: Is it available?

5
6 DR. HOWARD: Yeah, I don't know if we've
7 received that data from the people who are collecting it
8 yet.

9
10 CHAIRMAN REAKOFF: Okay. Can we get that
11 in the future though?

12
13 DR. HOWARD: Yeah, that will be made
14 publicly available in the future.

15
16 CHAIRMAN REAKOFF: Before the end of this
17 window of planning before the fishery begins next season?

18
19 DR. HOWARD? Mr. Chair. I'm not exactly
20 sure what the timeline is for that, but I can look that
21 up and get back to you on that.

22
23 CHAIRMAN REAKOFF: I feel that that
24 data's very important to the planning of this fishery for
25 the 2011 and so I don't want to have the data come out
26 like next year or something, I want this data today and
27 within the next few -- not today per se, but, I mean,
28 soon so that we can understand what we've been doing to
29 this fishery. And so I would like to see that data
30 provided at some point during this winter's -- there's
31 going to be a long deliberation about this issue, this
32 proposal will be -- this proposal is going to drive
33 discussion at the Federal Board process is what this
34 proposal's going to do.

35
36 Any other questions. Jenny.

37
38 MS. PELKOLA: Mr. Chair. I have a
39 comment just to reiterate a little what Mickey said. In
40 the beginning of our fishing season we had about five or
41 six Canadians come to our camp and they were all natives
42 from Canada. And as we were -- as I was cutting fish
43 they were -- they went do different tables, but I had a
44 couple by my table and I said well, how did you do last
45 year. They said oh, we got a lot of fish. So and then
46 we started talking about different ways of cutting fish,
47 but, you know, that's what they told me. So it was good
48 to have them. And then they said you're cutting our
49 fish.

50

1 (Laughter)

2

3 CHAIRMAN REAKOFF: Tim or -- yeah, go
4 ahead, Tim.

5

6 MR. GERVAIS: Yes, this is a question to
7 anybody that may know, Dr. Howard or -- isn't -- I
8 thought some -- somebody was collecting ASL data at
9 Eagle, is that State agencies or is that Tanana Chiefs,
10 is that -- it seems like this information is being
11 collected.

12

13 CHAIRMAN REAKOFF: Response, Katie.

14

15 DR. HOWARD: Through the Chair. So there
16 is data collected from both the subsistence fisheries,
17 Andy Bassich is collecting data from his fish wheel and
18 he provides subsistence fish to other members of the
19 community as well. And we collect data from the sonar
20 program test fishery. And so that's where the ASL data
21 comes from. All of that data, no matter how you collect
22 it, there are different biases. So the problem we're
23 trying to overcome is get the best data we possibly can
24 that has the least number of biases in it. So that's
25 this project we've been working on this past season and
26 hoping to get funding in future seasons so that we can
27 get, you know, a really robust data set and we'll know
28 exactly what's going on as far as quality of escapement
29 goes.

30

31 Thank you.

32

33 CHAIRMAN REAKOFF: Thank you. Other
34 questions.

35

36 Mickey.

37

38 MR. STICKMAN: I don't have any real
39 questions, but like Tim I'm a little bit confused
40 because, you know, at the rapids Stan Zuray, he -- he has
41 a couple of projects there that has to do with the
42 chinook and I was just wondering, you know, where's that
43 data, you know, and what's the value -- what's the value
44 of that data because he's been running his fish wheel
45 there for a long time now doing some kind of data
46 collection either for the Feds or for the State, but, you
47 know, where's that data. It's really hard, you know, I
48 like this idea letting that first pulse go because of
49 what I saw the first time we did it, but the amount of
50 time in the proposal is the thing that I have a problem

1 with because really there was only -- you know, of the
2 max -- well, the biggest age -- well, eight year old
3 kings were the biggest kings I ever saw on the Yukon for
4 -- as far as I'm concerned. So even this proposed 12
5 years is a little too much, but, you know, I can see
6 maybe doing it for a couple years because well, it did
7 create a hardship, there's no doubt about that, as far as
8 subsistence fishing, it did create a hardship for people,
9 you know. One of the things that I'd rather see is a
10 more equitable way of dividing up the fish. It seems
11 like every year it's upriver against downriver when it
12 comes to in-season management because well, they get to
13 do their subsistence fishing, they fill up their
14 smokehouses, they're done and then when the kings to the
15 -- to Y-4 they start restricting it. And then it gets to
16 Y-5 and even more restrictions. And it just seemed like
17 there's got to be a way that there's got -- there's got
18 to a more equitable distribution of the fish from the
19 very beginning of the river to the Canadian border. You
20 know, it's just too much of a hit and miss management
21 where people on the lower river get to have their
22 subsistence needs met and then all of a sudden it gets to
23 the middle Yukon and we have restrictions. And I just it
24 think -- you know, I like the proposals, but I'd like to
25 see a proposal where the -- you know, where there's a
26 more equitable distribution among the users.

27

28 CHAIRMAN REAKOFF: I appreciate that
29 comment, Mickey. I've felt that the lower River gets
30 their cake and eats it too. They catch all their
31 subsistence fish, then they go into commercial fishing
32 and have a bycatch of chinook and sell those. And so I
33 don't feel that that's been an equitable distribution of
34 the fish throughout the whole -- where the shared use of
35 the chinook salmon all rural resident of the Yukon River
36 are customary and traditional users, but we have to
37 equitably distribute the fish throughout the drainage.
38 So I have been concerned about the rapid attainment of
39 subsistence in the lower river and then on the YRDFA
40 conference hearing for wanting commercial use and sale
41 and then getting that. And so I will also distinctly
42 agree with you on that issue.

43

44 You had another comment there, Rich.

45

46 MR. CANNON: Yes, Mr. Chairman. On page
47 71 of the analysis there -- Table 3 there's just a
48 summary of some of the quality of escapement percent
49 female information that I was able to pull together for
50 the analysis. It's important to not look at percent

1 females or sex ratios without some qualification that --
2 you have to understand, of course, as you've been
3 discussing how the data's collected, there are always
4 biases. This particular table, the Chena and Salcha
5 River are the two major producers of the middle river
6 stocks in the Tanana River. And again if we -- we
7 discussed earlier about run timing, those fish come in
8 pretty much at the same -- on the same time frame through
9 the lower river, other parts of the river below the
10 Tanana together, they're often -- they're over -- their
11 timing is overlapped. And those are the two major
12 spawning stocks for that stock group. And this data's
13 taken from -- largely from carcass surveys. There have
14 been concerns about carcass surveys being biased because
15 the carcasses sometimes when the -- they're -- they can
16 -- you know, males or females can -- as the carcasses are
17 washed downstream can accumulate in, you know, in
18 different ways based on the size of the fish and other
19 body characteristics. But these -- in these two data
20 sets that -- the people that do this work actually have
21 corrected for that so at least they're aware of the bias
22 and they've made an attempt to use other methods to try
23 to deal with that particular concern. And if you look
24 across the years that we have that data, that those
25 female -- percent females actually are -- I would
26 consider as a fisheries biologist pretty good for a
27 chinook salmon population.

28
29 The rivers below are all weir counts in
30 Alaska, the Tozitna, Henshaw Creek, Gisasa, Andreafsky
31 and those are all part of the lower river stock group and
32 the Tozitna, that weir project, the last year it was run
33 was in 2009. We do know a bias there is that that
34 particular weir is -- and again there are very low counts
35 there, percent female, it's a small stock, and that's
36 what I mentioned in this analysis that actual
37 contribution based on tagging of some of these stocks are
38 very -- you know, the Tozi is a very, very small
39 percentage of the total, you know, hundreds of fish in
40 the spawning population. But the weir itself is about --
41 is missing about 25 percent of the spawning area so it's
42 up in the spawning area itself, that's the only place
43 they could actually get the weir to work. They'd like to
44 get it lower, but they couldn't. So all those things
45 have to be considered when you're looking at this data.

46
47 The other thing I'd want to point out
48 about is what isn't here and that is any real treatment
49 of the Canadian stock and that's just as a biologist
50 that's very frustrating for me to know that we're going

1 through all these difficult decisions here in Alaska and
2 making a real attempt to try to put those fish up into
3 Canada, but historically there's been very little effort
4 on the part of the Canadian program to actually monitor
5 -- do basic monitoring up in that part of the drainage.
6

7 Thank you, Mr. Chairman.
8

9 CHAIRMAN REAKOFF: Thank you.
10

11 That's -- well, the percentage of female
12 is important, but I also feel that the quality of size of
13 the female is also important in this length data that
14 hopefully the Department will provide for this year from
15 Eagle will help us understand what the other aspect of
16 the quality is.
17

18 So we've covered the State comments. Is
19 there Federal Agency comments.
20

21 (No comments)
22

23 CHAIRMAN REAKOFF: Do we have any Tribal
24 comments.
25

26 (No comments)
27

28 CHAIRMAN REAKOFF: InterAgency Staff
29 Committee comments.
30

31 (No comments)
32

33 CHAIRMAN REAKOFF: Advisory Committee
34 comments. I've -- Koyukuk River has not met on this
35 issue. Don't know of any other advisory committees.
36 Ken, you haven't taken up any of these Federal proposals?
37

38 MR. CHASE: No.
39

40 CHAIRMAN REAKOFF: Okay. Neighboring
41 Regional Council position.
42

43 Donald.
44

45 MR. MIKE: Thank you, Mr. Chair. The
46 Yukon Kuskokwim Regional Advisory Council on Proposal
47 FP11-02, Yukon chinook, they oppose the proposal.
48

49 Thank you, Mr. Chair.
50

1 CHAIRMAN REAKOFF: So they have
2 justification for that?
3
4 MR. MIKE: No, I don't have the
5 justification.
6
7 CHAIRMAN REAKOFF: Did anybody attend the
8 YK Delta meeting and do they give justification -- oh, go
9 ahead, Rich.
10
11 We'll have your comment also, Gene.
12
13 MR. CANNON: Yes, Mr. Chairman. I did
14 attend the meeting and presented essentially the same
15 presentation of the analysis to that Council and as they
16 discussed it they had -- they discussed some of the
17 aspects of the data and basically felt that there was a
18 need to have more flexibility and for that reason they
19 opposed the proposal.
20
21 CHAIRMAN REAKOFF: Okay. And so no
22 Subsistence Resource Commission.
23
24 Summary of written comments and those are
25 here.
26
27 MR. MIKE: You'll find your summary of
28 written public comments starting on Page 81 and it ends
29 on 82. There are a total of six comments received, one
30 in support and five in opposition.
31
32 Tim Bodony of Galena supported the
33 proposal.
34
35 37 residents of Galena opposed the
36 proposal.
37
38 Alyson Esmailka of Galena opposed the
39 proposal.
40
41 Council of Athabascan Tribal Governments
42 opposed the proposal.
43
44 Richard Burnham of CATG opposes the
45 proposal.
46
47 And the Koyukuk Tribal Council opposes
48 the proposal.
49
50 And for the record, Mr. Chair, the

1 written public comments are a part of the administrative
2 record.

3

4 Thank you.

5

6 CHAIRMAN REAKOFF: Thank you. Yeah, I
7 read through these written comments. Again I appreciate
8 all the time people take to write comments on these
9 proposals and I take those into consideration in my
10 deliberation.

11

12 Public comments. You got a comment,

13 Gene?

14

15 MR. SANDONE: Yes, I do. Good morning.

16 My name is Gene Sandone, I'm representing Kwik'pak

17 Fisheries.

18

19 And just -- I don't know if everybody
20 knows basically who I am, I've worked on the Yukon since
21 1988 through 2008 so I've got a lot of experience, I was
22 the chinook salmon and summer chum salmon research
23 biologist for quite a long time, research supervisor and
24 then regional supervisor for AYK. And just a couple
25 points.

26

27 The Department of Fish and Game in the
28 1980s did carcass surveys on a number of streams in
29 Canada to get this important information. And it was
30 ended in 1990 because of budget constraints and the
31 Canadians really never picked it up. So there's a huge
32 gap from 1990 until 2009 where I don't believe there's
33 any data that looks at the spawning escapement in terms
34 of quality. It's turning around, in 2009 we've got the
35 big salmon, they did a carcass survey and also Blind
36 Creek weir is installed, unfortunately it's -- I don't
37 believe it's installed now, but they have been collecting
38 information. And then I did a study on the Little Salmon
39 this year looking at the quality of the escapement.

40

41 But comments to the proposal. Harvest,
42 both commercial and subsistence, should be commensurate
43 with run size, you're not always going to get the same
44 run size every year. Some years there's going to be good
45 run size, some years there's going to be poor run size.
46 So I think it should be commensurate with run size, when
47 there's a lot of fish you should be able to fish. In
48 most years subsistence fishing restrictions are not
49 necessary to achieve escapement goals in most years.
50 Additionally the new maximum mesh size gillnet, seven and

1 a half inch, I think are going to address a lot of the
2 concerns that you have.

3

4 And I've got a graph in my comments on
5 another proposal, it might be worth looking at right now.
6 If you turn to Page 5 on my comments. Now I know
7 different years are different, you know, in 2009 the age
8 six year old component dominated the run, vastly
9 dominated the run. And usually age six component of the
10 run does dominate the run. This year however it appears
11 that age five might have been more numerous than age six.
12 So you've got to look at this graph through that filter.
13 Okay. It may not be exactly what we find next year when
14 the age six is expected to dominate.

15

16 But that graph shows the -- first off the
17 blue line is rapid area fish wheel harvest and we're on
18 Page 5 at the top. Okay. The red line is the rapid area
19 set gillnet harvest, and these are by length bins. If
20 you look on the bottom it ranges from less than 700
21 millimeters which is about 27 and a half inches all the
22 way up to greater than 1,000 millimeters which is close
23 to 40 inches. So and then the green line is the Mountain
24 Village test fishery which use seven and a half inch mesh
25 size. From this graph you can see that Stan Zuray's
26 wheel caught 51 percent that were less than 700
27 millimeters and these were predominantly -- the vast
28 majority of those were males. So his fish wheel catches
29 mainly small male salmon. Only 2 percent were greater
30 than 900 millimeters. Okay.
31 And if you look at the set gillnet information you can
32 see that they harvest predominantly large fish. Over 30
33 percent were greater than 900 millimeters, in the -- I'm
34 sorry, in the 900 to 999 bin with a total of, I think, 45
35 percent greater than 900 millimeters. And this is in the
36 same area that Stan has his wheel so it's in the rapids
37 area. So there are two different views of the run based
38 upon gear type.

39

40 Now I know it's not strictly comparable,
41 but take a look at the seven and a half inch mesh at
42 Mountain Village and you're harvesting mainly fish
43 between 700 millimeters and 850 millimeters. 77 percent
44 of the catch there was between that. And Bromaghin when
45 he did his work he thought that the seven and a half inch
46 gear type overlaid the length frequency distribution of
47 the total run. And it could be the best indicator of
48 what's actually in the river. Okay. So I wanted to
49 point that out to you.

50

1 So what I'm saying here is the seven and
2 a half inch may be the key to quality of escapement, it
3 may provide those big females that you're -- that we want
4 on the grounds, to escape the fisheries and get up on the
5 grounds.

6
7 Okay. Further comments. Some -- I want
8 to address the Treaty and the Treaty obligations and the
9 escapement goal. Right now we have an agreement with
10 Canada which we're providing a minimum of 42,500 in
11 escapement plus the Canadian share of the harvest. And
12 for chinook they get about I believe 24 percent of the
13 total allowable catch. So that's what we have agreed to
14 provide to Canada. That's difficult to do at the lower
15 river and I think our concern should be getting that
16 number to the border and trying to manage for a specific
17 stock in Canada is Canada's responsibility. I mean, we
18 can do all we can to get those fish to the border, but
19 it's Canada's responsibility to manage stock specific,
20 it's impossible for our managers to manage for the Kelly
21 River or the White River or the Big Salmon, it's just
22 impossible for us to do when we're having such a hard
23 time managing for that escapement goal and also Canada's
24 share.

25
26 However some -- oh, another thing I
27 wanted to mention is that we have pulses of salmon come
28 through the Yukon River and the first pulse usually has
29 a majority of Canadian fish, to be as high as 70 percent
30 of that first pulse could be Canadian fish. And then as
31 the -- as time goes on and the pulses come through that
32 proportion degrades. And at the very end of the run we
33 can be looking at less than 25 percent of the fish in
34 that particular pulse going to Canada. So what Rich said
35 is that the run is protracted, it is protracted during
36 the whole entire run, there's Canadian fish throughout
37 the run, the majority come in at the first pulse and then
38 degrade throughout the pulse. Our -- the Alaskan stocks
39 are more compressed, the Tanana usually comes in next or
40 is mixed in with the first pulse and the lower river
41 pulse comes in at the -- at the very end. So some sort
42 -- because of that some sort of first pulse protection
43 may be necessary in some years to protect the Canadian
44 component when that segment of the run is poor.

45
46 During the most recent AYK Board of Fish
47 meeting in January 21, the Board adopted a regulation
48 that gives ADF&G managers emergency authority to
49 sequentially close fisheries to allow pulses of chinook
50 salmon to migrate upstream with little or no

1 exploitation. So they have that ability to do first
2 pulse protection if they deem it necessary. This
3 regulation will also be used to bolster escapements to
4 particular sections of river when those runs are very
5 poor. However shifting too much of the harvest onto
6 Alaska stocks have -- can have detrimental consequences
7 on those stocks. Harvest should be spread out over the
8 entire chinook salmon run. Since District 5 harvest most
9 of those stocks bound to Canada it may be prudent to
10 reduce the harvest of the first pulse of chinook salmon
11 within the mainstem Yukon River in Districts 1, 2, 3 and
12 possibly even 4. Those districts harvest chinook salmon
13 from all the Yukon River stocks. A slight restriction on
14 the first pulse, for example, may be pulling one period,
15 may provide enough fish for upriver subsistence users and
16 for escapement into Canada. The lower Yukon area will be
17 able to harvest on the second and third pulse and thereby
18 harvest slightly more chinook salmon bound for Alaskan
19 tributaries to reduce their exploitation on the Canadian
20 component.

21

22 Approximately 90 percent of the
23 subsistence harvest is completed by the mid point of the
24 run and I believe as Mr. Collins pointed out earlier,
25 that windows may be exacerbating this situation or not
26 spreading the harvest out, you know, when there's an
27 opening, there's only two 36 hour openings in the lower
28 river and everybody goes fishing. So you get more
29 fishing pressure within a shorter period of time, but the
30 result may not be spreading the harvest out, it may be
31 exactly the same as it was before. Slightly delaying
32 that harvest may not only provide benefits to the
33 Canadian component of the Yukon River chinook salmon, but
34 also may provide economic benefits because allowing more
35 Canadian fish to pass upriver may prompt an earlier
36 commercial fishery for summer chum salmon in the
37 drainage.

38

39 Now Kwik'pak understands that there's not
40 going to be directed chinook salmon fisheries and they're
41 not really pushing that product. They -- what they do
42 want however is a summer chum salmon fishery whether they
43 buy incidental kings or not.

44

45 The complete closure of the first pulse
46 of chinook salmon would unnecessarily cause hardship to
47 all subsistence users within the Alaska portion of the
48 Yukon drainage and in most years it's totally
49 unwarranted. A majority of the Yukon River drainage
50 escapement goals have been met or exceeded since 2000

1 including the Chena and Salcha Rivers which are the
2 larger producers of chinook salmon in the United States'
3 portion of the drainage. The escapement objective for
4 the Canadian mainstem was met every year from 2001 to
5 2006. Additionally a record escapement was observed in
6 2003. Escapements observed in 2005 and 2009 ranked third
7 and fourth behind the 1996 escapement. However we know
8 that the escapement objective for the Canadian mainstem
9 was not met in 2007, 2008 and 2010.

10

11 One other comment I'd like to make is
12 that I think there's a misperception of the lower Yukon
13 subsistence fishery. The surveys indicate that within
14 Districts 1, 2 and 3 they average about 20,000 fish. And
15 not all that is Canadian, it's probably close to 50 or 60
16 percent Canadian whereas the upper river harvests around
17 30,000 chinook salmon and in District 5 I think the
18 average is about 16,000 and most of that is Canadian
19 fish. So, you know, first pulse protection in years when
20 there's a low run in the lower river or shifting that
21 harvest onto Alaskan stocks, a minimal shift may provide
22 for that 16,000 average harvest in District 5 plus also
23 the escapement into Canada. I mean, it's not going to
24 provide it all, but it may provide a better escapement
25 and an adequate harvest in District 5.

26

27 Mr. Chair.

28

29 CHAIRMAN REAKOFF: Thanks, Gene. Those
30 are very good comments. Appreciate that.

31

32 Eleanor.

33

34 MS. YATLIN: I was looking at your
35 handout here, but, you know, under the State and the Feds
36 recommendation they have cited reference so I just wanted
37 to comment on that. I know you're, you know, really rat
38 in mouth -- not rat, sorry, you know, saying all these --
39 giving all this data and whatnot, but I just wanted to
40 comment on the cited reference because that's what I look
41 at.

42

43 Thank you.

44

45 MR. SANDONE: Are you talking -- yeah, I
46 did put a lot of data in there, I guess, the -- I think
47 the only thing in my written comments there about the 90
48 percent of the harvest at mid point I did not reference,
49 but the other information that I referenced in my oral
50 comments regarding subsistence harvest can be found in

1 the most recent subsistence report from the Yukon River
2 by the Alaska Department of Fish and Game. I believe
3 it's -- Busher published that with a few other authors in
4 2009 and I can provide that reference to you.

5

6 CHAIRMAN REAKOFF: Thank you. Tim.

7

8 MR. GERVAIS: Gene, I just wanted to
9 caution you on one thing, I think that it's really
10 important on the age, sex and length harvest from
11 different gear types, but I feel it's kind of
12 irresponsible for you to say that just because this is
13 what Stan Zuray catches in his fish wheel in the rapids
14 area which as you know or probably know is very confined,
15 that's probably not representative of most of the fish
16 wheel locations in the river. They may have similar
17 performance, but I think it would be good to have the
18 information saying that in whatever district, District 4
19 or District 5, this is what the length data from the fish
20 wheels is, this is what the length data from the nets is,
21 and that's going to help us all figure out what the
22 effects of these different gear types are on the stock.

23

24 MR. SANDONE: Mr. Chair. Mr. Gervais.
25 I don't think it's irresponsible to present those data,
26 those are the data that I do have from Stan Zuray's wheel
27 and he provided those data from 2005 through this year.
28 It is my professional opinion that fish wheels capture
29 small and predominantly male fish and I have not seen
30 data to prove otherwise. Even the Canadian fish wheel
31 harvest data, they caught predominantly small male fish.
32 So, I mean, I believe that Fish and Game has collected
33 other data from Andy Bassich's wheel and I think that it
34 all supports that observation. It might be a good
35 project to sample other fish wheels along the Yukon River
36 to determine exactly what they catch, but my point in
37 presenting the fish wheel data and the set gillnet data
38 which are, I believe, pretty comparable because they're
39 taken from the same area in the rapids, is that they
40 catch different segments of the run and neither may be
41 indicative of what is actually in the river.

42

43 Mr. Chair.

44

45 CHAIRMAN REAKOFF: Thanks, Gene.

46 Comment, Mickey, or.....

47

48 MR. STICKMAN: Yeah, the only comment I
49 have on that is, you know, as far as the fish wheel data,
50 well, for a long time in Y-4-A they have commercial

1 fishing for summer chum and a large part of that
2 commercial fishery was the sale of salmon roe. So when
3 it came to chum salmon that data is not absolutely
4 correct because if those people with those fish wheels
5 were catching more males than females they definitely
6 weren't going to be out there fishing like the way they
7 fished like 20 years ago. I mean, Ken will -- Ken can
8 probably tell you that they caught just as many females
9 or maybe even more in their fish wheels when they were
10 doing summer chums. So, you know, there's -- I just
11 don't trust the data because of the -- of what I've seen
12 on the Yukon in my own lifetime, the amount of roe that
13 was sold from summer chum in Y-4-A, it was amazing during
14 those years.

15

16 CHAIRMAN REAKOFF: Go ahead, Gene.

17

18 MR. SANDONE: Mr. Chair. Mr. Stickman.
19 I'm commenting strictly on chinook salmon. The summer
20 chum sex ratio, because summer chum males and females do
21 not -- are not differentiated that much by size, I know
22 that males are usually larger than females, but there's
23 not a great difference and summer chum tend to run the
24 banks, I believe that there's probably not much
25 difference in the fish wheel catch than the actual fish
26 in the river as far as sex ratio goes so I agree with you
27 on that.

28

29 MR. STICKMAN: And the other thing on the
30 data, you know, it -- I think the goal of the project was
31 age, length and sex and if they realize after a couple of
32 years of looking at their data that percentage wise was
33 more male than female you would think they would say
34 well, this is not a viable project because well, the
35 ratio's not correct.

36

37 CHAIRMAN REAKOFF: Thanks, Mickey. Any
38 other comments for Gene.

39

40 (No comments)

41

42 CHAIRMAN REAKOFF: Seeing none, thanks a
43 lot, Gene.

44

45 MR. SANDONE: Thank you, Mr. Chair.

46

47 CHAIRMAN REAKOFF: Appreciate those
48 comments.

49

50 It's been -- take about a 10 minute

1 break.
2
3 (Off record)
4
5 (On record)
6
7 CHAIRMAN REAKOFF: So we're going to come
8 back to order again.
9 (Pause)
10
11 CHAIRMAN REAKOFF: So we're going to come
12 back to order again. We're at a point in the Regional
13 Council recommendation and motion -- the Chair will
14 entertain a motion to adopt the proposal for discussion.
15
16 MR. R. WALKER: Mr. Chairman. Could we
17 adopt the motion with the modifications?
18
19 CHAIRMAN REAKOFF: Yes.
20
21 MR. R. WALKER: Mr. Chairman. I'd like
22 to adopt FP-02.....
23
24 CHAIRMAN REAKOFF: 02.
25
26 MR. R. WALKER:with modifications.
27
28 CHAIRMAN REAKOFF: All right. Do I have
29 a second.
30
31 MS. YATLIN: Second.
32
33 CHAIRMAN REAKOFF: Seconded by Eleanor.
34 And discussion by the Council. We've heard the analysis,
35 comments from the State and the -- and then the written
36 comments and so you had some modifications you had --
37 you've contemplated, Robert, or.....
38
39 MR. R. WALKER: Yes, Mr. Chair. The
40 modification would be from 12 years down to six.
41
42 CHAIRMAN REAKOFF: I -- that was --
43 Mickey brought that point up and I think that would be a
44 good modification of the proposal.
45
46 You go a comment there? Eleanor, go
47 ahead.
48
49 MS. YATLIN: I just wanted to state that
50 usually when we go through these procedures for

1 proposals, you know, I'd like to see the AC's comments
2 because they're the ones that -- they're the ones that
3 live on the rivers and live in the villages. So I --
4 that's just a comment I wanted because I know it's hard
5 to bring these proposals before the Western Interior, but
6 I'd like to know the AC's -- you know, that's just a
7 procedure so that's the other thing I wanted -- that's
8 just something a -- something I wanted to.....

9
10 CHAIRMAN REAKOFF: Right. Yeah, I do
11 like the Advisory Committee comments on proposals, but at
12 this point in the cycle the advisory -- Koyukuk River
13 only has one -- funding for one meeting which will be in
14 late winter and so they may be able to comment on the
15 modified proposal for our winter meeting possibly.

16
17 You had a comment or a modification --
18 the Chair's asking for modification to the proposal.

19
20 MR. GERVAIS: My comment to our -- to the
21 rest of the Council is maybe we could look at -- instead
22 of going to six years going to four years. It's -- when
23 we look at the comments in opposition a lot of it is
24 being locked into a time frame and if we lower -- limit
25 the amount of time frame to less it's still -- still
26 would get the program established and it would give us --
27 it didn't -- wouldn't matter in practice whether it was
28 four years or six years, if it was successful we could
29 extend it into the future. But if it was -- if we
30 amended for four years it would be less of a concern to
31 people feeling like they're getting locked into a program
32 that they're uncertain about.

33
34 CHAIRMAN REAKOFF: Okay. We got
35 Council's recommendations of four to six reduction
36 instead of at least the 12 years. Further discussion by
37 the Council on modification.

38
39 MR. HONEA: I do.

40
41 CHAIRMAN REAKOFF: Go ahead, Don.

42
43 MR. HONEA: Thank you, Mr. Chair. I'd
44 like to confirm what Tim is saying and I don't want to
45 create an undue hardship upon our own people in creating
46 so many years to let the first pulse go by without -- or
47 the second pulse if necessary. And I think it's -- it
48 would be an undue hardship and I think four years would
49 be adequate and I would be more inclined to support this
50 with that amendment.

1 CHAIRMAN REAKOFF: Thanks, Don. Ray.

2

3 MR. COLLINS: Mr. Chairman. I'm leaning
4 towards opposing the proposal because I think the --
5 there is the flexibility now to impose this without
6 having this one and it may end up being too restrictive.
7 I'd like to see what the impact is going to be over the
8 reduction in net sizes to seven and a half inches as that
9 is just being implemented now. I would encourage them
10 this next year to look at doing the same thing, if
11 there's low runs projected I would like to see the
12 closure like there was the year before. But they can do
13 that without this on the books and this is saying
14 definitely this has to happen whether it's needed or not.
15 So I don't know -- I don't know if it gives the
16 management flexibility that -- because there is -- it
17 does impose restrictions on subsistence fishermen that
18 may not be needed.

19

20 So personally I'm leaning towards
21 opposing this as encouraging them to implement it as
22 needed next year and I'd like to see what that reduction
23 in net size is going to do. Because if subsistence --
24 people downriver fish heavy when there's an opening, when
25 it does open there and they meet their subsistence needs
26 as quick as they can. And weather is one of the factors,
27 they've got to do it when they've got good weather for
28 drying fish. But if the smaller size means they're going
29 to be catching more smaller kings they're going to meet
30 their subsistence needs with a cross section of the run
31 instead of just meeting their subsistence need out of
32 targeting the big fish as has been going on now with the
33 eight and a half and so on, you see what I mean, because
34 there's only so many they need for subsistence, but if
35 they take it out of a cross section which you can achieve
36 with that smaller net size then they -- it will help in
37 getting more of the bigger fish up river. So it's going
38 to have an impact, that's the way I'm leaning right now.
39 And I -- but I would encourage the Department to really
40 seriously consider implementing the closure again because
41 -- which they have the authority to do already.

42

43 That's where I'm at.

44

45 CHAIRMAN REAKOFF: Thanks, Ray. I
46 appreciate those comments. Other Council member
47 comments. Robert.

48

49 MR. R. WALKER: Thank you, Mr. Chairman.
50 Under Page 79 under other issues, the third paragraph

1 down. The State addresses as part of pre-season planning
2 with public involvement, again I'll say public
3 involvement, this type of action can be taken by
4 management through emergency order authority as to -- as
5 a conservative measure to meet escapement goals and Yukon
6 River Treaty commitments. So the State has this
7 authority to do this without anything, but I --they
8 haven't been exercising their right to do this. I don't
9 know if it's upper management that's telling them don't
10 do this, don't do that, but again I think this proposal
11 here from the Federal government here, Western Interior,
12 is going to send them a message saying they better start
13 cleaning up their act or else we're going to step in and
14 do this under our act or what they call a -- and so
15 forth.

16

17 Thank you.

18

19 CHAIRMAN REAKOFF: Thanks, Robert. Tim.

20

21 MR. GERVAIS: Thank you, Mr. Chairman.

22 I'm going to support this proposal as amended

23 because.....

24

25 CHAIRMAN REAKOFF: Tim, I'm propose --
26 going to add additional amendments to the proposal. I
27 wanted to discuss some additional amendments to the
28 Council just to hopefully assure this to pass the Federal
29 Subsistence Board process. Maybe at this point I'll put
30 out a couple other issues on the table here.

31

32 Listening to the presentation of staff of
33 the Alaska Department of Fish and Game and the comments
34 from the public, I think we can modify the proposal to
35 reduce the time frame to four years. We can modify the
36 language of the closure language to read request that the
37 Federal public waters of the Yukon River be predominantly
38 closed to expressly protect the escapement goal through
39 very short or no openings. And this modifies the
40 proposal to expressly protect the first pulse and
41 possibly the second pulse. This leverages for direction
42 from the Federal Subsistence Board to the in-season
43 manager that we want to achieve this 70 percent of the
44 fish going up the Yukon River in the first pulse are
45 going to Canada and we want to predominantly protect
46 that. And so I was wondering what the Council would
47 think of that modification of the language.

48

49 And I would also like comment from maybe

50 Jerry Berg on the -- whether that -- it would be a --

1 would weaken the proposal. And so I would like comments
2 from the Council first to that amended language.

3
4 MS. PELKOLA: At first I wasn't going to
5 support this and -- but hearing the modifications and
6 just what you said now, I fee like I will support it.

7
8 CHAIRMAN REAKOFF: Uh-huh. Don.

9
10 MR. HONEA: I would again reiterate
11 supporting with the modifications. And I -- you know,
12 just a public comment about, you know, our obligation to
13 Canada and meeting with these on a TCC level, some of us
14 at the table here have met with these folks before. And,
15 you know, the -- and just the fish that they were able to
16 get and I think it wasn't really an expense, you know, to
17 us to let that first pulse go by, we didn't suffer
18 anymore than we as fishermen suffered whoever didn't do
19 well this past summer which I didn't do well because of
20 high water, I failed to comment on that. But not all of
21 us got everything we wanted and we had to -- we had to
22 make do with what we -- with the fall chum, the summer --
23 late summer chum and stuff. And so, you know, I think
24 that we're sending a message here that I think it's --
25 you know, we talk about some kind of equitable way for,
26 you know, fishing all along the Yukon, I don't think
27 we're ever going to come up with an equitable way to
28 distribute fish just because of -- just -- the way the
29 windows are. But this is one of the means in which we
30 can certainly try to remedy the numbers getting into
31 Canada.

32
33 CHAIRMAN REAKOFF: Thanks for those
34 comments, appreciate that.

35 And discussion on the modified language
36 with the Council. How does the Council feel about
37 changing from to be closed to predominately closed to
38 expressly protect the Canadian Yukon Panel agreed upon
39 goal through very short or no openings. This gives the
40 managers the leeway, but what -- the direction that the
41 Council is seeking is for protection of the Canadian --
42 predominant protection of the Canadian component. And so
43 is that -- would that be agreeable to the Council, the
44 modified language?

45
46 Comment, Tim.

47
48 MR. GERVAIS: Is it worth -- not only for
49 the salmon agreement or Treaty obligations, but also for
50 just yield into the future, future production?

1 CHAIRMAN REAKOFF: I feel that we're at
2 a critical point, you were talking about tipping points
3 of bycatch, I think we're at a critical point where we
4 have to do something now, we can't keep screwing up like
5 we've been doing, can't keep getting a little shot and
6 then putting a whole bunch of bad fish on the grounds.
7 We're at a complete tipping point in the Yukon River
8 chinook salmon and we have to see the message. The
9 managers were given authority, the Alaska Department of
10 Fish and Game managers were given authority for
11 protection of the first pulse by the Board of Fish, they
12 didn't do it. They says oh, we think there's enough
13 fish, by guess and by golly, and hopefully we'll have
14 enough fish to go across the border and we're going to go
15 to full schedule. Well, that didn't work. There should
16 have been reduced fishing schedules at least during that
17 first pulse. The Board of Fish gave direction, you have
18 your management authority, but they didn't do it. And so
19 this is what we got. And I was concerned about that and
20 wrote a letter to the Yukon Panel which I supplied to the
21 Council through correspondence transmission. And so we
22 have to do something now and so we can't -- the
23 performance of the Alaska Department of Fish and Game and
24 even our in-season manager to go along with a by guess
25 and by golly, we're hoping that the first pulse is strong
26 enough to support full on fishing pressure, I don't think
27 that -- it didn't work. I want the Federal Subsistence
28 Board to address this issue and give direction to the in-
29 season manager and send a signal to the Alaska Department
30 of Fish and Game that we are going to rebuild this Yukon
31 River Canadian component and we are going to start doing
32 it now. This is what the objective of this proposal is.
33 And so is the modified language, is the -- I'll poll the
34 Council, the modified language of shortening it to four
35 years,
36 predominately closed to expressly protect the Canadian
37 Yukon Panel agreed upon goal through very short or no
38 openings, is that agreeable language.

39
40 Tim.

41
42 MR. GERVAIS: Yes, it is.

43
44 CHAIRMAN REAKOFF: Eleanor.

45
46 MS. YATLIN: Yes.

47
48 CHAIRMAN REAKOFF: Carl.

49
50 MR. MORGAN: Yes. At first I was opposed

1 to this proposal, but now with the modification I'll
2 support it.

3

4 CHAIRMAN REAKOFF: Thank you. Robert.

5

6 MR. R. WALKER: Yes.

7

8 CHAIRMAN REAKOFF: Don.

9

10 MR. HONEA: Definitely yes.

11

12 CHAIRMAN REAKOFF: Ray.

13

14 MR. COLLINS: Yeah. We should have a
15 motion to amend and actually get the wording on the
16 table. I was -- yes, I would support it as amended. But
17 we need a motion to amend, I think.

18

19 CHAIRMAN REAKOFF: Well, I'm polling the
20 Council at this point to see if we want a motion to
21 amend.

22

23 Jenny.

24

25 MS. PELKOLA: Yes.

26

27 CHAIRMAN REAKOFF: Mickey.

28

29 MR. STICKMAN: Thank you, Mr. Chair.
30 I'll agree to the amendment. But one thing I want to
31 make sure that we -- we're really clear on is, you know,
32 I really want to stay away from having the second pulse
33 in any of the proposal language because well, if you look
34 at the data from 2009 we've met the escapement goals for
35 the Canadian -- for the agreement anyway, for the Yukon
36 Panel.

37

38 And also the quality of the fish was
39 really great up in Canada because I went up there to see
40 it, the fishing up on the Koyukuk River was the best they
41 ever seen in years. So I would be very carefully, I
42 mean, I like the idea of letting that first pulse go
43 through, but I definitely want to stay away from any kind
44 of restrictions on the second pulse because that'll make
45 it just too restrictive for the broad general public of
46 fishermen and fisherwomen out there to support.

47

48 CHAIRMAN REAKOFF: So you would like to
49 strike the language and the second pulse if necessary, to
50 just read during the first pulse of chinook salmon run of

1 the salmon run?
2
3 MR. STICKMAN: Yes, Mr. Chair.
4
5 CHAIRMAN REAKOFF: Okay. Is there
6 agreeable to the Council?
7
8 (No comments)
9
10 CHAIRMAN REAKOFF: Okay. Now the Chair
11 will entertain a motion to amend the proposal as
12 discussed.
13
14 MR. STICKMAN: So moved, Mr. Chair.
15
16 MS. PELKOLA: Second.
17
18 CHAIRMAN REAKOFF: Moved by Mickey,
19 seconded by Jenny. And you got -- we're still in -- and
20 so we're going to vote on that amendment.
21
22 Those in favor of the amendment signify
23 by saying aye.
24
25 IN UNISON: Aye.
26
27 CHAIRMAN REAKOFF: Those opposed same
28 sign.
29
30 (No opposing votes)
31
32 CHAIRMAN REAKOFF: The amendment's on the
33 table. You have a comment, Larry.
34
35 MR. BUKLIS: Thank you, Mr. Chairman.
36 Yes, just so we are clear on the amendment, it would help
37 us if you could read through how it would now read. In
38 our Council meeting books on Page 55 at the very top of
39 the page we have in bold, Part B, which is what we came
40 in with as the proposal language, Page 55, top of the
41 page. And you talk about four years, here it says at
42 least 12 years, then there's the parenthetical, or until
43 such time as, et cetera. So it would actually help us
44 for you to read from top to bottom how it would read with
45 all these changes so there's no misunderstanding later.
46
47 CHAIRMAN REAKOFF: Okay. I can read that
48 into the record.
49
50 MR. BUKLIS: Thank you.

1 CHAIRMAN REAKOFF: Proposal FP11-02
2 requests -- wait a minute. The Federal public waters of
3 the Yukon River will be closed and we're modifying that,
4 predominantly closed, to expressly protect the Canadian
5 Yukon Panel agreed upon goal through very short or no
6 openings. For the.....
7
8 MR. BUKLIS: Mr. Chairman. Can you pause
9 there, that's a lot of -- Canadian Yukon Panel agreed
10 upon goal. Okay. I've got that.
11
12 CHAIRMAN REAKOFF: Escapement of the
13 Yukon Panel agreed upon goal seq -- by all users
14 sequentially or to the taking of chinook salmon by all
15 users sequentially from the river mouth to the Canadian
16 border during the first pulse, striking the second if the
17 first is missed of chinook salmon. Using statistical
18 area closures providing -- provided greater protection
19 without negatively impacting conservation of other
20 stocks. This regulation will be in place for at least
21 four, strike 12, but -- for four years until such time as
22 the Yukon River stock abundance and quality is restored
23 to a level that provides sustained yield for normal
24 commercial and subsistence fisheries.
25
26 Would that suffice for the clarification?
27
28 MR. BUKLIS: Yes, I think I have most of
29 that and the record has it more importantly, but just to
30 clarify, right now coming into the meeting it had said
31 for at least 12 years. Do you now want it to say for at
32 least four years or for four years?
33
34 CHAIRMAN REAKOFF: For at least four
35 years.
36
37 MR. BUKLIS: Okay. And do you understand
38 that the parenthetical that follows says, or until such
39 time. So if that doesn't occur in four years it would go
40 on and your dialogue talked about four years with a
41 focus.....
42
43 CHAIRMAN REAKOFF: Right.
44
45 MR. BUKLIS:so do you realize the
46 affect of that?
47
48 CHAIRMAN REAKOFF: Right.
49
50 MR. BUKLIS: If you say at least four or

1 until such time that leaves the door open to more years.
2 I'm not advocating, I just want clarity.
3
4 CHAIRMAN REAKOFF: Right. That -- that's
5 correct. That's actually clarity, and so for four years
6 or until such time. That sounds -- that language would
7 be.....
8
9 MR. STICKMAN: That makes it indefinite
10 really.
11
12 MR. GERVAIS: I -- when I was speaking to
13 the Council I was saying for four years, four years.....
14
15 MR. STICKMAN: Only.
16
17 MR. GERVAIS:only. And then if it
18 works we can.....
19
20 CHAIRMAN REAKOFF: Okay.
21
22 MR. GERVAIS:extend it.
23
24 CHAIRMAN REAKOFF: Okay. And.....
25
26 MR. GERVAIS: Because to have that or
27 until such time is too ambiguous and it might lock it
28 in.....
29
30 CHAIRMAN REAKOFF: Right.
31
32 MR. GERVAIS:for the next 50 years
33 or something.
34
35 CHAIRMAN REAKOFF: That's true.
36
37 MR. STICKMAN: So we need to strike that.
38
39 CHAIRMAN REAKOFF: For four years period.
40
41 MR. BUKLIS: So you don't mean at least
42 and you don't mean the parenthetical that follows?
43
44 CHAIRMAN REAKOFF: In place for four
45 years.
46
47 MR. BUKLIS: Okay. That's what I thought
48 from the early motion making.
49
50 CHAIRMAN REAKOFF: Okay. That's clear.

1 And so the record reflects the clarification of the
2 modification. Any further discussion.

3

4 (No comments)

5

6 CHAIRMAN REAKOFF: I wanted to have Jerry
7 Berg come up briefly. My question as a staff committee
8 member is -- does this weaken this proposal to where it's
9 -- has in effect or does -- do you feel that this
10 proposal would -- has been strengthened by the
11 modifications?

12

13 MR. BERG: Well, I think it helps to get
14 it as clear as possible of what the Council wants and it
15 certainly will generate discussion. I think, you know,
16 reducing it down to four years will address some concerns
17 that some other people have expressed. So, you know, I
18 -- it's certainly going to generate discussion and I
19 don't know, I think it helps to put the -- you know,
20 talking about the Canadian Panel agreed upon goal in
21 there. You know, one aspect that you might want to
22 discuss amongst you Council members is this is only going
23 to affect Federal public waters so if the State doesn't
24 adopt similar language for State waters then you're going
25 to have a protection for subsistence users -- well, all
26 users in Federal waters and then you may not have that
27 same protection on that first pulse in State waters.
28 That's probably the only point that I can think of you
29 that you haven't had discussions on yet. But, you know,
30 certainly it will generate a lot of discussion amongst,
31 you know, other Council members and the Federal agencies.

32

33 CHAIRMAN REAKOFF: Uh-huh.

34

35 MS. PELKOLA: Mr. Chair.

36

37 CHAIRMAN REAKOFF: Go ahead, Jenny.

38

39 MS. PELKOLA: I was just thinking would
40 staggered years, would that do anything to it, if you
41 said staggered years?

42

43 CHAIRMAN REAKOFF: I don't know about
44 that, we haven't discussed that. That would be kind of
45 a long discussion.

46

47 MS. PELKOLA: Yeah.

48

49 CHAIRMAN REAKOFF: So I feel, personally,
50 that the -- I -- you know, this proposal was generated

1 basically using the -- all three Councils' resolution for
2 protection of the first and second pulse for 12 years.
3 I didn't dream this up, all three Councils did. But this
4 gets it on the table. I feel that the Federal
5 Subsistence Board is going to sit on their hands and let
6 the State do whatever they may will and the State Board
7 of Fish did the same thing and told the Department do
8 whatever you will, but that didn't work this year and I'm
9 very unhappy that there was not enough foresight to see
10 that the run was coming in late, was coming in weak. And
11 the rule of thumb is when I fished in Bristol Bay the old
12 timer says late run -- weak runs come in late, peak fast
13 and tail off short. So there's a basic rule of thumb,
14 when the runs start showing up late, red lights should
15 have been going off all over the place and there should
16 have been some reduction in fishing time. I was unhappy
17 with that non-proactive direction that the Department
18 took when the Board says you have -- can close the first
19 pulse. So I'm unhappy with that and I'll state that on
20 the record.

21

22 I feel that this proposal as modified
23 will produce a discussion level with the Federal
24 Subsistence Board and the State of Alaska to get on the
25 road of rebuilding the Yukon River Canadian components in
26 the Yukon River chinook salmon. And so that would be my
27 position on the proposal.

28

29 Any further discussion on the modified
30 language. Go ahead, Don.

31

32 MR. HONEA: Thank you, Mr. Chair. No, I
33 think Mr. Berg brings up a good point though because this
34 is only on Federal waters. So, you know, whatever
35 happens across the river as a region, I mean, got to take
36 that into consideration.

37

38 CHAIRMAN REAKOFF: Well, it -- that is a
39 point, but the State Board of Fish doesn't meet for three
40 more years or something and so we got to get something
41 going here and we have develop -- open a dialogue with
42 the State and that's what this does is open a dialogue
43 with the State on addressing the shortfalls of
44 management.

45

46 Any further discussion. Mickey.

47

48 MR. STICKMAN: Because this Council is
49 primarily a Council for the subsistence fisherman,
50 basically that's the mandate, I would probably suggest

1 taking out any language that referenced commercial.
2
3 MR. COLLINS: I think you did when you
4 struck that, didn't you, you took out the or.
5
6 MR. GERVAIS: It's gone.
7
8 CHAIRMAN REAKOFF: Yeah.
9
10 MR. COLLINS: It's gone.
11
12 CHAIRMAN REAKOFF: Uh-huh. Any further
13 discussion.
14
15 (No comments)
16
17 CHAIRMAN REAKOFF: Call for a question.
18
19 MR. R. WALKER: Question.
20
21 CHAIRMAN REAKOFF: The question's being
22 called. Those in favor of proposal FP11-02 as modified
23 by the Western Interior Regional Advisory Council signify
24 by saying aye.
25
26 IN UNISON: Aye.
27
28 CHAIRMAN REAKOFF: Those opposed same
29 sign.
30
31 (No opposing votes)
32
33 CHAIRMAN REAKOFF: Proposal as amended
34 shall be -- go forward for our spring meeting and to the
35 Federal Subsistence Board.
36
37 And so -- oh, and I did want to recognize
38 the McGrath students and did you have a comment, Donald,
39 on the students being here?
40
41 MR. MIKE: Mr. Chair, thank you. No, I
42 just -- I just want to welcome the students who have an
43 interest in this Subsistence Regional Advisory Council
44 process. And it's a grassroots levels and I'm sure it's
45 quite an experience for the students to observe, you
46 know, our proposals coming from the people and see how
47 the process works and eventually it turns into
48 regulations. But I'd encourage the students to, you
49 know, ask questions to the staff here or Council members.
50

1 Thank you.

2

3 CHAIRMAN REAKOFF: So, yeah, I appreciate
4 that clarification for the students. The Western
5 Interior Regional Advisory Council seated here is people
6 from throughout this whole Western Interior Region and we
7 either can make proposals to the Federal Subsistence
8 Board or we take proposals from people and then we using
9 our experience make recommendations to the Federal
10 Subsistence Board and they have to analyze and take into
11 considerations our recommendations to a high degree. And
12 so unless we violate the resource or scientific
13 principles or something the Federal Subsistence Board
14 works -- the Regional Councils work -- are an integral
15 part of the Federal Subsistence Management on 60 percent
16 of Alaska's lands, 60 percent is Federally owned.

17

18 And so we're going to continue on to our
19 next proposal.

20

21 MR. PAPPAS: Mr. Chair.

22

23 CHAIRMAN REAKOFF: Oh, go ahead, George.

24

25 MR. PAPPAS: Thank you, Mr. Chair.
26 George Pappas, Department of Fish and Game. Just at the
27 YKD meeting last week and the students -- we had a youth
28 come forth and told us that they were discussing the
29 allocation issues on Facebook between upriver, Canadian,
30 lower river and about a third of the crowd probably has
31 never heard of Facebook, but I was proud to be there to
32 see that the next generation is taking us to a new medium
33 to discuss the future. And additionally we're all here,
34 no matter who we work for, we're all here for them,
35 because we are working on their future right here.
36 That's why it's important that you do get involved and
37 invest in the future so please do pay attention.

38

39 Thank you.

40

41 CHAIRMAN REAKOFF: I do appreciate that,
42 George.

43

44 MR. GERVAIS: Mr. Chair.

45

46 CHAIRMAN REAKOFF: Yes, go ahead.

47

48 MR. GERVAIS: As the students have taken
49 the time to show up here, do you feel it's appropriate to
50 ask them what their subsistence concerns for today or the

1 future might be?
2
3 CHAIRMAN REAKOFF: That would be
4 appropriate. Is -- do students have a subsistence
5 concern for this area?
6
7 TEACHER: I know we talked about it a
8 little bit in our speech class, you know, there was some
9 pretty strong opinion there. If any of you guys want to
10 step forward and mention what those were.
11
12 CHAIRMAN REAKOFF: I would really like to
13 hear if you had strong opinions about subsistence uses
14 here, this Council is very interested in hearing what you
15 have to say.
16
17 TEACHER: That's your invitation if you
18 want to say something.
19 Is anybody willing to step forward.
20
21 UNIDENTIFIED VOICE: Promise an A.
22
23 TEACHER: Yeah, he said to promise you an
24 A.
25
26 (Laughter)
27
28 UNIDENTIFIED VOICE: Politician.
29
30 TEACHER: And absolutely if any of you
31 that are in the speech class step up to that microphone
32 I will let Joy and Marie know and we'll make that happen.
33
34 George.
35
36 MR. GERVAIS: Just talk about your
37 fishing or your hunting.
38
39 (Applause)
40
41 GEORGE: Is this about banning fishing or
42 whatever up by the Yukon mouth?
43
44 CHAIRMAN REAKOFF: Our -- the proposal
45 was for the whole Yukon River and there's not enough fish
46 coming in and we're trying to get more fish up onto the
47 spawning grounds plus provide for subsistence users.
48 That's what our last proposal was about.
49
50 GEORGE: It's just going to be that area

1 though?

2

3 CHAIRMAN REAKOFF: To the Yukon River
4 that's what that proposal was about. We could do -- we
5 will -- we do deal with proposals for the Kuskokwim also
6 because the Kuskokwim is within our region.

7

8 GEORGE: I don't -- I don't want to agree
9 with it or disagree with it because I don't know if
10 there's other places to go fishing up there, but if
11 there's not enough fish up there then that's a pretty
12 good reason not to go fishing, just let them.....

13

14 CHAIRMAN REAKOFF: Build up?

15

16 GEORGE: Yeah.

17

18 CHAIRMAN REAKOFF: I appreciate that
19 comment. Ray.

20

21 MR. COLLINS: Yeah. A question, in your
22 class did you discuss any issues relating to the
23 Kuskokwim about how fishing is going up here and any
24 concerns people have or other concerns about hunting or
25 game?

26

27 GEORGE: We were talking about hunting
28 like moose or bears or chickens. But we didn't really
29 talk about it, we just asked if they were going to take
30 it away, if we're going to -- like take away that. So we
31 just had to come up with an opinion to -- or they were
32 saying that if you guys take away hunting for Kuskokwim
33 for -- we were just saying why you shouldn't be taking it
34 away, like it's our tradition and our culture to go out
35 there and get some moose meat. And save money from going
36 into town and getting some meat.

37

38 CHAIRMAN REAKOFF: Well, that's the base
39 of subsistence.

40

41 MR. COLLINS: Yeah, and you could take
42 back to the class that that is one of our main purposes
43 is to try to protect that for the future, to see that
44 it's managed now so that there will be moose and game
45 available to you in the future, that's one of our basic
46 purposes here is to protect that.

47

48 MR. STICKMAN: Jack.

49

50 CHAIRMAN REAKOFF: Okay. Mickey.

1 MR. STICKMAN: I have a question for you.
2 You see the proposals that we're working on and we're
3 modifying and we're voting on, these are all for
4 protection of the chinook salmon, but you talked about
5 other wildlife and my question for all of you young kids
6 here is do you feel at this time that the -- your future
7 as a -- like you said, your tradition and your culture,
8 eating the animals from the land like we all do and
9 that's what we're basically is a Subsistence Council
10 basically, but how do you feel about the future when it
11 comes to fishing and hunting?

12
13 GEORGE: If it gets taken away or.....

14
15 MR. STICKMAN: Not just taken away, but,
16 you know, what -- you know, restrictions and, you know,
17 because well, you live in an area where you guys had some
18 very severe restrictions on moose hunting for a long time
19 because of what happened with the predators. And what
20 really strict -- and really some controversial measures
21 taken here in this area for predator control so much that
22 it was not only statewide, there was statewide
23 opposition, but there was nationwide opposition to those
24 regulations, but it worked in this area. Ray has been on
25 this Council from the beginning and, but I listen to him
26 talk about areas where'd he go and he'd never see
27 nothing, but this year he went back there and he saw a
28 bunch of cows and those are really good signs of the area
29 recovering because of the restrictions. And the -- so I
30 was just wondering how do you feel about your future as
31 a hunter and a gatherer and a, you know, fisherman?

32
33 GEORGE: I can't really think of an
34 answer for that.

35
36 MR. STICKMAN: And the only reason I ask
37 is because, you know, this is a Federal program, and this
38 Council right here is a Federal program so under Federal
39 law we have to do all we can to protect subsistence use
40 of the resource. So the -- even though we have a
41 commercial fisherman on the Council, it's more of a --
42 like we're trying to spread the -- we're trying to spread
43 the use, I mean, we want to be as fair as possible, but,
44 you know, it's a big deal. I mean, like this is a
45 Federal Council so we only deal with Federal land.
46 There's also State land out there and then there's also
47 private land out there like say for this area it would be
48 MT&T, the village corporation, they have their own land.
49 Well, their land is managed by the State so there's
50 separate management -- there's two separate managements

1 out there, there's Federal management and there's State
2 management. Depends on where you're hunting or depends
3 on where you're fishing, you'll have -- you're either
4 going to be looking at a Federal regulation book that's
5 for Fish and Wildlife Service or you're going to be
6 looking at a State book that's Alaska Department of Fish
7 and Game. But I was just wondering, you know, overall
8 how do you feel -- I mean, one of the things like this
9 Council there's -- this is not the only Council, there's
10 10 Regional Councils like us throughout the State and one
11 of the biggest things last year was the -- was -- the big
12 question last year was as a Council are we doing all we
13 can or are we within the means of the law and, you know,
14 and it's huge when those kind of questions come up
15 because it's pitting -- it's pitting the Federal managers
16 against the State managers. And one of the things that
17 we always try to do as a Council is make sure our
18 proposals can go both -- can go through both the Board of
19 Fish and the Federal Subsistence Board because that's who
20 is going to have the final say on whether our proposal
21 pass or becomes law or not becomes law. So, you know, I
22 know it's -- it's a long questions, but, you know, it's
23 important to hear what the youth think about how we're
24 doing or how do you think -- how do you feel that we're
25 doing when it comes to protecting your hunting and
26 fishing rights for the future?

27

28 GEORGE: I think you guys are doing a
29 good job. There's fewer animals than there used to be in
30 the past couple years, I -- it's good that you guys are
31 putting a restriction of some areas where you don't
32 really see that much animals where you usually see them.
33 I say that's pretty good.

34

35 MS. PELKOLA: I don't know your name, but
36 I think you're doing a good job answering the questions
37 and this question -- what Mickey is saying is not only
38 directed to you, but if any other student has some --
39 wants to make a comment on what Mickey just said, you
40 know, you're welcome to go up there. And I think now is
41 a good time to do it because someday some of you may be
42 sitting on this Board or other Boards where you -- you're
43 making decisions. And I think this is a good practice
44 just to get front of people and I commend you on that.

45

46 MR. HONEA: I also want to thank you guys
47 for coming. You know, we've been meeting alternately
48 here, I think Aniak is the other place that we met last
49 fall. And I've been here a couple of times and this is
50 the first time that I've been here that students have

1 come up here. And I really enjoy that because, you know,
2 like whether we're in our own respective villages, I'm
3 from, you know, Ruby, a couple hundred miles north of
4 here. So I -- you know, we have the same concerns, you
5 guys and I, I like the wolf predator control thing that
6 the State did around here and if you've guys have gotten
7 more moose, I mean, you know, if you got moose this fall
8 that's what it's all about. And, you know, I just -- I
9 appreciate when we come to any village, city, town,
10 whatever, and we have local comments, I mean, you know,
11 local concerns. I want to know what you guys are
12 concerned about and that's probably why, you know, some
13 of the questions we just ask of you guys, I mean, did you
14 all get a moose this fall and stuff like that or are you
15 concerned about wolves around here or the fishing or
16 anything like that. And I'm real glad to see and to hear
17 from Ray and from -- about the comeback of the moose and
18 it's looking like you guys are doing pretty good as
19 opposed to -- because we all have concerns, I mean, I'm
20 up on the Yukon and we get a lot of hunters from
21 Fairbanks. I don't know what you guys get around here,
22 whether you get fly-ins from Anchorage or what the
23 hunting pressures are around here, but, you know, so we
24 all share the same concerns and I'm just glad you guys
25 are here today.

26

27 Thank you.

28

29 MR. STICKMAN: Jack.

30

31 CHAIRMAN REAKOFF: Go ahead, Mickey.

32

33 MR. STICKMAN: Like Jenny -- like Council
34 Member Jenny Pelkola, I want to thank you for being brave
35 enough to answer my questions. The only reason that I
36 have questions is because when you turn your mic on
37 you're actually going on record and it's very important
38 for young people to realize that -- how important what
39 they say is, not just for right now but for future
40 deliberations, you know, I mean, like five years from now
41 we could be at -- be here in this same room talking about
42 different regulations, but your opinions does matter
43 because we've all heard it so it's like history, it's
44 like making history, when you speak up people take what
45 you say as important because it is important. We
46 definitely need a younger perspective like yours when we
47 do our work because like I said a lot of times the work
48 that we do is in question and when you go on record here
49 you have all these refuge managers that are listening and
50 so they know what your opinion is as a youth. So I

1 definitely want to thank you.

2

3 CHAIRMAN REAKOFF: I -- when I was in
4 school I hated to get up in front of the class, I didn't
5 like to talk, in fact, I can't shut up now.

6

7 (Laughter)

8

9 CHAIRMAN REAKOFF: So your -- Mickey's
10 right, Salena over here is actually recording everything
11 you said and that's archived and your -- you'll be on
12 record as stating what your perspective was for this area
13 and you're part of our Region and we appreciate all of
14 your perspective. In the future you might be sitting at
15 this table also and won't be able to shut up either.

16

17 (Laughter)

18

19 CHAIRMAN REAKOFF: So and hopefully
20 everybody will speak up for their area and express their
21 concerns.

22

23 And thanks for bringing your class,
24 appreciate that. Thanks for attending our meeting.

25

26 MS. YATLIN: Thank you.

27

28 CHAIRMAN REAKOFF: So we're going to
29 continue on to our next proposal which is Fisheries
30 Proposal FP11-03. Rich will present that.

31

32 MR. CANNON: Thank you, Mr. Chairman.
33 The analysis for Proposal 11-03 begins on Page 83 of your
34 Council books.

35

36 This proposal was submitted by Andrew
37 Firmin from Fort Yukon and requests that Federal public
38 waters of the Yukon River Subdistrict 5-D, be further
39 subdivided into three subdistricts to provide managers
40 additional flexibility to more precisely regulate harvest
41 while conserving the chinook salmon run that spawns in
42 the upper Yukon River. This proposal as submitted
43 appears to change existing State regulations. If the
44 Board were to adopt the proposal as a Federal regulation
45 and redefine this subdistrict's boundaries, State and
46 Federal regulations would not be realigned and could
47 result in confusion for fishermen.

48

49 The intent of the proposal is to provide
50 managers enhanced capability to manage subsistence

1 fisheries in Subdistrict 5-D thereby conserving upper
2 river chinook salmon spawning stocks. Map 2 found on
3 Page 86 and Table 1 on Page 90 provide a summary of the
4 relevant information associated with this proposal. This
5 subdistrict is very long, requiring over a week for
6 migrating fish to travel through it. Therefore the
7 intent of the proposal makes sense and should be
8 supported. However other options are available to
9 address the positive intent of this proposal without
10 placing State and Federal regulations potentially in
11 conflict.

12
13 In the short term both State and Federal
14 managers could agree with the benefit of modifying the
15 existing boundaries of Subdistrict 5-D. During the 2009
16 fishery season managers used emergency order authority to
17 divide the subdistrict into an upper and lower
18 subdistrict during management of the fall chum salmon
19 fishery. This could potentially be done for the chinook
20 salmon fishery as well. A longer term option would be
21 for the proponent to submit the proposal to the Board of
22 Fisheries in a future meeting. If adopted as State
23 regulation, existing regulations would automatically
24 adjust so that State and Federal regulations would be
25 then consistent.

26
27 And that concludes my comments on this
28 proposal. Thank you, Mr. Chairman.

29
30 CHAIRMAN REAKOFF: Thanks, Rich. Any
31 questions from the Council on this proposal. Eleanor.

32
33 MS. YATLIN: I was just looking at this
34 and I wanted to know what the villages that's around this
35 proposal had to say. That's -- yeah. It's because it's
36 -- I see Stevens and Beaver are -- but then I look at the
37 written public comments and I don't see so I was just
38 wondering.

39
40 CHAIRMAN REAKOFF: There's CATG's support
41 in the last page of the analysis under written comments.
42 Yeah, I'm not sure about the extent of the Advisory
43 Committee's comments on this. It is good to hear from
44 the local affected users.

45
46 Any other comments on the analysis from
47 the Council.

48
49 (No comments)
50

1 CHAIRMAN REAKOFF: Seeing none, Alaska
2 Department of Fish and Game comments. George.

3
4 MR. PAPPAS: Thank you, Mr. Chair.
5 George Pappas, Fish and Game. Our comments begin on Page
6 95 in the book and I'll do my best to summarize here.

7
8 The proposal submitted to further
9 subdivide Yukon River area fishing Subdistrict 5-D into
10 three new subdistricts. There was a question at the last
11 meeting, it says 5-E, 5-F and 5-G, what happened to 5-D,
12 that may have been an editorial error, you know, in the
13 proposal, but you get the idea they want to subdivide it
14 into smaller areas.

15
16 Also this proposal was submitted to the
17 Alaska Board of Fisheries. The intent is to give
18 management a finer tool to more precisely regulate
19 harvest while protecting portions of the salmon run.

20
21 Federal subsistence users could benefit
22 from sequential closures due to increased opportunities
23 to harvest fish when salmon pulses are present. Federal
24 subsistence users within the proposed subdistricts could
25 benefit from more precise and succinct area closures.
26 This proposal has a potential to more evenly distribute
27 Federal subsistence harvest within Subdistricts 5-D
28 during salmon runs that require reduced exploitation for
29 conservation purposes.

30
31 The Federal Board does not have the
32 authority to establish regulatory boundaries for State
33 regulated commercial and subsistence fisheries. If the
34 Federal Subsistence Board adopts fishery subdistrict
35 boundaries that are different from existing boundaries
36 under the Alaska Board of Fisheries authorized area,
37 subsistence users would be responsible for knowing where
38 the claimed Federal jurisdiction applies and difficulty
39 in enforcement may result.

40
41 The Department of Fish and Game and
42 Federally designated officials already have the delegated
43 or regulatory authority to close and open fisheries by
44 area as necessary. For example, open and close the
45 fishery area such as requested in this proposal. As long
46 as the State managers and designated Federal officials
47 continue to -- the current cooperative consultation
48 process for management, adoption of this proposal is not
49 necessary to manage the salmon runs through 5-D. If the
50 State resource managers determine that subdistricts are

1 needed in -- on a reoccurring basis the proposal to the
2 Alaska Board of Fisheries could formalize further
3 subdivision of Subdistricts 5-D could be developed.

4
5 The Department does oppose this proposal
6 and management actions have taken place in recent years
7 to break up or subdivide this district for fisheries
8 reasons and I believe there are designated Federal
9 officials here who could actually answer some questions
10 of recent actions.

11
12 Thank you, Mr. Chair.

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

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

20
21 Fisheries Proposal FP11-03:

22
23 Further subdivide Upper Yukon River Area
24 Subdistrict 5-D.

25
26 Introduction:

27
28 Andrew Firmin submitted this proposal to
29 further subdivide Yukon River Area fisheries Subdistrict
30 5-D into three new subdistricts, 5-E, 5-F, and 5-G, for
31 the purpose of improving management efficiency of the
32 federal subsistence fishery. The proposal was also
33 submitted as a proposal to the Alaska Board of Fisheries.
34 The intent of the proposal is to give management a finer
35 tool to more precisely regulate harvest while protecting
36 portions of the salmon runs. The proponent indicates
37 adoption of this proposal will enhance fisheries managers
38 abilities to manage a large stretch of the Yukon River
39 for the benefit of fish populations as well as user
40 groups during times when it is necessary to reduce
41 subsistence fishing time for conservation purposes. The
42 proponent indicates the size of Subdistrict 5-D
43 (approximately 400 miles in length) is too large to
44 effectively manage if pulses of fish require protection.
45 In 2008 and 2009, Subdistrict 5-D was divided into two
46 sections when subsistence fishing time was restricted in
47 order to meet escapement goals. This proposal would
48 define three new subdistricts as follows:

49
50 5AAC05.200 (e)(4)(i) Subdistrict 5E

1 consists of the Yukon River drainage from ADF&G
2 regulatory markers located approximately two miles
3 downstream from Waldron Creek upstream to the Hadweenzic
4 River.

5
6 5AAC05.200 (e)(4)(ii) Subdistrict 5F
7 consists of the Yukon River drainage from Hadweenzic
8 River upstream to 22 Mile Slough.

9
10 5AAC05.200 (e)(4)(iii) Subdistrict 5G
11 consists of the Yukon River drainage from 22 Mile Slough
12 upstream to the United States Canada border.

13
14 Impact on Subsistence Users:

15
16 The proposal would establish three new
17 subdistricts in which the federal subsistence fisheries
18 could be sequentially opened or closed for conservation
19 purposes as pulses of salmon migrate through this section
20 of the Yukon River. Federal subsistence users could
21 benefit from sequential closures due to increased
22 opportunities to harvest fish when salmon pulses are
23 present. Federal subsistence users within the proposed
24 subdistricts could benefit from more precise and succinct
25 area closures. Adoption of this proposal has the
26 potential to more evenly distribute federal subsistence
27 harvest within Subdistrict 5-D during salmon runs that
28 require reduced exploitation for conservation purposes.

29
30 Opportunity Provided by State:

31
32 Salmon may be harvested under state
33 regulations throughout the majority of the Yukon River
34 watershed, including a liberal subsistence fishery. Gear
35 types allowed are gillnet, beach seine, hook and line
36 attached to a rod or pole, hand line, and fish wheel.
37 Although all gear types are not used or allowed in all
38 portions of the Yukon River drainage, drift and set
39 gillnets, and fish wheels harvest the majority of fish
40 taken for subsistence uses. Under state regulations,
41 subsistence is the priority consumptive use. Therefore,
42 state subsistence fishing opportunity is directly linked
43 to abundance and is not restricted unless run size is
44 inadequate to meet escapement needs. When the Yukon
45 River chinook salmon run is below average, the state
46 subsistence fishing periods may be conducted based on a
47 schedule implemented chronologically throughout the
48 Alaska portion of the drainage, which is consistent with
49 migratory timing as the salmon run progresses upstream.
50 The regulatory schedule for Subdistrict 5-D allows

1 subsistence fishing seven days per week. If the run is
2 not large enough to meet escapement goals, Alaska
3 Department of Fish and Game will restrict fishing time or
4 close subsistence fishing. Amounts reasonably necessary
5 for subsistence for chinook salmon (5AAC 01.236 (b)), as
6 determined by the Alaska Board of Fisheries, have been
7 met in the Yukon River drainage for six of the last nine
8 years.

9

10

Conservation Issues:

11

12

The Yukon River chinook salmon stock is
13 currently classified as a stock of yield concern. Since
14 2001, subsistence fishing time in the Yukon Area has been
15 limited by a windows schedule which was further
16 restricted in 2008 and 2009 because of conservation
17 concerns for chinook salmon. Subsistence harvest levels
18 for chinook salmon have been within the amounts
19 reasonably necessary for subsistence (ANS) ranges since
20 2001, except for 2002, 2008, and 2009. A majority of the
21 Yukon River drainage escapement goals have been met or
22 exceeded since 2000, including the Chena and Salcha
23 rivers, which are the largest producers of chinook salmon
24 in the United States portion of the drainage. The
25 escapement objective for the Canadian mainstem was met
26 every year from 2001 through 2006, with 2001, 2003, and
27 2005 being the three highest spawning escapement
28 estimates on record. The escapement objective for the
29 Canadian mainstem was not met in 2007 and 2008.
30 Exploitation rate on Canadian-origin stock by Alaskan
31 fishermen decreased from an average of about 55% (1989
32 1998) to an average of about 44% from 2004 through 2008
33 (Howard et al. 2009). Although the subsistence harvest
34 continues to remain stable at nearly 50,000 chinook
35 salmon annually, commercial harvests have decreased over
36 60% from an average of 100,000 annually (1989 1998) to
37 the recent 5-year average (2005 2009) of nearly 23,000
38 fish. Considering all salmon species together, the
39 overall total subsistence salmon harvest in the Yukon
40 Area has declined by approximately 30% since 1990 (Fall
41 et al. 2009:39).

42

43

Jurisdiction Issues:

44

45

The federal board does not have authority
46 to establish regulatory boundaries for state-regulated
47 commercial and subsistence fisheries. If the Federal
48 Subsistence Board adopts fisheries subdistrict boundaries
49 that are different from the existing boundaries
50 authorized by the Alaska Board of Fisheries, subsistence

1 users will be responsible for knowing where the claimed
2 federal jurisdiction applies. Difficulty in enforcement
3 may result.

4
5 A large percentage of the lands along the
6 Yukon River are state or private lands on which
7 subsistence users must use gear types consistent with
8 state regulations. If this proposal is adopted, detailed
9 maps are needed that depict land ownership and specific
10 boundaries of areas where federal regulations are claimed
11 to apply, so that fishermen know when they are on state
12 or private lands (including state-owned submerged lands
13 and shorelands) where they must comply with state laws
14 and regulations.

15
16 Other Issues:

17
18 The Alaska Department of Fish and Game
19 and the federally designated officials already have
20 delegated or regulatory authority to close and open
21 fisheries by area as necessary; i.e., open and close
22 fishing areas such as requested in this proposal. As
23 long as the state managers and designated federal
24 officials continue the current cooperative consultation
25 process for management, adoption of this proposal is not
26 necessary to manage salmon runs through Subdistrict 5-D.
27 If state resource managers determine that subdistricts
28 are needed on a re-occurring basis; a proposal to the
29 Alaska Board of Fisheries to formalize further
30 subdivision of Subdistrict 5-D could be developed.

31
32 Recommendation:

33
34 Oppose.

35
36 Cited References:

37
38 Fall, J.A., C. Brown, M.F. Turek, N.
39 Braem, J.J. Simon, W.E. Simeon, D.L. Holen, L. Naves, L.
40 Hutchinson-Scarborough, T. Lemons, V. Ciccone, T.M. Krieg,
41 and D. Koster. 2009. Alaska subsistence salmon
42 fisheries 2007 annual report. Alaska Department of Fish
43 and Game Division of Subsistence, Technical Paper No.
44 346, Anchorage.

45
46 Howard K.G., S.J. Hayes, and D.F.
47 Evenson. 2009. Yukon River chinook salmon stock status
48 and action plan 2010; a report to the Alaska Board of
49 Fisheries. Alaska Department of Fish and Game, Special
50 Publication No. 09-26, Anchorage.

1 CHAIRMAN REAKOFF: Thanks, George. Any
2 Council questions to the State's position.

3
4 (No comments)

5
6 CHAIRMAN REAKOFF: Federal Agency's
7 comments. Vince.

8
9 MR. MATHEWS: Yes, I'm Vince Mathews, the
10 Refuge subsistence specialist for Yukon Flats. And the
11 Refuge -- Yukon Flats Refuge supports the proposal both
12 for management and biological reasons.

13 Subdistrict 5-D is the largest district
14 on the Yukon River, subdividing Subdistrict 5-D would
15 allow for better monitoring of fish movements and better
16 management efficiency during times of conservation
17 concerns. Subdividing the district would provide a
18 better understanding of the complexities of the braided
19 section of the Yukon River. The proposed subdistrict
20 would align with village harvest patterns that are known
21 and well recognized boundaries to the local residents.
22 Having the subdistricts in regulation provides
23 established boundaries that the fishermen would know,
24 where subdividing 5-D with in-season authority may result
25 in a different fishing district from year to year when
26 needed for conservation concerns. Applying conservation
27 measures with the current 5-D boundaries can result in
28 applying the measures where they are not needed and/or
29 impact unnecessarily subsistence fishing due to the large
30 size of the subdistrict and the braided river condition.

31
32 And that's

33
34 CHAIRMAN REAKOFF: Thanks for those
35 comments, Vince. Those are pertinent.

36
37 Any questions for the Yukon Flats Refuge
38 position.

39
40 (No comments)

41
42 My question is did the villages meet on
43 this issue at all that you know of?

44
45 MR. MATHEWS: No, the Yukon Flats
46 Advisory Committee has not met and I don't know if this
47 was discussed at Council of Athabascan Tribal Government
48 meeting. It did not come up to my knowledge at the
49 Gwitch'n gathering because that would not have been --
50 but it's possible that it would have come up there. But

1 to my knowledge no, the villages have not met through
2 Advisory Committee and I'm not aware of CATG having a
3 meeting.

4

5 CHAIRMAN REAKOFF: Okay. Appreciate
6 that. Any questions from the Council. One there, Tim.

7

8 MR. GERVAIS: Yeah, I don't know if it
9 goes to Vince or someone else, could somebody explain
10 what the Council of Athabaskan Tribal Governments where
11 -- what are they representing?

12

13 CHAIRMAN REAKOFF: Go ahead, Vince.

14

15 MR. MATHEWS: Yes, they represent the
16 Yukon Flats villages and I'll apologize, my eyes aren't
17 good enough to read all the villages off of this map, but
18 there's the villages like Stevens Village, Birch Creek,
19 Beaver, Fort Yukon, Venetie, Arctic Village and I'm
20 probably leaving out Chalkyitsik. They're the ones that
21 represent them. Yeah, there is a map on Page 86 that
22 show the villages that CATG covers, Council of Athabaskan
23 Tribal Governments.

24

25 MR. GERVAIS: So in -- on Page 98 I'm
26 seeing a letter of support from them?

27

28 MR. MATHEWS: Yes, and that was from
29 James Kelly if I believe correct, and he is -- was the
30 acting resource director. But I don't know if they had
31 a meeting of all the chiefs, that's a chief based group,
32 all the chiefs are the ones that are on the Council on
33 CATG. I don't know if they've met and gone through this.
34 I think he was writing it as the natural resources
35 director, but I'd have to check into that.

36

37 CHAIRMAN REAKOFF: Thanks, Vince, for
38 clarification. Don.

39

40 MR. HONEA: Yeah, I have a question for
41 Vince. Thank you, Mr. Chair. So actually James Kelly is
42 a natural resources director or whatever they -- the
43 tribal organization there. So he's doing it as --
44 because I think Eleanor brings up a good point, I mean,
45 if you're proposing to do this without input from the
46 affected villages, I mean, I -- I don't see anything
47 whether it was a -- because of time or whatnot comments.
48 I felt a little uncomfortable about not having
49 representation from -- other than just -- well, the guy
50 who proposed it.

1 CHAIRMAN REAKOFF: Mickey.

2

3 MR. STICKMAN: Just to clarify a little
4 bit more for Tim. The Council of Athabaskan Tribal
5 Governments, it's basically a social organization, it's
6 a nonprofit that gets government funding for Indian
7 Health Service and those other social services that the
8 different tribal governments provide. And the Council of
9 Athabaskan Tribal Governments is basically 10 villages in
10 the Yukon Flats. But like Eleanor and like Don, I've --
11 I'm going to have trouble supporting this proposal
12 because of the -- there's no written comments from any of
13 the 10 tribal chiefs or any of the 10 villages. There's
14 just only this one from James Kelly who was then the
15 acting natural resource director, but since then he has
16 moved on so I think a lot of his written public comment
17 was just his own personal comment, it wasn't the comments
18 that he had asked the chiefs for. So I think we need to
19 be very careful when we look at this proposal and like
20 everybody else here I want to be as clear as possible on
21 the -- not just the intent, but the -- you know, does
22 this have broad public support from their area.

23

24 CHAIRMAN REAKOFF: Thanks, Mickey. Go
25 ahead, Vince.

26

27 MR. MATHEWS: Okay. My statements were
28 that I didn't know if they didn't meet, so please take
29 that as that. Knowing Mr. Kelly and knowing the Council
30 of Athabaskan Tribal Governments as well as consortiums
31 that you have elsewhere, the staff generally doesn't move
32 forward without some level of support. I'm just not
33 aware of that level of support. So I want to make that
34 clear on the record. I hope I didn't mislead you. And
35 he is correct, Mr. Kelly has moved back to his former
36 position with Health and Social Services. Those are my
37 titles, he has a different title. But knowing him
38 personally he's extremely thorough so he's not going to
39 move forward without, but I just don't have knowledge
40 that it was officially sanctioned. And I apologize, I
41 don't have a copy of the letter to see how -- you know,
42 what letterhead and all that other stuff. So you're
43 correct, we don't -- you don't have public comments from
44 the individual chiefs, you don't have comments from the
45 AC, but it's the same situation that you have all said,
46 they only meet once a year and they have a huge area to
47 cover. So anyways that -- just get that clear in the
48 record.

49

50 CHAIRMAN REAKOFF: Thanks, Vince, for the

1 clarification. Carl.

2

3 MR. MORGAN: Yes, you got to also
4 consider this proposal going to affect other areas like
5 Y-5-A, B, C Y-6, A, B, and C and D. So we haven't heard
6 from them so I'm very hesitant to make a decision on one
7 area just because it's bigger. I -- it affects other
8 people, other villages, other tribes.

9

10 Thank you.

11

12 CHAIRMAN REAKOFF: Robert.

13

14 MR. R. WALKER: Thank you, Mr. Chair.
15 Vince, I mean, you know, we've been through this before
16 when you were part of our organization. But I think we
17 should just either table this or send it back to their
18 home base, let them get more work on it done, the AC and
19 whatnot.

20

21 Mr. Chairman.

22

23 CHAIRMAN REAKOFF: Thanks, Robert. Tim.

24

25 MR. GERVAIS: Yeah, I would support
26 Robert, I don't want send a message that we're opposed to
27 what they're trying to do, but it's really we're lacking
28 the information on what the level of local support is.
29 Table or.....

30

31 CHAIRMAN REAKOFF: Defer?

32

33 MR. R. WALKER: Yes.

34

35 MS. YATLIN: Defer.

36

37 CHAIRMAN REAKOFF: So we'll move through
38 the -- there's been no Advisory Committees or anything so
39 we'll have to take the public comment. I think Gene
40 wanted to comment on this proposal. So then we'll come
41 to our deliberation.

42

43 MR. SANDONE: Mr. Chair.

44

45 CHAIRMAN REAKOFF: Go ahead.

46

47 MR. SANDONE: Gene Sandone representing
48 Kwik'pak Fisheries. And Kwik'pak Fisheries
49 recommendation is to agree with OSM preliminary
50 conclusion and the State of Alaska recommendation to

1 oppose FP11-03. This may be a good idea, we believe that
2 it needs to be vetted more and we believe that the place
3 that it should be discussed is the Alaska Board of
4 Fisheries. So we encourage the proponent to put in the
5 proposal to the Alaska Board of Fisheries and have it
6 heard there first.

7
8 It is a huge subdistrict and the
9 efficiency of the gear fished and the relatively small
10 catches per unit area needs to be considered when
11 submitting a proposal to split Subdistrict 5-D into more
12 manageable units. Note that Subdistrict 5-D windows
13 subsistence fishing schedule for fishing to occur 24
14 hours a day, seven days a week, mainly because the
15 efficiency of the gear -- inefficiency of the gear and
16 the decreased number of fish in that most upper portion
17 of the Yukon River drainage. But it might be worthwhile
18 to note really how much fish they take there so you can
19 put it in context. Between 1999 and 2008 Subdistrict 5-D
20 has taken about 53 percent of the District 5 subsistence
21 harvest of chinook salmon and about 16 percent of the
22 total Alaskan subsistence harvest of chinook salmon. For
23 comparative purposes Districts 1, 2 and 3 take an average
24 of approximately 13, 20 and 11 percent. Fall chum, they
25 take about 45 percent of the District 5 subsistence
26 harvest and nearly 27 percent of the total Alaskan
27 subsistence harvest of fall chum. For comparative
28 purposes Districts 1, 2 and 3 take an average of 8, 5 and
29 1 percent respectively. It is important to note however
30 that the vast majority of the chinook salmon and a
31 substantial portion of the fall chum salmon harvested in
32 District 5 and more so in District 5-D above the
33 confluence of the Yukon and Chandalar and Yukon and
34 Porcupine Rivers are Canadian origin salmon, Canadian
35 origin mainstem salmon. This fact alone may necessitate
36 more management units within Subdistrict 5-D so that
37 subsistence harvest could be apportion -- distributed.

38
39 Mr. Chair.

40
41 CHAIRMAN REAKOFF: Thanks for those
42 comments, Gene. Eleanor.

43
44 MS. YATLIN: I just wanted to -- excuse
45 me. Mr. Chairman. I wanted to just state that I would
46 like to see the cited reference or the literature cited.
47 So that's -- that's just -- yeah, I want to.....

48
49 CHAIRMAN REAKOFF: Okay. Thanks,
50 Eleanor.

1 MS. YATLIN:because in the State
2 and Federal, you know, they do that and that's where I
3 look at, where they get their reference or whatever.
4
5 So that's just my comment.
6
7 CHAIRMAN REAKOFF: Okay. Any further
8 comments, questions for Gene. Don.
9
10 MR. HONEA: Thank you, Mr. Chair. I had
11 -- I'm a little confused in 5-D, is that Tanana to
12 Stevens, is that the -- you just gave us some figures,
13 you said 45 percent. So you were actually talking about
14 from -- where's 5-D, from Tanana?
15
16 CHAIRMAN REAKOFF: So clarification for
17 Don on where 5-D begins, just below Stevens Village.
18
19 And further -- any questions for Gene on
20 his position.
21
22 (No comments)
23
24 CHAIRMAN REAKOFF: Thanks, Gene.
25
26 MR. SANDONE: You're welcome, Mr. Chair.
27 Thank you.
28
29 CHAIRMAN REAKOFF: And so we'll -- the
30 Chair will entertain a motion to adopt proposal FP.....
31
32 Go ahead.
33
34 MR. MIKE: Sorry, Mr. Chair.
35
36 CHAIRMAN REAKOFF: Comment.
37
38 MR. MIKE: I just wanted to get on record
39 that there's one written public comment from Kaltag which
40 was written to.....
41
42 CHAIRMAN REAKOFF: Oh, right. Excuse me.
43
44 MR. MIKE:in consideration with the
45 discussion earlier.
46
47 CATG supports this proposal, FP11-03.
48
49 And the Yukon Kuskokwim Delta Regional
50 Advisory Council on Proposal number 3 opposes the

1 proposal.

2

3 Thank you.

4

5 CHAIRMAN REAKOFF: They oppose the
6 proposal. Okay.

7

8 MR. HONEA: And which was support?

9

10 MR. MIKE: Yukon Kuskokwim Regional
11 Advisory Council, they oppose Proposal number 3.

12

13 MR. HONEA: And who was supporting it?

14

15 MR. MIKE: CATG, Council of Athabaskan
16 Tribal Governments.

17

18 MR. HONEA: Oh, okay.

19

20 CHAIRMAN REAKOFF: I saw the CATG, I
21 forgot to ask about the Regional Advisory Council and
22 thanks for the clarification on that, Don, appreciate
23 that.

24

25 MR. HONEA: Mr. Chair. There's an
26 earlier discussion about either tabling or deferring this
27 proposal. My advice to the Council would be either to
28 vote it up and down, but at the Federal Board level, you
29 know, it can change and they can -- we can have the
30 public testify in front of the Subsistence Board. Maybe
31 at that time CATG will develop its position as far as
32 whether to support or oppose the proposal.

33

34 Thank you, Mr. Chair.

35

36 CHAIRMAN REAKOFF: Well, I -- I'll state
37 my feelings on that. I feel that it is necessary to
38 subdivide unit -- Subdistrict 5-D. I don't want to send
39 the -- transmit to the Federal Board that I'm opposed to
40 that. I would prefer to defer the proposal and state the
41 reasons for deferral, not enough village involvement, not
42 enough fine tuning and definition of where that boundary
43 actually should fall. That would be the reasons for
44 deferral. And I don't want to oppose the proposal to the
45 Federal Subsistence Board because I want to transmit that
46 I feel that it's a necessary issue.

47

48 And so you got a comment, Fred.

49

50 MR. BUE: Thank you, Mr. Chairman. Yeah,

Fred Bue, Fish and Wildlife Service. Just from the

1 management perspective we work with people up there and
2 if we were to come up and identify boundaries we take
3 that input from the fishermen because they're the ones
4 familiar and what's the recognizable, identifiable
5 boundaries. Some of those proposed in there, that 22
6 Mile Slough is an actual boundary location that we have
7 in our permit system already so people are familiar with
8 that. This spring when we went up to Fort Yukon CATG was
9 there, the Fort Yukon Tribal organization was there, it
10 was just a conglomerate of people in that area. They did
11 recommend this, they supported that. If it came to that
12 sort of management decision we're willing to work with
13 them and we have worked with them last year and last year
14 we tried splitting it, it's within our authority to do
15 time and area. And so we do that as a matter of
16 business, that's our normal thing. And like you say if
17 it's to protect a segment of the pulse, depending on how
18 big that window is, maybe -- if it's a small window then
19 maybe we need to take smaller bites out of that district
20 and apply it equally. And so that's something we do
21 whether or not there's this proposal or regulation in
22 there, we do have the authority to do time and area.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN REAKOFF: Thanks for the
27 clarification on that. And go ahead, Don.

28

29 MR. COLLINS: I want to ask Donald there,
30 you had one working group in opposition to it, was there
31 a justification, I mean, why they opposed it?

32

33 MR. MIKE: Mr. Chair. The YK Regional
34 Advisory Council recently -- met last week and all I got
35 was their -- whether they opposed it or supported it.
36 But maybe Mr. Cannon can provide the justification on the
37 Council's actions.

38

39 Thank you, Mr. Chair.

40

41 CHAIRMAN REAKOFF: Rich.

42

43 MR. CANNON: Yes, Mr. Chairman. It's
44 Richard Cannon, OSM. I was in attendance at the meeting
45 and discussed this proposal with the YK Council. And
46 during their deliberations on this proposal as they
47 discussed it, they also saw value in this, they could
48 understand, you know, the management implications and how
49 that could be useful. They basically in their opposition
50 to it were agreeing with the OSM recommendation,

1 preliminary recommendation, as well as the State of
2 Alaska comments. But they did see the value in it.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN REAKOFF: Thanks for the
7 clarification, Rich. And so the Chair will entertain
8 a.....

9

10 MR. COLLINS: Yeah.

11

12 CHAIRMAN REAKOFF: Oh, go ahead, Ray.

13

14 MR. COLLINS: I have a question. We
15 haven't heard from Eastern Interior and this is in their
16 area and again I can't.....

17

18 CHAIRMAN REAKOFF: They haven't met yet.

19

20 MR. COLLINS: And so I'm in favor of
21 deferring to them too because it's outside of our area
22 and I hate to be telling -- trying to tell them what to
23 do.

24

25 CHAIRMAN REAKOFF: Right. Yeah. The
26 Chair will entertain a motion to adopt the proposal for
27 a deferral. Is that -- would that be correct?

28

29 MR. R. WALKER: No. Make a motion and
30 refer it back to the home base.

31

32 CHAIRMAN REAKOFF: Make a motion to defer
33 the proposal for further work with the villages --
34 affected villages for definition and for future proposal
35 to the Alaska Board of Fish.

36

37 MR. HONEA: I so move.

38

39 MS. YATLIN: Second.

40

41 CHAIRMAN REAKOFF: Moved and seconded.
42 Those in favor of deferring the proposal signify by
43 saying aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN REAKOFF: Those opposed, same
48 sign.

49

50 (No opposing votes)

1 CHAIRMAN REAKOFF: So we'll -- go ahead,
2 Rich.

3
4 MR. CANNON: Yes, Mr. Chairman. I just
5 wanted to make sure I understood what your motion with
6 regard to the deferral was. You rather -- this is a
7 proposal to the Federal Subsistence Board, but you
8 mentioned in your comments about the deferral that you
9 wanted to see it go to the Board of Fisheries?

10
11 CHAIRMAN REAKOFF: I would like the
12 Federal Subsistence Board to know that the Board of
13 Fisheries should -- they should work -- this is not an
14 emergency situation, this -- the Federal Subsistence
15 Board should work with the Board of Fisheries on this
16 issue and that the home villages need to -- well, I would
17 like to see further comment from them on the definition
18 of agreement on those boundaries for ease of the
19 fishermen. But I do recognize it as a necessary
20 management tool to allow harvest for subsistence users in
21 the upper Yukon drainage because if they don't catch
22 their harvest then we -- they're wanting additional
23 restrictions and so forth. And so it -- I have reasons
24 why.

25
26 MR. CANNON: Mr. Chairman. Clarification
27 on your intent of your Council, I guess, I -- maybe I
28 need to state my -- the questions more clearly is do you
29 want them to further development on the proposal for
30 submission not to the Board -- the Federal Subsistence
31 Board, but to the Board of Fisheries?

32
33 CHAIRMAN REAKOFF: It would be my
34 preference that the Federal Subsistence Board also defer
35 the proposal until regulations can be promulgated to
36 define these boundaries and work with the State Board of
37 Fish. That's what I would prefer.

38
39 MR. CANNON: Thank you, Mr. Chairman.

40
41 CHAIRMAN REAKOFF: And so that's -- if
42 that -- is that agreeable to the Council?

43
44 (Council nods affirmatively)

45
46 CHAIRMAN REAKOFF: I think the Council is
47 agreeable to that. Thank you. Thanks for clarification
48 of this issue. Thanks.

49
50 And so we're on the next Proposal 04.

1 MR. CANNON: The analysis for Proposal
2 11-04. And the analysis for Proposal 11-04, Council
3 Members, is found on Pages 99 through 112 of your Council
4 book.

5
6 This proposal was submitted by Stanislaus
7 Sheppard with the Mountain Village Working Group. It
8 requests that the use of fish wheels be prohibited for
9 the harvest of salmon in Districts 4 and 5 of the Yukon
10 area to allow more fish to escape to the spawning
11 grounds.

12
13 Current Federal and State regulations
14 allow subsistence users to utilize fish wheels to harvest
15 salmon in the mainstem Yukon River from the mouth to the
16 Canadian border. It should be noted that if this
17 proposal were adopted Federally-qualified users would
18 still be able to utilize fish wheels to harvest salmon
19 under State regulations in State waters in Districts 4
20 and 5 from just south of Anvik to the Canadian border.

21
22 The proposed OSM recommendation or
23 preliminary conclusion is to oppose this proposal.
24 Eliminating the use of fish wheels in Districts 4 and 5
25 in Federal regulations would not accomplish the
26 proponent's objective and that is to allow more fish to
27 escape to the spawning grounds as Federally-qualified
28 users would still be able to utilize fish wheels to
29 harvest under State regulations. When run projections
30 indicate that escapement shortfalls are likely fisheries
31 managers have the ability and authority to restrict
32 harvest under the existing regulatory management
33 framework such as reducing fishing time or not opening
34 fishing periods to increase escapement as was done for
35 chinook salmon escapement into Canada in 2009.

36
37 Fish wheels comprise only 7 percent of
38 the reported combined subsistence and personal use gear
39 types on the Yukon River with set gillnets comprising 48
40 percent and drift gillnets 37 percent. The use of fish
41 wheels is on the decline in the Yukon River based on our
42 information. Gillnets have become the predominant gear
43 type for salmon subsistence fishing.

44
45 Mr. Chairman, that concludes my comments.

46
47 CHAIRMAN REAKOFF: Oh, thank you.
48 Appreciate that. Does the Council have questions on the
49 presentation. Eleanor.

50

1 MS. YATLIN: I wanted to just put on
2 record that either the AC from these districts or and
3 it's a 15 -- you know, like Ruby AC and different and I
4 don't -- I see the written comments from the public, but
5 -- and that I take into consideration, but the -- I just
6 wanted to know about the ACs.

7
8 CHAIRMAN REAKOFF: Thanks, Eleanor.
9 Koyukuk River Advisory has not met on this proposal.
10 Ruby Advisory Committee.

11
12 MR. HONEA: I'd just like to say that
13 some of these proposals that happened we weren't able to
14 meet before we came to this meeting. And so on Page 111
15 we have an opposition of this and that's because you just
16 mentioned that fish wheels are on the decline and again
17 this proposal would -- if it was river-wide instead of
18 selecting, you know, a certain area would be more
19 reasonable.

20
21 CHAIRMAN REAKOFF: Thanks for the
22 comment, Don. I don't know of any other Advisory
23 Committees -- no Advisory Committee comments.
24 Any other comments from the Council on
25 the presentation. Go ahead, Ray.

26
27 MR. COLLINS: Yeah, this is our turn for
28 our personals you mean, comments?

29
30 CHAIRMAN REAKOFF: No, we're asking on
31 the presentation.

32
33 And so the Alaska Department -- go ahead,
34 Tim.

35
36 MR. GERVAIS: Yeah, Rich, I just wanted
37 to point out we were talking about the -- this is a
38 situation where it's going to come into play, what we
39 talked about in our -- yesterday with the anthropologist
40 where getting some definition on historical use of gear
41 type and whatnot. And this proposal has implications on
42 that. So that's -- this is just one example of where
43 that information is useful.

44
45 CHAIRMAN REAKOFF: Thank you. Good
46 point. Any other comments.

47
48 (No comments)

49
50 CHAIRMAN REAKOFF: We'll have public

1 comments at the end here, Ken.

2

3 Go ahead, George.

4

5 MR. PAPPAS: Thank you, Mr. Chair.

6

7 CHAIRMAN REAKOFF: State comments.

8

9 MR. PAPPAS: Our comments are located on
10 Page 106 and off the bat I need to inform the RAC you
11 need to strike the jurisdiction issue paragraph that's in
12 our comments. That references an old map, it's a
13 continuing comment we've had about the way it's labeled.
14 It has been changed so I apologize, it's erroneous
15 information in there. I'll do my best to summarize here.

16

17 Subsistence fishers on the Yukon River
18 employ a number of gear types including fish wheels to
19 harvest salmon at different times of year. The method
20 and timing of the harvest are based on traditional and
21 customary use uses in different areas of the Yukon River
22 drainage. Studies conducted by the Department between
23 2003 and 2007, the average reports of the primary gear
24 type used for subsistence fishing is -- can be found on
25 Page 106 in that table that we referenced in an earlier
26 proposal.

27

28 If adopted the Federal subsistence users
29 would be prohibited from using fish wheels in Districts
30 4 and 5 Yukon River where Federal jurisdiction is
31 claimed. Fish wheels are highly effective gear, the type
32 for harvesting salmon in the upper Yukon River. Even
33 though fish wheels only comprise 8 percent of the gear
34 types used in harvesting salmon for some subsistence
35 fishermen it is their only means for harvesting salmon.
36 Prohibiting the use of fish wheels as a gear type for
37 Federal subsistence users in these districts is expected
38 to significantly reduce salmon harvest for some
39 subsistence fishermen and may eliminate harvest overall
40 for others.

41

42 The Department opposes this proposal. We
43 suggest that more information is needed on the size
44 distribution of fish harvested in fish wheels and more
45 investigation of the type of gear modifications that
46 could be implemented and would be consistent with the
47 gillnet mesh size actions taken by the Federal
48 Subsistence Board and Alaska Board of Fisheries for the
49 entire Yukon River drainage. Such a research project
50 would be appropriate to be funded through the Fisheries

1 Resource Monitoring Program which we did have some
2 discussions earlier about collecting more information
3 drainage-wide about fish wheel harvest composition.

4
5 Thank you, Mr. Chair.

6
7 *****
8 STATE OFFICIAL WRITTEN COMMENTS
9 *****

10
11 Alaska Department of Fish and Game
12 Comments to the Regional Advisory Council

13
14 Fisheries Proposal FP11-04: Prohibit use
15 of fish wheels in districts 4 and 5 of the Yukon River.

16
17 Introduction:

18
19 Stanislaus Sheppard of the Mountain
20 Village Working Group submitted this proposal to prohibit
21 use of fish wheels on the Yukon River in districts 4 and
22 5 where federal jurisdiction is claimed in order to
23 increase fish escapement to the spawning grounds.

24
25 Subsistence fisheries on the Yukon River
26 employ a number of gear types, including fish wheels, to
27 harvest salmon at different times of year. The method
28 and timing of the harvest are based on traditional and
29 customary uses in different areas of the Yukon River
30 drainage. Studies conducted by the department found that
31 between 2003 and 2007, the average proportion of primary
32 gear types used for subsistence salmon fishing in the
33 Yukon River drainage were set gillnets (53%), drift
34 gillnets (38%), and fish wheels (8%) (Table 1).

35
36 Impact on Subsistence Users:

37
38 If adopted, federal subsistence users
39 would be prohibited from using fish wheels in districts
40 4 and 5 on the Yukon River where federal jurisdiction is
41 claimed. Fish wheels are a highly effective gear type
42 for harvesting salmon in the upper Yukon River. Even
43 though fish wheels comprise only 8% of the gear types
44 used to harvest salmon, for some subsistence fishermen it
45 is their only means of harvesting salmon. Prohibiting
46 use of fish wheels as a gear type for federal subsistence
47 users in these districts is expected to significantly
48 reduce salmon harvest for some subsistence fishermen and
49 may eliminate harvest for others.

50

1 Canadian mainstem was not met in 2007 and 2008.
2 Exploitation rate on the Canadian-origin stock by Alaskan
3 fishermen has decreased from an average of about 55%
4 (1989 1998) to an average of about 44% from 2004 2008
5 (Howard et al. 2009). Although the subsistence harvest
6 continues to remain stable at nearly 50,000 chinook
7 salmon annually, commercial harvests have decreased over
8 60%, from an average of 100,000 annually (1989 1998) to
9 the recent five-year average (2005 2009) of nearly 23,000
10 fish.

11

12 Jurisdiction Issues:

13

14 The department continues to request
15 correction of the Yukon River map labeled Federally
16 Managed Waters in the federal staff analysis. This label
17 incorrectly implies the federal government manages more
18 than federal subsistence fisheries. The State of Alaska
19 manages the sustainability of fish, including
20 subsistence, commercial, sport, and personal use
21 fisheries, in all waters except where waters are closed
22 to non-federally qualified subsistence users. The state
23 also manages other uses of and public activities in these
24 waters, which uses are not managed by the Federal
25 Subsistence Board or federal land management agencies.

26

27 Recommendation:

28

29 Oppose.

30

31 We suggest that more information is
32 needed on the size distribution of fish harvested in fish
33 wheels and more investigation of the type of gear
34 modifications that could be implemented and would be
35 consistent with the gillnet mesh size actions taken by
36 both the Federal Subsistence Board and Alaska Board of
37 Fisheries for the entire Yukon River drainage. Such a
38 research project would be appropriate to fund through the
39 Fisheries Resource Monitoring Program.

40

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48

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31 Publication No. 09-26, Anchorage.
32
33 CHAIRMAN REAKOFF: Thanks, George.
34 Comments from the Council on the State's position and
35 presentation.
36
37 (No comments)
38
39 CHAIRMAN REAKOFF: The Federal Agencies.
40
41 (No comments)
42
43 CHAIRMAN REAKOFF: Seeing none, Native
44 and Tribal organizations.
45
46 (No comments)
47
48 CHAIRMAN REAKOFF: InterAgency Staff
49 Committee.
50

1 (No comments)

2

3 CHAIRMAN REAKOFF: Neighboring Regional
4 Council. Donald.

5

6 MR. MIKE: Mr. Chair. The Yukon
7 Kuskokwim Regional Advisory Council on Proposal FP11-04
8 opposed the proposal to prohibit fish wheels in Districts
9 Y-4 and Y-5.

10

11 CHAIRMAN REAKOFF: Okay. Thank you. Go
12 ahead, Rich.

13

14 MR. CANNON: Yes, Mr. Chairman. I have
15 provided some comments about the justification.....

16

17 CHAIRMAN REAKOFF: Okay.

18

19 MR. CANNON:on previous proposals
20 and I would like to share with you since I was at the
21 meeting.

22

23 CHAIRMAN REAKOFF: I would like to hear
24 those.

25

26 MR. CANNON: This proposal and several of
27 the other ones that you're taking out for the Yukon were
28 discussed and there was concern provided in initial
29 comments by the Chairman of the YK Council about what he
30 felt was some of the proposals had been submitted through
31 frustration about conflicts among regions and the
32 Chairman set the -- Lester set the tone of the meeting by
33 stating that he felt that some of the proposals, although
34 he understood where the frustration was coming from, he
35 said he could not support and he did not think they were
36 helpful. And that sort of discussion was echoed by other
37 YK Council members and it also was stated on the record
38 with regard to this proposal and that's one of the
39 reasons they did not support it, they did not think it
40 would be helpful.

41

42 CHAIRMAN REAKOFF: Okay. Appreciate
43 that. I want to state my appreciation of the YK Delta's
44 professionalism and understanding that these are
45 retaliatory proposals.

46

47 And any further comments. Tim.

48

49 MR. GERVAIS: Yeah, I think when we're
50 looking at trying to limit harvest and whatnot we should

1 be focused on solutions that are equitable to the whole
2 river system and I think that was a big failure with the
3 Board of Fish action last winter is that it only affected
4 the drift net fishermen and the fish wheel fishermen had
5 no -- had to make no adjustments. So I'm going to oppose
6 this proposal based on that.

7
8 CHAIRMAN REAKOFF: Thanks, Tim. Local
9 Advisory Committees, we've discussed that. National Park
10 Service Resource Commissions have not met on it. Summary
11 of written comments and there are many. And there's how
12 many opposed here, Donald?

13
14 MR. MIKE: Mr. Chair, there are 12 in
15 opposition, 12 written public comments and it begins on
16 Page 109.

17
18 CHAIRMAN REAKOFF: Yes.

19
20 MR. MIKE: And I -- for the record I can
21 just read who submitted these comments. And.....

22
23 CHAIRMAN REAKOFF: Yes, please.

24
25 MR. MIKE:the written public
26 comments starts on Page 109 and ends on Page 111.

27
28 Alyson Esmailka of Galena.

29
30 CATG.

31
32 Donald and Jan Woodruff of Eagle.

33
34 Fred Huntington, Sr., Second Chief,
35 Loudon Tribal Council.

36
37 James Roberts, Tanana Tribal Council.

38
39 Mike McDougal and Sonja Sager of Eagle.

40
41 The Nulato Tribal Council and signed by
42 180 residents.

43
44 Richard Burnham of Kaltag.

45
46 First Chief Pat McCarty, Second Chief Don
47 Honea, Jr. and Traditional Chief William McCarty, Jr.,
48 Ruby Tribal Council and eight residents of Ruby.

49
50 The David Helmer family of Eagle.

1 Koyukuk Tribal Council, Wayne and
2 Scarlett Hall of Eagle.

3
4 Those are the written public comments
5 received -- written public comments received all in
6 opposition. And for the record these are a part of the
7 administrative record.

8
9 Thank you, Mr. Chair.

10
11 CHAIRMAN REAKOFF: Thank you. And I
12 again will reiterate on the record that I really
13 appreciate people reading the proposal and expressing
14 their concerns with this proposal.

15
16 And so we have public testimony. Ken,
17 you wanted to come up to the mic.

18
19 MR. CHASE: Mr. Chair, thank you.
20 Members of the Committee. My name is Ken Chase, I'm here
21 representing myself not the GASH Advisory Board although
22 I'm in contact with them unofficially and off record all
23 the time. And we feel that the whole drainage is not
24 going to support this type of a proposal. And I have to
25 speak for the record because any proposals that come up
26 against fish wheels are really -- I don't know, I guess
27 they're sort of mean spirited in a way because it's -- it
28 doesn't help the resource any at all or the take of it
29 that people need that resource. And that's -- Anvik area
30 has primary been the fish wheel leaders of the whole
31 river and we've had up to 11 fish wheels operating off of
32 the bluff there in past years and the Anvik terminal
33 fishery is there that we had over the years and may come
34 back again and we use that primarily for our fish wheels.
35 And the ones that don't have fish wheels in our terminal
36 fishery uses -- this is the commercial, use beach seines.
37 So fish wheels are still used. And I was the only one
38 using a fish wheel all the way from the early '60s to the
39 -- almost to 1970 when there was no other action on the
40 river. So I'd just like to say on behalf of the people
41 there that I know, this -- any proposal that come up
42 dealing with fish wheels, try to exterminate them, is
43 going to be blocked by us in any way or form that we can.

44
45 Thank you.

46
47 CHAIRMAN REAKOFF: Thanks, Ken. Any
48 questions for Ken.

49
50 (No comments)

1 CHAIRMAN REAKOFF: I think you made your
2 position clear. Thank you. Gene.

3

4 MR. SANDONE: Thank you, Mr. Chair. My
5 name is Gene Sandone, I represent Kwik'pak Fisheries.
6 Kwik'pak Fisheries' recommendation, we agree with OSM
7 preliminary conclusion and the State of Alaska
8 recommendation to oppose FP11-04. And we believe that
9 fish wheels are traditional gear and should remain. And
10 they catch all species of fish, especially chum salmon
11 that are shore oriented.

12

13 But I'd like to address chinook. In our
14 opinion fish wheels harvest predominantly small chinook
15 salmon and we think that's a really good thing for the
16 escapement. I reference all my remarks made on Figure 1
17 on Page 5 previously. It appears that from these data,
18 I know it's only one year and, you know, it's limited,
19 but it appears from these data that fish wheels serve a
20 valuable purpose in harvesting small chinook salmon that
21 gillnets of larger mesh size, seven and a half and
22 greater, do not. It is our opinion that the length, age
23 and sex structure of the escapement should be comparable
24 to the annual run or the long-term brood year return. If
25 the exploitation of those small fish is less than the
26 larger fish, then more of the younger, smaller,
27 predominantly male fish will be allowed to spawn.
28 Although this probably has some minor consequences,
29 overall we should be striving to allow the optimum number
30 of females and large fish to reach the spawning grounds
31 regardless of the number of small male fish on the
32 spawning grounds. It appears that from the data in
33 Figure 1 that the use of seven and a half inch mesh
34 gillnets and fish wheels may complement each other.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN REAKOFF: Thanks for that
39 comment. Go ahead, Tim.

40

41 MR. GERVAIS: Gene, on Figure 1, Page 5,
42 is that -- the Mountain Village Test Fish, is that a
43 drift gillnet?

44

45 MR. SANDONE: Mr. Gervais. Mr. Chair.
46 Yes, it is.

47

48 MR. GERVAIS: Thank you.

49

50 CHAIRMAN REAKOFF: Any questions or

1 comments.

2

3

(No comments)

4

5

CHAIRMAN REAKOFF: I will agree with
6 Gene's analysis that -- I looked at a lot -- at some
7 Canadian data that they were catching relatively small
8 chinook and then the carcass samples back in the '80s
9 showed that they were not -- that wheels weren't
10 representing what was actually getting to the spawning
11 ground, the fish were much larger on the spawning grounds
12 so the wheels actually catch predominantly smaller
13 chinook salmon because they're weaker and come to the
14 bank is the main reason. And so there's locations that
15 are only conducive to wheel fishing and not conducive to
16 net fishing so we'd be basically precluding any -- some
17 subsistence users from good sites that they could harvest
18 at and are willing to take smaller chinook salmon. So I
19 don't -- I feel this is a retaliatory proposal and Gene's
20 comments is -- that wheels actually would benefit,
21 complement the seven and a half inch gear type and I
22 would agree with that.

23

24

Thank you.

25

26

MR. SANDONE: Thank you, Mr. Chair.

27

28

CHAIRMAN REAKOFF: Don.

29

30

MR. HONEA: Thank you, Mr. Chair. I just
31 wanted to comment on that. I mean, you know, you said
32 decline of fish wheels on the Yukon. At one point in
33 Ruby we had up to a dozen fish wheels, you know, but now
34 it's down to only two fish wheels. And the ones that --
35 you're exactly right, the ones that they are taking are,
36 you know, mid size jacks and, you know, predominantly
37 whatever -- and this is on the south bank, I'm talking
38 about the south bank for the -- where the fish, usually
39 when we catch a larger fish it's on the north bank and it
40 could be, you know, in the sloughs and stuff, but like I
41 said, I mean, it's kind of a minimal take of, you know,
42 it's now the big spawning ones.

43

44

CHAIRMAN REAKOFF: Thanks, Don. Any

45

46

47

48

49

50

MR. STICKMAN: Like Ken, this will --
well, this is my opinion as a Council member, but also as
a -- this would be my personal view. You know, in Y-4-A
there was a commercial fishing industry for years and

1 years and years and then the summer chum crashed. Well,
2 now the summer chum has rebounded and so in Y-4-A there's
3 a renewed interest in commercial fishing for summer chum.
4 And I know even though we're primarily a Council for
5 subsistence I also believe that the fishermen that want
6 to participate in the commercial fishing in Y-4-A, they
7 should be allowed to have that opportunity because in
8 Nulato I seen it for years and years and years where it
9 was a viable -- really a viable industry and brought a
10 lot of money to the area. And it probably wouldn't be --
11 get back up to that same level again because of evolution
12 and the -- all those Japanese people that really love
13 that roe from Y-4-A, those things have changed, there's
14 market changes. But I still believe like Ken and there's
15 people building fish wheels, I mean, there was one new
16 fish wheel this year in Nulato, you know. So I just
17 don't want to see any kind of opportunity taken away by
18 anyone. I mean, this is a proposal from people basically
19 in Y-1, Y-2 and I feel that they really have no business
20 when it comes to our ways and means of fishing.

21

22 CHAIRMAN REAKOFF: Appreciate all those
23 comments, Mickey, those are pertinent to the customary
24 and traditional use of fish wheels within the Western
25 Interior Region.

26

27 Thank you. Any other comments.

28

29 (No comments)

30

31 CHAIRMAN REAKOFF: The Chair will
32 entertain a motion to adopt Proposal FP11-04.

33

34 MR. GERVAIS: So moved.

35

36 CHAIRMAN REAKOFF: Moved by Tim.

37

38 MS. YATLIN: Second.

39

40 CHAIRMAN REAKOFF: Seconded by Eleanor.
41 Further discussion.

42

43 (No comments)

44

45 MR. R. WALKER: Question.

46

47 CHAIRMAN REAKOFF: Question's called on
48 the proposal. Those in favor of the proposal to
49 eliminate fish wheels in the Yukon River drainage signify
50 by saying aye.

1 MR. HONEA: Say that.....
2
3 CHAIRMAN REAKOFF: Those in favor of the
4 proposal to eliminate fish wheels on the Yukon River
5 drainage signify by saying aye.
6
7 (No aye votes)
8
9 CHAIRMAN REAKOFF: Those opposed, same
10 sign.
11
12 IN UNISON: Aye.
13
14 CHAIRMAN REAKOFF: The proposal fails.
15
16 And at this point it's quarter to 12:00,
17 Council's wish is to continue on with the next proposal
18 or break for lunch?
19
20 MS. PELKOLA: Mr. Chair, I thought
21 Proposal FP-7 was supposed to sort of go with FP-4.
22
23 CHAIRMAN REAKOFF: That comes in behind
24 FP-4. We just rearranged the order and so that would be
25 the next proposal. The Council wishes to continue on
26 with the next proposal?
27
28 MR. HONEA: Continue on.
29
30 CHAIRMAN REAKOFF: Okay. Okay. Go
31 ahead, Rich.
32
33 MR. CANNON: Thank you, Mr. Chairman.
34 The analysis for Proposal 11-07 begins on Page 133 of
35 your Council book. The proposal submitted by Stanislaus
36 Sheppard, Mountain Village Working Group requests that
37 the use of drift gillnets be prohibited for the harvest
38 of salmon in Districts 4 and 5 of the Yukon area to allow
39 more fish to escape to the spawning grounds. Current
40 Federal and State regulations allow subsistence users to
41 utilize drift gillnets to harvest salmon in the lower 500
42 miles of the Yukon River from the mouth upstream through
43 Subdistrict 4-A near the village of Koyukuk. In
44 Subdistricts 4-B and 4-C only Federally-qualified users
45 may utilize drift gill nets for the harvest of chinook
46 salmon from June 10th through July 14th. Both Federal
47 and State regulations do not allow the use of drift
48 gillnets for the harvest of salmon in District 5.
49 Therefore this proposal only applies to the use of drift
50 gillnets for the harvest of salmon by Federally-qualified

1 users in Federal public waters of District 4. It should
2 be noted that if this proposal were adopted Federally-
3 qualified users would still be able to fish with drift
4 gillnets for chinook and chum salmon under State
5 regulations in State waters in Subdistrict 4-A.

6
7 The Federal drift gillnet fishery in 4-B
8 and 4-C has been in place since 2005. The majority of
9 Federally-qualified subsistence users fishing with drift
10 gillnets in Subdistrict 4-B and 4-C are residents of
11 Galena and Ruby. In the first five years of this fishery
12 an average of 35 permits have been issued per year with
13 an average of seven permits actually fished. A total of
14 188 chinook salmon have been harvested, an average of 35
15 fish per year have been reported. This information is
16 provided on Table -- in Table 2 on Page 141.

17
18 When run projections indicate that
19 escapement shortfalls are likely fisheries managers have
20 the ability and authority to restrict harvest under the
21 existing regulatory management framework such as reducing
22 fishing time or not opening fishing periods to increase
23 escapement as was done for chinook salmon escapement into
24 Canada in 2009.

25
26 Given this obviously limited impact of
27 these fisheries and to preserve the opportunity for
28 continued subsistence fishing under Federal regulations
29 the preliminary conclusion by OSM is to reject this
30 proposal.

31
32 Mr. Chairman.

33
34 CHAIRMAN REAKOFF: Thanks, Rich. Any
35 questions on the presentation. Go ahead, Eleanor.

36
37 MS. YATLIN: Again for the record I would
38 like to state that I looked at the written public
39 comments and other -- of the ACs.

40
41 CHAIRMAN REAKOFF: Thank you.

42
43 MS. YATLIN: I'd like.....

44
45 CHAIRMAN REAKOFF: Eleanor.

46
47 MS. YATLIN: I'd like to hear from the
48 ACs.

49
50 CHAIRMAN REAKOFF: Right. I'd -- the ACs

1 and Koyukuk River Advisory Committee has not met on this
2 proposal. Has Ruby met on this proposal?

3
4 MR. HONEA: We haven't met, but we have
5 comments on Page 148. And specifically I think that, you
6 know, as I've said in the past
7 anything that had to do with drift set netting in 4 or 4-
8 A or 4-B, especially in 4-B where the take was minimal
9 and the graphs reflect that and the permits that were
10 handed out were kind of minimal and the take is minimal
11 so that's justification for me.

12
13 CHAIRMAN REAKOFF: Thanks, Don,
14 appreciate that. Don't know of any other advisory
15 committees that have met on this proposal, Eleanor. Any
16 comment on the staff presentation.

17
18 (No comments)

19
20 CHAIRMAN REAKOFF: Alaska Department of
21 Fish and Game comments.

22
23 MR. PAPPAS: Thank you, Mr. Chair. The
24 creation of the 2005 Federal Subsistence Drift Gillnet
25 Fishery in Subdistricts 4-B and C of the Yukon River by
26 the Federal Subsistence Board expanded fishing
27 opportunity on a fully utilized stock classified as a
28 stock of yield concern. At the time the Department staff
29 were concerned that the interest in harvest efficiency in
30 this new fishery would result in additional pressure on
31 a stock classified as a yield concern. Based on recent
32 permits and reports prepared by the Federal Subsistence
33 Program, few fishermen use this gear type and few fish
34 are harvested. State resource managers continue to
35 monitor participation in harvests associated with this
36 fishery. The Alaska Board of Fisheries determined that
37 the drift gillnets are not a customary and traditional
38 gear type used in Subdistricts 4-B and 4-C and experience
39 with the fishery has shown that their use is problematic
40 in an area due the river morphology and amount of large
41 woody debris in the water column. Many sections of the
42 river in Subdistricts 4-B and 4-C are too shallow for
43 efficient use of drift gillnets and large, woody debris
44 can entangle nets resulting in great cost to fishermen.

45
46 The Department considers the use of set
47 gillnets and fish wheels as providing for meaningful
48 Federal subsistence priority. Concerns for potential
49 impacts on other users, Canadian chinook salmon stocks
50 and fisheries managers -- management are the reasons

1 Yukon Kuskokwim Delta, the Eastern Interior Regional
2 Advisory Councils, Alaska Board of Fisheries, YRDFA and
3 the Department originally opposed the drift gillnet
4 fishery in this area. Despite recent data that indicates
5 this fishery is having a limited impact on reducing
6 fishing effort or harvest, the Department remains
7 concerned about the expanded drift gillnet fishery in
8 Subdistricts 4-B and 4-C on a stock of yield concern.

9
10 Because Subdistrict 4-A has large
11 tributary streams with different salmon stocks
12 prohibiting drift gillnets in Subdistricts 4-A could have
13 a negative impact on Federal subsistence users fishing
14 for chinook and fall chum salmon. Prohibiting the use of
15 drift gillnets as a gear type for Federal subsistence
16 users in 4-B and C is not expected to reduce salmon
17 harvest by many fish if at all.

18
19 Since the establishment of the Federal
20 subsistence gillnet or drift -- gillnet fishery in 2005
21 there's been relatively low fishing effort in harvest of
22 chinook salmon and based upon return permits and reports
23 by the Federal program thus the impact on Federal
24 subsistence users with adoption of this proposal is
25 expected to be minimal. The opportunity from the State
26 drift gillnets may be used from June 10th to July 14th
27 for subsistence fishing in Subdistrict 4-A to target
28 chinook salmon and chum salmon may be taken with drift
29 gillnets in the same area after August 2nd.

30
31 For jurisdiction issues, individuals are
32 responsible for the -- knowing what gear type's allowed
33 in a particular area while standing on State or private
34 lands including State owned submerged lands and shore
35 lands a person must comply with State regulations
36 regarding subsistence harvest.

37
38 The Department has two recommendations.
39 One is to oppose prohibition of drift gillnets in
40 Subdistrict 4-A and the Department does support
41 prohibition of drift gillnets in Subdistricts 4-B and C.

42
43 *****
44 STATE OFFICIAL WRITTEN COMMENTS
45 *****

46
47 Alaska Department of Fish and Game
48 Comments to the Regional Advisory Council

49
50 Fisheries Proposal FP11-07:

1 Prohibit use of drift gillnets in
2 districts 4 and 5 of the Yukon River Management Area.

3

4 Introduction:

5

6 Stanislaus Sheppard of the Mountain
7 Village Working group submitted this proposal to prohibit
8 use of drift gillnets in Yukon River districts 4 and 5 by
9 federal subsistence users in order to allow more fish to
10 escape to the spawning grounds. Federal subsistence
11 regulations allow subsistence fishing with drift gillnets
12 in District 4 (including subdistricts 4-A, 4-B, and 4-C)
13 but not in District 5.

14

15 The creation in 2005 of the federal
16 subsistence drift gillnet fishery in subdistricts 4-B and
17 4-C of the Yukon River by the Federal Subsistence Board
18 expanded fishing opportunity on a fully utilized stock
19 classified as a stock of yield concern. At the time,
20 department staff were concerned that interest and harvest
21 efficiency in this new fishery would result in additional
22 pressure on a stock classified as a yield concern. Based
23 on returned permits and reports prepared by the federal
24 subsistence program, few fishermen use this gear type and
25 few fish are harvested. State resource managers continue
26 to monitor participation and harvest associated with this
27 fishery. The Alaska Board of Fisheries reviewed this
28 stock of concern designation in January 2010 and
29 continued to support the classification.

30

31 The Alaska Board of Fisheries determined
32 that drift gillnets are not a customary and traditional
33 gear type used in subdistricts 4-B and 4-C, and
34 experience with the fishery has shown that their use is
35 problematic in this area due to river morphology and
36 amount of large woody debris in the water column. Many
37 sections of the river in subdistricts 4-B and 4-C are too
38 shallow for efficient use of drift gillnets, and large
39 woody debris can entangle nets, resulting in great cost
40 to the fisherman. The department considers use of set
41 gillnets and fish wheels as providing a meaningful
42 federal subsistence priority. Concerns for potential
43 impacts to other users, Canadian chinook salmon stocks,
44 and fisheries management are reasons the Yukon-Kuskokwim
45 Delta and Eastern Interior Regional Advisory Councils,
46 Alaska Board of Fisheries, Yukon River Delta Fisheries
47 Association, and the department originally opposed the
48 drift gillnet fishery in this area. Despite recent data
49 that indicate this fishery is having limited impact on
50 reducing fishing effort or harvests, the department

1 remains concerned about an expanded drift gillnet fishery
2 in subdistrict 4-B and 4-C on a stock of yield concern.

3

4 Impact on Subsistence Users:

5

6 Adoption of this proposal would restrict
7 federal subsistence fishermen from harvesting salmon
8 using drift gillnets in subdistricts 4-A, 4-B, and 4-C
9 where it is currently authorized by federal regulations
10 on waters where federal jurisdiction is claimed. Because
11 Subdistrict 4-A has large tributary streams with
12 different salmon stocks, prohibiting drift gillnets in
13 Subdistrict 4-A could have a negative impact on federal
14 subsistence users fishing for chinook and fall chum
15 salmon. Prohibiting use of drift gillnets as a gear type
16 for federal subsistence users in subdistricts 4-B and 4-C
17 is not expected to reduce salmon harvest by many fish, if
18 at all. Since establishment of the federal subsistence
19 drift gillnet fishery in 2005, there has been relatively
20 low fishing effort and harvest of chinook salmon, based
21 on returned permits and reports prepared by the federal
22 program. Thus, the impact upon federal subsistence users
23 is expected to be minimal.

24

25 Opportunity Provided by State:

26

27 Current state regulations are based on
28 customary and traditional fishing patterns and gear
29 types. The legal gear for the state subsistence salmon
30 fishery in subdistricts 4-B and 4-C and District 5
31 includes fish wheels, hand lines, gillnet, and beach
32 seine. Drift gillnets are not allowed in subdistricts
33 4-B and 4-C and District 5, but they are allowed in
34 Subdistrict 4-A under state regulations.

35

36 Subsistence fishing time is based on the
37 customary and traditional timing of fisheries and
38 management strategies of the department. Subsistence
39 openings correspond with timing of fish returns as they
40 progress upstream through the system. Drift gillnets may
41 be used from June 10 through July 14 for subsistence
42 fishing in Subdistrict 4-A to target chinook salmon, and
43 chum salmon may be taken with drift gillnets after August
44 2.

45

46 Salmon may be harvested under state
47 regulations throughout the majority of the Yukon River
48 watershed, including a liberal subsistence fishery.
49 Salmon may be harvested under state subsistence
50 regulations throughout District 4 and subdistricts 5-A,

1 5-B, and 5-C during two 48-hour periods per week from
2 June 15 through September 30, as established by emergency
3 order. The subsistence fishery in Subdistrict 5-D is
4 open 24 hours per day, seven days per week. In addition
5 to the 48-hour state subsistence fishing periods, the
6 state subsistence fishery is open during commercial
7 fishing periods but not during the 24 hours prior to the
8 opening of the commercial fishing season. State
9 subsistence fishing periods are normally linked to
10 abundance or commercial fishing periods and are conducted
11 based on a schedule implemented chronologically, which is
12 consistent with migratory timing as the salmon returns
13 progress upstream. There are no household harvest limits
14 for state subsistence fisheries in subdistricts 4 and 5.
15 Amounts reasonably necessary for subsistence (5AAC 01.236
16 (b)), as determined by the Alaska Board of Fisheries in
17 January 2001, have been met for chinook salmon in the
18 Yukon River drainage for six of the last nine years
19 (below ANS in 2002, 2008, and 2009).

20

21 Conservation Issues:

22

23 The Yukon River chinook salmon stock is
24 currently classified as a stock of yield concern. A
25 majority of the Yukon River drainage escapement goals
26 have been met or exceeded since 2000, including the Chena
27 and Salcha rivers, which are the largest producers of
28 chinook salmon in the United States portion of the
29 drainage. The agreed-to escapement objective for the
30 Canadian mainstem was met every year from 2001 through
31 2006, with 2001, 2003, and 2005 being the three highest
32 spawning escapement estimates on record. However, the
33 escapement objective for the Canadian mainstem was not
34 met in 2007 and 2008. Exploitation rate on the
35 Canadian-origin stock by Alaskan fishermen has changed
36 from an average of about 55% (1989 1998) to an average of
37 about 44% from 2004 through 2008 (Howard et al. 2009).
38 Although the subsistence harvest continues to remain
39 stable at nearly 50,000 chinook salmon annually,
40 commercial harvests have decreased over 60%, from an
41 average of 100,000 annually (1989 1998) to the recent
42 five-year average (2005 2009) of nearly 23,000 fish.

43

44 Jurisdiction Issues:

45

46 Individuals are responsible for knowing
47 what gear type is allowed in a particular area. While
48 standing on state and private lands (including
49 state-owned submerged lands and shorelands), persons must
50 comply with state laws and regulations regarding

1 subsistence harvest. Since a large percentage of the
2 lands adjacent to the Yukon River are state or private
3 lands, we request detailed maps that depict the
4 boundaries within which federal regulations are claimed
5 to apply. If this proposal is adopted, state and federal
6 regulations will be the same for subdistricts 4-B and 4-C
7 but will be different in Subdistrict 4-A.

8
9 The department continues to request correction of the
10 general Yukon River map labeled Federally Managed Waters
11 in the federal staff analysis. This label incorrectly
12 implies the federal government manages more than federal
13 subsistence fisheries. The State of Alaska manages for
14 the sustainability of fish, including subsistence,
15 commercial, sport, and personal use fisheries, in all
16 waters except where waters are closed to non-federally
17 qualified subsistence users. The state also manages
18 other public uses and activities in these waters, which
19 are not managed by the Federal Subsistence Board or
20 federal land management agencies.

21

22 Recommendations:

23

24 Support with modification:

25

- 26 1. Oppose prohibition of drift
27 gillnets in Subdistrict 4-A.
- 28 2. Support prohibition of drift
29 gillnets in subdistricts 4-B and
30 4-C.
31

32

33 Cited References:

34

35 Howard K.G., S.J. Hayes, and D.F.
36 Evenson. 2009. Yukon River chinook salmon stock status
37 and action plan 2010; a report to the Alaska Board of
38 Fisheries. Alaska Department of Fish and Game, Special
39 Publication No. 09-26, Anchorage.

40

41 CHAIRMAN REAKOFF: Thanks, George. Any
42 comments on the State's position. Go ahead, Tim.

43

44 MR. GERVAIS: Yeah, thank you, Mr. Chair.
45 George, I'm not understanding why if we have this small
46 amount of harvest in 4-B and C why the State is opposed
47 to or why the State is supporting that it be prohibited?

48

49 MR. PAPPAS: Thank you, Mr. Chair. This
50 is what, the second or third time we've been -- this --

1 the proposal -- excuse me, the drift gillnet fishery for
2 4-B and C has been on the table I believe in the last
3 five years and the Department has specifically adhered to
4 what the Board of Fish's original determination that the
5 gear type was not -- is not customary and traditional for
6 the area and we're continuing in that position.

7
8 MR. GERVAIS: Okay. I can accept that.
9 I would like to put on the record that the fishers that
10 are utilizing this drift gear are a lot of the people
11 that are traditionally fish wheel fishers, but now
12 because of the continual low abundance their -- it's not
13 decisions families are making not to set up their fish
14 wheels and so this provides them a more economical means
15 of harvesting the salmon which it takes less time and
16 less money than they would normally do in a condition of
17 normal abundance.

18
19 CHAIRMAN REAKOFF: Thank you.

20
21 MR. GERVAIS: And that's why we feel that
22 it's important to maintain the -- that fishery for 4-B
23 and 4-C.

24
25 CHAIRMAN REAKOFF: Thanks for those
26 comments, Tim. Very important. Other comments. Don.

27
28 MR. HONEA: Yeah. You know, I was just
29 speaking on that a while ago and I was -- I was speaking
30 specifically about 4-C, I mean up around the Ruby area.
31 But I would have to agree with the written comments by
32 residents of Galena that not everyone has a set net site
33 and it's going to be very -- it's going to be a hardship
34 for them not to have -- not to be able to do the drift
35 netting and that's how a lot of them do it and the same
36 as in Ruby. Some of the sites are, you know, they -- you
37 almost create wars between the village people at -- you
38 know, with the set night -- set net, you know. And so I
39 think it's -- you know, it's -- it would be a real
40 hardship and I think it -- you know, I'm not speaking for
41 the residents of Galena, but I'd like to -- you know, I'm
42 just saying that I completely agree with the comments in
43 there.

44
45 CHAIRMAN REAKOFF: Thanks, Don,
46 appreciate those.

47
48 MR. COLLINS: Mr. Chairman.

49
50 CHAIRMAN REAKOFF: Ray.

1 MR. COLLINS: Yeah, it's kind of ironic
2 if the State opposes it on the basis of customary and
3 traditional, if that same applied at the mouth of the
4 Yukon and you eliminated the drift fishery down there for
5 the same reason that that's a more recent fishing and
6 required them to go back to set nets and wheels we'd
7 solve the problem in getting fish to Canada and we'd
8 solve the problem of getting fish up the river. So I
9 don't know if the State's really viable in saying it
10 wasn't customary and traditional there, what data we're
11 using in that -- if we go back to historical reasons.
12 So, in fact, I would have a counter proposal that we
13 amend this and eliminate the drift fishery on the Yukon
14 River and that would solve all the problems.

15
16 CHAIRMAN REAKOFF: I really appreciate
17 that comment, Ray, that's a very viable comment. And so
18 the -- here again this is another one of these
19 retaliatory proposal and my comment to the State would be
20 that under Federal regulations rural residents have a
21 customary and traditional use for chinook salmon on the
22 Yukon River and not in a specific site location. So the
23 Department's position that 4-B and 4-C are non-
24 traditional, knowing we have customary and traditional
25 use on the whole Yukon River stock and so people that
26 utilize the -- the record shows that the interest and why
27 the Western Interior Region or Council pushed this
28 proposal is because of the demand from people of that
29 area that were expending a lot of money to go fish in 4-
30 A. So the first year 70 permits were issued, people
31 found that it's a hard area to fish, but it consistently
32 maintains certain interest groups that provide for more
33 economical harvest of their customary and traditional
34 fish. And the average of 38 fish per year is a nominal
35 amount, it's statistically unidentifiable in the run. So
36 the Department is just being, I feel, mean-spirited by
37 pushing this issue. This is a non-viable argument that
38 this is an impact to the fishery and should be
39 eliminated. I take exception to the State's position on
40 that.

41
42 And so go ahead, Jenny.

43
44 MS. PELKOLA: I would say I'd just like
45 to agree with Ray here, if you're going to do it for one
46 area do it for the whole area.

47
48 CHAIRMAN REAKOFF: Any further comments
49 on the State's position.
50

1 (No comments)
2
3 CHAIRMAN REAKOFF: Seeing none, thanks,
4 George.
5
6 MR. PAPPAS: Thank you, Mr. Chair.
7
8 CHAIRMAN REAKOFF: And so we have the
9 Federal Agencies.
10
11 (No comments)
12
13 CHAIRMAN REAKOFF: Native/Tribal
14 organizations.
15
16 (No comments)
17
18 CHAIRMAN REAKOFF: Advisory Committees we
19 discussed.
20
21 (No comments)
22
23 CHAIRMAN REAKOFF: National Park Service
24 Resource Commissions.
25
26 (No comments)
27
28 CHAIRMAN REAKOFF: Summary of written
29 comments. And there are many again mainly by the
30 affected users of that -- of the Western Interior Region.
31
32 Go ahead, Donald.
33
34 MR. MIKE: Mr. Chair. The summary of
35 written public comments begin on Page 147 and ends on
36 Page 148. And these written public comments are part of
37 the administrative record.
38
39 The Nulato Tribal Council and signed by
40 180 residents.
41
42 Alyson Esmailka of Galena.
43
44 Council of Athabascan Tribal Governments.
45
46 Tom Bodony of Galena.
47
48 Don and Jan Woodruff of Eagle.
49
50 Fred Huntington, Sr., Second Chief,

1 Louden Tribal Council.

2

3 James Roberts, Tanana Tribal Council,
4 Richard Burnham of Kaltag, First Chief Pat McCarty,
5 Second Chief Don Honea, Jr. and Traditional Chief William
6 McCarty, Jr., Ruby Tribal Council and eight residents of
7 Ruby all oppose the Proposal FP11-07.

8

9 Thank you, Mr. Chair. And -- oh, the
10 Yukon Kuskokwim Regional Advisory Committee on FP11-07
11 opposes the proposal.

12

13 Thank you.

14

15 CHAIRMAN REAKOFF: There's two more on
16 Page 149.

17

18 MR. MIKE: I stand corrected, Mr. Chair.
19 The written public comments ends on Page 149 rather than
20 148.

21

22 A letter signed by 37 residents of
23 Galena.

24

25 Koyukuk Tribal Council opposes Proposal
26 FP11-07.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN REAKOFF: Thank you. The record
31 is clear, there's unanimous opposition by subsistence
32 users within the Western Interior Region.

33

34 Go ahead, Don.

35

36 MR. HONEA: No.

37

38 CHAIRMAN REAKOFF: Oh, Rich.

39

40 MR. CANNON: Yes, Mr. Chairman. I want
41 to be consistent with ensuring that you -- since there
42 wasn't any justification for the YK Delta, I was at the
43 meeting.....

44

45 CHAIRMAN REAKOFF: Okay.

46

47 MR. CANNON:and was working with
48 that Council as well. Similar to the other -- some of
49 the other proposals that you've addressed today the YK
50 Delta opposed this proposal because they did not think

1 that it was a helpful proposal, there were a lot of
2 comments on the record about the need for subsistence
3 users to have opportunity and in all regions of the Yukon
4 and that Council certainly supported that.

5

6 Thank you, Mr. Chairman.

7

8 CHAIRMAN REAKOFF: I appreciate the YK
9 Delta's position on this proposal.

10

11 So we have public testimony, Gene.

12

13 MR. SANDONE: Mr. Chair. My name is Gene
14 Sandone, I represent Kwik'pak Fisheries. And Kwik'pak
15 Fisheries' recommendation is to take the prohibition in
16 4-A separate from the prohibition in 4-B and 4-C and
17 consider them separately. We support -- we oppose the
18 prohibition of drift gillnets in Subdistrict 4-A. We
19 support the prohibition of drift gillnets in Subdistricts
20 4-B and C.

21

22 We support the prohibition of drift
23 gillnets in 4-B and 4-C because according to the Board of
24 Fish it is not a traditional gear type used in the area
25 and it expands and increases the harvest of Canadian
26 origin chinook salmon stock. When efforts are being
27 considered to transfer subsistence harvest from the
28 Canadian stock to Alaskan stocks when runs are poor the
29 continuation of the drift gillnet fishery is
30 counterproductive. Although participation for -- in this
31 fishery has been low, there is concern that the fishery
32 could support more participation and higher harvests.
33 One important change in the methods that people use to
34 fish salmon in the middle river as reported by Wolfe and
35 Scott in 2009 is that fewer fish wheels are being
36 employed and that fishermen are drifting with gillnets in
37 some areas. As we have seen in the FP11-04, fish wheels
38 catch smaller fish and more male fish than in gillnets.
39 This change in methods not only allows a higher
40 proportion of those smaller, predominantly male fish to
41 arrive on the spawning grounds, but also increases the
42 harvest on large and the largest chinook as well.

43

44 In District 4 the number of chinook
45 salmon harvested for subsistence is increasing and I
46 reference Figure 3. District 4 is the blue line with the
47 boxes and these are five year averages. Okay. And these
48 harvests probably include a larger number of large fish.
49 And I'll wait until you get there, it's on Page 8. And
50 this is referenced from Busher, et al. in 2009 and

1 Golembeski and Bergstrom in 1999.

2

3 Additionally Wolfe and Scott in 2009 also
4 point out and I quote, increased drifting appears to be
5 associated with an increased reliance of chinook salmon
6 in the middle river villages as measured by per capita
7 harvests. Previously a greater mix of gear types, fish
8 wheels, dip nets, set nets and drift dip nets caught
9 substantial quantities of chum salmon. Shifts from shore
10 based gear, parenthesis because of the reduced local need
11 for dog food and the closure of roe fisheries, end
12 parenthesis, towards the large mesh gillnets drifted in
13 mid-river appears to be associated with increased per
14 capita chinook catches for subsistence food.

15

16 And District 4 -- Figure 4 displays the
17 increase in chinook salmon harvest per fishing household.

18

19 Therefore the increase in chinook salmon
20 harvest in the middle river not only translates into more
21 chinook salmon being harvested, they -- but may also
22 translate in larger chinook salmon harvested.

23

24 Mr. Chair.

25

26 CHAIRMAN REAKOFF: Thanks, Gene.
27 Questions for Gene's presentation. Go ahead there, Tim.

28

29 MR. GERVAIS: Thank you, Mr. Chair, Gene.
30 I'm not going to respond to what's going on in 4-A
31 because we have Mickey and Jenny here that are much more
32 aware of the situation there, but I think what this
33 harvest out of 4-B and 4-C represents is really the
34 destruction of our fish camp, fish wheel culture in 4-B
35 and 4-C from the low abundance. And it's really a shame,
36 it's really that and moose were the two main pillars of
37 our subsistence lifestyle. And it's one of the most
38 tragic aspect of this low abundance that we've seen over
39 the last 10 years. So we understand the concerns of
40 Kwik'pak on this, but I feel that the amount of harvest
41 that 4-B and 4-C is catching is fairly responsible for a
42 community the size of Ruby, approximately 170 people.

43

44 CHAIRMAN REAKOFF: Thanks, Tim. Any
45 other comments.

46

47 (No comments)

48

49 CHAIRMAN REAKOFF: My comments would be
50 your graph on Page 8 shows an increase in 4 -- District

1 4 in general of 3,000 fish approximately, varying around
2 3,000 fish. Alluding to this increase in drift gillnet
3 fishing in 4-B and 4-C as one of the -- but 4-B and 4-C
4 only have 38 fish average. This does not account for
5 this drift net increase in 4-B and 4-C, this is an
6 artifact of people harvesting fish for subsistence uses
7 within District 4.

8
9 I also want to point out that the
10 incidental harvest of approximately approaching 10,000
11 chinook salmon in the directed chum fishery this year had
12 a 25 percent Canadian bound component which is about
13 2,500 chinook salmon that were of Canadian origin. And
14 even though they were predominantly a male component
15 there's still, what was it 300 and something female
16 salmon, Canadian salmon that were taken in the -- and
17 sold, not for subsistence, but sold. And so the 4-B and
18 4-C drift fishery is to supply subsistence use and it's
19 a minuscule, small percentage, 1 percent, of that 3,000
20 fish increase. And the commercial fishery actually sold
21 far more Canadian bound fish and the Department and
22 Kwik'pak better -- should contemplate how to address that
23 issue, not swat at the gnat of this 4-B and 4-C. And so
24 I take exception to the position of Kwik'pak that the 4-B
25 and 4-C Federal fishery is a detriment to the Canadian
26 stocks. I feel that there are larger fish to fry so to
27 speak and that the people that are utilizing the 4-B and
28 4-C fishery are basically people who are displaced from
29 and looking for economy of time, effort and expense in
30 their harvest which is a recognized subsistence
31 principle.

32
33 So that would be my response to your
34 comment. Thank you.

35
36 MR. SANDONE: Thank you, Mr. Chair. Just
37 a few comments. The incidental harvest of chinook salmon
38 in the lower river, I believe it was an average of 12
39 pounds and they were predominantly male, 70 percent male.
40 The -- I don't believe the Department has come out with
41 a genetic analysis of that harvest, they assume based
42 upon previous years that it was around 25 percent. And
43 you are right it would be somewhere around 300 females
44 taken.

45
46 And I do take your comments regarding 4-B
47 and 4-C and the graphs show District 4 in general, I
48 couldn't break it down into 4-B and 4-C. And we know
49 that it is a small harvest, but we are concerned about
50 potential greater harvests on a stock of yield concern

1 and the shift from fish wheels to gill nets.

2

3 But I appreciate your comments, Mr.

4 Chair.

5

6 CHAIRMAN REAKOFF: I -- we've agreed to

7 disagree on this issue for many years. Ray.

8

9 MR. COLLINS: Yeah, Mr. Chairman. If I'm

10 reading this chart right on Page 8 there that in District

11 1 which is the mouth of the river, is that right, they're

12 only harvesting from two to now a little around 8,000

13 king salmon?

14

15 MR. SANDONE: Yes, that is correct.

16 That's subsistence use, yes.

17

18 MR. COLLINS: I find that hard to believe

19 because I thought there was much more use of chinooks

20 down there in the lower -- I mean, in the lower Yukon --

21 Kuskokwim, you know, the majority of the fish are taken

22 in that lower river for subsistence there and it's

23 thousands of fish.

24

25 MR. SANDONE: Mr. Collins. Mr. Chair.

26 Yes, this comes right -- these are five year averages and

27 they come right from Busher 2009 and Golembeski and

28 Bergstrom in 1999. And, I mean, if you conclude

29 Districts 1, 2 and 3 which is the lower river, they take

30 in an average of about 20,000 fish. And Districts 4, 5

31 and 6 take an average of about 30,000 fish with District

32 5 taking an average of about 16. So these are data right

33 from Busher in 2009 and Bergstrom -- Golembeski and

34 Bergstrom. And I think it is a general misconception

35 that people in the lower fish 24 hours a day, seven days

36 a week and take as much as they can possibly get, but

37 when they fill their subsistence needs they quit fishing.

38

39 MR. STICKMAN: Jack.

40

41 CHAIRMAN REAKOFF: Go ahead, Mickey.

42

43 MR. STICKMAN: Yeah, I don't know, I

44 don't -- you know, I don't agree with the charts and the

45 graphs because like Ray I believe in Y-1, 2 and 3 they

46 drift with a larger and a longer net than we have in Y-4-

47 A. So like Ray I think they're under reporting their

48 subsistence catch. But what's not in the chart is the

49 five year average or the 10 year average for their

50 commercial industry that they have. I mean, if we're

1 going to be talking about numbers and restrictions we
2 should be talking with all the information, we should
3 have what they caught commercially for the last five
4 years, any kind of incidental catch that they sold within
5 the last five years because all those have to be
6 included. But I totally disagree with the graph.

7

8 CHAIRMAN REAKOFF: Okay. Noted. Any
9 further comment. Don.

10

11 MR. HONEA: I -- to reiterate the 4-B and
12 4-C, that runs all the way from Tanana down to Ruby, you
13 know, it's a -- we fought for that for maybe five years
14 or whatever, we keep bringing it up before we finally was
15 able to get that particular fishery. So, you know, and
16 the thing is it's just there, we don't -- if it's taken
17 away you're not going to hurt us. I mean, what I said is
18 the take is minimal and I don't even know if the people
19 in Tanana actually use that -- you know, take advantage
20 of it because it's chancy. I mean, it's not like we're
21 -- you know, we know where like down there at below
22 Koyukuk or something, we actually had to go down there
23 one year to do some set netting, to do -- and we came
24 away there glad that we did because we were able to
25 harvest some. But we don't have that in -- between Ruby
26 and Tanana. And somebody lost their net this summer.
27 So, you know, I mean, what I'm saying is it's chancy,
28 it's hardship, I mean, so, you know, and the take is so
29 minimal it's -- I'm surprised we're even discussing this.

30

31 Thank you.

32

33 CHAIRMAN REAKOFF: Thanks, Don.

34

35 MR. SANDONE: Mr. Chair.

36

37 CHAIRMAN REAKOFF: Go ahead, Gene.

38

39 MR. SANDONE: With regards to the harvest
40 in district, the districts are different lengths too.
41 And Districts 1, 2 and 3, you know, they encompass the
42 lower 300 miles of the river, where District 4 starts at
43 Paradise, I believe, just below Anvik and goes all the
44 way up to Tanana. So it's a huge district and that's why
45 it's subdivided into the 4-A and 4-B and 4-C. So, I
46 mean, that might be part of the confusion that Mr.
47 Collins expressed in looking at District 1 because
48 District 1 is about, I think, 100 miles or maybe even
49 less.

50

1 So I just wanted to clarify that.
2
3 CHAIRMAN REAKOFF: Right. That is a good
4 point. You had another comment, Tim.
5
6 MR. GERVAIS: I'll just let it go.
7
8 CHAIRMAN REAKOFF: All right. I think
9 we've mulled this issue over long enough. The Chair will
10 entertain a motion to adopt Proposal FP11-07.
11
12 MR. HONEA: Move to adopt.
13
14 CHAIRMAN REAKOFF: Moved by Don. Do we
15 have a second.
16
17 MR. STICKMAN: Second.
18
19 CHAIRMAN REAKOFF: Seconded by Mickey.
20 Any further discussion.
21
22 (No comments)
23
24 MR. R. WALKER: Question.
25
26 CHAIRMAN REAKOFF: The question's been
27 called. Those in favor of the Proposal FP11-07, signify
28 by saying aye.
29
30 (No aye votes)
31
32 CHAIRMAN REAKOFF: Those opposed, same
33 sign.
34
35 IN UNISON: Aye.
36
37 CHAIRMAN REAKOFF: The Western Interior
38 justifications were -- are on the record.
39
40 REPORTER: (Nods affirmatively)
41
42 CHAIRMAN REAKOFF: And so it's 20 after,
43 we're at a break point in our proposals. We'll go to
44 lunch until 1:30.
45
46 (Off record)
47
48 (On record)
49
50 CHAIRMAN REAKOFF: So we're going to come

1 back to order. We covered -- let's see, the last
2 proposal we covered was 07. We're going to move back to
3 05. Our agenda was arranged around a little bit.

4
5 Larry's -- our proposal 02, the way I
6 read it into the record was sort of convoluted. Larry's
7 readjusted the language and I was going to read that
8 language so it reads a little clearer on that proposal.
9 B, the Federal public waters of the Yukon River will be
10 closed or predominantly closed to the taking of the
11 chinook salmon by all users sequentially from the river
12 mouth to the Canadian border during the first pulse of
13 chinook salmon through very short or no openings using
14 statistical area closures to provide greater protection
15 to expressly protect the US/Canadian River Panel agreed
16 upon escapement goal without negatively impacting
17 conservation of the -- of other stocks. This regulation
18 will be in place for four years. And that was what I was
19 reading, but it didn't read quite right and so Larry's
20 clarified that, basically put it into a correct order.
21 I wanted the Council to be aware of that and so that it
22 also would be clear on the transcript.

23
24 Thank you, Larry, appreciate that.

25
26 MR. BUKLIS: (Nods affirmatively)

27
28 CHAIRMAN REAKOFF: And so we're going to
29 go to the next proposal which is 11-05. And, Rich -- is
30 Rich around. Oh, excuse me. Excuse me. David Jenkins,
31 I'm all mixed up. Go ahead, David.

32
33 MR. R. WALKER: Mr. Chair.

34
35 CHAIRMAN REAKOFF: Go ahead, Robert.

36
37 MR. R. WALKER: Could you -- who are you,
38 David Jenkins, who are -- what do you do?

39
40 MR. JENKINS: I often wonder that myself.

41
42 (Laughter)

43
44 MR. R. WALKER: Well, that's a good
45 answer.

46
47 MR. JENKINS: My name is David Jenkins,
48 I'm an anthropologist with the Office of Subsistence
49 Management.

50

1 MR. R. WALKER: Okay.

2

3 MR. JENKINS: Mr. Chair. Council
4 Members. Welcome back from lunch. I guess we need to
5 settle in for an hour or two of customary trade
6 discussions. You have three proposals in front of you
7 today and we'll go through each of them one at a time.

8

9 The first Proposal FP11-05 was submitted
10 by Stanislaus Sheppard on behalf of the Mountain Working
11 Group and it has two main parts.

12

13 CHAIRMAN REAKOFF: May I insert it's on
14 Page 112.

15

16 MR. JENKINS: Thank you. It's on --
17 starts on Page 112 and following. I'll wait a minute
18 until you flip through your books.

19

20 This proposal has two parts, it requests
21 that the Federal Subsistence Board stop customary trade
22 of salmon in Yukon River Districts 4 and 5. And it
23 requests that the Board stop the use of salmon for dog
24 food in Yukon River Districts 4 and 5 with one exception
25 and that exception is whole chinook salmon caught
26 incidently during the subsistence chum salmon fishery in
27 the Koyukuk River drainage after the 10th of July.

28

29 Now why should customary trade be stopped
30 in Yukon River Districts 4 and 5. The proponent states
31 that stopping the sale of salmon under customary trade
32 and stopping the use of salmon for dog food will increase
33 the amount of subsistence caught salmon available for
34 human consumption and will result in more salmon escaping
35 to spawning grounds.

36

37 Now the regulatory changes that the
38 proponent suggests, I believe, are on Page -- in bold in
39 Page 113, I think. And what I'd like to do is briefly
40 describe the regulatory history of customary trade which
41 is dealt with in more detail in your books and briefly
42 describe some of the studies of customary trade and also
43 talk about some of the recent concerns over customary
44 trade in the contest of low salmon runs.

45

46 So as you know Title VIII of ANILCA
47 recognized customary trade as a subsistence activity. It
48 was undefined in ANILCA, but the term customary trade was
49 later defined in the implementing regulations as exchange
50 for cash of fish and wildlife resources. It's worth

1 emphasizing that customary trade as defined by Federal
2 regulations refers only to subsistence caught fish or
3 wildlife exchanged for cash provided such exchanges do
4 not constitute a significant commercial enterprise. Any
5 exchanges of subsistence caught fish for cash that rise
6 to the level of a significant commercial enterprise are
7 not customary trades and are prohibited under current
8 Federal regulations. However the term -- as you know the
9 term significant commercial enterprise was not defined in
10 regulation and this posed a problem. No one knew when
11 customary trade ended and a significant commercial
12 enterprise began.

13

14 Now by 2004 and 2005 the Federal
15 Subsistence Board reviewed and adopted two regional
16 proposals defining upper limits for customary trade and
17 I just want to go through these briefly with you. For
18 the Bristol Bay Fishery Management Area the Board limited
19 the cash value per household of salmon exchanged in
20 customary trade between rural residents to no more than
21 \$500 annually. It also limited the cash value per
22 household of salmon exchanged in customary trade between
23 rural residents and other to no more than \$400 annually.
24 The Board also imposed a record -- a recording
25 requirement for rural to others customary trade, but not
26 for rural to rural customary trade.

27

28 Now I reviewed the transcripts of the
29 discussions when the RAC supported the proposal, this
30 proposal to limit customary trade and in that transcript
31 there was no discussion of significant commercial
32 enterprise. So that RAC imposed a limit, but not in the
33 context of a significant commercial enterprise.

34

35 MR. GERVAIS: Which RAC are you.....

36

37 MR. JENKINS: Well, it was -- it was
38 Bristol Bay.

39

40 MR. GERVAIS: Bristol Bay.

41

42 MR. JENKINS: Bristol Bay. Now for the
43 upper Copper River district, that RAC took a slightly
44 different approach to limiting customary trades. And the
45 Board limited the total number of salmon per household
46 exchanged in customary trade between rural residents, and
47 this is for the upper Copper River District, to no more
48 than 50 percent of the annual harvest of salmon. And the
49 Board limited the cash sale per household of salmon
50 exchanged in customary trade between rural residents and

1 others to no more than \$500 annually. So this was kind
2 of a mixed approach, a percentage between rural residents
3 and a fixed dollar amount rural residents to others. The
4 Board additionally imposed a recording requirement for
5 both rural to rural and rural to others customary trade.
6 So customary trade sales must be immediately recorded on
7 a customary trade recordkeeping form, the responsibility
8 of which resides with the seller.

9

10 Now I reviewed the transcripts of that
11 RAC meeting as well and there was some discussion of
12 significant commercial enterprise, but it didn't form the
13 major context of the discussions limiting the sales under
14 customary trade.

15

16 So this proposal you have in front of you
17 also wants -- wishes to limit dog food and let me briefly
18 talk about the regulatory history of salmon used for dog
19 food. In 2001 the Federal Subsistence Board following
20 action by the State Board of Fish adopted regulations
21 requiring that in the Yukon River drainage chinook salmon
22 are to be used primarily for human consumption and not
23 for dog food with the exceptions of fish unfit for human
24 consumption and small fish which were then described as
25 jack kings, 16 inches or less which may be fed to dogs.
26 In the following year the Board revised this regulation
27 as shown, I believe it's on Page 114 of your books. So
28 this is the regulatory history for dog food used for
29 salmon and for customary trade.

30

31 Now since 2000 there have been several
32 studies of customary trade funded by the Federal
33 Subsistence Board. These included studies in the Bristol
34 Bay area which describe sharing and barter and customary
35 trade and a study in the Seward Peninsula area which
36 describes customary trade and barter and then a study in
37 the Yukon -- in three Yukon River communities, Alakanuk,
38 Holy Cross and Tanana, which describes customary trade of
39 salmon in these communities. Now briefly the last study,
40 Moncrieff study, Moncrieff reported that fishers that she
41 interviewed engaged in customary trade only if they first
42 harvested sufficient for their own family's use and
43 satisfied obligations to share fish with a network of
44 extended family and friends. And they did not
45 subsistence fish primarily to sell fresh or processed
46 salmon. Cash raised for -- through customary trade
47 appears to support other subsistence activities and is
48 used to pay for various household and other expenses.
49 And Moncrieff did not address commercial or market level
50 transaction in her report.

1 Now there were two other studies of
2 customary trade which I mentioned, although focused in
3 different regions in conjunction with Moncrieff's report,
4 these reports indicate similar patters of customary
5 trade. And some of the key findings from these include
6 the following. Customary trade is common, but it's not
7 very frequent. Cash sales under customary trade are for
8 relatively small sums of money with a few exceptions.
9 And customary trade is not part of the market economy.
10 For example, prices for subsistence caught fish and other
11 resources exchanged under customary trade are determined
12 largely by tradition and not by market forces and not
13 motivated by a profit motive.

14
15 Now the second part of the proposal on
16 dog food had some interesting research that I want to
17 briefly go through as well. In 1991 David Anderson
18 researched the use of salmon for dog food in seven
19 communities along or near the Yukon River. And in 2008
20 Anderson and Cheryl Scott conducted a similar study in
21 these same seven communities. And their intention was to
22 document the changes in the use of salmon for dog food
23 between 1991 and 2008. So their findings include the
24 following. The number of mushing households declined
25 from 95 to 42, the number of sled dogs declined from a
26 little over 1,300 to 671. The total pounds of fish
27 harvested for sled dog food declined from over a
28 1,200,000 pounds to under 500,000 pounds. And of the
29 fish fed to sled dogs, the percentage of salmon declined
30 from about 86 percent to 71 percent while the percentage
31 of non-salmon increased from a little over 13 percent to
32 a little over 28 percent. So this is sort of the
33 background for the -- for thinking about this proposal.

34
35 And in addition as you know there have
36 been a number of recent concerns expressed about
37 customary trade. And on Page 119 I have a -- there's a
38 two and a half page discussion of these, I'm not going to
39 go through them all. Let me just mention quickly that
40 the Yukon River Panel sent to the Federal Subsistence
41 Board a request for clarification whether the sale of
42 processed subsistence caught fish for human consumption
43 were permitted under Federal regulations. So this was --
44 this continued to be an issue, whether processed fish was
45 permitted under these regulations of customary trade.
46 And in the same year the Fairbanks Fish and Game Advisory
47 Committee in the Eastern Interior Alaska Subsistence
48 Regional Advisory Council, which were also concerned with
49 customary trade, asked the Board under special action
50 requests to suspend all customary of chinook salmon

1 between rural residents and others. The Board declined
2 to do so and reasoned that the special action requests
3 didn't meet the threshold required for such a request.

4
5 There were other issues raised
6 prominently at the Joint Eastern and Western Regional
7 Advisory Councils last winter.

8
9 Now the OSM preliminary conclusion
10 concerning these -- this proposal with two parts is to
11 oppose Proposal FP11-05. So why oppose this proposal.
12 The proposal would prohibit customary trade of salmon and
13 customary trade is defined by ANILCA as a subsistence
14 activity. The target however of the proposal appears not
15 be legitimate customary trade, but rather sales that may
16 rise to the level of a significant commercial enterprise.
17 Such sales are already prohibited although as I mentioned
18 earlier the threshold for a significant enterprise has
19 not been determined. The proposal also seeks to preclude
20 the use of salmon of any species for dog food in Yukon
21 River Districts 4 and 5, however the use of sled dogs in
22 rural Yukon communities is directly linked with
23 subsistence fishing which provides the bulk of sled dog
24 food. The number of mushing households and the number of
25 dogs has been in decline and without subsistence caught
26 salmon that trend may accelerate. Precluding subsistence
27 caught salmon for use as dog food may effectively end
28 most of the use of sled dogs in these districts.

29
30 Let me emphasize two general points and
31 then I'll stop. Both customary trade and traditional
32 uses of wild, renewable resources for transportation
33 purposes are included in the definition of subsistence.
34 And the second point is that if limitations based on
35 conservation concerns are necessary it may be appropriate
36 to conduct an analysis under ANILCA Section 804 which
37 requires the Board to select amongst subsistence users
38 and not uses based on the premise that all subsistence
39 uses equally qualify for the subsistence preference. In
40 other words there are no unimportant subsistence uses.

41
42 For these reasons OSM's preliminary
43 conclusion is to oppose this proposal.

44
45 Thank you.

46
47 CHAIRMAN REAKOFF: Thanks, David. Does
48 the Council have questions on the presentation. Tim.

49
50 MR. GERVAIS: Yes, David, could you

1 comment on back in the '90s there was some amount of
2 customary barter and trade which varied from region to
3 region but I thought the Western Interior Region was
4 around \$6,000 per year. Are you familiar with these
5 numbers and what may have happened to them?
6

7 MR. JENKINS: In Moncrieff's report there
8 was an individual who said that he sold on average up
9 until about 2004 about \$6,000 a year, but that's the only
10 figure that I'm familiar with.
11

12 MR. GERVAIS: Does any of the Council
13 remembering that, those figures?
14

15 CHAIRMAN REAKOFF: I don't recall them
16 myself. Any other Council members.
17

18 (No comments)
19

20 CHAIRMAN REAKOFF: You got a question,
21 Ray.
22

23 MR. COLLINS: No, I had a comment on why
24 we got to this point because I served on the Customary
25 Trade Taskforce that was put together to draw up the
26 regulations. And it became apparent, we had
27 representatives from all of the SRCs there at that
28 meeting and discussion, and we discussed the points of
29 could you put a dollar value on it and so on. And there
30 was tremendous variance from region to region. In
31 Southeast Alaska where the Tlingits and the Haidas
32 traditionally caught the eulachon, that oil fish, well,
33 in Ketchikan now what they do is they send out a couple
34 commercial fishermen who go out and catch it for all the
35 group, bring them back and sell them at the dock. So
36 it's a lot of money involved, but that's the -- instead
37 of everybody trying to go out and get their own that's
38 the way they've chose to do it down in that area and they
39 pay for it. And another example was up in the Kotzebue
40 Sound, they said for fish needed for potlatch, memorial
41 potlatch and all that and so on, they were again having
42 a few people go out and catch them and then the families
43 would buy from them. So there's quite a bit of money in
44 that case, but they were putting in the time. And that's
45 why it was left regionally and why these proposals come
46 in up to the Region to define what is the customary trade
47 in that area, you know. And I know I gave the example
48 when we moved to Nikolai fish runs are sometimes down up
49 here, I could go to the Medford Trading Post, this is in
50 the '60s, and buy salmon from the Yukon because they

1 dried king salmon and sold them to the Trading Post there
2 and come in and we'd go there at Medford Trading Post.
3 Now that was disallowed now, but that was a traditional
4 way of if you didn't get enough fish then you could get
5 them from another area. And that compensated them for
6 the time and effort they put in fishing.

7

8 And so that's some of the background of
9 this wide variance. I have other comments too maybe
10 coming from that, but I'll stop with that right now.

11

12 CHAIRMAN REAKOFF: Thanks, Ray. Other
13 comments from the Council.

14

15 (No comments)

16

17 CHAIRMAN REAKOFF: Well, I -- this issue
18 is very complex as you're teasing out all this various
19 information and it is because there's regional
20 differences and subregional differences.

21

22 And so I don't see any other -- you have
23 another comment then, Ray.

24

25 MR. COLLINS: Not at this point, no.

26

27 CHAIRMAN REAKOFF: Not at this point.
28 Okay. Thanks, David.

29

30 And so Alaska Department of Fish and Game
31 comments.

32

33 MR. PAPPAS: Thank you. Good afternoon.
34 George Pappas, Fish and Game. Our comments begin on Page
35 127. And these comments are a bit difficult to summarize
36 so I'll try not to repeat what was put forth in the
37 excellent analysis there from OSM.

38

39 State and Federal regulations
40 specifically allow customary trade of subsistence harvest
41 of salmon and provide for use of salmon for dog food, but
42 Federal and State regulations differ on the definition of
43 customary trade, basically in example for sale of fish.
44 State regulations generally prohibit the sale of
45 subsistence harvest of fish while Federal regulations
46 allow it for cash sales. Furthermore under current State
47 regulations all fish processed for commerce must be
48 processed at a facility approved by the Alaska Department
49 of Environmental Conservation. Sale of subsistence
50 harvest of fish, both processed and whole, is occurring

1 in both urban and rural communities in Alaska contrary to
2 existing State and Federal regulations. Discrepancies in
3 State and Federal regulations plus State requirements
4 regarding processing of fish to protect the public health
5 and safety may leave some people vulnerable to citations
6 under State and Federal regulations. This is a
7 significant issue for State resource managers, law
8 enforcement agencies and Federal agencies that provide
9 for subsistence priority on Federal lands and those
10 waters where Federal subsistence management priority is
11 claimed.

12
13 In considering Proposals FP11-05, 08 and
14 09, the Federal Subsistence Board has the opportunity to
15 adopt enforceable customary trade regulations that are
16 based on a history and pattern of this use for this
17 region of the State.

18
19 As for impacts to subsistence users, it
20 is not possible to accurately predict how this proposal
21 will change harvest patterns or escapement of fish to the
22 spawning grounds because Federal agencies lack the
23 information and data regarding existing levels of harvest
24 and actual sales of chinook salmon. Subsistence users in
25 Districts 4 and 5 would have to secure other sources of
26 food for their dogs instead of the Yukon River salmon
27 harvested in the subsistence under Federal regulations.
28 Because the State and Federal regulations differ,
29 subsistence fishermen are vulnerable to prosecution when
30 selling subsistence harvested salmon on lands and waters
31 outside of the boundaries where Federal subsistence
32 jurisdiction is claimed. If adopted this proposal would
33 reduce the risk of citation for subsistence fishermen on
34 the Yukon River drainage from establishing limitations on
35 cash sales of subsistence harvested salmon, a definition
36 of significant commercial enterprise, specified fish
37 weight or number limits and reporting requirements for
38 cash sales of subsistence harvested salmon.

39
40 From the Department's -- opportunities
41 provided by the State. The Department supports
42 subsistence harvest and use of salmon consistent with the
43 existing State laws and regulations including customary
44 trade. However 5 AAC 010.010 prohibits sale of
45 subsistence harvested fish, their parts and eggs unless
46 otherwise specified and there are two exceptions in the
47 State regulations that are Norton Port Clarence area
48 salmon, I believe that's a limit of \$200 per year and
49 also the Sitka Sound herring and roe -- herring roe on
50 kelp in Southeast Alaska.

1 Regarding jurisdiction issues, while
2 standing on State or private lands, including State owned
3 submerged lands and shorelands, a person must comply with
4 State laws and regulations and cannot sell subsistence
5 harvested fish with the two exceptions mentioned earlier.
6 Federal subsistence regulations, particularly customary
7 trade regulations, pertain only to fishing on and the use
8 of fish harvested on Federal public lands and those
9 waters where Federal subsistence jurisdiction is claimed.
10 The sale of subsistence fish harvested from all lands and
11 waters, Federal, State or private, is restricted by State
12 regulations except to the extent superseded by Federal
13 law on all Federal lands. State of Alaska maintains
14 jurisdiction for food safety and food processing
15 regulations regardless of where the fish are harvested.

16
17 While the Department supports prohibition
18 of the use of chinook River -- excuse me, Yukon River
19 chinook salmon for dog food to the extent already in
20 regulations, the Department does not support prohibiting
21 the use of other salmon species as dog food. Such a
22 prohibition would represent a significant and additional
23 restriction to subsistence in absence of a conservation
24 concern.

25
26 The Department supports adoption of
27 enforceable Federal customary trade regulations that
28 specify limits on cash sales and establish reporting
29 requirements. However any restriction or regulation that
30 specifies limits or reporting requirements should be
31 applied drainage-wide, not just specific districts as
32 proposed.

33
34 The Department has five recommendations.
35 One is to support limitations on sales of subsistence
36 harvest salmon for cash that defines significant
37 commercial enterprise, specified fish weight or number
38 limits and establish reporting requirements for cash
39 sales of subsistence harvested salmon. Regulations for
40 customary trade may vary within the region, but should be
41 applied drainage-wide.
42 A second recommendation, oppose prohibiting the use of
43 salmon other than chinook salmon for dog food in
44 Subdistricts 4 and 5. Also third -- excuse me, there's
45 a total of four, not five, oppose restricting use of
46 Yukon River salmon harvested incidentally to other
47 fisheries for dog food beyond which is already provided
48 by State regulation and this issue should be addressed
49 during a joint meeting between the three Regional
50 Advisory Councils within the Yukon River drainage because

1 this issue potentially affects subsistence users of the
2 entire river drainage.

3

4 And an additional note, at the YKD RAC
5 just to keep this straight, I mentioned it there also,
6 there are two issues as mentioned in the Bristol Bay
7 decision. One is rural to rural and the other one is
8 rural to non-rural. So when you make a recommendation to
9 consider that they might not be the same or if you want
10 to keep them separate, there are two different issues to
11 discuss, sir.

12

13 Thank you, Mr. Chair.

14

15 *****

16 STATE OFFICIAL WRITTEN COMMENTS

17 *****

18

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

21

22 Fisheries Proposal FP11-05:

23

24 Prohibit sale for cash, under customary
25 trade, # to rural and non-rural residents of federal
26 subsistence chinook salmon harvested from Yukon River
27 Fishery districts 4 and 5. Prohibit use of all salmon
28 for dog food in districts 4 and 5, while allowing use of
29 whole fish unfit for human consumption, scraps, or small
30 fish (16 inches or less) in the remainder of the Yukon
31 River drainage. In the Koyukuk drainage, restrict use of
32 chinook salmon incidentally caught during a subsistence
33 chum salmon fishery for use as dog food to the time
34 period after July 10.

35

36 Introduction:

37

38 This proposal, submitted by Stanislaus
39 Sheppard of the Mountain Village Working Group, seeks to
40 prohibit sale of subsistence chinook salmon for cash
41 under existing federal regulations for customary trade
42 and to limit use of salmon for dog food. State and
43 federal regulations specifically allow customary trade of
44 subsistence-harvested salmon and provide for use of
45 salmon for dog food, but federal and state regulations
46 differ on the definition of customary trade (i.e., sale
47 of fish). State regulations generally prohibit sale of
48 subsistence-harvested fish# while federal regulations
49 allow for cash sales. Furthermore, under current state
50 regulations in 18 AAC 34.005, all fish processed for

1 commerce must be processed at a facility approved by
2 Alaska Department of Environmental Conservation.#

3
4 Sale of subsistence-harvested fish, both
5 processed and whole, is occurring in both urban and rural
6 communities in Alaska, contrary to existing state and
7 federal regulations. Discrepancies in state and federal
8 regulations, plus state requirements regarding processing
9 of fish to protect public health and safety, may leave
10 some people vulnerable to citation under state and
11 federal regulations. This is a significant issue for
12 state resource managers, law enforcement agencies, and
13 federal agencies that provide for the subsistence
14 priority on federal lands and those waters where a
15 federal subsistence management priority is claimed. In
16 considering FP11-05, FP11-08, and FP11-09, the Federal
17 Subsistence Board has the opportunity to adopt
18 enforceable customary trade regulations that are based on
19 the history and patterns of this use for this region of
20 the state.

21
22 Impact on Subsistence Users:

23
24 It is not possible to accurately predict
25 how this proposal will change harvest patterns or
26 escapement of fish to the spawning grounds, because
27 federal agencies lack information and data regarding
28 existing levels of harvest and actual sales of chinook
29 salmon. Subsistence users in Districts 4 and 5 would
30 have to secure other sources of food for their dogs,
31 instead of Yukon River salmon harvested for subsistence
32 under federal regulations. Because state and federal
33 regulations differ, subsistence fishermen are vulnerable
34 to prosecution when selling subsistence-harvested salmon
35 on lands and waters outside the boundaries where federal
36 subsistence jurisdiction is claimed. If adopted, this
37 proposal would reduce the risk of citation for
38 subsistence fishermen in the Yukon River drainage through
39 established limitations on cash sales of
40 subsistence-harvested salmon, a definition of significant
41 commercial enterprise, specified fish weight or number
42 limits, and reporting requirements for cash sales of
43 subsistence-harvested salmon.

44
45 Opportunity Provided by State:

46
47 The department supports subsistence
48 harvest and use of salmon consistent with existing state
49 laws and regulations, including customary trade.
50 However, 5 AAC 01.010 prohibits sale of

1 subsistence-harvested fish, their parts, or their eggs
2 unless otherwise specified in state regulation. There
3 are only two exceptions listed in Chapter 5 of state
4 regulations: Norton Sound-Port Clarence Area for salmon
5 and Sitka Sound herring roe on kelp in Southeast Alaska.#
6 Although state law allows harvest and use of finfishes
7 such as salmon to feed dogs in support of transportation
8 (i.e. AS 16.05.940(33)), the state prohibits targeting of
9 Yukon River drainage chinook salmon for dog food, with
10 some exceptions.#

11

12 Conservation Issues:

13

14 The Yukon River chinook salmon stock is
15 currently classified as a stock of yield concern. Since
16 2001, subsistence fishing time in the Yukon Area has been
17 limited by a windows schedule, which was further
18 restricted in 2008 and 2009 because of conservation
19 concerns for chinook salmon. Subsistence harvest levels
20 for chinook salmon have been within the amounts
21 reasonably necessary for subsistence (ANS) ranges since
22 2001, except for 2002, 2008, and 2009. A majority of the
23 Yukon River drainage escapement goals have been met or
24 exceeded since 2000, including the Chena and Salcha
25 rivers, which are the largest producers of chinook salmon
26 in the United States portion of the drainage. The
27 escapement objective for the Canadian mainstem was met
28 every year from 2001 through 2006, with 2001, 2003, and
29 2005 being the three highest spawning escapement
30 estimates on record. The escapement objective for the
31 Canadian mainstem was not met in 2007 and 2008.
32 Exploitation rate on Canadian-origin stock by Alaskan
33 fishermen decreased from an average of about 55% (1989
34 1998) to an average of about 44% from 2004 through 2008
35 (Howard et al. 2009). Although the subsistence harvest
36 continues to remain stable at nearly 50,000 chinook
37 salmon annually, commercial harvests have decreased over
38 60%, from an average of 100,000 annually (1989 1998) to
39 the recent five-year average (2005 2009) of nearly 23,000
40 fish. Considering all salmon species together, the
41 overall total subsistence salmon harvest in the Yukon
42 Area has declined by approximately 30% since 1990 (Fall
43 et al. 2009:39).

44

45 Jurisdiction Issues:

46

47 While standing on state and private lands
48 (including state-owned submerged lands and shorelands),
49 persons must comply with state laws and regulations and
50 cannot sell subsistence-harvested fish, with two

1 exceptions specified above. Federal subsistence
2 regulations, particularly customary trade regulations,
3 pertain only to fishing on and use of fish harvested on
4 federal public lands and those waters where federal
5 subsistence jurisdiction is claimed. The sale of
6 subsistence fish harvested from all lands and waters
7 (federal, state, or private) is restricted by state
8 regulations except to the extent superseded by federal
9 law on federal lands. The State of Alaska maintains
10 jurisdiction of food safety and food processing
11 regulations, regardless of where fish are harvested.

12

13 Other Issues:

14

15 While the department supports prohibition
16 of use of Yukon River chinook salmon for dog food to the
17 extent already in regulation, the department does not
18 support prohibiting use of other salmon species as dog
19 food. Such a prohibition would represent a significant
20 and additional restriction to subsistence in the absence
21 of a conservation concern.

22

23 The Alaska Department of Fish and Game
24 supports adoption of enforceable federal customary trade
25 regulations that specify limits on cash sales and
26 establish reporting requirements. However, any
27 restrictions or regulations that specify limits and
28 reporting requirements should be applied drainage-wide,
29 not just to specific districts as proposed.

30

31 Recommendations:

32

33 1. Support limitations on sale of
34 subsistence-harvested salmon for
35 cash that define significant
36 commercial enterprise, specify
37 fish weight or number limits,
38 and establish reporting
39 requirements for cash sales of
40 subsistence-harvested salmon.
41 Regulations for customary trade
42 may vary within regions but
43 should be applied drainage-wide.

44

45 2. Oppose prohibiting use of salmon
46 other than chinook salmon for
47 dog food in subdistricts 4 and
48 5.

49

50 3. Oppose restricting use of Yukon

1 River chinook salmon harvested
2 incidental to other fisheries
3 for dog food beyond that which
4 is already provided by state
5 regulation.
6

7 4. This issue should be addressed
8 during a joint meeting of the
9 three Regional Councils within
10 the Yukon River drainage because
11 this issue potentially affects
12 subsistence users in the entire
13 Yukon River drainage.
14

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16

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30

31 CHAIRMAN REAKOFF: Appreciate those
32 comments, George. Any Council questions to the State.
33 Go ahead, Eleanor.
34

35 MS. YATLIN: Mr. Chairman, I was just
36 thinking, you know, a definition for customary trade and
37 it says wildlife -- fish and wildlife resources. And if
38 they could -- if we could -- you know, if we go by this
39 definition I'm just thinking in terms of, you know, how
40 the guides come in, I mean, they hire local guides and
41 then they go out and shoot a moose for their clients, I
42 mean, what does that -- what's that term then, that's the
43 same thing, same thing that's defined here pretty much to
44 me because they're selling that moose for, you know,
45 \$4,000, that's how much they make per -- or whatever they
46 -- their terms. So I'm just trying to figure out this.
47

48 That's just a comment I wanted to make.
49

50 CHAIRMAN REAKOFF: Well, commercial use

1 would be guiding and commercial sales of salmon to
2 processing of fish -- of wildlife and fish whereas this
3 is under subsistence regulations, customary trade is
4 subsistence users, rural residents harvesting resources
5 under Federal subsistence regulations and then being the
6 amounts that were legally -- can be sold and that's the
7 question. But commercial guiding is regulated by the
8 Department of Commerce and the State Commercial Services
9 Board process. And they -- that falls under sport
10 regulations or general hunt regulations is what that
11 would be. They're allowed through the Department of
12 Commerce and licensing to sell the nonresident hunters
13 hunts. And so that's kind of a -- that's a commercial
14 use whereas we're talking about defining what is
15 customary trade for subsistence.

16

17 MS. YATLIN: Yeah. Well, I was just
18 reading a different issue. It was brought this -- this
19 was brought up to me by an older person.....

20

21 CHAIRMAN REAKOFF: Right.

22

23 MS. YATLIN:and, you know, they
24 don't understand these.

25

26 CHAIRMAN REAKOFF: Right.

27

28 MS. YATLIN: That's why I'm bringing it
29 out.....

30

31 CHAIRMAN REAKOFF: Right.

32

33 MS. YATLIN:because they were --
34 you know, they were trying to figure out because
35 customary trade to me is, you know, like if a plane come
36 out of -- what we did in Bettles was someone come from
37 Rampart and because there's no fish in Bettles, no king
38 salmons so they just fly up there and all the locals from
39 Evansville just -- we all bought fish for -- enough for
40 the winter.

41

42 CHAIRMAN REAKOFF: Right.

43

44 MS. YATLIN: So that to me is customary
45 trade.

46

47 CHAIRMAN REAKOFF: That is.....

48

49 MS. YATLIN: Yes.

50

1 CHAIRMAN REAKOFF:that is customary
2 trade.

3
4 MS. YATLIN: And then trying to explain
5 this to an elder and they say well, why are these people
6 here, you know, these guides here, aren't they selling
7 that moose. So that's why that I brought that up.

8
9 CHAIRMAN REAKOFF: I do appreciate you
10 bringing that forward. The confusion in rural villages
11 about commercial uses or commercial use versus customary
12 trade. It's -- it enlightens the record.

13
14 George.

15
16 MR. PAPPAS: Go off script here, Mr.
17 Chair. The Kodiak Aleutians Regional Advisory Council
18 has a proposal in front of them that was put forth I
19 believe by the RAC and the Refuge, and that was to
20 prohibit Federally-qualified guides or employees that
21 were -- of a guiding or lodging operation from sell -- or
22 from giving Federally subsistence harvested fish to their
23 clients. The issue came up in Kodiak where you'd have a
24 total closure except for Federal subsistence users and
25 the fisherman guide would take their clients out and they
26 couldn't keep fish, they can catch/release, what have
27 you, but the person could set a net and then give their
28 fish to their clients. The resulting vote was to
29 basically as I understand the legal interpretation on the
30 Federal side was you're already in a significant
31 commercial enterprise, you're a guide, you're an employee
32 of a guide, what have you, so that activity is not
33 covered under ANILCA, it's not a legal subsistence use.
34 So I'm not sure if that is even going to make it all the
35 way to the Board for a vote. But it's a long alliance of
36 -- it's somewhat similar to the issue we just discussed.

37
38 Thank you, Mr. Chair.

39
40 CHAIRMAN REAKOFF: Thanks. Thanks for
41 that case. Other questions to the State's presentation,
42 comments.

43
44 (No comments)

45
46 CHAIRMAN REAKOFF: Thanks, George. And
47 so any Federal Agency comments.

48
49 (No comments)

50

1 CHAIRMAN REAKOFF: Native or Tribal
2 comments.
3
4 (No comments)
5
6 CHAIRMAN REAKOFF: InterAgency Staff
7 Committee comments.
8
9 (No comments)
10
11 CHAIRMAN REAKOFF: Advisory Committees.
12
13 (No comments)
14
15 CHAIRMAN REAKOFF: Koyukuk has not met on
16 this issue. Has Ruby met on this one, do you know?
17
18 MR. GERVAIS: No.
19
20 CHAIRMAN REAKOFF: No. And National Park
21 Service Resource Commission.
22
23 (No comments)
24
25 CHAIRMAN REAKOFF: Summary of written
26 comments. Donald.
27
28 MR. MIKE: Thank you, Mr. Chair. The
29 summary of written public comments begins on Page 130 and
30 ends on Page 132. There were a total of 11 written
31 comments received. There was one in support with the
32 modification -- with modification and opposed that
33 Section .27(i)(3)(XXI) that deals with the salmon for dog
34 food. That's from Richard Burnham of Kaltag.
35
36 And the majority of the written comments
37 were unanimously opposed to the proposals.
38
39 Letter signed by 37 residents of Galena.
40
41 Alyson Esmailka of Galena.
42
43 Council of Athabascan Tribal Governments.
44
45 Don and Jan Woodruff of Eagle.
46
47 Fred Huntington, Sr., Second Chief,
48 Louden Tribal Council.
49
50 James Roberts, Tanana Tribal Council.

1 Mike McDougal and Sonja Sager of Eagle.
2
3 The David Helmer family of Eagle.
4
5 Koyukuk Tribal Council, Wayne and
6 Scarlett Hall of Eagle all oppose the proposal.
7
8 And the Yukon Kuskokwim Regional Advisory
9 Council on Proposal FP11-05 opposed the proposal.
10
11 Thank you, Mr. Chair.
12
13 CHAIRMAN REAKOFF: Okay. Was there --
14 you were in attendance of the Y -- go ahead, Larry.
15
16 MR. BUKLIS: Yes, Mr. Chairman. Larry
17 Buklis, Office of Subsistence Management. As far as the
18 YK Delta Regional Advisory Council opposition to this, I
19 would characterize it as because it was targeted at
20 Districts 4 and 5 only and prohibited customary trade.
21 And they addressed customary trade in the way they wanted
22 to through Proposals 8 and 9.
23
24 CHAIRMAN REAKOFF: Okay. Any other
25 comments from the Council? Mickey.
26
27 MR. STICKMAN: Yes, I was just wondering
28 why the proposal was only targeting 4 and 5 when
29 traditionally customary trade has happened from the
30 beginning of the river to the end.
31
32 CHAIRMAN REAKOFF: Yes.
33
34 MR. R. WALKER: Somebody don't like you,
35 Mickey.
36
37 (Laughter)
38
39 CHAIRMAN REAKOFF: Any other Council
40 comments.
41
42 (No comments)
43
44 CHAIRMAN REAKOFF: Public testimony.
45 Gene.
46
47 MR. SANDONE: My name is Gene Sandone and
48 I represent Kwik'pak Fisheries. And regarding FP11-05
49 and I'll address the two parts.
50

1 Just for your information regarding like
2 fish for dogs, concerning fall chum I'd just like to give
3 you an idea of how many are being harvested and where
4 they're being harvested on the Yukon. There's -- since
5 1982 through 2008 Alaska fall chum subsistence harvest
6 has ranged from approximately 228,000 fall chum salmon
7 taken in 1987 to 19,300 fish in 2000, the crash year.
8 And right now it's about less -- the most recent five
9 year average 2004 to 2008 is about 77,000 fall chum
10 salmon. The vast majority is taken in the upper river,
11 the most recent five year average the upper river
12 harvested 91 percent and the vast majority of those fish
13 are harvested in District 5.

14
15 I have no trouble with dog food,
16 subsistence dog food. I just want to point out to you
17 also that under ANILCA there's several uses, subsistence
18 uses and they include human consumption, sharing, correct
19 me if I'm wrong, transportation and customary trade.
20 ANILCA did not prioritize and I believe the Federal
21 Subsistence Board has not prioritized their -- the uses
22 of subsistence. So they say that when runs are low and
23 they need to go into an 804 analysis subsistence users
24 will be restricted and not subsistence uses. So that
25 means that all the uses have basically the same priority.
26 And when it comes down to restrictions that the user, the
27 people, will be basically cut out of the subsistence
28 fishery if the runs are low enough and they go through an
29 804 analysis rather than limiting uses.

30
31 Okay. We basically oppose this proposal,
32 but we agree with the State's comments regarding
33 customary trade and significant commercial enterprise.
34 Right now enforcement has no teeth, the State will not
35 enforce their laws prohibiting sale of subsistence caught
36 fish because they don't know where the fish came from.
37 If it comes from Federal waters it's one thing, if it
38 comes from State waters then it's illegal. The Federal
39 government as I understand it won't enforce the
40 regulations because there's no limit -- there's no limit
41 defined for significant commercial enterprise. So
42 there's no line of demarcation, even though it's
43 prohibited, sales that come up to levels of significant
44 commercial enterprise, even though it is prohibited,
45 there's no line of demarcation, don't know where that
46 line is.

47
48 Just for your information I was involved
49 with the Federal Disaster data base to figure out direct
50 payments to fishermen in the lower and upper rivers and

1 the 2003 to 2007 average income from commercial fishing
2 during the summer season for the average lower river
3 fisher was about \$4,300. For the upper river it was
4 about \$2,200. The 10 year average isn't much different.
5 The 10 year average, 1987 through 2007 and not including
6 2001 when there wasn't a commercial fishery at all, it
7 was \$4,600 for lower river fishermen and about \$1,400 for
8 upper river fishermen. These are commercial fishers and
9 this is only -- summer season only, I didn't include the
10 fall season in this.

11

12 Mr. Chair.

13

14 CHAIRMAN REAKOFF: Thanks, Gene. Any
15 questions from the Council, comments.

16

17 (No comments)

18

19 CHAIRMAN REAKOFF: My comments would be
20 to this prioritization of uses I do feel is an issue. I
21 feel that use of salmon for dog food should fall behind
22 use for human consumption. And if it comes down to who
23 needs fish for food over dog feed, I would be more
24 inclined to see people that want to eat the fish use the
25 fish than people would cut it for dog feed and -- but
26 that's -- I do feel that there's -- that is an issue. I
27 do feel that there is a demarcation that needs to be
28 defined and that's this customary trade, what a
29 significant commercial enterprise revolves around, I
30 think that's such a gray area that I've heard of some
31 significant abuse of customary trade by -- I mean,
32 tremendous volumes of fish being used for customary
33 trade.

34

35 So I want to state that myself that I --
36 but I'm a full on proponent of customary trade. Eleanor
37 just stated it, it's happened from day one within this
38 Western Region, fish from the Yukon have moved in to the
39 outer areas of the Yukon River Region and people have
40 used this Yukon fish throughout the whole region through
41 customary trade, sales. And so this is a -- this
42 proposal eliminates the use of salmon for dog feed, I
43 don't agree with that at all. I feel if we've got salmon
44 to -- it is a customary use. But if it comes down to
45 uses I lean towards human consumption over animal food
46 personally, that's my personal feeling on that.

47

48 And so any other comments from the
49 Council.

50

1 MS. PELKOLA: I would like to make a
2 comment.

3
4 CHAIRMAN REAKOFF: Jenny.

5
6 MS. PELKOLA: Do you have any figures on
7 how many dog mushers are -- we're talking about because
8 I know in Galena we have probably about three maybe. And
9 I don't -- out of those three I didn't see any of them
10 fish this year and I see a lot of dog food come --
11 commercial dog food coming in, you know, bags of dog
12 food. So I don't know if they use in our area anyway,
13 and that's Galena area.

14
15 And also I don't know who it was,
16 somebody stated that using chinook for dog food, I was
17 really surprised because I myself will not share with the
18 dogs the chinook, I mean, even its jacks.

19
20 So just let you know that for the record.

21
22 CHAIRMAN REAKOFF: Thanks, Jenny.
23 Mickey.

24
25 MR. STICKMAN: Yeah, I know -- you know,
26 when it comes to, you know, customary trade, you know,
27 there's very few people that abuse it, I mean, they're
28 making a really big issue out of just a very few people
29 that really abuse this little tiny law here. And we both
30 know -- I mean, we all know -- all the people who fish on
31 the Yukon know that it is very few people that really
32 actually do that, abuse that law because really it's a
33 lot of work to put away fish, it's a lot of work. And a
34 lot of times like what -- like right now when the fish
35 numbers are low you're actually not getting enough for
36 your own family or even your extended family. And so but
37 I would be very careful because there's a lot of
38 fishermen on the river that if they didn't have customary
39 trade they would not be able to feed their family or even
40 their children or their grandchildren because the little
41 amount of cash that they trade for is spent on gas, is
42 spent on -- I mean, you have to get gas to haul
43 smokewood, you have to have a chainsaw, you -- I mean,
44 somebody's going to have to hang that fish, somebody's
45 going to have to turn it around, somebody's going to have
46 to take it from the first level up to the second level,
47 it's just a lot of work. And, you know, there's a -- and
48 just for the small amount of people that abuse this
49 section of the law, I think it's just a big issue over
50 just a very small amount of people. I mean, there used

1 to be a person like that in my hometown, but the mother
2 got too old, the son is still in good shape, but, you
3 know, the lady she's 80 years old, she's not going to be
4 cutting 75 fish a day anymore so she can buy a
5 snowmachine for the winter or, you know.

6
7 The only time -- I mean, to really make
8 it as a commercial enterprise you're going to have to be
9 constantly fishing, constantly fishing, you're going to
10 be buying boats, you're going to be buying motors because
11 well, you're going to wear that stuff that out. For most
12 people in Nulato they -- they're just good with one boat,
13 they don't need two or three boats. You know, so but I
14 don't -- you know, when I was growing up in fish camp
15 people in the village who didn't fish would stop by and
16 they would buy fish from my mom and dad, they would buy
17 half dried fish, they would make a deal for some fish
18 later on in the fall, but it was never, ever enough to
19 cover the expenses of actually living in fish camp. It
20 never, ever did. But for the small amount of people that
21 actually do it and make money at it, that's where all the
22 problem is in this customary trade. And the amount of
23 people that actually do it and get away with it is so
24 small, you know, I'm also afraid that if we eliminate the
25 customary trade we're going to be hurting a lot of people
26 that's -- it's just unnecessary.

27
28 And as far as dog food, like Jenny I --
29 the only places I've ever seen people use chinook salmon
30 for dog food was while they were drying their fish, the
31 backbones got sour or got moldy, but other than that
32 people used to even smoke the backbones and, you know, so
33 I don't see it, you know. I don't see -- I mean, there's
34 just -- it's just such a broad brush this -- these --
35 this thing here that it can hurt a lot of people.

36
37 CHAIRMAN REAKOFF: Excellent comments,
38 Mickey. I appreciate those. For the record what it
39 costs to actually go and catch fish and you had a
40 response, Gene.

41
42 MR. SANDONE: Yeah. We are not trying to
43 outlaw customary trade, I want to make that clear. We
44 just figure -- we just know because there are abuses
45 going on. And the definition of customary trade without
46 limitations and the lack of a definition of significant
47 commercial enterprises allows everything to go on as
48 usual. We're definitely not out to prohibit customary
49 trade, the small level customary trade that Mickey's
50 talking about, Mr. Stickman's talking about. We are

1 definitely not that. But we want to prevent the abuses,
2 we want to give the enforcement enough teeth to go out
3 and apprehend these abusers and prosecute them.

4

5 CHAIRMAN REAKOFF: Okay. Ray.

6

7 MR. COLLINS: Yeah, Mr. Chairman. I'll
8 start with things that came up when we were dealing with
9 the taskforce. One of the things that surprised me and
10 we have representatives from around the state and so, one
11 of the things that surprised me is the widespread
12 distribution of let's say strips from the Yukon River
13 because the fellow from Ketchikan again, Tlingit down
14 there, said he was eating salmon strips from the Yukon
15 River, he got them when he went to AFN. And there was a
16 lady at Norman said well, we don't have king salmon up
17 here, we -- for years we've been buying our strips from
18 the Yukon River. So fairly early on there was some
19 distribution over a wide distance there.

20

21 The other thing I think we've heard here
22 about fish camps are declining now, few people can afford
23 to go out there and stay all summer long and have the
24 money to pay for gas and everything else. So it's not
25 surprising that customary trade is becoming more
26 significant in the redistribution of salmon because
27 people that are working are willing to buy their strips
28 from people who are taking the time in the summer to go
29 out and put them up so their income's going to go up.
30 And the cost of gas and outboard and everything else has
31 gone up to. So that's why it's even going to be
32 difficult to -- at what point is it commercial, you know,
33 if you're just getting your -- it's going to feed
34 subsistence users, but instead of doing it themselves now
35 they're willing to pay somebody to do it for them.

36

37 And I've been on the school board so I
38 travel widely in this area for the last 40 years and when
39 the king salmon declined up here and there were -- the
40 fish fences were outlawed and so on and people stopped
41 running a wheel because they got their king salmon
42 incidentally there when they were putting up dog food,
43 now they can't afford to run a wheel because what are you
44 going to do with all those fish you don't need. You'd
45 have to use a live box and be turning some back in order
46 to get the kings you need. They're willing -- they'll
47 say if you're going to the Yukon bring me back some fish
48 trips or wherever, you know, down in the Bethel area,
49 they buy them down there. So it's -- a lot of it is
50 going to other rural subsistence users. And, of course,

1 then there's the sharing with families that are in town,
2 but if family members in town have no longer fish --
3 people fishing for them, some of them are buying strips
4 too even though they're living -- because they can't get
5 them from their regular family members now who are not
6 fishing.

7
8 So we really have to look at this careful
9 when we start moving towards any kind of limitations on
10 that and decide at what point it becomes commercial or
11 how much because I guess a detailed study showed that the
12 bulk of those are probably still going to subsistence
13 users or rural people who are now living in a urban area
14 and are willing to share their income to eat traditional
15 foods and so on. And it goes on -- I mean, people in
16 Anchorage buy their -- from -- used to eating herring roe
17 and some of that, they now pay people back home to send
18 them herring roe, I mean, so that they can keep eating
19 traditional foods.

20

21 CHAIRMAN REAKOFF: Right.

22

23 MR. COLLINS: So it's just a new element
24 in subsistence that I think is growing and it'll probably
25 continue to grow because of the changes of cost of having
26 to move to town and the cost of gas and all of that,
27 can't afford to live in these days and age and meet your
28 bills in the village if you don't have cash income. I
29 mean, you got light bills and oil bills and so on and if
30 you're going to try to be subsistence and catch those
31 fish out there you've got to have income somewhere. And
32 if the consumers of that are also subsistence users or
33 people who traditionally use them we have to consider
34 those factors when we try to think about putting
35 limitations on.

36

37 CHAIRMAN REAKOFF: Right. Well, those
38 are valid points and brings up some issues of setting of
39 an amount. The economy changes so things keep --
40 inflation and things keep rising in price so you set a
41 dollar amount this year, in 10 years that's not a valid
42 figure anymore.

43

44 You want to -- one more comment there,
45 Gene.

46

47 MR. SANDONE: Thank you, Mr. Chair. But
48 as all things rises and more strips go out of the Yukon,
49 I really believe that the Yukon is either fast becoming
50 or is the strip basket of Alaska, however our runs have

1 declined and we don't have the 400,000 fish runs coming
2 back to the Yukon anymore, it's more like 200,000. And
3 if you need, you know, 50,000 for subsistence right now,
4 at least that's the number, and then you need another
5 100,000 for escapement, that doesn't leave a lot left on
6 the table.

7

8 CHAIRMAN REAKOFF: Right.

9

10 MR. SANDONE: Mr. Chair.

11

12 CHAIRMAN REAKOFF: I -- my comment
13 originally when we talked about customary trade, I've
14 always felt that in suppressed runs that it should be
15 rural to rural, not rural to urban. It keeps the fish in
16 the region, people -- there's not enough -- as much fish
17 around anyways and so I feel the priority should be to
18 the -- within the region or adjacent region is what I've
19 felt. But other Council members might have other ideas
20 about that.

21

22 Go ahead, Robert.

23

24 MR. R. WALKER: Thank you, Mr. Chair. I
25 have a question for you, too, Gene. Jack, you got to
26 remember too that urban people do come out to rural --
27 urban people come out to rural Alaska and buy fish. So
28 it is rural to rural until they get out of town.

29

30 And, Gene, I'm -- you know, we kind of
31 like talked about this proposal here the other day when
32 we were flying in from Anchorage and just to be --your --
33 I'd like to have a -- ask you a question. And do you
34 think it's time that the Yukon River start looking at
35 some kind of a working group to start putting stuff
36 together with this customary trade here, I mean, I'm not
37 going to ask the State or the Fed, I'm going to -- you
38 know, you used to work for OSM, but do you think it's
39 time we sit down right here with all these working
40 groups, we sit down with the RACs, sit down with the ACs
41 and the Tribes and try to work on some these, do you
42 think -- do you see something like that?

43

44 MR. SANDONE: Mr. Walker. Mr. Chair.
45 That might be the way to go. Right now there's been
46 basically no communications. When you raise the flag of
47 customary trade people just say no, we don't want it or
48 somebody's trying to force it down our throats or
49 something like that and they don't understand. I think,
50 I think we need to do something because of the abuses.

1 The YK Delta RAC put a strawdog on the table basically,
2 they said 750 limitation rural to rural, 750 limitation
3 rural to others and a reporting requirement for rural to
4 others, that has to be immediately and every time you
5 make a sale the rural to others has to be recorded.

6
7 Now, you know, again, I'm not trying to
8 prohibit small scale customary or trying to prohibit
9 customary trade as the Federal government defines it. I
10 think that the abuses need to be curtailed and whether
11 there is a proposal that everybody can get onboard with
12 or we have three modified proposals going to the Federal
13 Subsistence Board, that means the RACs are concerned,
14 they want something done. And if the RACs can't agree on
15 a dollar amount then I'd say let the Federal Subsistence
16 Board decide. A working group is another option, but
17 that puts it off for what, two more years before we get
18 any kind of resolution on customary trade.

19
20 I think that the Yukon is unique in that
21 it has a delicacy product. You don't hear of the rumors
22 and the hearsay from Bristol Bay or Copper River or
23 anywhere else, you hear it from the Yukon, \$40,000
24 vehicle, AFN, case lot sales, I mean, you just hear this
25 all the time and that's a lot of smoke and there's got to
26 be a fire there I think.

27
28 And I just want to correct you, Mr.
29 Walker, I never worked for OSM, I worked for the State.

30
31 (Laughter)

32
33 MR. SANDONE: Thank you.

34
35 MR. R. WALKER: My other question was
36 either to the State or the -- what do you think, I mean,
37 what is you -- I mean, it is illegal to sell salmon
38 strips on the State side and on the Federal side it says,
39 you know, well, yeah, go for it. Don't you think it's
40 time that we sit down with and do one rather than have
41 something that maybe the Yukon people don't like this,
42 but Bristol Bay likes it, maybe the upper Yukon don't
43 like it and -- or they like this and we don't like --
44 middle Yukon don't like it. There's got to be a happy
45 medium here somewhere where everybody's going to agree
46 with something here, but I'd like to see something here
47 -- done here before it gets where maybe it's going to be
48 shut down. Again, you know, that is forthcoming anyway
49 so it's just something that I think we should start
50 working at. And I'd like to be -- have the Western

1 Interior take a point on this or Eastern Interior. I
2 don't kind of trust that Eastern Interior guy because
3 they're -- you have a lot of different -- there's a lot
4 of difference from us Western Interior and the Coastal
5 Working Group there. But I'd like to see we take the
6 point here and, you know, you have a lot of good point
7 too there, Gene, and work it out with the ACs, the RACs
8 and the Tribal government because they're the ones that
9 have a lot of input too because they're the ones that got
10 a lot of residents, they're the ones that do a lot work
11 too.

12

13 Mr. Chair.

14

15 CHAIRMAN REAKOFF: Thanks for those
16 comments, those are -- it's worth exploring that working
17 group aspect.

18

19 Tim's had his hand up there for a while.

20 Go ahead, Tim.

21

22 MR. GERVAIS: I would like to find out
23 from each of the Council members if they want to do
24 something about this or not. I don't want to -- we're
25 going to have a long discussion and then if there's a
26 majority of the Council that doesn't want to take any
27 action on it, I think that's -- even though it puts some
28 discussion in the record, it's kind of wasting our time.
29 I would -- from my point of view I -- I'm a big supporter
30 of customary trade, rural to rural, but I've -- I'd like
31 this idea that Gene's brought up that if you're going
32 rural to urban that the seller needs to keep a record and
33 if you don't -- because I've seen in the past from
34 various Council members, I've seen opposition to
35 recordkeeping. So that gives you the option as a
36 qualified user if you don't want to keep records then you
37 don't sell fish on a road system. So I think that's a
38 compromise there, but I'm curious to see if -- starting
39 with Mickey, with your discussion you were talking about,
40 you know, there's these abusers, do you want to do
41 anything about that problem or do you just want -- just
42 have it be a bad aspect of rural life?

43

44 MR. STICKMAN: Well, you know, when you
45 go to AFN and you see those people out there selling
46 fish, a lot of times those people are not even aboriginal
47 people to Alaska, those people are from somewhere else,
48 some of them are Filipino, some of them are German, you
49 don't see any -- well, I seen one Athabascan guy out
50 there, but he just had like -- he had silver salmon, he

1 didn't have king -- chinook. And this year he doesn't
2 even have anything, he barely has enough for himself. So
3 he's not going to be having any boxes at the AFN, but for
4 the most part those people who are selling the fish at
5 the AFN are people who were not even traditionally
6 fishermen or it's not even a part of their culture.

7

8 CHAIRMAN REAKOFF: Larry's got a comment
9 there.

10

11 MR. BUKLIS: Thank you, Mr. Chairman.
12 This discussion is very productive and does follow from
13 David's opening comments about the issue at large, but
14 then he moved into his analysis for FP11-05.....

15

16 CHAIRMAN REAKOFF: Right.

17

18 MR. BUKLIS:which would prohibit
19 customary trade in Districts 4 and 5 and gets into fish
20 for dogs. And much of the discussion that has followed
21 has gone into what will you get on 8 and 9 when he
22 presents those analyses.....

23

24 CHAIRMAN REAKOFF: Right.

25

26 MR. BUKLIS:which gets into
27 customary trade practices on the whole river and YK's
28 approach to that problem or that proposal. And that gets
29 into these dollar amounts and issues that you're
30 discussing.

31

32 CHAIRMAN REAKOFF: I feel that we should
33 move forward with this proposal. I'm opposed to the --
34 personally opposed to this proposal as written and do not
35 intend to support the proposal. As we move into the
36 other proposals I think that -- I think that we needed to
37 sort of vent our positions on customary trade on the
38 record, but we need to now start moving forward with the
39 business at hand.

40

41 You got one last comment there, Don.

42

43 MR. HONEA: Yeah, one last comment here.
44 I think I want to echo what Mickey and Jenny said about,
45 you know, customary trade and stuff. You know, our
46 family, not my extended family, but, you know, it was a
47 big deal for many, many years. And you go back to like
48 the North American, you had a non-native person from
49 Tanana, the village of Tanana and -- selling strips on
50 the -- those days are gone, I mean, you know, they -- I

1 had extended family actually doing that as livelihood.
2 But, you know, today and, you know, the -- today there's
3 just -- it's just pretty minimal, I mean, there's no --
4 I don't think you can even, you know, make enough money
5 to pay for your gas, I mean, that's not what I do out
6 there, that's what -- and I'm speaking of my -- you know,
7 my region. I mean, you know, so I don't -- I don't know
8 what it is like to have people, maybe they sell it
9 undercover or something, but it isn't like it used to be
10 in the past and I think we're kind of blowing that -- you
11 know, blowing that up more than it is.

12
13 But also for the use -- I mean, I -- you
14 know, just talking to Board members the way they utilize
15 the chinook, kings, they're prized amongst our people,
16 you know, that's the prized fish, no one ever throws that
17 into or use it for dog food, it's just never heard of
18 unless it's so, you know, so badly spawned out or
19 whatever, destroyed in some way, maybe sickly looking or
20 something. But I just wanted to comment on that that,
21 you know, it's never been used for dog food and never
22 will.

23
24 CHAIRMAN REAKOFF: The proposal is
25 private customary trade of salmon and use of salmon for
26 dog food, it doesn't say kings, it says any salmon for
27 dog feed. And so we've come down on this proposal, we've
28 mulled it over enough, it's.....

29
30 MR. COLLINS: Need a motion?

31
32 CHAIRMAN REAKOFF: Motion to adopt.

33
34 MR. GERVAIS: So moved.

35
36 MR. COLLINS: I move to adopt.

37
38 CHAIRMAN REAKOFF: Moved by Ray.

39
40 MR. GERVAIS: Second.

41
42 CHAIRMAN REAKOFF: Seconded by Tim. Any
43 further discussion on the proposal.

44
45 (No comments)

46
47 MR. R. WALKER: Question.

48
49 CHAIRMAN REAKOFF: Question's called on
50 the Proposal FP11-05, to prohibit customary trade of

1 salmon and use of salmon for dog food in the Yukon River.
2 Those in favor of the proposal signify by saying aye.

3
4 (No aye votes)

5
6 CHAIRMAN REAKOFF: Those opposed, same
7 sign.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN REAKOFF: The rest of that
12 proposal is for Districts 4 and 5.

13
14 We're moving on to FP11-08. David will
15 give the analysis.

16
17 MR. JENKINS: Mr. Chair. FP11-08 starts
18 on one of those pages of your book.

19
20 CHAIRMAN REAKOFF: 150.

21
22 MR. JENKINS: 150. Submitted by the
23 Yukon Kuskokwim Delta Subsistence Regional Advisory
24 Council, this proposal requests that customary trade in
25 the Yukon River fisheries management area be prohibited
26 in any year when chinook salmon runs are insufficient to
27 fully satisfy subsistence harvest needs and subsistence
28 fisheries are restricted. As submitted the prohibition
29 would only affect customary trade between rural
30 residents.

31
32 Now the proponent states that prohibiting
33 customary trade is years of poor chinook runs would have
34 significant positive effects on fish populations as well
35 as on the lawful subsistence fishers. The proposal also
36 states that under current regulations when chinook salmon
37 -- when chinook runs are low subsistence users are
38 restricted, but not subsistence uses. In this case, in
39 the case of customary trade, the proponent argues that
40 the emphasis should be reversed and customary trade
41 should be restricted before customary users are
42 restricted. This is the issue that Mr. Reakoff spoke to
43 a few moments ago on prioritizing uses. The proponent is
44 particularly concerned with quote, numerous reports of
45 Yukon River rural residents selling large numbers of
46 Yukon chinook salmon in the urban areas of our state, end
47 of quote.

48
49 Now the proposal seeks to limit customary
50 trade under a particular regulation, it's number

1 27(c)(11) which refers to customary trade between rural
2 residents. But the proponent is also concerned with
3 customary trade between rural residents and others which
4 is governed under a different paragraph not targeted in
5 this proposal, 27(c)(12), it's on Page 114 of your books
6 you can see that language. The latter regulation -- oh,
7 I won't go into that.
8 So as it stands the current proposal does not target all
9 of the relevant regulations.

10
11 If adopted the proposal would prohibit
12 all customary trade of any subsistence caught fish
13 between rural residents under the following condition.
14 If in any given year in the Yukon River Fisheries
15 Management Area chinook runs are insufficient to fully
16 satisfy subsistence harvest needs and subsistence
17 fisheries are restricted. So the amount of cash
18 exchanged in customary trade would thereby be diminished.

19
20 If this proposal is adopted then a
21 definition of when chinook salmon runs are insufficient
22 to fully satisfy subsistence harvest needs would be
23 needed. Although State subsistence regulations include
24 amounts needed for subsistence, Federal subsistence
25 regulations do not.

26
27 If adopted the proposal would limit the
28 ability of Federally-qualified subsistence users to
29 engage in customary trade under the conditions that I
30 specified. And so presumably non-Federally-qualified
31 subsistence users as recipients of customary trade would
32 also find their engagement curtailed.

33
34 Now the total number of fish exchanged in
35 customary trade as we've noted is unknown and therefore
36 the effect of this proposal on fish populations is
37 unknown.

38
39 OSM's preliminary conclusion is to oppose
40 FP11-08. Now why oppose, customary trade as we mentioned
41 before is recognized as a legitimate subsistence activity
42 under ANILCA. As defined by Federal subsistence
43 regulation customary trade refers only to subsistence
44 caught fish or wildlife exchanged for cash, it does not
45 rise to the level of a significant commercial enterprise.
46 Any exchanges that do rise to that level are not
47 customary trades and already prohibited.

48
49 As we noted we don't know where the
50 boundary between customary trade ends and significant

1 commercial enterprise starts.

2

3 I think that's sufficient for this.

4 Thank you.

5

6 CHAIRMAN REAKOFF: Thanks, David. Do you
7 have a comment, Ray.

8

9 MR. COLLINS: Yeah, Mr. Chairman. I'm
10 not even sure that this would stand up in any court test
11 because chinook salmon runs are insufficient to fully
12 satisfy subsistence harvest needs. Customary trade is a
13 subsistence activity so that's part of your subsistence
14 need.....

15

16 CHAIRMAN REAKOFF: Okay.

17

18 MR. COLLINS:is to be able to share
19 some in customary trade just to pay your gas. And so --
20 I mean, you see what I mean, it's a use that's allowed
21 under subsistence. So part of the need is whatever
22 you're taking that doesn't exceed that significant
23 commercial trade is part of your subsistence need. So I
24 don't know if they could enforce that that way and I
25 think somebody said earlier that the law does not define
26 between subsistence uses and other subsistence --
27 prioritize between those uses.

28

29 CHAIRMAN REAKOFF: Right.

30

31 MR. COLLINS: So if this was adopted
32 would it even stand up to a test in law. We don't have
33 a lawyer here, but I -- you see what I mean.

34

35 CHAIRMAN REAKOFF: Carl.

36

37 MR. MORGAN: Yeah, I got some concern
38 too. It says any exchange of subsistence caught fish for
39 cash. Like me, like a lot of you people here sitting at
40 this table and out in the audience, I got people --
41 relatives living in Anchorage, in urban area. How about
42 I -- and I've done this, I said I'll send you some
43 strips, but I'm short on rice, I'm running low in flour
44 and I'll -- I need more coffee. And, you know, is that
45 exchange for cash?

46

47 CHAIRMAN REAKOFF: That's barter.

48

49 MR. MORGAN: Okay. Thank you.

50

1 CHAIRMAN REAKOFF: Tim.
2
3 MR. GERVAIS: David, so if the intent of
4 this proposal was to limit sales -- customary trade
5 during years of low abundance, could you put in a dollar
6 amount for significant commercial enterprise that varied
7 on whether it was a normal year or a year of restricted
8 harvest?
9
10 MR. JENKINS: Mr. Chair. Mr. Gervais.
11 That's certainly possible, but it might be more
12 appropriate to take the upper Copper River approach and
13 have a percentage of what your harvest is per year which
14 would then take in account lower or higher runs year by
15 year. So they limited it to 50 percent in rural to rural
16 customary trades in any year. So that might be a better
17 mechanism than changing dollar amounts year by year.
18
19 MR. GERVAIS: May I have a quick follow-
20 up?
21
22 CHAIRMAN REAKOFF: Go ahead, Tim.
23
24 MR. GERVAIS: So is it still customary
25 trade if it's conducted in Anchorage, even though it's
26 between two rural residents, I mean, does a customary
27 trade need to be -- the sale needs to occur in the
28 village?
29
30 MR. JENKINS: I don't believe that
31 there's a geographic limitation, I think it has to do
32 with residency. Though when we look at the next proposal
33 there is a geographic restriction requested.
34
35 MR. GERVAIS: Okay. Thank you.
36
37 CHAIRMAN REAKOFF: Any other comments on
38 the presentation.
39
40 (No comments)
41
42 CHAIRMAN REAKOFF: Department's comments.
43 George.
44
45 MR. PAPPAS: Thank you, Mr. Chair. Our
46 comments begin on Page 158. The intent of this proposal
47 as we understand it is to curb the sales of subsistence
48 harvest chinook salmon made into strips while other
49 subsistence fisheries are closed due to insufficient
50 returns. State regulations generally prohibit the sale

1 of subsistence harvested fish with -- while Federal
2 regulations allow for cash sales. And again there are
3 DEC regulations that prohibit sales of fish that are
4 processed for -- or excuse me, restrict -- have certain
5 restrictions for fish that are processed for commerce.
6 Existing Federal customary trade is limited to whole fish
7 unless processed fish are produced in compliance with DEC
8 regulations.

9
10 An adoption of limitations on the cash
11 sales of subsistence harvested salmon for cash would
12 remove the risk of citation for subsistence fishers in
13 the Yukon River drainage, particularly regulations that
14 define significant commercial enterprise, specify fish
15 weight and number limits, clarify where subsistence
16 harvest may be sold under Federal regulations and
17 establish reporting requirement for cash sales of
18 subsistence caught salmon.

19
20 The Department of Fish and Game supports
21 adoption of enforceable Federal customary trade
22 regulations that specify limits on cash sales and
23 establish reporting requirements, however restrictions or
24 regulations that specify limits and reporting
25 requirements should be applied drainage-wide. Violations
26 of existing Federal customary trade and State and fish
27 processing regulations is an enforcement problem that has
28 significant implications on subsistence users and the
29 public. More education on State and Federal regulations
30 and an enforceable definition on what constitutes a
31 significant commercial enterprise is needed. We propose
32 implementing a monitoring program to produce needed
33 resource data. We request clarification of roles and
34 responsibilities of Federal and State enforcement
35 agencies. The Department proposes this issue be
36 addressed during a joint meeting of the three RACs for
37 the Yukon drainage as this issue potentially affects all
38 subsistence users.

39
40 The Department supports a modified
41 proposal that requires reporting, regulates the sale of
42 subsistence harvested fish during all years, not just
43 those during low years, adopt a definition of significant
44 commercial enterprise and address educational and
45 enforcement issues.

46
47 Thank you, Mr. Chair.

48 *****
49 STATE OFFICIAL WRITTEN COMMENTS
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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

Fisheries Proposal FP11-08:

Prohibit customary trade of chinook salmon harvested in the Yukon River Fisheries Management Area during years of insufficient chinook salmon returns.

Introduction:

The Yukon-Delta Regional Advisory Council submitted this proposal to prohibit customary trade# of chinook salmon harvested in federal subsistence fisheries on the Yukon River during years when returns are insufficient to satisfy subsistence user needs and subsistence fishing restrictions are implemented. The intent was to curb sales of subsistence harvested chinook salmon made into strips while other subsistence fisheries were closed due to insufficient returns. State regulations generally prohibit sale of subsistence harvested fish# while federal regulations allow for cash sales. State regulations at 18 AAC 34.005 require that all fish processed for commerce be processed at a facility approved by Alaska Department of Environmental Conservation.#

Sale of subsistence harvested fish, both processed and whole, is occurring in both urban and rural communities in Alaska, contrary to existing state and federal regulations. Discrepancies in state and federal regulations and state requirements regarding processing of fish to protect health and safety of the public may leave some people vulnerable to citation under state and federal regulations. This is a significant issue for state resources managers, law enforcement agencies, and federal agencies that provide for the subsistence priority on federal lands and those waters where federal subsistence jurisdiction is claimed. In considering FP11-05, FP11-08, and FP11-09, the Federal Subsistence Board has the opportunity to adopt enforceable customary trade regulations for the Yukon region that are based on the history and patterns of this use for this region of the state.

Impact on Subsistence Users:

This proposal may reduce harvest of

1 chinook salmon for cash sale of chinook salmon. It is
2 not possible, however, to accurately predict how this
3 proposal will affect changes in subsistence harvest
4 patterns because federal agencies lack information and
5 data regarding existing levels of harvest and actual
6 sales of subsistence harvested chinook salmon. Existing
7 federal customary trade is limited to whole fish, unless
8 processed fish are produced in compliance with Alaska
9 Department of Environmental Conservation food safety
10 rules. Because state and federal regulations differ,
11 subsistence fishermen are vulnerable to prosecution when
12 selling subsistence harvested salmon on lands and waters
13 outside the boundaries where federal subsistence
14 jurisdiction is claimed. Adoption of limitations on cash
15 sales of subsistence harvested salmon for cash would
16 remove the risk of citation for subsistence fishers in
17 the Yukon River drainage, particularly regulations that
18 define significant commercial enterprise, specify fish
19 weight or number limits, clarify where subsistence
20 harvested fish may be sold under federal regulation, and
21 establish reporting requirements for cash sales of
22 subsistence caught salmon.

23

24 Opportunity Provided by State:

25

26 The department supports subsistence
27 harvest and use of salmon consistent with existing state
28 laws and regulations including customary trade of this
29 resource. However, 5 AAC 01.010 prohibits sale of
30 subsistence caught fish, their parts, or their eggs
31 unless otherwise specified in state regulation.
32 Currently, there are only two exceptions listed in
33 Chapter 5 of state regulations: Norton Sound-Port
34 Clarence Area for salmon and Sitka Sound herring roe on
35 kelp in Southeast Alaska.#

36

37 Conservation Issues:

38

39 The Yukon River chinook salmon stock is
40 currently classified as a stock of yield concern. Since
41 2001, subsistence fishing time in the Yukon Area has been
42 limited by a windows schedule, which was further
43 restricted in 2008 and 2009 because of conservation
44 concerns for chinook salmon. Subsistence harvest levels
45 for chinook salmon have been within the amounts
46 reasonably necessary for subsistence (ANS) ranges since
47 2001, except for 2002, 2008, and 2009. A majority of the
48 Yukon River drainage escapement goals have been met or
49 exceeded since 2000, including the Chena and Salcha
50 rivers, which are the largest producers of chinook salmon

1 in the United States portion of the drainage. The
2 escapement objective for the Canadian mainstem was met
3 every year from 2001 through 2006, with 2001, 2003, and
4 2005 being the three highest spawning escapement
5 estimates on record. The escapement objective for the
6 Canadian mainstem was not met in 2007 and 2008.
7 Exploitation rate on Canadian-origin stock by Alaskan
8 fishermen decreased from an average of about 55% (1989
9 1998) to an average of about 44% from 2004 through 2008
10 (Howard et al. 2009). Although the subsistence harvest
11 continues to remain stable at nearly 50,000 chinook
12 salmon annually, commercial harvests have decreased over
13 60%, from an average of 100,000 annually (1989 1998) to
14 the recent five-year average (2005 2009) of nearly 23,000
15 fish. Considering all salmon species together, the
16 overall total subsistence salmon harvest in the Yukon
17 Area has declined by approximately 30% since 1990 (Fall
18 et al. 2009:39). Specifically, fall chum salmon harvests
19 have fallen within ANS ranges only three times since 2001
20 (Fall et al. 2009:43).

21

22 Jurisdiction Issues:

23

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

39

40 Other issues:

41

42 The Alaska Department of Fish and Game
43 supports adoption of enforceable federal customary trade
44 regulations that specify limits on cash sales and
45 establish reporting requirements. However, restrictions
46 or regulations that specify limits and reporting
47 requirements should be applied drainage-wide.

48

49 Violation of existing federal customary
50 trade and state fish processing regulations is an

1 enforcement problem that has significant implications for
2 subsistence users and the public. More education on
3 state and federal regulations and an enforceable
4 definition on what constitutes a significant commercial
5 enterprise are needed. We propose implementing a
6 monitoring program to produce needed resource data. We
7 request clarification of roles and responsibilities of
8 federal and state enforcement agencies. The department
9 proposes this issue be addressed during a joint meeting
10 of the Regional Councils within the Yukon drainage
11 because this issue potentially affects subsistence users
12 in the entire Yukon River drainage.

13

14 Recommendation:

15

16 Support a modified proposal that requires
17 reporting and regulates sales of subsistence harvested
18 fish during all years, not just those of low salmon
19 returns, adopts a definition of significant commercial
20 enterprise, and addresses education and enforcement
21 issues.

22

23 Cited References:

24

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26 Braem, J.J. Simon, W.E. Simeon, D.L. Holen, L. Naves, L.
27 Hutchinson-Scarborough, T. Lemons, V. Ciccone, T.M. Krieg,
28 and D. Koster. 2009. Alaska subsistence salmon
29 fisheries 2007 annual report. Alaska Department of Fish
30 and Game Division of Subsistence, Technical Paper No.
31 346, Anchorage.

32

33 Howard K.G., S.J. Hayes, and D.F.
34 Evenson. 2009. Yukon River chinook salmon stock status
35 and action plan 2010; a report to the Alaska Board of
36 Fisheries. Alaska Department of Fish and Game, Special
37 Publication No. 09-26, Anchorage.

38

39 CHAIRMAN REAKOFF: Thanks, George. Any
40 questions for the State. Tim.

41

42 MR. GERVAIS: Yeah, George, why is the
43 State not interested in enforcing this -- these abuses
44 very much?

45

46 MR. PAPPAS: That's a difficult question.
47 Our comments do go through a serious review process,
48 including Department of Law, and as included in our
49 comments sales of customary trade -- excuse me, sales of
50 Federal subsistence fish off of Federal public lands is

1 not considered legal under State regulations. Why they
2 don't -- it hasn't been enforced recently, I don't know.
3 I honestly don't know. Additionally enforcing a
4 regulation without a limit could be next to impossible.
5 If I remember correctly -- I'm not sure which RAC sent a
6 letter to the US Fish and Wildlife Service asking what
7 type of enforcement activities have you done for
8 customary trade in the Yukon River and the response that
9 I remember seeing made no reference to customary trade,
10 it said that there's not a limit. I don't remember
11 exactly -- you may get clarification from other staff
12 here, but how do you enforce a speed limit if there is no
13 limit or a definition of where that limit is, where
14 customary trade ends and significant commercial
15 enterprise begins. So how would you have a case stand up
16 in court without a definition of what's enforceable.
17 Does that answer your question, sir.

18

19 CHAIRMAN REAKOFF: Well, and the flip
20 side is the State doesn't enforce it either on the State
21 -- there's no State enforcement period, doesn't matter if
22 it's Federal or State waters. So the reality is it's a
23 non-enforcement -- it's like the duck thing, it was a
24 non-enforcement issue until the regulations were changed
25 for migratory birds. And so -- I mean, this has been
26 occurring, the State has allowed this sales of strips,
27 it's not been enforced, the Federal government's not
28 enforcing, it is apparent that there's a need for a
29 working group. If anything I continuously feel that
30 there's a need for a working group to bring in all of the
31 issues that the State raises, Kwik'pak, the subsistence
32 users, bring all those issues to the table and develop a
33 plan and a -- that everybody can somewhat agree upon to
34 bring before the Boards. And I feel that the State Board
35 of Fish needs to address this issue also. They allow
36 sales over in Norton Sound for salmon, they can start to
37 think about what's customary trade on the Yukon River and
38 that's the memorandum of understanding with the Federal
39 government should be used to bring together a planning
40 group on this customary trade issue.

41

42 All of these proposals have flaws, it
43 would take like unending amounts of modification to
44 curtail -- to select certain components of these
45 proposals. I do feel that unlike this proposal before us
46 that customary trade is part of subsistence needs and is
47 -- cannot be curtailed, not a significant economic
48 amount, but customary trade is a part of subsistence use.

49

50 Any further comments to the State.

1 Thanks. Dave -- David.

2

3 MR. JENKINS: Mr. Chair. Let me just
4 address the point you raised a couple times now, I was
5 going to address this after FP11-09, but on Page 154 OSM
6 has provided a template for alternatives in which we
7 suggest that the three Regional Advisory Councils on the
8 Yukon actually get together and work through these
9 issues. And we've got some proposed regulatory language,
10 there's a template there for consideration. And let me
11 just read briefly to you what we've said here. It says
12 we may be more helpful -- it may be more helpful for the
13 Federal Subsistence Board to receive recommendations on
14 appropriate limits from each of the three Councils for
15 their areas of representation. The Board might find that
16 these limits recommended for each area are similar and a
17 single amount could be specified throughout the drainage
18 simplifying regulations and aiding in enforcement. A
19 reporting system if enacted would likely need to be
20 river-wide to be effective and in this case each Council
21 could recommend whether and how a river-wide reporting
22 system should be instituted.

23

24 So we've thought about this need of
25 getting the Councils together and suggested this as one
26 way of going about it for your consideration.

27

28 Thank you.

29

30 CHAIRMAN REAKOFF: I appreciate that.
31 Any further comments to the State.

32

33 We need to move this agenda forward, I
34 got some staff presentations, Koyukuk/Nowitna's got to
35 get back to Galena before we got -- make a presentation
36 before 3:30. So we need to move this discussion along,
37 we're bogging down.

38

39 Any questions for the State, pressing
40 questions.

41

42 MR. HONEA: No, I don't have a pressing
43 question, but the last proposal you also -- I see you
44 also took the stance that the Board might find a limiting
45 -- and I certainly agree with the -- finding some kind of
46 a working group or something like that that -- like we're
47 talking about to address -- whether the working group
48 comes out of the RACs or whatever, I -- I'm -- I would
49 certainly like to see some kind of a working group to
50 address these.

1 CHAIRMAN REAKOFF: Thanks, Don. And --
2 so thanks a lot, George.
3
4 And so we're going to move forward with
5 Federal Agency comments.
6
7 (No comments)
8
9 CHAIRMAN REAKOFF: Federal Council
10 comments.
11
12 (No comments)
13
14 CHAIRMAN REAKOFF: InterAgency Staff
15 Committee comments.
16
17 (No comments)
18
19 CHAIRMAN REAKOFF: Advisory Committee
20 group comments.
21
22 (No comments)
23
24 CHAIRMAN REAKOFF: No Advisory Committees
25 have met on these proposals nor the SRC.
26
27 Summary of written comments.
28
29 MR. MIKE: Thank you, Mr. Chair. The
30 summary of written public comments begin on Page 161 and
31 end on Page 162. There are a total of six written public
32 comments received, two in support.
33
34 Those in support are CATG, Don and Jan
35 Woodruff of Eagle.
36
37 Those opposing the proposal are Alyson
38 Esmailka of Galena.
39
40 James E. Roberts of the Tanana Tribal
41 Council.
42
43 First Chief Pat McCarty, Second Chief Don
44 Honea, Jr., and Traditional Chief William McCarty, Jr.,
45 and Ruby Tribal Council and eight residents of Ruby.
46
47 And a letter signed by 37 residents of
48 Galena.
49
50 Mr. Chair. These written public comments

1 are also part of the administrative record.

2

3 The Yukon Kuskokwim Regional Advisory
4 Council on Proposal FP11-08 prohibiting customary trade
5 when chinooks are restricted support with modification to
6 delete all proposed language under (iii) and replace with
7 the following language. I guess they're speaking on the
8 proposal on Page 153, proposed regulation. They want to
9 replace the language with -- the language submitted was
10 Yukon River Fisheries Management Area. The total cash
11 value per household of salmon taken within Federal
12 jurisdiction in the Yukon River Management Area and
13 exchanged in customary trade to rural residents may not
14 exceed \$750 annually.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN REAKOFF: Thanks, Donald. Any
19 Council discussion on that.

20

21 (No comments)

22

23 CHAIRMAN REAKOFF: Public comment. Any
24 comment on this, Gene.

25

26 MR. SANDONE: Mr. Chair. Can I reference
27 a prior remark I made earlier.

28

29 CHAIRMAN REAKOFF: Yes.

30

31 MR. SANDONE: Regarding the incidental
32 harvest of chinook salmon this year by Kwik'pak, I just
33 want to let you know that Kwik'pak donated 1,600 fish to
34 the Gwitch'n gathering in Fort Yukon and 1,000 fish to
35 the aboriginal tribes in Canada. I just want to put that
36 on the record.

37

38 Regarding Proposal 08, we believe that
39 the intent of this proposal was to prioritize the uses
40 and make -- and to allow human consumption to go on with
41 limiting customary trade in years when there's poor runs.

42

43 And I'd like to make just a few more
44 points. The Federal response indicates that they believe
45 customary trade is infrequent and transacted for
46 relatively small amounts of money which is often used to
47 support other subsistence activities. And enacting
48 regulations to further govern such trades appears
49 unnecessary and intrusive. And we will agree that
50 customary trade is not prohibited, we worry about the

1 abuses. However the Federal government goes on to say
2 quote, sales of subsistence caught fish that rise to the
3 level of commercial or market transaction however are not
4 considered to be customary trade and are prohibited.
5 Enforcement of the prohibition is a central issue not
6 further restrictions on customary trade. However the
7 threshold for significant commercial enterprise has not
8 been determined. Enforcement of the prohibition remains
9 problematic without a threshold determination. And
10 that's the Federal government's words. But they go on to
11 say and this is on Page 123. Further regulations
12 limiting customary trade which is recognized as a
13 legitimate subsistence activity may not be the
14 appropriate avenue for curtailing sales that do not fall
15 under the definition of customary trade.

16

17 More smoke this year, maybe even a little
18 of flame, there was two advertisements on Craigslist
19 which advertised Yukon strips for sale. One of them came
20 out of South Anchorage. And we agree with the State's
21 position regarding customary trade and the limitation on
22 significant commercial enterprise.

23

24 Mr. Chair.

25

26 CHAIRMAN REAKOFF: Thanks, Gene. Any
27 comments, questions from the Council.

28

29 (No comments)

30

31 CHAIRMAN REAKOFF: Thanks. And so that's
32 the completion of the public testimony.

33

34 Regional Council recommendation and
35 motion. The chair will entertain a motion to adopt FP11-
36 08.

37

38 MR. STICKMAN: So moved, Mr. Chair.

39

40 CHAIRMAN REAKOFF: Moved.....

41

42 MS. PELKOLA: Second.

43

44 CHAIRMAN REAKOFF:by Mickey,
45 seconded by Jenny. Council discussion.

46

47 (No comments)

48

49 MR. R. WALKER: Question.

50

1 CHAIRMAN REAKOFF: I want to state my
2 position. I.....
3
4 MR. R. WALKER: Question.
5
6 CHAIRMAN REAKOFF: The Chair would like
7 to speak to the proposal.
8
9 MR. R. WALKER: Can you do that when
10 we're done voting.
11
12 CHAIRMAN REAKOFF: I would prefer to
13 speak before the.....
14
15 MR. COLLINS: Point of order, Mr.
16 Chairman. Calling for the question just means you're
17 ready to vote. If you want to -- calling for the
18 question only means you're ready to vote. You have to
19 move the previous question if you want -- then we have to
20 vote on that motion if you want to really cutoff debate.
21
22 CHAIRMAN REAKOFF: We -- oh, well, let's
23 take it to vote. Those in favor of the Proposal FP11-08,
24 signify by saying aye.
25
26 MR. GERVAIS: Aye.
27
28 CHAIRMAN REAKOFF: Those opposed to the
29 Proposal 11-08, same sign.
30
31 IN UNISON: Aye.
32
33 CHAIRMAN REAKOFF: Discussion on the
34 proposal. The proposal failed.
35
36 I personally feel that that this proposal
37 does not address some of the concerns that I have for
38 recognizing that customary trade is part of subsistence
39 use even in an suppressed run of limited amounts. I do
40 feel that we have very limited abuse and sales, large
41 volume sales to non-rural areas. I do feel there is a
42 real need to form a working group throughout the whole
43 Yukon River drainage, all the Regional Councils need to
44 come together and develop a plan with all of the points
45 that -- various points the State has brought out and
46 various entities have brought out and it all has to come
47 to the table and work through those various points to
48 develop a product that sets threshold trigger points for
49 significant commercial enterprises and those kinds of
50 things. This is hard to do with these kind of proposals

1 that are just piecemealed together and so I feel that
2 this is not the correct avenue for this.

3

4 At this point I have -- Koyukuk/Nowitna
5 needs to make a presentation because they got to fly back
6 to Galena. And then we have I think one more proposal
7 after that.

8

9 MR. R. WALKER: Jack. Mr. Chairman.

10

11 CHAIRMAN REAKOFF: Uh-huh.

12

13 MR. R. WALKER: You didn't recognize the
14 vote for -- the last vote we had, what way yea and what
15 was nay.

16

17 REPORTER: It's one/eight.

18

19 CHAIRMAN REAKOFF: There was one aye.

20

21 MR. R. WALKER: Thank you.

22

23 MR. GERVAIS: For the record, Mr. Chair.

24

25 CHAIRMAN REAKOFF: And did you want to
26 state quickly your -- why you voted in favor of the
27 proposal, Tim. Excuse me.

28

29 MR. GERVAIS: Thank you, Mr. Chair.
30 Although I don't feel like that particular proposal
31 addresses exactly what needs to happen, I voted in favor
32 of it because I think that we've -- the time has come to
33 make some modifications to the way customary trade is
34 addressed. And so that vote is to show that this Council
35 is not -- had some interest in.....

36

37 CHAIRMAN REAKOFF: Right.

38

39 MR. GERVAIS:in something
40 different.

41

42 CHAIRMAN REAKOFF: I appreciate that, and
43 can appreciate that aspect of the vote.

44

45 Mickey.

46

47 MR. STICKMAN: One last thing like Robert
48 stated earlier, you know, because of the issue and
49 bringing it out into the open and something has to be
50 done.

1 CHAIRMAN REAKOFF: Right.
2
3 MR. STICKMAN: So I was thinking that
4 maybe at some point in time we need to incorporate
5 Robert's concern into the annual report.
6
7 CHAIRMAN REAKOFF: I think that
8 incorporation that issue into the annual report for a
9 working group for customary trade analysis by all three
10 regions and concerned entities, but also a letter
11 transmitted from this -- at this meeting to the Federal
12 Subsistence Board to highlight that issue immediately
13 before they deliberate these proposals.
14
15 So the Chair will entertain a motion to
16 have a letter of transmission to the Federal Subsistence
17 Board requesting a formation of a working group for
18 customary trade issues that were identified during the
19 deliberation of these proposals before us today, also to
20 incorporate that issue into our annual report.
21
22 MR. HONEA: I so move.
23
24 CHAIRMAN REAKOFF: So moved by Don.
25
26 MR. GERVAIS: Second.
27
28 CHAIRMAN REAKOFF: Seconded by Tim.
29 Those in favor of that motion signify by saying aye.
30
31 IN UNISON: Aye.
32
33 CHAIRMAN REAKOFF: Opposed, same sign.
34
35 (No opposing votes)
36
37 CHAIRMAN REAKOFF: So that's -- you got
38 that down, Donald.
39
40 MR. MIKE: (Nods affirmatively)
41
42 MR. COLLINS: Yeah, Mr. Chairman. Should
43 you have the word fishery in there somewhere because
44 we're talking in relation to fishery not the whole
45 customary trade.
46
47 CHAIRMAN REAKOFF: Oh, right. Fishery,
48 customary trade on fisheries, Yukon River customary trade
49 fishery issues.
50

1 Thanks for clarifying that, Ray.

2

3 And so at this point we're going to take
4 Koyukuk/Nowitna's report. Go ahead, Kenton.

5

6 MR. MOOS: Thank you, Mr. Chair. Council
7 Members. Thank you for allowing me to break in here a
8 little bit early. We need to get back to Galena.

9

10 But again my name is Kenton Moos, I am
11 the Refuge Manager with Koyukuk/Nowitna National Wildlife
12 Refuge based out of Galena. And what I'm going to do is
13 just give you a very brief overview of what's gone on the
14 Refuge since we have seen you all last. And then I know
15 there were several questions in the opening remarks that
16 I would definitely like to address as well so there's
17 some clarification on that.

18

19 Very briefly we've had a fair amount of
20 staff turnover and we got a number of vacancies. Keith
21 Ramos is with me, he's my new deputy. He has been here
22 since the end of December of last year. So we also have
23 a new fisheries biologist. This fisheries biologist is
24 a new position, we're excited to have it because there's
25 a lot of data gaps that we have as far as fisheries and
26 stuff in our region. Fairbanks Fisheries worked very
27 hard and so forth, but I think this will give us on the
28 ground, local knowledge and also the ability to answer
29 you guys' questions in that region a little better when
30 it comes to fisheries. And we have that expertise now on
31 staff so we're excited about that.

32

33 A number of positions have left, we've
34 got our subsistence coordinator position which is
35 currently vacant, we're going to be hiring shortly. Our
36 law enforcement officer, our fire management officer and
37 administrative assistant. So we will be advertising for
38 those and hiring those very shortly hopefully.

39

40 So as far as the field season this year
41 it was very busy. Again during the winter meeting we'll
42 have a much better presentation, a lot of the data that
43 we've collected has not been summarized. But again, you
44 know, we've been very busy as far as waterfowl, moose
45 work. Some things that I can report on as far as
46 checkstations, the Nowitna checkstation is the
47 checkstation that we operate with the Refuge. This year
48 we had 110 total hunters and we had 32 moose harvested
49 with those that have checked in.

50

1 Now we also had a Federal season, the --
2 our September 26th through October 1 season. We haven't
3 received all that information yet. We do know -- I do
4 know and I can say that one permit was issued at the
5 checkstation and was harvested on the 26th, a moose was
6 harvested on the 26th and that was Don's father. And
7 then I believe four permits were issued out of Ruby, but
8 we have not received the reports on those yet. So that's
9 the Nowitna River.

10
11 One of the questions that came up early
12 on was as far as closure of the Koyukuk River
13 checkstation that Mickey brought up. That checkstation
14 is operated by Alaska Department of Fish and Game, Glen
15 Stout's office operates that. So I will forward those
16 concerns to him and so that he can deal with those. We
17 did have four hunters check out at the Novi checkstation
18 that were up the Koyukuk River, but because it was closed
19 they continued on down to the Nowitna or up to the
20 Nowitna and did check out there. So that's duly noted
21 and we will pass that along.

22
23 A couple other issues that were brought
24 up as far as the Kaiyuh Flats, the guide use area of the
25 Kaiyuh Flats. We do not have a guide use area currently
26 in the Kaiyuh Flats. I was approached by a guide,
27 registered guide, who is out of -- formerly out of
28 Kaltag, I believe he lives in Nulato now, but so it's a
29 local individual. And basically what I did there was we
30 do have biological concerns as far as the moose
31 population on the Kaiyuh Flats. So I put a little bit of
32 the onus back on him in that I requested that he get a
33 letter from the Nulato Tribal Council, the Kaltag Tribal
34 Council and the Koyukuk Tribal Council in support of a
35 guide use area in the Kaiyuh Flats. If I get that I will
36 proceed. As the individual indicated to me that there's
37 no way in the world that's going to happen and probably
38 not, but that's -- I basically put it back on him, if he
39 could -- if he can convince the locals that it's a good
40 deal I'll consider it. Again we do have biological
41 concerns so don't have to worry about that at least in
42 the near future. So that was something else.

43
44 Airboats that was brought up. That was
45 -- I did hear about this individual, we had a
46 construction project that was going on in Galena this
47 year and the construction company did bring down their
48 own barge and I'm not sure if it was the owner of the
49 construction company or one of their employees, but they
50 did bring an airboat down. They were -- from what I had

1 heard, again this is secondhand, you know, hearsay or
2 whatever, but they were anticipating going up the Koyukuk
3 River, but changed their mind when they were told that
4 the Bear Creek was a lot more accessible. I do believe
5 they do go up Bear Creek, I do not know if they harvested
6 a moose or not, but as far as modes of transportation --
7 well, for one thing Bear Creek is not -- is predominantly
8 on private land and/or State jurisdictional land. So and
9 it's navigable waters. So we cannot limit the mode of
10 transportation used, if they want to skip a snowmachine
11 up Bear Creek they can do it. It's not something that we
12 can prohibit. So.....

13

14 CHAIRMAN REAKOFF: Airboats are excluded
15 from Refuge lands?

16

17 MR. MOOS: From, I believe, certain
18 Refuge lands, but as far as navigability and
19 navigability's the issue here, the State allows the use
20 of airboats and as long as the -- as long as the
21 waterways are navigable it is a legal mode of
22 transportation. So personally and as well as
23 professionally, we do not want to see airboats up there,
24 but, I mean, that's my personal opinion, it really
25 deteriorates the experience, wilderness experience, with
26 the noise and so forth, but as far as State regulation
27 and navigability they are legal to do that. So I don't
28 think this is a trend that's occurring, I think this is
29 a one time deal because to get a airboat to Galena is
30 significant effort, this just happened to be a private
31 company who had a private barge coming down and that's
32 the way they transported the boat down.

33

34 So I hope that answers your question on
35 that. I don't know if there's any other questions. So
36 again this winter we will have a much more in-depth
37 biological presentation for you because that's when we'll
38 have our fall moose numbers in from our November trend
39 counts and so forth.

40

41 So if there's any other questions I will
42 entertain them now.

43

44 CHAIRMAN REAKOFF: Council questions.

45

46 (No comments)

47

48 CHAIRMAN REAKOFF: I have one quick one.
49 I was distracted there. Did you give the numbers for the
50 winter moose harvest for Huslia? I was -- been wondering

1 about that one.
2
3 MR. MOOS: Yeah, I -- sorry, I did not.
4 We had a quota of 10 moose, six were taken.
5
6 CHAIRMAN REAKOFF: Six.
7
8 MR. MOOS: Yeah.
9
10 CHAIRMAN REAKOFF: Okay. Thank you.
11 Ray.
12
13 MR. COLLINS: And a question on the
14 checkpoint numbers. Is the number of hunters increasing
15 or is it the same as last year and the harvest, what's
16 happening there, is it -- can you compare with year
17 before?
18
19 MR. MOOS: Right. Over the last few
20 years we've actually seen a decrease. Typically we have
21 130, 140, we're at 110 this year so in the last few years
22 that has decreased. Now we did have a fair number of
23 people come through this year that did not hunt, they had
24 the Frank Denardo memorial because of what happened last
25 year, his untimely passing as he was making his way
26 there. And that was a very big deal. And so we did see
27 a number of people come through, but were not hunting
28 this year. But they did go through for that.
29
30 MR. COLLINS: And the harvest?
31
32 MR. MOOS: The harvest is average as far
33 as percent success for the number of hunters it's pretty
34 much average on what we've seen in the past.
35
36 CHAIRMAN REAKOFF: Okay. Don.
37
38 MR. HONEA: Yeah, I have a question.
39 Kenton, I -- what are the numbers, I mean, you're
40 specifically speaking toward Nowitna, I think, but what
41 about the Koyukuk. I mean, I've seen some -- you know,
42 a lot of boats coming down and I'm just -- you know,
43 whether we can sustain that kind of hunter pressure. And
44 the next one is I think I mentioned it yesterday and
45 maybe you could tell me what happened. Is there -- was
46 there any meat given to the residents of Galena because
47 of -- you know, it was really warm and like I said we had
48 to take care of it.
49
50 Thank you.

1 MR. MOOS: Yeah, as far as the Koyukuk
2 checkstation, I have not received final numbers from
3 Glen. We typically won't receive those for quite a while
4 because of reporting and so forth, but at the
5 checkstation itself I believe there was about 400 hunters
6 who went through the checkstation and I believe about 158
7 moose registered there. And again the majority that --
8 of those -- well, quite a few of those are the Permit
9 (ph) 32, the registration hunt. And then I do know that
10 the State because of the numbers we've seen did increase
11 the number of permits this past year. And I would have
12 to go back and get some, but they did increase the number
13 of permits, but not very significantly.

14
15 So as far as the meat is concerned,
16 Galena does -- the boarding school does accept meat from
17 one of the transporters there in Galena, but as far as
18 boats coming through, I -- you know, it's not something
19 we track. I think some meat is given away. I know
20 there's some individuals who do rent out boats from
21 Galena and they do receive some meat as well. But as far
22 as, you know, how much meat was donated in Galena or any
23 other of the communities, I really can't track that,
24 there's -- it would be very difficult for us to track it
25 so I don't know.

26
27 CHAIRMAN REAKOFF: Go ahead, Don.

28
29 MR. HONEA: Okay. Thank you. I just
30 have one last question and that was can we sustain that
31 kind of numbers year after year, 150 or whatever, is a
32 lot of moose, right, to take from one particular area?

33
34 MR. MOOS: Mr. Honea. Through the Chair.
35 It is a fair number of moose. You know, in talking with
36 Brad Scott and my biologist, he feels that it was not
37 excessive. With the numbers we -- and the trends that
38 we've seen in the last few years from the trend counts
39 that we do, we have seen a very good increase in the
40 number of moose in the Koyukuk Controlled Use Area. And
41 so those numbers were not alarming to him at all, he felt
42 that it was a sustainable harvest for the numbers that
43 we've seen recently in the Koyukuk Controlled Use Area.
44 I cannot say that for the Kaiyuh Flats, that -- there's
45 an area that we are very concerned about.

46
47 CHAIRMAN REAKOFF: When Glen Stout gave
48 his presentation last winter in February he showed that
49 the bull/cow ratio's right at 30 bulls and the moose
50 population is up, the bull numbers were up so they were

1 giving a few more drawing -- I think it was like they
2 went from 50 to 75 or something like that, he bumped it
3 a little bit more. But he's -- Glen's real good about
4 keeping right on top of that bull/cow ratio, he doesn't
5 -- you know, he's not going to let a lot of bulls get
6 going, he's -- and he's found out that holding 30 bulls
7 per 100 cows gives people a much higher encounter rate.
8 When we're down to 20 bulls per 100 cows, success rates
9 go way down. So 30 bulls gives people more -- you see
10 more bulls so you actually catch more moose. And so 158
11 moose, at the peak in 1999, we were doing 750 people up
12 the Koyukuk, we're talking huge numbers and they were
13 pounding on the moose, in the two hundreds. And so we've
14 -- this -- the Koyukuk is actually -- is kind of bobbing
15 around there, right around where it should be so it's
16 sustainable. I feel that that's a sustainable plan.

17

18 Eleanor.

19

20 MS. YATLIN: Yesterday I had a question
21 and that was some residents from Huslia stated that they
22 were down in the Dulbi and Three-Day Slough area and I
23 know the last two weeks of the moose hunt there was guide
24 hunting down there in the Dulbi to the Three-Day Slough
25 area and they were going up to Huslia and putting their
26 clients on the airlines out of Huslia. So I wonder how
27 you -- do you know how many, you know.

28

29 And the other question was -- I had was
30 are they allowed to leave those drums and stoves and, you
31 know, all that stuff behind because this one -- two
32 people actually told me that when they were down there
33 they saw eight camps, they see moose hanging there. And
34 then us -- I think it was about the same time we got our
35 moose and we had to put it away within a day or two
36 because it was hot, it was about 77, 76 degrees. And all
37 this meat hanging down there, you know, I just wondered
38 what -- you know, I don't -- I haven't heard in Huslia
39 that anybody got any meat, but leaving their barrels --
40 you know, empty barrels down there and I just wondered
41 how that's monitored.

42

43 CHAIRMAN REAKOFF: Go ahead, Kenton.

44

45 MR. MOOS: Eleanor. Through the Chair.
46 Yes, we -- the Koyukuk National Wildlife Refuge I believe
47 has five guide use areas. Virgil Umphenour holds three
48 of those permits and the area you're specifically talking
49 about, typically he has not been guiding in. This year
50 he did guide in that area. He used two local guides, Pat

1 Madros and Earl Esmailka did hold -- have a camp below
2 Huslia. Typically he does go above Huslia. He had 23
3 clients this year is what he is reporting to me pre-
4 season. And so they did hunt that area. Part of the
5 reason he has changed his pattern is because a large
6 portion of land which is where he tradition or used as a
7 base camp was conveyed to Doyon. So he was the -- no
8 longer allowed to use that area. Doyon refused a permit
9 so he had to find an alternate camping area that was
10 either on Refuge lands or on State lands. So that's part
11 of the reason why he did that.

12
13 As far as the meat hanging down there
14 typically Virgil leaves at least 90 percent of his meat
15 in the village. Now with the two guides that he used
16 being from -- on the Yukon River being from Nulato, I'm
17 am -- again this is speculation, I can't say for sure,
18 but I'm guessing that some of that meat probably ended up
19 in Nulato. Mickey maybe heard something, I don't know,
20 but those were the two guides -- assistant guides who
21 opened that camp down there. So and as far as the meat
22 is concerned, you know, again we have not had any
23 complaints about Virgil's operation so I've not been
24 alerted to anything as far as wanton waste with his --
25 with his business. And he takes that very seriously
26 because that is a -- we take it very seriously and that
27 is potentially a violation of his permit. So any type of
28 wanton waste that's associated with his business could
29 potentially mean him pulling the permits. And at over
30 \$10,000 a hunt that's a significant reason to make sure
31 that that meat is cared for. And like I said I have not
32 heard any complaints or any indications that any meat was
33 lost or wasted. And, you know, again our law enforcement
34 officer who actually is -- would typically be in that
35 area is in the middle of a move so he wasn't able to be
36 there as much as he could, but I do know that the state
37 troopers were in Virgil's camps, all three of them, and
38 did check on things. So -- and again I have not heard
39 any negative reports at all.

40
41 CHAIRMAN REAKOFF: Thank you. Eleanor.

42
43 MS. YATLIN: I asked about the
44 regulations on leaving those barrels and stoves and
45 tents, I guess they must put their horns and whatever on
46 their boat so they have to leave this stuff behind.

47
48 MR. MOOS: And that would be covered
49 under -- basically that's littering, and, you know, again
50 this is the first I've heard of it. I will look into it,

1 I will have our -- some of our pilots fly over that area
2 and particularly the mouth of the Dulbi and look for that
3 and if there is stuff there and any indication on who
4 left it as well, we can definitely go through with a --
5 it's a littering charge is what it comes down to, but we
6 will look into it, yes.

7

8 CHAIRMAN REAKOFF: Thank you. Mickey.

9

10 MR. STICKMAN: Thank, Kenton. The one
11 thing I noticed about guiding, it's a cut throat
12 business, those guides they turn in each other all the
13 time, I mean, if you look at the history of guiding in
14 the middle Yukon there's guides that are no longer
15 guiding, they've lost their guide license, but eventually
16 you'd want to see them -- because they're local you'd
17 want to see them be able to be reinstated because the
18 local people are more inclined to trust each other than
19 to trust somebody from out of the area.

20

21 And I know Pat Madros, he's my brother-
22 in-law. He's originally from Kaltag. He lived in Nulato
23 right up until my sister passed away and then he moved to
24 Koyukuk to be with his new girlfriend. But one of the
25 things that they do is that they bring other moose meat
26 that they've -- that their clans get and they bring it to
27 Koyukuk, they don't spend -- that meat don't spend more
28 than two days out there before something -- before one of
29 them, Earl or Pat or Pat, Jr., whoever's up there that's
30 going to be hauling that hunter back to Koyukuk and, you
31 know, a lot of times they'll give that meat to the single
32 woman that have children in Koyukuk.

33

34 There was a -- I -- but like Eleanor
35 though I have a concern when people -- the place I was
36 hunting, there was meat hanging up for all of the four
37 days I was there, the meat was there hanging on the --
38 against the cut bank. And I had no idea whose meat it
39 was, but it wasn't mine, it wasn't my partner's. We had
40 our meat hanging up on the opposite bank, but we only
41 hunted for two days because we wanted to see if we can be
42 lucky again and get -- actually get two moose out of that
43 area. But we didn't, but our meat stayed out in the
44 field only three days from the time we shot it until we
45 got it to Nulato. But like Eleanor the one thing I
46 noticed because it was a totally brand new area for me
47 and it was on the upper end of the Three-Day Slough and
48 on the lower end of Three-Day Slough and because we had
49 Gilbert hunting with us and he wanted to show us all this
50 country that he knows up there, all within walking

1 distance of the river, we did see a lot of -- on the
2 islands especially, you see a lot of empty 55 gallon
3 barrels and you wonder where those barrels originate
4 from. But even in like Cloverleaf Lake up where Ben
5 Jones have his winter camp, you walk in the highlands
6 around there and you see the evidence from the past.
7 And, you know, you can always say oh, this is this guy's
8 drum, this is this guy's drum, but you don't know for
9 sure, you know. But that's the one thing I know about
10 guiding is that it's a real cut throat business and if
11 they're littering or if there's wanton waste they're
12 going to get turned in.

13

14 CHAIRMAN REAKOFF: Thanks for that,
15 Mickey. Comment, Robert.

16

17 MR. R. WALKER: What is the fine for
18 littering in -- let's just say like Mickey said there's
19 drums all up there, why isn't somebody up there picking
20 them up because they are a lot of hazardous materials,
21 some of them gasoline, et cetera.

22

23 MR. MOOS: Mr. Walker. Through the
24 Chair. I can't tell you what the fine is for littering
25 right offhand. I'll -- I'd have to get back to you on
26 that. But we do -- as we fly around we do try to -- if
27 we do notice any type of litter or anything left behind
28 we do make notes. We have in the past actually hired
29 people out of Huslia to go and cleanup area of high
30 concentration of drums and so forth. And on the Nowitna
31 we have -- when we close down our checkstation, when we
32 fly over we have gone up the Nowitna to pick up, you
33 know, anything that's left behind. So we do try to be
34 there. You know, our -- again we've got a law
35 enforcement officer and the state troopers as well as,
36 you know, we do attempt to do it, but unfortunately we
37 can't get it all. But, I mean, it's information like
38 this though that will allow us to look into it, you know,
39 like I said this is the first I've heard of it.

40

41 MR. R. WALKER: Well, I would -- I'd be
42 a little more concerned since it's a Refuge or Federal
43 public lands and I -- you know, if littering is some kind
44 of an offense here it's got -- it should try -- you know,
45 enforce the people that are out there, say hey, you know,
46 if you leave your drum here and we pick it up it's going
47 to cost you, or if you leave your trash here, we're going
48 to pick it up, it's going to cost you. I -- you know,
49 there -- you have to look in your book and see what.....

50

1 MR. MOOS: And I wholeheartedly agree
2 with you, I mean, without a doubt, I mean, that is
3 something that we take very seriously. But we also have
4 to look at land status and so forth because a lot of time
5 we'll see stuff, but it's on an allotment or something
6 like that. So if we see it and if we -- we deal with it,
7 we do, I mean, it's not something we ignore. And we will
8 take -- and real quick if I can just address as far as
9 the meat and so forth. At both checkstations as people
10 check out, their meat is inspected. At the Nowitna check
11 -- I can't talk for the Koyukuk because again we weren't
12 there, but at the Nowitna checkstation we did not see a
13 single case where rotten meat, sour meat or anything came
14 through. All of it was in edible condition when it went
15 through our checkstation. So that is something that is
16 done at both checkstations, both the Koyukuk as well as
17 the Nowitna checkstation.

18

19 CHAIRMAN REAKOFF: Go ahead, Ray.

20

21 MR. COLLINS: Question. Yeah, under
22 permitting if people go into the area and have a drum of
23 gas in their gas going in, is there a way to note that
24 and then tell them that they have to bring that back --
25 check it back out or not?

26

27 MR. MOOS: Mr. Collins. Through the
28 Chair. Again, you know, I can speak to the Nowitna and
29 one of the services we do offer, we have secondary
30 containment at the checkstation and we do have a
31 significant number of hunters who come through, drop gas
32 there, extra gas, and they go up. That's something --
33 that's a service that we have decided to provide and it's
34 been very effective and it's worked. And if there's a
35 leaky -- a leaky gas barrel or whatever, we get secondary
36 containment so it's not -- doesn't end up in the river or
37 whatever. That is something that we have provided there
38 at the Nowitna. The Koyukuk, again I can't speak for
39 that, you know, people are coming a long ways so they've
40 got a lot of gas with them. That's without -- that's
41 just -- that's just the way it is. So, you know, all of
42 our guides, all of our transporters are required to have
43 secondary containment, that's part of their permit,
44 that's -- you know, that's required through our
45 permitting process, but individuals coming through, you
46 know, that's their responsibility. And I -- you know,
47 again it's one of those fine lines though too because we
48 have been -- we try to pay attention, we try to visit
49 with hunters and stuff, but we also do not want to
50 interfere with their hunting activities as well. So, you

1 know, it's -- yes, we do perform law enforcement, but we
2 try to do it in a way that is non-intrusive to their
3 experience and to their hunting, you know. So it's -- we
4 are there and we are looking for it, and if we get these
5 tips like at the Dulbi we will look into them,
6 absolutely.

7

8 CHAIRMAN REAKOFF: Thanks, Kenton. One
9 last comment there, Mickey.

10

11 MR. STICKMAN: My last comment is about
12 the no-fly zone. When I was going through Galena on one
13 of my trips going back home there was a -- he must have
14 been a guide or a transporter, but he was hauling hunters
15 out of Galena from the Galena Airport with a Super Cub.
16 So I was just wondering, you know, where this guy was
17 going because I thought pretty much the whole area was a
18 no-fly zone and he was flying out three people. And I
19 told him, the guy, you know, this is pretty much a no-fly
20 zone area so I'm just wondering where you guys are going.

21

22 And my second question is how many
23 transporters was there in the Koyukuk Controlled Use
24 Area.

25

26 CHAIRMAN REAKOFF: Kenton.

27

28 MR. MOOS: Mr. Stickman. Through the
29 Chair. As far as the no-fly zone, I know Joe Schuster is
30 also permitted on the Selawik, he does still operate out
31 of Galena so he flies over the no-fly zone, he does not
32 land in it so he's not doing anything illegal, he flies
33 over to Selawik Refuge to -- for transporting as well as
34 guiding because he does have a permit with Selawik
35 National Wildlife Refuge. So again, you know, that's a
36 law enforcement issue that I have not heard of any
37 violations this past year. And I just -- also for
38 clarification just because it's a no-fly zone does not
39 prohibit the use of aircraft in the area. If somebody
40 goes in there to fish or to take other game it is legal
41 for them to fly for them to land in the no-fly zone, it
42 only pertains to moose hunting. So that -- I know that
43 has occurred, but as far as I've heard from law
44 enforcement that there was no violations that we know.
45 And again Joe Schuster does operate, but he does fly past
46 that area.

47

48 And I'm sorry, the second question was
49 the?

50

1 CHAIRMAN REAKOFF: Number of
2 transporters.

3
4 MR. MOOS: Oh, number of transporters.
5 Actually Joe Schuster is the only transporter on the
6 Koyukuk, and Kaiyuh Flats. He did very little
7 transporting this year. There are transporters via boat,
8 I know Charlie Green does, he's the only one that's
9 permitted, but -- with the Refuge. Now but there is a --
10 sort of a loophole that others can guide or can transport
11 with boat in that they can pull up to shore, the
12 transporter himself cannot get out and unload that boat,
13 but his clients can. So he pulls up, they unload their
14 own stuff, they load their own stuff, he cannot assist in
15 any way, but that means he only has to be registered with
16 the State and have the appropriate six pack or whatever's
17 required by the State for transporting. So but Charlie
18 Green is the only one who -- on the Koyukuk, he refuses
19 to transport on the Kaiyuh Flats because that's his
20 family's traditional hunting area.

21
22 CHAIRMAN REAKOFF: Okay. Thank you. And
23 we got one more last comment there. Eleanor.

24
25 MS. YATLIN: About the regulations on,
26 you know, these -- and I know the residents of Huslia saw
27 this because they went hunting down and -- in Dulbi and
28 through Three-Day Slough and then they -- all these three
29 boats that come in and they haul the little boat, a
30 rubber raft and another kicker on there, so I was
31 wondering about that, the regulations. Then you stated
32 there was three areas that Umphenour has and I know this
33 year they had guiding up above Huslia and one in that
34 Dulbi and Three-Day Slough so was -- you said the one
35 above Huslia was allowed or not allowed? And that was
36 the question.

37
38 MR. MOOS: Yeah. Eleanor. Through the
39 Chair. He had three camps, one was above Huslia, one was
40 up the Huslia River and one was below Huslia. Those were
41 his three camps, he has three guide areas as well that
42 are all within that area. So as far as the rubber rafts,
43 there is not regulation against that. Again it's -- you
44 know, you can water skip your snowmachine on navigable
45 water if you want to, I mean, I don't know why anybody
46 would, but it is a perfectly legal method and means and
47 there's no restrictions on that.

48
49 CHAIRMAN REAKOFF: We got to kind of cut
50 this short now, we're getting -- running out of time. Go

1 ahead. One more question there, Don.

2

3 MR. HONEA: Kenton, I'm going to make
4 this real quick and, you know, addressing the trash issue
5 and stuff left on the Nowitna itself or whatever refuge,
6 I've seen it this summer where they buried in, you know,
7 and it's kind of exposed and this is a prominent family
8 and I'm not going to mention names or anything, but I
9 wish there was a way that we can notify people that come
10 in to hey, if I have to haul out your trash I will. We
11 went up there looking for berries in July or something
12 and we seen this bag and boy, it just bugged me when I
13 saw it. And, you know, a couple trips up there and I'm
14 not going to go digging around there, it's already half
15 in the water, but, you know, it's becoming a problem and
16 I would just as soon haul it out.

17

18 Thank you.

19

20 MR. MOOS: Yeah, Mr. Honea. Through the
21 Chair. Yes, and I know in the past there have been a
22 number of camps that would bury their trash in an area
23 they felt was -- had no impact, but with the erosion now
24 the -- that trash is being exposed. Yes, we are aware of
25 that. When we see it we do attempt to clean it up. You
26 know, it's -- I -- again this is something -- some of
27 these things that were 15, 20 years ago which occurred
28 and now are showing up. So we definitely again encourage
29 people to whatever they bring in to take it out with
30 them.

31

32 CHAIRMAN REAKOFF: Thank you. I think
33 we've expanded -- we're running out of time and we're
34 going to -- may have to go into an evening part of our
35 meeting. We only have a day and a half when we normally
36 have two days to do this fall meeting and we're only --
37 we still have more proposals and more agency reports. So
38 I would -- how's -- does the Council want to take about
39 a five minute break and then we'll come back and get to
40 work on this last fishery proposal.

41

42 (Off record)

43

44 (On record)

45

46 CHAIRMAN REAKOFF: We're going to bring
47 this meeting back to order. So we're going to come back
48 to order, Don. Donald.

49

50 (Pause)

1 CHAIRMAN REAKOFF: So we did the
2 Koyukuk/Nowitna report. We want to go to the last
3 fisheries proposal, FP11-09. And go ahead, David.

4
5 MR. JENKINS: Mr. Chair. Council
6 Members. Proposal FP11-09 was submitted by the YK Delta
7 Subsistence Regional Advisory Council and it has three
8 main portions to it. It requests that the Federal
9 Subsistence Board limit the customary trade of chinook
10 salmon in the Yukon River Management Area, require
11 customary trade recordkeeping form and impose a
12 geographic constraint to the customary trade of chinook
13 salmon. It begins on Page 164 of your Council books if
14 you're shuffling through the pages.

15
16 So the geographic constraint means that
17 customary trade, including the delivery of fish to a to
18 a purchaser, should only occur in the Yukon River
19 Management Area.

20
21 The proponent states that limiting the
22 sale of chinook salmon under customary trade and
23 requiring the use of a customary trade recordkeeping form
24 would have three consequences. It would curtail abuses
25 of customary trade, it would provide an enforcement or
26 tracking mechanism to ensure that sales are limited to
27 fish that have been legally taken in Federally designated
28 waters and it would preclude sales of Yukon chinook
29 salmon outside of the Yukon River Management Area. Now
30 note that the proposal seeks to limit customary trade
31 under 20 -- paragraph 27(c)(12) which refers to customary
32 trade between rural residents and others. It does not
33 target rural to rural customary trades governed under a
34 different paragraph, 27(c)(11). Nevertheless the
35 proponent is also concerned with rural to rural customary
36 trades. As submitted then the current proposal does not
37 target all of the relevant regulations.

38
39 As I noted earlier the Federal
40 Subsistence Board reviewed and adopted two regional
41 proposals defining the upper limits of customary trade,
42 one for the Bristol Bay Fishery Management Area and the
43 other for the upper Copper River District. Both of these
44 proposals resulted in a customary trade recordkeeping
45 form which you can see on Page 171 of your Council books,
46 Appendix A.

47
48 Now use of this recordkeeping form
49 appears to be limited. Michele Ravenmoon at the Lake
50 Clark National Park and Preserve reports that no

1 customary trade reporting forms have been distributed for
2 the Bristol Bay Fishery Management Areas since the
3 February, 2004 regulation was published. I've recently
4 been informed by Jerry Berg that at the beginning of this
5 recordkeeping form he recalls that there were a handful
6 of such recordkeeping forms that were distributed in that
7 first year, but since then it appears that there have
8 been none. For the Upper Copper River District in any
9 one year since the March, 2005 regulation was published,
10 fewer than six customary trade reporting forms have been
11 distributed each year. So again the use of this form
12 appears to be quite limited in these two regions that
13 have imposed it.

14
15 Now as for the geographic constraint on
16 customary trade, limiting customary trade to the confines
17 of the Yukon River Management Area, that would
18 effectively curtail such trades in urban centers such as
19 Anchorage and would apply to both selling and purchasing
20 of subsistence caught chinook salmon. These -- this sort
21 of a geographic constraint was not anticipated in ANILCA
22 and hasn't been implemented in other regions, but ANILCA
23 does not appear to preclude the imposition of a
24 geographic constraint to customary trade.

25
26 Now what would the proposal do if it was
27 adopted. It would limit customary trade of unprocessed
28 subsistence caught chinook salmon to no more than 200
29 pounds per household per calendar year. You can see the
30 limits on Page 166 of your Council books. In addition to
31 that there would be an unspecified number of pounds of
32 filets, an unspecified number of pounds of strips and an
33 unspecified number of ounce jars of subsistence taken
34 chinook salmon per household.

35
36 OSM's preliminary conclusion is to oppose
37 Proposal FP11-09. The opposition -- why oppose. The
38 target of the proposal like the other two customary trade
39 proposals appears not to be legitimate customary trade,
40 but sales that rise to the level of significant
41 commercial enterprises. Such sales as I've noted are
42 already prohibited, but the central problem is
43 understanding or defining where customary trades leave
44 off and significant commercial enterprises begin.

45
46 Now the portion of the proposal that
47 would allow the sale of salmon processed using customary
48 and traditional methods falls outside of the scope of the
49 Federal Subsistence Program. Food health issues,
50 including fish processing are controlled by the State of

1 Alaska and the customary trade regulations may not exempt
2 anyone from complying with State health regulations for
3 processing foods for customary trade.

4

5 Now the portion of the proposal that
6 refer to selling or reselling fish obtained in customary
7 trade and to selling subsistence caught fish to fisheries
8 businesses replicate current regulations that prohibit
9 such actions and are unnecessary. They're already
10 addressed in Federal subsistence regulation.

11

12 Now the proposal also seeks a reporting
13 requirement and the reporting requirement in other
14 regions have been of limited use.

15

16 Let me mention once more that customary
17 trade is included in the definition of subsistence and if
18 limitations based on conservation concerns are necessary
19 it may be appropriate to conduct an 804 analysis which
20 requires the Board to select among subsistence users and
21 not uses based on the premise that all subsistence use is
22 equally qualified for the subsistence preference and that
23 all subsistence uses are interrelated and it's difficult
24 just to abstract one out from all the interrelated
25 subsistence uses.

26

27 That's the end of my presentation. Thank
28 you.

29

30 CHAIRMAN REAKOFF: Thank you, David.
31 Questions, comments from the Council Go ahead, Tim.

32

33 MR. GERVAIS: Does the Yukon management
34 area include the Koyukuk River?

35

36 MR. JENKINS: Through the Chair. Yes, it
37 does.

38

39 CHAIRMAN REAKOFF: Other questions on the
40 presentation.

41

42 (No comments)

43

44 CHAIRMAN REAKOFF: Thank you. We'll have
45 Alaska Department of Fish and Game comments.

46

47 MR. PAPPAS: Thank you, Mr. Chair.
48 George Pappas, Department of Fish and Game. You can find
49 my personal opinion on Page 172 and on Page 173 you can
50 find the beginning of our comments.

1 (Laughter)

2

3 MR. PAPPAS: This proposal is modeled
4 directly after the State regulations pertaining to
5 customary trade and fin fish for Norton Sound which is 5
6 AAC 01.188, State reg -- and I can read those to you
7 later on if you want to, but the analysis covers it very
8 well.

9

10 State regulations generally prohibit the
11 sale of subsistence harvested fish while Federal
12 regulations allow for cash sales.

13

14 If this proposal is adopted Federal
15 subsistence users would be required to obtain a Federal
16 customary trade recordkeeping form and keep accurate
17 records of chinook salmon sold, including the date of
18 sale, buyer's name, address, amount of chinook salmon
19 sold, specific location where chinook salmon are
20 harvested, dollar amount of each sale, types of process
21 used and other information the Federal agency requires
22 for management or enforcement purposes. Federal
23 subsistence fishermen will be required to return the
24 customary trade recordkeeping form as prescribed on the
25 form as well as display the form to Federal agency or law
26 enforcement officials upon request. It would restrict
27 the Federal subsistence fisherman's customary trade
28 activity to 200 pounds of unprocessed whole or amounts in
29 pounds to be determined of chinook salmon filets, strips
30 or amounts to be determined in jars of subsistence
31 harvested chinook salmon per household in a calendar
32 year.

33

34 Additionally this proposal would clarify
35 that a person who receives subsistence harvested chinook
36 salmon in exchange for cash in a customary trade is not
37 allowed to resell the fish and that person is not allowed
38 to sell the subsistence harvested fish to a fisheries
39 business.

40

41 Finally if adopted it would limit the
42 sale of -- purchase of chinook salmon under customary
43 trade relations including delivery of fish to a purchaser
44 is only to occur with the Yukon Management Area.

45

46 This proposal may reduce subsistence
47 harvest of chinook salmon intended for cash sale of whole
48 unprocessed and processed chinook salmon. It is not
49 possible however to accurately predict how this proposal
50 will affect changes in subsistence harvest patterns

1 because Federal and State agencies lack the information
2 and data regarding existing levels of harvest and actual
3 sales of subsistence harvested chinook salmon. However
4 this proposal would result in the monitoring of the
5 customary trade of subsistence harvested chinook salmon
6 in the Yukon area such that the actual effects of
7 customary trade can be measured.

8
9 Adoption of limitations on cash sale of
10 subsistence harvested salmon that defines significant
11 commercial enterprise, specify weight or number limits,
12 clarify where subsistence harvested fish may be sold
13 under Federal regulations and establish reporting
14 requirements for cash sales of subsistence harvested
15 salmon would remove the risk of citation for subsistence
16 fishermen in the Yukon River drainage.

17
18 Adoption of this proposal may provide
19 enforceable customary trade regulations including limits
20 and reporting requirements.

21
22 Adoption of enforceable Federal customary
23 trade regulations that specify limits on cash sales and
24 establish reporting requirements is needed because
25 violations of existing State and Federal customary trade
26 and fish processing regulations is an enforcement problem
27 that has significant implications for subsistence users
28 and the public.

29
30 This issue once again should be addressed
31 by a meeting of all three RACs and the Department
32 supports this proposal.

33
34 Thank you, Mr. Chair.

35
36 *****
37 STATE OFFICIAL WRITTEN COMMENTS
38 *****

39
40 Alaska Department of Fish and Game
41 Comments to the Regional Advisory Council

42
43 Fisheries Proposal FP11-09:

44
45 Establish reporting requirements and
46 limits for customary trade of chinook salmon harvested in
47 Yukon River federal subsistence fisheries.

48
49 Introduction:
50

1 The Yukon-Kuskokwim Delta Regional
2 Advisory Council proposal requests establishment of
3 reporting requirements and limits for customary trade# of
4 chinook salmon harvested in federal subsistence fisheries
5 in the Yukon River Management Area. The proposal
6 requests that a federal customary trade record be
7 established with defined report requirements,
8 presentation to federal agency staff upon request, sales
9 limitations, prohibits resale of fish sold, prohibits
10 sale of fish to a fishery business, and restricts sales
11 and delivery of fish only within the Yukon River
12 Fisheries Management Area. This proposal is modeled
13 directly after state regulations pertaining to customary
14 trade in finfish in Norton Sound (5 AAC 01.188). State
15 regulations generally prohibit sale of subsistence
16 harvested fish# while federal regulations allow cash
17 sales. Furthermore, under current state regulations at
18 18 AAC 34.005, all fish processed for commerce must be
19 processed at a facility approved by Alaska Department of
20 Environmental Conservation.#

21
22 Sale of subsistence harvested fish,
23 processed and whole, is occurring in urban and rural
24 communities in Alaska contrary to existing state and
25 federal regulations. Discrepancies in state and federal
26 regulations and state requirements regarding processing
27 of fish to protect public health and safety may leave
28 some people vulnerable to citation under state and
29 federal regulations. This is a significant issue for
30 state resource managers, law enforcement agencies, and
31 federal agencies that provide a subsistence priority on
32 federal lands and those waters where a federal
33 subsistence jurisdiction is claimed. FP11-05, FP11-08,
34 and FP11-09 provide an opportunity for the Federal
35 Subsistence Board to adopt enforceable customary trade
36 regulations for the Yukon region that are based on the
37 history and patterns of this use.

38
39 Impact on Subsistence Users:

40
41 If this proposal is adopted, federal
42 subsistence users would be required to obtain a federal
43 customary trade record-keeping form and keep accurate
44 records of chinook salmon sold, including the date of
45 each sale, buyers name and address, amount of #chinook
46 salmon sold, specific location where the chinook salmon
47 were harvested, dollar amount of each sale, type of
48 processing used, and any other information the federal
49 agency requires for management or enforcement purposes.
50 Federal subsistence fishermen will be required to return

1 the customary trade record keeping form as prescribed on
2 the form, as well as display the form upon request by a
3 federal agency or law enforcement official. It would
4 restrict federal subsistence fishermen's customary trade
5 activities to 200 pounds of unprocessed, whole, or an
6 amount in pounds to be determined of chinook salmon
7 fillets, strips, or an amount to be determined in jars of
8 subsistence-harvested chinook salmon per household in a
9 calendar year. Additionally, this proposal would clarify
10 that a person who receives subsistence-harvested chinook
11 salmon in exchange for cash in a customary trade is not
12 allowed to resell the fish and that a person is not
13 allowed to sell subsistence-harvested fish to a fishery
14 business. Finally, if adopted, it would limit the sale
15 or purchase of chinook salmon under customary trade
16 regulations, including delivery of fish to a purchaser,
17 to only occur within the Yukon River Fisheries Management
18 Area.

19
20 This proposal may reduce subsistence
21 harvest of chinook salmon intended for cash sale of whole
22 (unprocessed) and processed chinook salmon. It is not
23 possible, however, to accurately predict how this
24 proposal will affect changes in subsistence harvest
25 patterns because federal and state agencies lack
26 information and data regarding existing levels of harvest
27 and actual sales of subsistence-harvested chinook salmon.
28 However, the proposal would result in monitoring the
29 customary trade of subsistence-harvested chinook salmon
30 in the Yukon River area such that the actual effects of
31 customary trade can begin to be measured.

32
33 Because state and federal regulations
34 differ, subsistence fishermen are vulnerable to
35 prosecution when selling subsistence harvested salmon on
36 lands and waters outside of boundaries where federal
37 jurisdiction is claimed. Adoption of limitations on cash
38 sale of subsistence harvested salmon that define
39 significant commercial enterprise, specify fish weight or
40 number limits, clarify where subsistence harvested fish
41 may be sold under federal regulations, and establish
42 reporting requirements for cash sales of subsistence
43 harvested salmon would remove the risk of citation for
44 subsistence fishermen in the Yukon River drainage.

45
46 Opportunity Provided by State:
47

48 The department supports subsistence
49 harvest and uses of salmon consistent with existing state
50 laws and regulations, including customary trade of this

1 resource. However, 5 AAC 01.010 prohibits sale of
2 subsistence harvested fish, their parts, or their eggs
3 unless otherwise specified in state regulation.
4 Currently, there are only two exceptions listed in
5 Chapter 5 of state regulations: Norton Sound-Port
6 Clarence Area for salmon and Sitka Sound herring roe on
7 kelp in Southeast Alaska#.

8

9

Conservation Issues:

10

11

12 The Yukon River chinook salmon stock is
13 currently classified as a stock of yield concern. Since
14 2001, subsistence fishing time in the Yukon Area has been
15 limited by a windows schedule, which was further
16 restricted in 2008 and 2009 because of conservation
17 concerns for chinook salmon. Subsistence harvest levels
18 for chinook salmon have fallen within the amounts
19 reasonably necessary for subsistence (ANS) ranges since
20 2001, except for 2002, 2008, and 2009. A majority of the
21 Yukon River drainage escapement goals have been met or
22 exceeded since 2000, including the Chena and Salcha
23 rivers, which are the largest producers of chinook salmon
24 in the United States portion of the drainage. The
25 escapement objective for the Canadian mainstem was met
26 every year from 2001 through 2006, with 2001, 2003, and
27 2005 being the three highest spawning escapement
28 estimates on record. The escapement objective for the
29 Canadian mainstem was not met in 2007 and 2008.
30 Exploitation rate on the Canadian-origin stock by Alaskan
31 fishermen declined from an average of about 55% (1989
32 1998) to an average of about 44% from 2004 through 2008
33 (Howard et al. 2009). Although subsistence harvest
34 continues to remain stable at nearly 50,000 chinook
35 salmon annually, commercial harvests have decreased over
36 60%, from an average of 100,000 annually (1989 1998) to
37 the recent five-year average (2005 2009) of nearly 23,000
38 fish. Considering all salmon species together, the
39 overall total subsistence salmon harvest in the Yukon
40 Area has declined by approximately 30% since 1990 (Fall
41 et al. 2009:39). Specifically, fall chum salmon harvests
42 have fallen within ANS ranges only three times since 2001
43 (Fall et al. 2009:43).

43

44

Jurisdiction Issues:

45

46

47 While standing on state and private lands
48 (including state-owned submerged lands and shorelands),
49 persons must comply with state laws and regulations and
50 cannot sell subsistence harvested fish with two
51 exceptions as specified above. Federal subsistence

1 regulations, particularly customary trade regulations,
2 pertain only to fishing on and use of fish caught on
3 federal public lands and those waters where federal
4 subsistence jurisdiction is claimed. Sale of subsistence
5 fish harvested from all lands and waters (federal, state,
6 or private) is limited by state regulations except to the
7 extent superseded by federal law on federal lands. The
8 State of Alaska maintains jurisdiction of food safety and
9 food processing regulations regardless of location of
10 harvest.

11

12 Other Issues:

13

14 Adoption of this proposal may provide
15 enforceable customary trade regulations, including limits
16 and reporting requirements. Adoption of enforceable
17 federal customary trade regulations that specify limits
18 on cash sales and establish reporting requirements is
19 needed because violation of existing state and federal
20 customary trade and fish processing regulations is an
21 enforcement problem that has significant implications for
22 subsistence users and the public. More education on
23 state and federal regulations and an enforceable
24 definition of significant commercial enterprise are
25 needed. This issue should be addressed during a joint
26 meeting of the Regional Councils within the Yukon
27 drainage because this issue potentially affects
28 subsistence users in the entire Yukon River drainage.

29

30 Recommendation:

31

32 Support.

33

34 Cited References:

35

36 Fall, J.A., C. Brown, M.F. Turek, N.
37 Braem, J.J. Simon, W.E. Simeon, D.L. Holen, L. Naves, L.
38 Hutchinson-Scarborough, T. Lemons, V. Ciccone, T.M. Krieg,
39 and D. Koster. 2009. Alaska subsistence salmon
40 fisheries 2007 annual report. Alaska Department of Fish
41 and Game Division of Subsistence, Technical Paper No.
42 346, Anchorage.

43

44 Howard K.G., S.J. Hayes, and D.F.
45 Evenson. 2009. Yukon River chinook salmon stock status
46 and action plan 2010; a report to the Alaska Board of
47 Fisheries. Alaska Department of Fish and Game, Special
48 Publication No. 09-26, Anchorage.

49

50 CHAIRMAN REAKOFF: Thanks, George. Any

1 questions on the State's position. Mickey.

2

3 MR. STICKMAN: So you were saying the
4 State supports this proposal?

5

6 MR. PAPPAS: Through the Chair. Mr.
7 Stickman. The State supports adoption of enforceable
8 regulations that include -- something that's enforceable
9 and includes limits and reporting requirements. So the
10 State does support further defining this.

11

12 Thank you, Mr. Chair.

13

14 MR. STICKMAN: So the State is ready to
15 enforce the regulation if it's adopted?

16

17 UNIDENTIFIED VOICE: No.

18

19 (Laughter)

20

21 MR. PAPPAS: I can't speak for the actual
22 -- Alaska State Troopers or the Federal enforcement
23 officers, but with the definition, with the permitting
24 system, with the defined limits, the regulations would
25 become enforceable. And I believe that is part of the
26 goal, enforcement branches that have enforceable
27 regulations.

28

29 Thank you, Mr. Chair.

30

31 CHAIRMAN REAKOFF: I'm -- my -- I will
32 register surprise since it lays out jarred fish and
33 processed fish in support of traditional preservation
34 methods. Is -- did the State contemplate that part of
35 the proposal since previously the State opposed customary
36 and traditional processing methods that did not meet the
37 regulations for food processing?

38

39 MR. PAPPAS: Clarify your question,
40 please.

41

42 CHAIRMAN REAKOFF: You're supporting the
43 proposal without exemption of these, there's limits for
44 processed -- customary and traditionally processed salmon
45 strips in jars and so forth and is the Department or the
46 State fully supporting the proposal, even those aspects?

47

48 MR. PAPPAS: Mr. Chair. The State would
49 support such if they were processed in a DEC approved
50 facility, the minimum requirements that are stated in the

1 other proposals. And I am not aware of currently DEC
2 approved processing facilities that aren't commercial
3 entities.

4

5 CHAIRMAN REAKOFF: Right. I see. Okay.
6 Thanks for the clarification. David.

7

8 MR. JENKINS: Mr. Chair. If you notice
9 on Page 173 the State references a certain statute,
10 Chapter 18, and it notes in (b)(1) that it applies to
11 persons who process seafood products to be sold as part
12 of commerce. Of course, the issue is whether customary
13 trade is part of commerce. The majority of studies that
14 I'm familiar with indicate that it is not, that it is
15 part of a non-commercial set of exchanges that customary
16 trades flow through non-commercial networks of exchange.
17 So it seems to me that it's probably an open question
18 whether or not this particular statute indeed applies to
19 those kinds of customary trades.

20

21 Thank you.

22

23 CHAIRMAN REAKOFF: Thank you for that
24 clarification. I -- it would also be my position on
25 customary trade that customary and traditional
26 preservation methods are part of customary trade and
27 should be recognized as such, as fit for human
28 consumption and have been taking place for no telling how
29 long, for a millennia and so I would assert that
30 customary trade regulations should entail recognition
31 that customary and traditional preservation methods are
32 part of customary trade.

33

34 David.

35

36 MR. JENKINS: To the Chair. To this
37 point the State also has 21 exemptions to this particular
38 chapter mostly concerned with agricultural products. But
39 there are -- which may be -- or that is to say salmon
40 strips may be analogous to these, but it's not been as
41 far as I know tested in any legal fashion.

42

43 Thank you.

44

45 CHAIRMAN REAKOFF: Thank you. I would --
46 that's to be considered. Thank you.

47

48 Eleanor.

49

50 MS. YATLIN: If I'm understanding

1 correctly -- well, my -- I guess I'm thinking customary
2 trade like we move to fish camp and before we do we're
3 not supposed to, you know, say well, we'll get this much
4 fish, but Alice Androse, she say if you do luck out and
5 get fish I'll put gas down at the gas -- I'll put money
6 down at the gas station for you which is 5.50 per gallon
7 because, you know, we need gas to go -- stay down at the
8 camp. So I'm just confused about this recordkeeping
9 because so now she -- we got to have this form if it
10 becomes, you know, and then she would have to fill it out
11 and Al would have to fill it out for 10 gallons of gas,
12 it's \$55. And then she say well, if you luck out and get
13 king salmon or sheefish or whatever, that this is what I
14 want. And we do supply her because she is 80 years old
15 and -- or 70 something and then so we have to do all this
16 recordkeeping and this is just one person because we're
17 the only ones stay in camp down there in Huslia. And
18 they do this, they give us gas for -- because we can't
19 afford all the gas. And so we have all this
20 recordkeeping and then what would it do to their fixed
21 income, you know, that's -- it's just a lot of.....

22
23 CHAIRMAN REAKOFF: Well, that would be
24 barter, wouldn't it, trading gas.

25
26 MS. YATLIN: Barter.

27
28 CHAIRMAN REAKOFF: That's barter.
29 Trading things for fish, flour, sugar, coffee, gas,
30 that's barter.

31
32 MS. YATLIN: Well, gas is money, I mean,
33 that's money.

34
35 CHAIRMAN REAKOFF: Well, you got to buy
36 -- you got to buy the flour and sugar and the coffee too.
37 So it's -- you buy the -- you can buy the product, but
38 it's something to trade.

39
40 MS. YATLIN: And what about pound for --
41 it's -- like if I get a pound of strips from Robert and
42 I give him a pound of dry meat, that's barter?

43
44 CHAIRMAN REAKOFF: That's barter.

45
46 MS. YATLIN: Okay.

47
48 CHAIRMAN REAKOFF: And that doesn't fall
49 under -- we're strictly talking about cash for the -- for
50 fish or fish products.

1 UNIDENTIFIED VOICE: Like if I went
2 through and I gave you \$20 for your gun.
3
4 MS. YATLIN: Well, that's what Al's Aunt
5 Rose is doing, she's giving us money for -- oh.
6
7 (Laughter)
8
9 MS. YATLIN: I'm just all mixed up, I
10 can't see all this paperwork.
11
12 MS. PELKOLA: Mr. Chair. I have.....
13
14 CHAIRMAN REAKOFF: Go ahead, Jenny.
15
16 MS. PELKOLA: I don't know, I'm looking
17 at this form on 171 and if this is a subsistence
18 recordkeeping what is the permit number there -- doing
19 there?
20
21 CHAIRMAN REAKOFF: This is a Bristol Bay
22 form and down in Bristol Bay they have permits, people
23 get State permits and they have permit numbers. And this
24 -- down there there's -- they recognize those State
25 permit numbers. Under federal regulations you don't need
26 permits, but there's some areas where they do need -- use
27 permits, I get one of those down there.
28
29 Go ahead.
30
31 MR. PAPPAS: I'd like to make two points.
32 The other day I was in Hoonah talking to this Southeast
33 RAC Chair and I asked him this question, why don't you
34 have this proposal in your area. So we don't do that
35 much, we trade food for food, some people trade food for
36 gas and some other things, but trading food for cash is
37 just not something a lot of folks do in that part of the
38 world. They don't have the premium, the Yukon kings to
39 deal with, they have a lot of other food sources, but
40 some folks rate the Yukon king as the best meat in
41 Alaska.
42
43 So the second point on this issue with
44 the -- some of our comments changed recently. If this
45 permit was required for rural to rural, rural to non-
46 rural, what have you, the primary concern on the
47 Department's part is not the dollar amount, is not how
48 many cans, we're looking at the biological information of
49 what's being pulled out of the resource. And this type
50 of permit has the number of fish harvested, you know, how

1 many kings, you know, did not make it to the spawning
2 grounds, how can it be incorporated into the management.
3 The bottom line is the biology behind it and what we can
4 do -- what we can use is, you know, pounds or fish or
5 number of fish because you can get an average pounds of
6 -- average weight per fish and apply it. So that's our
7 primary interest is tracking what is not making it to the
8 spawning grounds, what was harvested, how do we got to
9 manage differently to accomplish those escapement goals.
10 It's -- the dollar amount is a tangible limit that can be
11 used and is enforceable. Now numbers of jars, numbers of
12 what have you there, included in this proposal, there'd
13 have to be some kind of conversion factor for that and
14 how you do that, it comes down to how big the fish are,
15 how dry your fish are going to be, who cuts little
16 strips, who leaves more on the backbone, you know, bottom
17 line is we're looking for numbers of fish.

18

19 Thank you, Mr. Chair.

20

21 CHAIRMAN REAKOFF: I feel that those
22 numbers of harvest are accommodated in the household
23 subsistence surveys and so those are not actually real
24 valid biological concerns in that these fish -- I think
25 one of the main concerns is that seems to be bothering
26 everybody is the significant commercial enterprise of
27 going out of region, that seems to rub people the wrong
28 way. And that's kind of the crux of all this -- these
29 proposals. The biological information is gathered
30 through the household surveys.

31

32 Any final comments to the state.

33

34 (No comments)

35

36 CHAIRMAN REAKOFF: We need to move this
37 proposal along. Thanks, George.

38

39 There's no Federal or Tribal or
40 InterAgency comments, there's no Advisory Committee
41 comments. Neighboring Regional Council decision.
42 Donald.

43

44 MR. MIKE: Mr. Chair. The Yukon
45 Kuskokwim Advisory Council took action of FP11-09 in
46 support with modification to delete all proposed language
47 under (iii) and replace with the following. Yukon River
48 Fisheries Management Area, the total cash value per
49 household in customary trade between rural residents and
50 individuals other than rural residents may not exceed

1 \$750 annually. And immediately be recorded on a
2 customary trade recordkeeping form.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN REAKOFF: Thanks, Donald.

7 Written comments.

8

9 MR. MIKE: Mr. Chairman. The written
10 public comments are on Pages 176 and 177 and there were
11 a total of six written public comments received, one in
12 support and five in opposition.

13

14 Supporting the proposal are Don and Jan
15 Woodruff of Eagle.

16

17 In opposition are Alyson Esmailka of
18 Galena.

19

20 James Kelly.

21

22 James Roberts, Tanana Tribal Council.

23

24 First Chief Pat McCarty, Second Chief Don
25 Honea, Jr. and Traditional Chief Willy McCarty, Jr., Ruby
26 Tribal Council and eight residents of Ruby, a letter
27 signed by 37 residents of Galena.

28

29 Mr. Chair. That concludes all of the
30 written public comments and these are a part of the
31 administrative record.

32

33 Thank you.

34

35 CHAIRMAN REAKOFF: Thank you. And you
36 have one comment there, George.

37

38 MR. PAPPAS: A real short comment I made
39 -- I mentioned earlier. The YKD RAC made a conscious
40 decision to only address permitting and reporting for
41 rural to non -- others, rural to others and Greg Roczicka
42 was asked why, why didn't you ask for both rural groups.
43 Well, that's just too much, you know, let's try this on,
44 everybody think about it, set a realistic limit and, I
45 guess the -- yeah, the limits that they recommended are
46 higher than the rest of the State established ones so
47 far. But they said they just don't want to have
48 something so big and complicated that people will choke
49 on it right off the bat. So that's what he mentioned
50 earlier about being a strawdog, it's on the table for

1 discussion.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN REAKOFF: Thanks for that
6 clarification. Tim.

7

8 MR. GERVAIS: George, can I get some
9 clarification. You're saying that this Proposal 09 is --
10 only has reporting for rural to urban, is that -- and
11 there's no reporting requirement for rural to rural?

12

13 CHAIRMAN REAKOFF: Can you answer that
14 question, Larry.

15

16 MR. PAPPAS: Go ahead.

17

18 MR. BUKLIS: Mr. Chair. If I understood
19 the question correctly the action on FP11-08 dealt with
20 rural to rural and the YK Council recommended
21 modification to set a limit of \$750 for rural to rural.
22 Proposal 09 deals with rural to others and they set a
23 \$750 limit and a reporting requirement for those
24 exchanges, for the rural to other exchanges. Because
25 FP11-08 deals with that Section 11 clause which is rural
26 to rural exchanges. And FP11-09 deals with Section 12
27 clause which deals with rural to others.

28

29 CHAIRMAN REAKOFF: Tim.

30

31 MR. GERVAIS: I'm sorry, I'm just -- in
32 the executive summary I'm just not seeing where it's
33 talking about the rural to other part, where.....

34

35 MR. BUKLIS: Mr. Chairman. Everything
36 about Proposal FP11-09 as submitted is in that clause of
37 the customary trade regulations which is (c)(12) which is
38 transactions between a rural resident and others. So
39 everything about 09 is rural to others. Everything about
40 08 is rural to rural. That's how they were submitted.

41

42 MR. GERVAIS: Thank you.

43

44 CHAIRMAN REAKOFF: Okay. I don't
45 actually see it in the bold print, I see it at the top
46 here.

47

48 MR. BUKLIS: Mr. Chairman. It's not in
49 bold print because that header defines the section of the
50 regs and they're.....

1 CHAIRMAN REAKOFF: Oh, I see. Okay.
2
3 MR. BUKLIS:not proposing to change
4 that.
5
6 CHAIRMAN REAKOFF: Right. Right. Oh, I
7 see now.
8
9 MR. BUKLIS: The bold is the new stuff.
10
11 CHAIRMAN REAKOFF: I see where we're at.
12 Thank you. So that being clarified, that gets a little
13 more towards the issue rural to non-rural. But setting
14 dollar limits, I feel that that's still a place for the
15 discussion of a working group and I still feel
16 uncomfortable with this proposal at this point.
17
18 Gene, you got comments.
19
20 MR. SANDONE: Mr. Chair. My name is Gene
21 Sandone, I represent Kwik'pak Fisheries. And I'm a
22 little bit confused on what the YK Delta RAC did. I was
23 under the understanding that -- and maybe I didn't hear
24 it right, but they modified 08 to address rural to rural
25 and they limited dollar amounts to \$750. That's what I
26 understood. And I support that, we support that limit
27 and I didn't address it on F-08. I would like you to
28 consider 11-09, that proposal modified by the Yukon Delta
29 RAC which limited rural to others to \$750 and included
30 the reporting requirement. And this is -- I believe they
31 took the Bristol Bay regulation and just submitted the
32 dollar amounts to the Bristol Bay regulation and we
33 support that also. And I ask you as a Council if you
34 can't support the dollar amounts or are not comfortable
35 with the dollar amounts you put it on the record that you
36 wish the Federal Subsistence Board to -- you support the
37 spirit of this proposal and that somehow we need to limit
38 customary trade, rural to rural and rural to others, in
39 order to give enforcement the necessary tools they need
40 to enforce abuses.
41
42 CHAIRMAN REAKOFF: Well, I'm not in favor
43 of the same kind of limitations rural to rural because I
44 feel that that's part of customary trade and
45 dissemination of the fish within regions so that all
46 regional members are -- have customary and traditional
47 use of the resource. So I'm not -- I'm more concerned
48 with customary trade going to rural outside of the
49 region, out to non-rural people, that's where my concern
50 and a significant economic incentive, commercial

1 enterprise. I'm more concerned with that than I am with
2 the fish being disseminated throughout the region. And
3 I wanted to state that on the record.

4
5 I'm uncomfortable with dollar amounts
6 because dollars economies change and price of fuel is
7 increasing and things change and so \$750 this year might
8 be -- sound like a lot of money, but in 10 years that
9 might be nothing. And so maybe dollars is worth 10
10 percent of that. So setting specific dollar amounts can
11 have some real flaws and I think that that needs to be
12 worked out with the -- with a planning group.

13
14 Go ahead, Robert.

15
16 MR. R. WALKER: Thank you, Mr. Chair. I
17 -- I'm not going to vote for this -- in favor of this
18 because one of the things that I mentioned earlier with
19 Gene is that, you know, we'd like to start our own
20 working group -- maybe we can take some of this stuff
21 here and -- to build with it, but not just say we'll
22 adopt this, but we'll -- 750, that's farfetched from my
23 mind. My mind is thinking with the rest of the Board
24 here, we're going to -- we want something that's going to
25 last 10 years before it's modified, at least 10 years.
26 We want something where the law enforcement is going to
27 say it's black and white, you're caught, I got you, you
28 have to get an attorney. I don't want to have an
29 attorney who says well, yeah or the arresting officer or
30 whoever, say okay, yeah, you only got not enough fish to
31 sale, you're just walking around, you know, it's fine.
32 But I want something here that's more concrete, more
33 direct and have it for the whole river. Bristol Bay can
34 have theirs, I mean that's fine, they're out of our
35 district, they're out of our river. Eastern Interior can
36 -- you know, I know they got a lot of heehaws too because
37 listen to them, a lot of them are pretty outspoken
38 people, but, you know, if you get them at the table I
39 think you could sit down and compromise with them. And
40 that's what I want to do. So I want our Board to oppose
41 this, we'll move on and try to set up our working groups
42 within I'd say less than six months, start on it, get
43 moving on this. We got the staff, we got analysis,
44 anthropologists here, we got just about everybody. Look
45 at this BLM guy over here, he's -- he'll be there, you
46 know, I mean.....

47
48 (Laughter)

49
50 MR. R. WALKER:he'll be there.

1 UNIDENTIFIED VOICE: But I'm in the sea
2 of other Federal people.

3
4 (Laughter)

5
6 MR. R. WALKER: Yeah, that's all I need,
7 just keep track of the moose. But yeah, I mean, I
8 recommend we oppose this and I'd say we move on, Jack, I
9 mean, we're killing it right now.

10
11 CHAIRMAN REAKOFF: Okay. Thanks, Robert.
12 Ray's got one comment.

13
14 MR. COLLINS: Yeah, Mr. Chairman. I do
15 recognize the efforts of the Western RAC, that they are
16 attempting to get at the problem. We haven't submitted
17 any proposals ourselves, I think, to try to define this.
18 So I'd like to recognize the work that they did and
19 recommend that a group is formed involving all three RACs
20 on the river to work on consensus for an enforceable and
21 useful because I think with the problems you're having
22 with the Yukon River kings we need to recognize that
23 somehow we got to get accurate figures on the actual
24 harvest and use and figure out how any burdens is
25 distributed up and down the river. You mentioned the
26 household surveys now, but I'm -- that's not required in
27 regulations anywhere, it's just an attempt to get at
28 that. And I don't know if we've got actual figures. You
29 know, people putting the customary trade issues down, or
30 are they only putting down what they're using. We don't
31 even know if those customary trades are in our
32 subsistence harvest figures. If they were then we could
33 say yeah, it's staying the same at 50,000 fish, but I
34 don't know if anybody could say that for sure that you're
35 -- that the subsistence harvest on the Yukon is not
36 changing because we don't have any way of getting at the
37 figures. So I think part of that discussion in the group
38 would be how do we get at the accurate figures of -- this
39 is a component that's going into customary trade or the
40 total subsistence harvest numbers.

41
42 CHAIRMAN REAKOFF: That's an interesting
43 question, but it was my impression that when they do the
44 household surveys people are reporting what they actually
45 take and they're not really fudging the figures that
46 much.

47
48 MR. COLLINS: Well, but it isn't done --
49 it isn't done up and down the river, is it, it's
50 done.....

1 CHAIRMAN REAKOFF: They do those
2 household surveys extensively. The Subsistence
3 Division's going to come to the mic.

4
5 MR. COLLINS: Yeah.

6
7 MR. WILSON: Hi, Seth Wilson, Subsistence
8 Division, Alaska Department of Fish and Game. And a
9 previous position of mine was doing the post-season
10 salmon harvest surveys on the Yukon and part of my job in
11 conducting those surveys was, you know, to get accurate
12 data. And it was my impression that those folks that did
13 engage in customary trade did include those numbers as
14 part of their household subsistence catch.

15
16 MR. GERVAIS: Did or didn't?

17
18 MR. WILSON: Did. Does that answer the
19 question?

20
21 CHAIRMAN REAKOFF: That does answer the
22 question. That was my impression. Would you -- that
23 would be your impression?

24
25 (No comment)

26
27 CHAIRMAN REAKOFF: I felt that those
28 numbers are reflecting accurate harvests of the Yukon
29 River salmon.

30
31 You had one more comment there, Don.

32
33 MR. HONEA: Yeah. I -- you know, just to
34 -- I am opposed to this because I think it just -- it's
35 going to complicate a system of recordkeeping and it's
36 going just to deform itself, it's going to discourage
37 realistically anyone who wants to do this or has to do
38 it.

39
40 CHAIRMAN REAKOFF: I appreciate your
41 comment there, Seth, and it really answered an important
42 question.

43
44 At this point we're coming up on the vote
45 on the proposal. I personally do not -- will not support
46 the proposal because I don't -- I think it still has
47 flaws that need to be worked out with a working group.

48
49 And so the Chair will entertain a motion
50 to adopt FP11-09.

1 MR. STICKMAN: So moved, Mr. Chair.
2
3 MR. MORGAN: Second.
4
5 CHAIRMAN REAKOFF: Moved and seconded by
6 Mickey and seconded by Carl. Any further discussion.
7
8 Those in favor of the Proposal FP11-09,
9 signify by saying aye.
10
11 MR. GERVAIS: Aye.
12
13 CHAIRMAN REAKOFF: One aye. I register
14 Tim as that aye.
15
16 Those opposed, same sign.
17
18 IN UNISON: Aye.
19
20 CHAIRMAN REAKOFF: And so eight for and
21 one opposed.
22
23 You want to justify your position, Tim.
24
25 MR. GERVAIS: My justification is that
26 I'd really like to limit this customary trade going out
27 of the drainage. And so I'm supporting the proposal even
28 though it's not a perfect fix, but it's a step in the
29 right direction.
30
31 CHAIRMAN REAKOFF: I do feel it's a
32 step.....
33
34 MR. GERVAIS: And may I add one thing.
35
36 CHAIRMAN REAKOFF: Go ahead.
37
38 MR. GERVAIS: And I would encourage the
39 Council to enter into meaningful and effective
40 discussions with the two other RACs on the river to get
41 this hammered out.
42
43 CHAIRMAN REAKOFF: Right. I do feel it
44 was a step in the right direction, but I don't feel that
45 passing a regulation that doesn't have all of the
46 components in it that I would like to see is not where we
47 want to be at this point and so I can't support a
48 proposal that is only halfway there. I do feel that it
49 is a step in the right direction and is it moving where
50 I would like to see a definition of significant economic

1 incentive to be defined and especially from within the
2 Yukon Management Area to non-rural areas.
3
4 You have one final comment on the -- Ray.
5
6 MR. COLLINS: No, I wanted to make a
7 motion.
8
9 CHAIRMAN REAKOFF: You'll make a
10 different motion. Go right ahead.
11
12 MR. COLLINS: Mr. Chairman. I move that
13 we recommend to the Federal Board that they establish a
14 working group composed of the three Regional Councils
15 along the Yukon River to work on issue of customary trade
16 of chinook salmon.
17
18 MS. PELKOLA: Second.
19
20 CHAIRMAN REAKOFF: Go ahead, Tim.
21
22 MR. GERVAIS: Can we add to that working
23 group since everybody will be in the same place at the
24 same time to work on different strategies for improving
25 the age, sex and length numbers on the Yukon?
26
27 CHAIRMAN REAKOFF: Well, that enters into
28 a completely different complex issue and I would prefer
29 not to go there.
30
31 MR. HONEA: So moved.
32
33 (Laughter)
34
35 CHAIRMAN REAKOFF: One bite at a time.
36 And so moved and seconded by Jenny for the working group
37 and incorporating various components of the proposals on
38 customary trade to bring these issues on the table, also
39 all of the points that the State and Gene's comments and
40 Council's -- Western Interior Council's record on this
41 issue during this meeting.
42
43 And two, also after this vote I would
44 like to select at least two members of this Council to be
45 ready to go to the meeting if the meeting occurs before
46 next.
47
48 And so the motion is on the table. Those
49 in favor of the motion signify by saying aye.
50

1 IN UNISON: Aye.
2
3 CHAIRMAN REAKOFF: Opposed, same sign.
4
5 (No opposing votes)
6
7 CHAIRMAN REAKOFF: Who would like to
8 volunteer to attend the meeting on customary trade?
9
10 MR. R. WALKER: Before we do that, Mr.
11 Chairman.
12
13 CHAIRMAN REAKOFF: Go ahead, Robert.
14
15 MR. R. WALKER: I'd like to ask that the
16 AC members be at this meeting too also because I want the
17 State to be in on it too so not only the Federal
18 government. It'll be a.....
19
20 CHAIRMAN REAKOFF: Right.
21
22 MR. R. WALKER:joint venture with
23 the State.
24
25 CHAIRMAN REAKOFF: That's an excellent
26 idea, inviting the Advisory Committees along the Yukon
27 River to be involved.
28
29 MS. PELKOLA: Mr. Chair.
30
31 CHAIRMAN REAKOFF: Go ahead, Jenny
32
33 MS. PELKOLA: I would like to see
34 possibly Robert and Mickey go because they've been on the
35 Council for so long or Ray or somebody that's, you know,
36 outspoken.
37
38 CHAIRMAN REAKOFF: Robert and Mickey
39 spend a lot of time fishing. You going to volunteer,
40 Robert?
41
42 MR. R. WALKER: I'd go as long as there
43 was two other alternates like.....
44
45 REPORTER: Louder.
46
47 MR. R. WALKER: Thank you.
48
49 (Laughter)
50

1 MR. R. WALKER: Yes, I'd like to be one
2 of the people I'd like to have two people go with two
3 alternates so, you know, that.....
4
5 CHAIRMAN REAKOFF: Okay.
6
7 MR. R. WALKER: Okay.
8
9 CHAIRMAN REAKOFF: And, Mickey.
10
11 MR. STICKMAN: I would -- I would most
12 likely want to be involved.
13
14 CHAIRMAN REAKOFF: Okay. And alternates.
15
16 MR. HONEA: I'd like Ray to -- if not to
17 be primary then to be an alternate because I believe he's
18 pretty knowledgeable on the customary trade and he
19 studied it.
20
21 CHAIRMAN REAKOFF: Right. And you did
22 work on the other planning group, right?
23
24 MR. COLLINS: I represented the group.
25
26 MR. HONEA: If he would.
27
28 MR. COLLINS: I'd be willing to do that
29 as an alternate if people feel confident because I'm not
30 living on the Yukon, but I think I can represent
31 your.....
32
33 MS. PELKOLA: Mr. Chair.
34
35 CHAIRMAN REAKOFF: Jenny. Fourth
36 alternate.
37
38 MR. COLLINS: I'm willing to serve if the
39 other members have confidence in me since I don't live on
40 the Yukon. I do feel familiar with the issue and I feel
41 I can represent their views.
42
43 CHAIRMAN REAKOFF: Okay. Thank you.
44
45 MS. PELKOLA: I was just going to say
46 maybe we can have three from each Board or whatever or
47 RAC. And some alternates.
48
49 CHAIRMAN REAKOFF: We could. We'll
50 propose three members from each RAC, but we'll see what

1 OSM says about that.
2
3 And we need a fourth alternate. Jenny,
4 would you like to be that alternate?
5
6 MS. PELKOLA: Yeah.
7
8 (Laughter)
9
10 CHAIRMAN REAKOFF: And so we've selected
11 our.....
12
13 MS. PELKOLA: I mean yes.
14
15 CHAIRMAN REAKOFF:
16representation.....
17
18 MS. PELKOLA: Sorry.
19
20 CHAIRMAN REAKOFF:for the planning
21 group if it's formed.
22
23 Tim.
24
25 MR. GERVAIS: May I make a motion.
26
27 CHAIRMAN REAKOFF: Go ahead and make a
28 motion.
29
30 MR. GERVAIS: I'd like to make a motion
31 that we set up another working group that's focused on
32 what we can do for getting the stock, the chinook stock
33 recovered in the river. And that includes the two --
34 this RAC and the two other RACs so that we can make some
35 progress rather than just have everybody vote down each
36 other's proposals all the time and really find out what
37 everybody's needs are just have a -- make better
38 progress. Because we're -- even though we spend a lot of
39 time at this I don't think as the process is working out
40 that we're getting the results that the salmon need to
41 have done that's going to provide good future returns for
42 subsistence and the stock itself.
43
44 CHAIRMAN REAKOFF: If that was to occur
45 then I would prefer to see the customary trade issue
46 covered one day and the age, sex issue covered completely
47 another day, not simultaneous.
48
49 Go ahead, Tim.
50

1 MR. GERVAIS: No, I'm saying in separate
2 -- separate to the customary trade group, just a
3 different.....
4
5 CHAIRMAN REAKOFF: Well, these meetings
6 are expensive and it would be good to combine, once
7 everybody's there they should be -- everybody should go
8 -- be combined.
9
10 MR. GERVAIS: That -- that's fine with
11 me.
12
13 CHAIRMAN REAKOFF: But I would like to
14 see the customary trade issue addressed first.
15
16 Do we have a second to the second portion
17 of the meeting on recovering the size and sex ratios on
18 the Yukon River that Tim has proposed as a motion.
19
20 (Failed)
21
22 CHAIRMAN REAKOFF: Second to the motion.
23 Motion fails for lack of a second.
24
25 And so can I second that? It probably is
26 worthless, but.....
27
28 MR. R. WALKER: You can't, too late.
29
30 CHAIRMAN REAKOFF:I second it.
31
32 MR. R. WALKER: You already said.....
33
34 CHAIRMAN REAKOFF: Right. I know it'll
35 fail anyway. So.....
36
37 MR. GERVAIS: May I make another motion?
38
39 CHAIRMAN REAKOFF: Go ahead.
40
41 MR. GERVAIS: I'd like to make a motion
42 again for the one I just made regarding the Yukon chinook
43 stock to address the amount of fish and the ASL
44 composition.
45
46 CHAIRMAN REAKOFF: I will second that
47 motion to be on record.
48
49 Any further discussion on the motion.
50

1 (No comments)
2
3 CHAIRMAN REAKOFF: Those in favor of the
4 -- of Tim's motion to address.....
5
6 MR. GERVAIS: May I speak to it?
7
8 CHAIRMAN REAKOFF: Go ahead.
9
10 MR. GERVAIS: Yes, I would encourage you
11 guys to vote for this motion because as you understand
12 that the stock's not where it needs to be, it's not where
13 it once was. And as we've been working through these
14 last few meetings we're covering the issues, but we're
15 seeing the amount of -- some animosity and
16 misunderstanding with the various sections of the river
17 based partially on what we're trying to -- what each
18 Region's trying to do and some mistrust of the other
19 ones. And I think the way that we're going to get some
20 meaningful change is if we all sit down together at the
21 same time and stay there until we get a solution. And
22 then if we continue on in the fashion of this meeting
23 where we vote down a bunch of proposals that are -- come
24 from an area outside our Region and then -- I mean, we
25 saw it with our last meeting in February, Eastern
26 Interior put in a bunch of proposals and they got
27 defeated. From the Yukon Delta we're like supporting
28 some of them. And now we just had the reverse thing
29 happen on this meeting. So I think it's our duty to make
30 some better progress on these salmon issues and the only
31 way we're going to -- or a better way to do it than the
32 way we're currently doing it is to all sit down together
33 and get some solutions worked out that everybody has some
34 input in and can have some ownership in.
35
36 CHAIRMAN REAKOFF: So Tim's made his case
37 for the motion.
38
39 Those in favor of the motion signify by
40 saying aye.
41
42 MR. STICKMAN: Aye.
43
44 MR. COLLINS: Aye.
45
46 MS. YATLIN: Aye.
47
48 MR. GERVAIS: Aye.
49
50 CHAIRMAN REAKOFF: How many is that, hold

1 your hands up. There's four.
2
3 Those opposed, same sign.
4
5 MR. MORGAN: Aye.
6
7 MR. R. WALKER: Aye.
8
9 MR. HONEA: Aye.
10
11 MS. PELKOLA: Aye.
12
13 CHAIRMAN REAKOFF: We got four opposed,
14 a tie vote.
15
16 MR. R. WALKER: Motion dies.
17
18 CHAIRMAN REAKOFF: Motion dies.
19
20 MR. R. WALKER: Yeah, for lack of a.....
21
22 CHAIRMAN REAKOFF: Tie.
23
24 MR. R. WALKER:lack of quorum.
25
26 CHAIRMAN REAKOFF: I want the record to
27 reflect though that that was -- that motion was made and
28 that OSM understands that this is a concern of the
29 Western Interior Regional Advisory Council.
30
31 We've covered the proposals. I had down
32 here develop an issues paper regarding the Yukon River
33 salmon fisheries management, we've pretty much done that
34 with.....
35
36 MR. BUKLIS: Mr. Chairman.
37
38 CHAIRMAN REAKOFF: Oh, go ahead. Larry.
39
40 MR. BUKLIS: Mr. Chairman. We're a
41 little confused on the vote of four/four. I think
42 there's nine -- unless someone abstained.
43
44 REPORTER: Didn't you vote?
45
46 CHAIRMAN REAKOFF: Oh, I voted.
47
48 REPORTER: Then we missed one.
49
50 MR. BUKLIS: You might want to count

1 again. There's nine seated members.
2
3 CHAIRMAN REAKOFF: Oh, there is nine.
4
5 MR. MIKE: Walker, Jim -- James
6 Walker.....
7
8 MR. R. WALKER: James is not here.
9
10 CHAIRMAN REAKOFF: I counted wrong then.
11
12 REPORTER: Jenny was a no; Donald was a
13 no; Robert.....
14
15 UNIDENTIFIED VOICE: Donald.....
16
17 REPORTER:Robert was a no; and Carl
18 was a no.
19
20 UNIDENTIFIED VOICE: You're counting him.
21
22 REPORTER: If you're including him, it's
23 4.
24
25 UNIDENTIFIED VOICE: That's 5 to 4, it
26 passed.
27
28 CHAIRMAN REAKOFF: Oh, it did pass. Oh,
29 I counted wrong. How did that happen. Anyways -- okay.
30 Well, thanks for that. I missed that one.
31
32 MR. BUKLIS: Mr. Chairman. I didn't know
33 who the yeses and nos were, but the total of four/four
34 was off by one. But I didn't know -- I didn't count the
35 yeses.....
36
37 CHAIRMAN REAKOFF: Right.
38
39 MR. BUKLIS:versus the nos.
40
41 CHAIRMAN REAKOFF: Yeah, I miscounted
42 somehow. Sorry about that. Have another cup of coffee.
43 So we will add that as a component of our proposed
44 meeting with the tri-Councils and the Advisory Committees
45 and affected users.
46
47 Go ahead, Larry.
48
49 MR. BUKLIS: Mr. Chairman. Just for
50 clarity, it would be good to get a clear sign of who the

1 yeses are and who the nos are so that.....
2
3 CHAIRMAN REAKOFF: I'm a yes. And so we
4 got Mickey, Ray, myself, Eleanor and Tim are yeses.
5
6 MR. BUKLIS: Thank you.
7
8 REPORTER: That is exactly what I just
9 said.
10
11 MS. YATLIN: Yes, you did. It's right.
12
13 CHAIRMAN REAKOFF: Thanks for that
14 clarification.
15
16 I had down here on the agenda to develop
17 an issues paper regarding the Yukon River fisheries
18 management, but we've already basically covered many of
19 those issues and will not go through that issues paper.
20
21 Agency reports. Ray has to leave at 5:00
22 o'clock, but I would like to try and clean this agenda up
23 if we -- as much as we can.
24
25 Office of Subsistence Management, update
26 on salmon bycatch in the Bering Sea and Aleutians.
27
28 MR. GERVAIS: Mr. Chair.
29
30 CHAIRMAN REAKOFF: Go ahead.
31
32 MR. GERVAIS: We have the two amendments
33 on the Marine Stewardship Council pollock and the Section
34 404(c).....
35
36 MS. YATLIN: Clean Water Act.
37
38 MR. GERVAIS:on 11 A and B.
39
40 CHAIRMAN REAKOFF: Oh, yeah, they are 11
41 A and B. The Marine Stewardship Bearing Sea pollock
42 sustainability. And did you -- do you want to present
43 that, Tim?
44
45 MR. GERVAIS: Yes, this past winter as a
46 Council we submitted a letter to the Marine Stewardship
47 Council explaining why we were opposed to the
48 sustainability certification for Bering Sea pollock.
49 Most issues were concerned with bycatch of chinook
50 salmon. That agency, the Marine Steward -- or not

1 agency, but group or organization, the Marine Stewardship
2 Council has given them a preliminary approval and they
3 gave us one more chance to object to that approval. It's
4 most likely approval will be granted or it's called a
5 recertification of sustainability, but we have the
6 opportunity to put in our last comment which can
7 basically be similar to what we've already submitted.
8 YRDFA put in a objection also and this would just be a
9 way that we could get our comments registered one more
10 time with the certification agency. It's just a one page
11 letter stating the common issues that we talk about and
12 we're concerned with the Bering Sea bycatch and why we
13 don't -- why we felt like that trawl fishery is
14 unsustainable based on the effect to the Yukon chinook
15 stock.

16

17 So it just entails drafting a letter
18 addressing our concerns for a final time.

19

20 (Pause)

21

22 CHAIRMAN REAKOFF: Sorry, I had to go get
23 some coffee with sugar in it.

24

25 And so what would -- I got in a
26 peripheral discussion, what is -- what would you like the
27 Council to do again in a short synopsis?

28

29 MR. GERVAIS: Just vote on whether to
30 file a -- it's called an objection.

31

32 CHAIRMAN REAKOFF: Letter of objection.

33

34 MR. GERVAIS: Letter of objection for
35 their final ruling.

36

37 CHAIRMAN REAKOFF: You want to make that
38 as a motion.

39

40 MR. GERVAIS: Can I make a motion that
41 the Council send a letter of objection to the Marine
42 Stewardship Council regarding their final decision to
43 recertify the Bering Sea pollock fishery as sustainable,
44 Bering Sea -- BSAI, Bering Sea/Aleutian Island pollock
45 fishery as sustainable.

46

47 CHAIRMAN REAKOFF: All right. Do I have
48 a second to that.

49

50 MS. PELKOLA: Second.

1 CHAIRMAN REAKOFF: Second is by Jenny.
2
3 Any further discussion on that.
4
5 (No comments)
6
7 CHAIRMAN REAKOFF: I -- we were briefed
8 on this this last meeting and I am in full favor of this
9 letter of objection.
10
11 Those in favor of the motion signify by
12 saying aye.
13
14 IN UNISON: Aye.
15
16 CHAIRMAN REAKOFF: Those opposed, same
17 sign.
18
19 (No opposing votes)
20
21 CHAIRMAN REAKOFF: The -- I'll let -- go
22 ahead. Oh, you got to go Ray? You're excused.
23
24 MR. COLLINS: I've got to go help prepare
25 your supper. So 6:00 o'clock at my house. Yeah.....
26
27 CHAIRMAN REAKOFF: Okay.
28
29 MR. COLLINS:I've got to help my
30 wife cook and make the final preparations.
31
32 CHAIRMAN REAKOFF: All right.
33
34 MR. SANDONE: Thank you, Mr. Chair.
35
36 CHAIRMAN REAKOFF: One comment there.
37 Gene, go ahead.
38
39 MR. COLLINS: 6:00. If you're done
40 earlier you can come by.
41
42 MR. SANDONE: I found out earlier this
43 year that the Marine Stewardship Council's also
44 considering -- is considering certification of the
45 Russian pollock fishery and also another pollock fishery
46 that occurs in the Far East. And I recommend to you that
47 you get maybe YRDFA here to brief you on that
48 certification process.
49
50 CHAIRMAN REAKOFF: And when -- that comes

1 up at a later date then, those certifications?

2

3 MR. SANDONE: It's gone -- it's ongoing
4 right now. There is a web page, if you give me your
5 email addresses I'll make sure -- I'll probably give it
6 to Donald, I'll make sure that you can get that web page
7 and it provides information on where they are in the
8 certification process.

9

10 CHAIRMAN REAKOFF: Okay.

11

12 MR. SANDONE: But I recommend that we
13 find out how many chinook they are catching because Yukon
14 chinook range far across the boundary.....

15

16 CHAIRMAN REAKOFF: Right.

17

18 MR. SANDONE:and they don't know
19 any bounds. So they range far, all the way over to the
20 Far East.

21

22 CHAIRMAN REAKOFF: Excellent suggestion,
23 Gene. Thanks.

24

25 And 11 B, Clean Water Act, 404(c). Don
26 Young's office, you want a letter transmittal?

27

28 MR. GERVAIS: Yes. So this summer --
29 well, to start off with Congress had passed this law at
30 some point, Clean Water Act, and one of the provisions of
31 it, 404(c), was to give the Environmental Protection
32 Agency the right to step in on a development project if
33 they felt that it had an adverse effect on the water
34 supply. There's a bunch of elements to it which I'm not
35 that well versed in, but basically it is there to help
36 maintain a clean environment. And Representative Young
37 had put in language, submitted a bill this summer with
38 language to remove that 404(c) section out of the Clean
39 Water Act because it felt that it would slow down
40 development of projects, maybe industrial or mining or
41 petroleum. And because I feel that clean water and clean
42 environment is important for our subsistence resources
43 that as a Council we should transmit a letter to
44 Representative Young that states that we would like him
45 to not try to strike that 404(c) provision from the Clean
46 Water Act.

47

48 CHAIRMAN REAKOFF: Yeah, I would like to
49 see that, we do have some very large mines proposed
50 within our Region and I would like to see that. If you

1 want to make that as a motion to be transmitted, I'm not
2 sure about lobbying Congress and so this -- it might be
3 precluded. I wanted to warn you about that.

4

5 Go ahead, Donald.

6

7 MR. MIKE: Yeah, I think that's the --
8 that's on a edgy part, you know, trying to convince or
9 influence elected officials in Washington, DC is not part
10 of this program. But what we can do is you submit a
11 letter to the Federal Subsistence Board and you encourage
12 them to relay the message to Congress and Mr. Young's
13 office.

14

15 CHAIRMAN REAKOFF: Right. That would be
16 the avenue that we would have to chase is to submit this
17 letter through the Office of Subsistence Management and
18 Federal Subsistence Board to Don Young's office
19 requesting to retain the 404(c) language of the Clean
20 Water Act. And I think that that can move forward.

21

22 Mickey.

23

24 MR. STICKMAN: Well, I'm going to be in
25 favor of the letter, but the one thing that I would like
26 to see is maybe that a copy of the letter goes directly
27 to the Secretary of the Interior.

28

29 CHAIRMAN REAKOFF: I think we can do
30 that, I think the Councils can write to the.....

31

32 MR. HONEA: I don't think he said
33 anything about that.

34

35 CHAIRMAN REAKOFF: At least through Pat
36 Pourchot's office. I think we can do that. So both to
37 the Federal Subsistence Board and Pat Pourchot, Assistant
38 Secretary of Interior for Alaska or Alaska -- I forget
39 what his exact title is.

40

41 So you want to make that as a motion?

42

43 MR. HONEA: That's part of the motion,
44 that request?

45

46 CHAIRMAN REAKOFF: The request would --
47 this is -- we're directing where this letter will be sent
48 and then Tim's going to lay the motion on the table for
49 drafting the letter, for the -- to be transmitted.

50

1 So go ahead and make that motion, Tim.
2
3 MR. GERVAIS: Mr. Chair. I'd like to
4 make a motion that the Western Interior Council submits
5 a letter to the Office of Subsistence Management for the
6 Federal Subsistence Board that they contact
7 Representative Young and express our concerns that we
8 don't -- we're not in favor of him trying to repeal the
9 Section 404(c) out of the Clean Water Act and send a
10 carbon copy of that to Secretary Salazar.
11
12 CHAIRMAN REAKOFF: Okay. Second to that.
13
14 MR. MORGAN: I'll second and call for the
15 question.
16
17 CHAIRMAN REAKOFF: Okay. Question's
18 being called.
19
20 Those in favor of sending a letter in --
21 through the Federal Subsistence Board and Secretary of
22 Interior's, Ken Salazar's office, on regards to the
23 404(c) Clean Water Act repeal requesting retention.
24
25 Those in favor of the letter signify by
26 saying aye.
27
28 IN UNISON: Aye.
29
30 CHAIRMAN REAKOFF: Those opposed, same
31 sign.
32
33 (No opposing votes)
34
35 CHAIRMAN REAKOFF: And if you would draft
36 the letter to -- and transmit that to Donald here I would
37 appreciate that.
38
39 MR. GERVAIS: Okay.
40
41 CHAIRMAN REAKOFF: Is that okay with the
42 Council?
43
44 (Council nods affirmatively)
45
46 CHAIRMAN REAKOFF: All right. So now
47 we're moving into OSM update on salmon bycatch in the
48 Bering Sea/Aleutian Island pollock fishery.
49
50 Larry.

1 (Pause)
2
3 CHAIRMAN REAKOFF: Were you going to make
4 a presentation, Larry?
5
6 MR. BUKLIS: Thank you, Mr. Chairman.
7 Yes, Larry Buklis, Office of Subsistence Management. I
8 can make these very short.....
9
10 CHAIRMAN REAKOFF: Okay.
11
12 MR. BUKLIS:given your time
13 situation. Page 178 is a briefing on the bycatch issue.
14 Page 179 is a briefing on the permit system.
15
16 On the bycatch issue, Page 178, the main
17 point is a reminder on the chinook salmon aspect in the
18 Bering Sea pollock fishery. The North Pacific Fishery
19 Management Council moved through their process on that.
20 This is simply reminding you that they concluded their
21 process, concluded the rulemaking, they established
22 bycatch limits. They're now moving into chum salmon
23 bycatch as there's a timeline laid out and they're in the
24 early stages of that timeline.
25 I think the most important point to bring
26 to your attention is that the North Pacific Council
27 membership and staff are planning to attend and give
28 presentations at five Regional Advisory Council -- ANILCA
29 Regional Advisory Council meetings this coming winter
30 round, including yours. They're going to be presenting
31 at the three Yukon Kuskokwim River Councils and the
32 Seward Peninsula Council and the Bristol Bay Council.
33 And their focus will be the chum salmon bycatch process
34 and where they are at in that process.
35
36 Now it's clear from the meeting yesterday
37 and today that chinook salmon concerns remain front and
38 center. And so I have some notes that I will bring back
39 with me to advise them that they should come prepared to
40 also perhaps not revisit the chinook issue, but be
41 prepared to address questions on the chinook issue as
42 well. And some of the notes I have are continuing
43 interest in the most current numbers for the chinook
44 bycatch, for example, through 2010. I don't have those
45 numbers yet. Any updates on the stock composition of
46 that catch of chinook and ongoing interest, I think, in
47 the age composition, are those fish destined to return
48 that year or the next year, what -- how -- what stage of
49 maturity are those fish. And then finally observer
50 coverage and method of estimating and risks of under

1 reporting are always of interest.

2

3 So I will convey on behalf of the Council
4 those ongoing interests regarding chinook even though
5 they're coming to speak about chum.

6

7 CHAIRMAN REAKOFF: I appreciate that.

8

9 MR. BUKLIS: Thank you. That's all I had
10 to say on the bycatch issue.

11

12 CHAIRMAN REAKOFF: Okay. Thank you.

13 Tim.

14

15 MR. GERVAIS: Jack, is it appropriate in
16 our annual report to put in a request to know some
17 information about the maritime aspect of the salmon --
18 the Yukon salmon's life cycle or, you know, where --
19 what's its habitat and is the population at its normal
20 level or is it in a reduced state.

21

22 CHAIRMAN REAKOFF: I'm not sure if that's
23 an annual report issue. We can get a -- a presentation
24 can be made at our next meeting maybe on the -- around
25 this bycatch issue about salmon habitat and the North
26 Pacific Fisheries Management Council's probably got quite
27 a bit of data on habitat, don't they.

28

29 Go ahead, Larry.

30

31 MR. BUKLIS: Mr. Chairman. I don't know
32 how far we can push their agenda on coming to the five
33 Councils in the direction of chinook and these larger
34 research questions. It might actually be a good question
35 for your annual report because the Board and we as staff
36 can search for information on your behalf to respond to
37 these questions.

38

39 CHAIRMAN REAKOFF: Okay. Then I think we
40 will and should include that as an annual report topic,
41 chinook bycatch or chinook habitat.

42

43 MR. GERVAIS: Population estimates in the
44 marine environment.

45

46 CHAIRMAN REAKOFF: In the marine
47 environment. I also want in conjunction with that want
48 to know about the high seas drift net impacts and
49 enforcement, high seas enforcement. That issue is a
50 burning issue right now. And what -- if some kind of an

1 assessment as to what kind of chinook are actually
2 entering into the markets that are not of North -- well,
3 high seas origin, if that data's available. That could
4 be a -- I don't know if you can come up with that number
5 or if that number's around, but I'm sure that there's
6 quite a few chinook getting sold from the high seas drift
7 net fishery.

8

9 And so are you keeping these -- track of
10 these, Donald?

11

12 So okay. Any further comments on that?

13

14 (No comments)

15

16 MR. BUKLIS: Thank you, Mr. Chairman.
17 The second of our two briefings is on the permit system
18 if you're ready to move to that.

19

20 CHAIRMAN REAKOFF: Okay.

21

22 MR. BUKLIS: And on that I'll simply say
23 that as you know many of the hunts and some of the
24 fisheries in the Federal program require a Federal permit
25 although the Yukon and Kuskokwim River salmon fisheries
26 do not require a Federal permit, they are required in
27 some other fisheries. And the Federal Subsistence
28 Program has made improvements on that permit system.
29 This has nothing to do with the regulations requiring
30 permits or the stipulations, it's simply how to manage
31 the system. And so we've made improvements on producing
32 the permits, issuing them and tracking the data from
33 them. And we're simply reporting back to the Councils
34 that we've made these administrative improvements.
35 Feedback we're getting from the users is that this is a
36 much quicker process to receive the permits, less time
37 waiting for permits when they're getting them in person
38 and the agency staff issuing them are reporting to us
39 that the system is much more easy to use and much more
40 helpful for generating reports afterwards. So it's an
41 administrative improvement we've made that we're quite
42 happy to have made.

43

44 CHAIRMAN REAKOFF: I've received Federal
45 permits for where I live and these will be issued on-line
46 from now on then?

47

48 MR. BUKLIS: Mr. Chairman. Yes, on-line
49 is a feature. The permit issuing staff can access our
50 data on line and I don't think we're yet at the point

1 where the public can go on-line to produce their own
2 permit. But the issuing staff can go on-line to access
3 our data base and produce permits and have a standardized
4 number system. And then the data of the harvest is in
5 this centralized data base that they can access on-line.
6 But we're not yet at the point where the public goes on-
7 line to get their permit, no.

8
9 CHAIRMAN REAKOFF: Can the public report
10 -- I have a five day reporting, can you go -- do you have
11 a aspect of reporting on-line?

12
13 MR. BUKLIS: I'm not sure if the
14 reporting is on-line, I'm not sure of that feature.

15
16 CHAIRMAN REAKOFF: Chuck.

17
18 MR. BUKLIS: I'm reminded that I'm
19 correct that we're not there yet, but it's a goal that
20 we're working towards.

21
22 CHAIRMAN REAKOFF: Okay. That's what I
23 wanted to know. Thank you.

24
25 Any questions on the Federal permitting
26 system upgrade, modernization.

27
28 (No comments)

29
30 CHAIRMAN REAKOFF: No. Thanks, Larry.
31 And so we're going to move onto to Bureau of Land
32 Management. First point up is sheefish report.

33
34 Is that Jeff, I guess you're the only
35 BLMer here, huh.

36
37 MR. BYERSDORF: Mr. Chair. Members of
38 the Council. I was going to check and see if Tim
39 Hammond's on-line because the reports from the BLM on
40 that are actually through the Fairbanks District office.

41
42 CHAIRMAN REAKOFF: Okay.

43
44 MR. BYERSDORF: So, Tim, are you on-line?

45
46 (No response)

47
48 MR. BYERSDORF: So I'm assuming that he's
49 not on-line. I can go ahead and give my report for the
50 Anchorage District office.

1 CHAIRMAN REAKOFF: Okay. Go right ahead.

2

3 MR. BYERSDORF: So just to be brief, I --
4 we did come before the Council this last March and tell
5 you about a resource management plan that we're going to
6 be doing for the Bering Sea Western Interior. We did not
7 get the funding for that and it looks like we won't get
8 the funding for that until at least 2012. So that's been
9 put on hold.

10

11 One thing that I did want to talk to the
12 -- let the Council know especially in light of when you
13 had the kids here earlier today, I was able to work
14 within the BLM and the Alaska Native Science and
15 Engineering Program and we were able to put together a
16 cooperative agreement to fund scholarship and internship
17 opportunities for youth in rural villages. So that's
18 very similar to what Fish and Wildlife Service and the
19 Forest Service and the Park Service have already done and
20 now BLM has also stepped into that role.

21

22 Another thing I wanted to touch on
23 briefly was Ray mentioned as far as Donlin Creek, Donlin
24 Creek did approach the BLM in regards to doing a
25 feasibility study to have a gasline run from Anchorage
26 out to Donlin Creek. Part of that was just getting the
27 fuel out to be able to do the assessment, the other part
28 was they did some geotechnical probing over the course of
29 this summer.

30

31 CHAIRMAN REAKOFF: One clarification, is
32 that a natural gasline or.....

33

34 MR. BYERSDORF: That's a natural gasline,
35 yes.

36

37 CHAIRMAN REAKOFF: Natural gas. Okay,
38 thank you.

39

40 MR. BYERSDORF: Yep. I don't know what
41 the status of that is, they ended up putting in, I think,
42 about 110 boreholes and then they did some trenching in
43 some areas just to see the feasibility of the soil types
44 and such in regards to being able to put in an
45 underground line. So that was conducted this summer.

46

47 And mainly we just wanted to let you know
48 that obviously Donlin Creek is moving ahead with
49 different alternatives to try and get fuels out to that
50 site.

1 So we did work with Fish and Game and
2 Fish and Wildlife Service to do twinning surveys both in
3 21-A and 21-E. It looks like the twinning rates were
4 very good, we had 55 percent twinning rates out in 21-E.
5 I'll give you more of a presentation this evening, I've
6 got a very short PowerPoint on the collaring project that
7 was conducted this last March and I can show that at
8 Ray's tonight after the dinner.

9
10 One thing I did want to touch upon with
11 that though is that I did talk to Robert, Robert put me
12 in touch with the superintendent for the school district
13 here and one of the things that we're looking at doing is
14 being able to tier off this biological project to be able
15 to work with some of the area schoolteachers and develop
16 what we're calling adopt a moose program because these
17 are satellite collars, we can literally follow them
18 through time. Being able to use this as a platform to
19 talk to the students in regards to moose management,
20 moose biology, wolf biology, bear biology, some of the
21 harvest regulations and also talk about traditional
22 knowledge.

23
24 I guess the last thing that I have very
25 quickly to let you know and this may be why I'm the only
26 BLM person here and everybody else is from the other
27 agencies, we are looking at some very severe budget
28 restrictions for the next -- probably the next two years
29 at least. We ended up having to lose 108 positions in
30 the State in the last eight months.

31
32 So that's kind of where I stand.

33
34 CHAIRMAN REAKOFF: Okay. Thanks.

35
36 MR. BYERSDORF: Thank you.

37
38 CHAIRMAN REAKOFF: Any questions for BLM.
39 Robert.

40
41 MR. R. WALKER: Thanks, Jeff. That makes
42 it really interesting too to know that, you know, we'll
43 be working with our younger people looking at a computer
44 rather than being -- playing games or anything, looking
45 at something that someday they might be a biologist too.

46
47 Thank you, Jeff.

48
49 MR. BYERSDORF: Well, and that kind of
50 speaks to -- thank you. Through the Chair to Member

1 Walker. That kind of speaks to a larger issue. You
2 know, one of the things that I see with the -- the
3 Department of Interior has a strategic plan and part of
4 that is to increase relationships and partnerships with
5 tribal entities. And one of the things that I see and
6 then one of the things that I've heard from this Council
7 is trying to not only get youth engaged, but also become
8 better stewards and also increase the capacity for local
9 tribal entities to be able to do natural resources
10 management. And the way that I see it is this -- the
11 collaring project that we have, the ANSEP program that
12 we're looking at working with UAA that kind of brings
13 some of these ideas together. And I know actively within
14 BLM we are working to try and develop an interagency
15 rural outreach program with the Park Service and the Fish
16 and Wildlife Service. So even though we're short funded,
17 we are struggling to try and attain some of these goals.

18

19 MR. R. WALKER: Thank you.

20

21 CHAIRMAN REAKOFF: Thank you. Are you
22 commenting for the Dalton Highway Corridor also? I
23 wanted to comment, there was a 22 mile rebuild of the
24 Dalton Highway from Coldfoot to Gold Creek north of
25 Wiseman, almost -- we're almost halfway in that. One
26 thing that the project, Department of Transportation did,
27 was plant high nitrogen fertilized grasses on the
28 shoulder of the road in mid summer. In the fall when the
29 trees and plants went into dormancy the only green thing
30 around was grass a foot tall and it drew in every last
31 cow moose in the country and we lost seven moose, two --
32 a cow with twins was killed, some of our biggest, nicest
33 cows are being killed. And so I wanted to comment to the
34 BLM that future projects that are on the Dalton Highway
35 Corridor, this was never done before, all other paving
36 projects, they never fertilized at that rate which causes
37 this huge attraction. We have .2 moose per square mile
38 and we hear nothing about how important each cow moose
39 is, here's our best cows getting hit, the trucks are
40 going 75, 80 miles an hour, they call it the Coldfoot
41 speedway, they're killing these moose. And so in the
42 future I want the Bureau of Land Management to preclude
43 any planting of high nitrogen fertilizers on the shoulder
44 of the road to attract animals to collision mortalities
45 with highway traffic. That was a huge mistake. There
46 was no -- there's really no reason for erosional purposes
47 or anything to have grass a foot and a half high growing
48 on the shoulder of the road and we're losing our moose.

49

50

1 That was one comment I wanted to make to
2 the BLM and other agencies, they're going to go north and
3 this will be near the Arctic Refuge, this will be near
4 the Gates of the Arctic also. And this road corridor
5 goes through various Federal public lands and also State
6 lands. I want State biologists to also be aware of that.
7 So I would like you to convey that back to the Fairbanks
8 office on that issue if you could.

9

10 Thank you.

11

12 MR. BYERSDORF: Thank you, Member
13 Reakoff. And I did get the note that you sent out
14 earlier this month and did pass that along to Shelly who
15 is the field manager for that area. One thing that I
16 would point out is that that was a -- that was not a BLM
17 project, that was a Department of Transportation State
18 project. And.....

19

20 CHAIRMAN REAKOFF: It is a DOT project
21 but they planted the grass through the Dalton Highway
22 Corridor which is all -- it's the state right-of-way, but
23 all of the gravel pits and everything were still planted
24 the same way. And so all the BLM pits are planted in
25 green grass attracting moose to the valley floor when
26 they really shouldn't actually be there. And so this is
27 changing the demographics of where moose are present and
28 various things and it's a bad thing. And so we need to
29 -- I didn't get any response back from BLM when I sent
30 out that issue and I would like to get some kind of a
31 response back. The agencies need to comment to the
32 Department of Transportation to not do this, this is a
33 bad thing.

34 And so that just covers that issue.

35

36 Now we're down to US Fish and Wildlife.
37 Thank you, Jeff. And we'll be interested.....

38

39 MR. BYERSDORF: Thank you, Council.....

40

41 CHAIRMAN REAKOFF:in your collaring
42 project slide show.....

43

44 MR. BYERSDORF: Thanks.

45

46 CHAIRMAN REAKOFF:at Ray's. And so
47 we'll go to -- I think Innoko's up.

48

49 Go ahead, Kevin.

50

1 MR. WENTWORTH: Chairman. Council
2 Members. I'm Kevin Wentworth, the deputy Refuge manager
3 here in McGrath with the Innoko National Wildlife Refuge.

4
5 Donald passed out our report to you, it's
6 like 19 pages long. Just kidding. Just seeing if you
7 were awake.

8
9 (Laughter)

10
11 MR. WENTWORTH: Anyways we have had a
12 couple staff join us here at the Innoko Refuge, actually
13 we've gained two Refuge wildlife biologists. This is the
14 first time Innoko Refuge has ever had three wildlife
15 biologists. Jerry Hill, I'd just like to introduce him,
16 he's our inventory and monitoring biologist that was just
17 hired about a month ago. He comes from -- he's
18 originally from Michigan, he transferred from Wildlife
19 Services in West Virginia and the other wildlife
20 biologist was -- has been hired about four months ago.
21 And it's Dara Whitworth, originally from Homer. You guys
22 -- some of you might know her.

23
24 But anyhow another position that we have
25 filled in the past -- since last meeting is our law
26 enforcement pilot position, formerly that was employed by
27 Shay Herd, now William Elliott, he's coming from Palmer.
28 He's a vet with the National Guard, retired from the
29 National Guard. And he will be here mid November,
30 starting here real soon.

31
32 Last November we attempted to do a GSPE
33 moose survey over the Refuge, but due to low snow
34 conditions we weren't able to complete it. We did a
35 partial stratification survey, but going into this next
36 November hopefully if the snow conditions allow it we're
37 going to restart and do the stratification and do a GSPE,
38 mostly over
39 21-A, but it includes 21-D and partial area of the 21-E
40 area. And that's a cooperative program survey with BLM
41 and ADF&G staff from McGrath.

42
43 And, know, for a long time Innoko Refuge
44 has been doing that survey in March with a helicopter,
45 but the data had never been really good for comparing
46 with other refuges around or other surveys around. So
47 we've been pushing that survey to try to get it done in
48 November so we can compare it with other areas, but we're
49 seeing that a lot of the weather conditions aren't
50 allowing for it. So we're going to attempt it this

1 November for our second time and if it doesn't happen
2 this November what we might -- we're starting to discuss
3 it a little bit more, and we haven't discussed it in
4 depth with ADF&G or BLM, but we want to discuss more,
5 we're thinking we might move back to that March survey
6 with airplanes, the GSPE survey, and then in the fall
7 time in November we'd do composition surveys. The nice
8 thing about the spring -- the November survey is we can
9 get both composition and population index data. So we
10 really want to try to get the most out of survey out of
11 that November survey, but we'll see. So that's kind of
12 up in the air and please comment on that.

13

14 This summer we hired eight seasonal bio-
15 techs, they did a lot of baseline biological work in the
16 lower Innoko River in the Refuge. And they did small
17 mammal work, bird work and vegetation work. This is
18 baseline data to -- we're collecting in response to the
19 potential bison release. And we want to see if there is
20 any bison that come onto the Refuge, we want to see if
21 there's any changes in the habitat potentially effective
22 vegetation, small mammals or birds. So it's just a --
23 it's a baseline study. This next year we're hoping to
24 repeat some of that and if not we could do a little bit
25 more on maybe a different scale.

26

27 Every year as you guys all know we might
28 -- we band greater white fronted geese, we try to band
29 about 1,000 a year, this year we got 980 or so. And I've
30 actually got a report and usually I just tell you all
31 that we've banded birds, but I've actually got a report.
32 We banded nearly 17,000 since like '86 and we've got
33 right around 1,500 band recoveries from shot birds, you
34 know, harvested birds. And we're showing out of the
35 Innoko area -- and the significance of Innoko Refuge is
36 it's one of the biggest, molting white fronted goose
37 areas in the whole Interior of Alaska. The other spot is
38 up on the North Slope at Teshekpuk Lake. But so Innoko's
39 very important for these molting geese and we band them
40 when they're in molt. So anyhow we got around 1,500 shot
41 recoveries of banded geese and we seen that 25 percent of
42 them are being shot in like Alberta, 24 is in Texas,
43 Saskatchewan is 15 percent, Mexico even gets 12 and the
44 other 25 percent, Louisiana, Texas, Arkansas, Alaska,
45 Nebraska and so it's kind of -- it's spread out. But
46 it's pretty interesting data, I thought I would share it
47 with you all.

48

49 This hunting season on the Refuge, we
50 haven't gotten any hunt reports back from transporters,

1 usually all our data comes from the State reporting that
2 they have to do as well as the guides have to report to
3 the State. We haven't gotten them back so I haven't
4 compiled this year's hunt success for the Refuge. But
5 from, you know, Willow Air, he just transports right
6 there in front of the office and from what it seemed
7 like, we've gotten some pretty good moose numbers out of
8 the Refuge and it seemed like our population may be
9 recovering, we're not sure. We don't have real good
10 survey data, but that's just what I've seen at Willow Air
11 there.

12
13 This summer we like every summer we have
14 our Refuge information technician, Clara, she holds the
15 -- a science camp and I encourage everybody who's going
16 back to your perspective villages that push some of the
17 high school goods to -- encourage them to come to our
18 science camp. This year we had I think 10, maybe nine,
19 we shoot for about a dozen. And it's a real good
20 opportunity, just like these guys coming here today, we
21 teach them wildlife stuff, we teach -- you know, all the
22 Federal agencies, State agencies, troopers, they all come
23 to this classroom and teach kids. And they spend the
24 whole -- the week outdoors and so they learn a lot,
25 anything from orienteering to ornithology to -- I mean,
26 you name it. They do a lot so please advertise for us
27 because we had a hard time getting kids, we just
28 basically had to take the applications to the kids and
29 say hey, fill this out, come to the camp, it's going to
30 be great, you know. And they do have a good time. After
31 the first day or two they're struggling to even be there,
32 but towards the end they're just a functioning group,
33 it's great to see. But anyhow Clara does a really good
34 job at that.

35
36 We are also this -- before the trapping
37 season we're cooperating with Alaska Department of Fish
38 and Game and before the trapping season begins we're
39 going to hold a clinic, a trapping clinic, furbearer
40 management clinic out at Shageluk. And actually both
41 Sloan and Jerry Hill have been kind of coordinating both
42 with the Department on kind of logistics and working
43 everything out, getting people from the local area to
44 participate and actually help teach it, they'd actually
45 be part of the teaching group. And then later hopefully
46 next year and years to come we can spread out to other --
47 maybe Holy Cross or Shag -- or Grayling, I mean, the
48 other village in that area.

49
50 And that's it. Do you guys have any

1 questions.

2

3 CHAIRMAN REAKOFF: Thank you. And do you
4 have a comment, Jeff.

5

6 MR. BYERSDORF: I did have one comment I
7 wanted to add. I wanted to thank Kevin for pointing out
8 the science camps and I also wanted to say that earlier
9 this summer Bo ended up coming into town and meeting with
10 my bosses and said hey, you know, Fish and Wildlife
11 Service has been working with BLM on some of those moose
12 issues out here and we've been working pretty
13 effectively, are there other things that we can do to
14 work more effectively together. And one of the things
15 that came out of that was that we ended up sending a BLM,
16 one of our education people, to work with Innoko staff at
17 the science camp. And we're not sure where it's going to
18 go from there, if that's something that we want to start
19 integrating more with Fish and Wildlife Service in
20 regards to their separate camps or if that's something we
21 want to be able to -- in those areas with BLM lands, peel
22 off and do a separate BLM science type camp. But I
23 appreciate the coordinated efforts like that and the
24 willingness to work together and wanted to say thanks.

25

26 CHAIRMAN REAKOFF: Thank you. Comments
27 from the Council on the Innoko report.

28

29 Go ahead, Don.

30

31 MR. HONEA: Yeah. Kevin, I just wanted
32 to apologize for not remembering your name earlier, but
33 that's how it is.

34

35 (Laughter)

36

37 MR. HONEA: But hey, I think it's a great
38 idea that you have these youth camps, these -- and I was
39 just reading on there about the -- what exactly do -- you
40 know, like the trapping, furbearer management clinic
41 you're going to hold in Shageluk, what does that all
42 entail?

43

44 MR. WENTWORTH: Well, I've actually got
45 a -- Bo and Jerry's been working on that so the details
46 they know better than I do. If you don't mind if I can
47 bring up Bo.

48

49 MR. HONEA: Sure. As time allows.

50

1 MR. WENTWORTH: I mean, basically --
2 yeah, Bo, can tell you.

3
4 MR. SLOAN: Mr. Donald. Chair. Bo
5 Sloan, Innoko National Wildlife Refuge manager. Tell you
6 what really started us thinking about doing this -- these
7 trapping clinics, these furbearer management clinics,
8 we're at the AC meeting, I don't know a little less than
9 a year ago, I guess, and we were talking about or some of
10 the subject matter that was being discussed at the AC
11 meeting was predator management, moose management, that
12 sort of thing. And during all of that discussion, and I
13 don't remember what individual it was, it wasn't an AC
14 Council member, actually asked us -- asked me, I was
15 speaking at the time, asked me if we would come out and
16 do some trapping clinics in the village. And to be quite
17 honest personally I was excited to be asked to do
18 something like that. And when asked I turned and asked
19 the rest of the Council if that's something that the
20 Council could get behind and support, not just in
21 Shageluk, but in all the villages and it was a resounding
22 yes. So, you know, we want to do this, you know,
23 actually by request and I think one of the biggest
24 reasons for the request was according to what, you know,
25 we were told there at the AC meeting is -- and, of
26 course, I haven't been in Alaska that terribly long so I
27 can't, you know, tell you by experience, by evidently
28 there's been quite a bit of an erosion in terms of the
29 interest in trapping among young people and some of the
30 older folks and stuff and I guess there's just not near
31 the interest in it as there once used to be. And so we
32 were asked to come and help.

33
34 MR. HONEA: Okay. Not to go on too much,
35 but I just have -- because the reason I asked about it,
36 we asked in the Galena area before and probably because
37 of funding, you know, I think Glen Stout did come out and
38 do the trapping clinic before for us, specifically for
39 wolves. Now if we have an area and a lot of us do where
40 wolves are, you know, pretty dominant and you got a lot
41 of packs and stuff and, you know, I kind of like to relay
42 this to Kenton if he was still here, to -- you know, to
43 -- because we would specifically like to -- Ruby AC has
44 asked for that before and, you know, maybe I could press
45 on. I think it's great if people could -- especially if
46 they were interested in the wolf clinics and stuff.

47
48 MR. SLOAN: Right. And let me just say
49 this. I think the interest in wolf control was probably
50 the main thing that stimulated the question can you guys

1 come out -- you know, come out and help. And once that
2 question was asked I began to ask a lot of questions of
3 a lot of people including the Chairman of the RAC here as
4 well as the ADF&G folks, fellows like Kevin that are on
5 the Innoko staff and BLM, you know, what do they think is
6 the best way to go about addressing this issue. And one
7 of the things that it seems that we all came to consensus
8 on is -- and I've been trapping since I was a little kid,
9 and we really felt like and I certainly personally feel
10 like if we are successful in instilling the interest and
11 the desire to force some of these folks, young people and
12 whatnot, to become trappers, you know, then we're going
13 to get a lot of good wolf control out of it, you know,
14 whereas if we just go out there specifically trying to
15 teach some techniques on controlling wolves and that's
16 the only reason someone's going to go out there, well,
17 you guys know, I mean, catching wolves is not that
18 terribly easy and you're going to wind up with your
19 feelings hurt more times than not. So we feel like the
20 long-range plan to reach our goal is to try to, you know,
21 stimulate the interest in trapping.

22

23 CHAIRMAN REAKOFF: Okay. We need to move
24 on now.

25

26 MR. HONEA: All right. Thank you.

27

28 CHAIRMAN REAKOFF: So I did want to
29 comment that I really want to get that composition data
30 for the moose population on the Innoko so some, at least
31 trend counts if you can't get the fall GSPE survey.

32

33 Go ahead, Vince. Come to the mic.

34

35 MR. MATHEWS: Thank you, Mr. Chair. I
36 had a two hour presentation.....

37

38 (Laughter)

39

40 MR. MATHEWS:I think I've narrowed
41 down to a half hour. But no, on a serious note, it's not
42 a complaint, it's just a fact, we need more time.
43 Because all the issues you brought up today have a
44 communication component that maybe had been resolved if
45 the information was communicated earlier prior to it
46 becoming a problem.

47

48 So I'll have Staff pass out the Kanuti
49 report. And it was put together by Tim Craig and it's
50 the same style he's had in the past where he highlights

1 yellow stuff. If we had more time I would highlight the
2 highlights. But I do want to point out that your
3 interest is pretty high on moose and so on Page 3 when
4 you get that there's a lot of reference to what's going
5 on with radio telemetry and different studies.

6
7 Two things I wanted to point out is one,
8 yeah, they got me up in a plane and I had to count moose
9 and I didn't get sick. So it's not written down there,
10 but it was one of the highlights of my career and I hope
11 to be more involved in those type of surveys. And hope
12 that your coordinators and that can do that because that
13 gives you an idea of how this data is collected and it's
14 importance.

15
16 The other thing that Mike wanted me to
17 point out is they're going to do an intensive moose
18 population survey and that's down towards -- three-
19 quarters down the page, but it's going to be much larger
20 than the area they've done in the past. So for those in
21 that area you may want to focus in on that.

22
23 The other thing I wanted to point out and
24 since we're talking about youth, especially for Jack, I
25 swore in three to 500 junior refuge managers when I
26 worked at the National Scout Jamboree we had 40,000
27 scouts go through our area and so I got to interact with
28 scouts from all over the United States and the world and
29 swore them in as junior refuge managers with the promise
30 that if they show up in Fairbanks we'll get them out to
31 the Refuge. That's kind of funny in a way, but in
32 actuality that's where it starts. These are 11 to 18
33 year olds, they got a little badge and then if they
34 follow through, who knows, they could be well, sitting on
35 some side of the table here. But the point is we need to
36 work on that.

37
38 Back to Kanuti. We worked on a hunter's
39 map, I apologize I didn't bring it out here. The reason
40 I'd like you to see it, I know you're not all from the
41 Kanuti area, but it was an attempt to develop a map from
42 a hunter's perspective, not from a agency's perspective.
43 So far it's worked -- well, I'm able to go back to
44 Allakaket so I assume it's working. But we want to check
45 that out and work on that.

46
47 Finally I did work on the oil spill, the
48 Deep Water Horizon oil spill for 22 days. If you have
49 any interest in that I do have slides and et cetera, but
50 the real point on that is you are directly connected to

1 that oil spill. All you got to do is look at those
2 banded birds, where they go from here, they end up down
3 there in that oil spill and vice versa. And the people
4 down there were very accommodating considering how much
5 they were impacted.

6
7 The last thing I want to give you to pass
8 out, again don't fill it out, I'm the survey field
9 coordinator so I don't need any more completed surveys.
10 I just wanted you to get a copy of this. If you were
11 over at the Innoko office they're there too. We're --
12 this is migratory birds with the Alaska Migratory Bird
13 Co-Management Council. You don't have a standing in
14 this, this is not an ANILCA program, but I just wanted
15 you to see this because these are surveys that are done
16 periodically in your villages. And just wanted you to
17 know that's going on. Your support in getting people to
18 fill this out in the villages would be great. And I
19 always have another incentive, we're always looking for
20 surveyors so I may be calling you. No, seriously, that's
21 through the Tribal Consortiums, but we are involved
22 somewhat with that.

23
24 So that is just for your -- for your
25 information. So and full respect to all the agencies
26 here, I hope you have a chance to read these, you know,
27 look at these summaries and seriously it does prevent
28 things becoming a problem if people can address early on
29 than when they hit where people are at loggerheads.

30
31 So that's all I have, Mr. Chair.

32
33 CHAIRMAN REAKOFF: Thanks, Vince. I do
34 go through -- when Tim Craig has put up these bullet
35 items, I go through these and read these in more detail.

36
37 I do -- the hunter map that you've
38 produced is that going to be used -- useful for hunters
39 to delineate where the new winter hunt will occur on
40 Kanuti and the adjacent BLM lands or.....

41
42 MR. MATHEWS: Well, we -- yes. Once I
43 get time to make the winter map. We completed the fall
44 map and now we just take that template for the winter
45 one.

46
47 CHAIRMAN REAKOFF: Okay.

48
49 MR. MATHEWS: For those behind me,
50 basically what we withdrew is all land jurisdictions and

1 just pointed out what is Federal and what is State. The
2 whole change in objective was if I was a hunter and I
3 point to an area on a map what do I need to know, what
4 are the seasons. I don't need to know they're BLM, Park
5 Service.....

6

CHAIRMAN REAKOFF: Okay.

7

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CHAIRMAN REAKOFF: Right.

MR. MATHEWS: And if we can do that through just a colored map we're way better off than having somebody get cited or whatever.

CHAIRMAN REAKOFF: Okay. Robert.

MR. R. WALKER: How interesting, Vince. Last spring I shot a pintail between Anvik and Shageluk that had a band on it, it had a 800 number on it. I called it, I talked to a lady and she said -- she wanted the number off the tag so I gave it to her. And she said really and you're where. I said I'm in Anvik, Alaska, 99558, I'm at area code 907. She says really. I says why. This pintail duck was born in New Jersey. And this was -- really blew me away. I said it came that far.

MR. MATHEWS: On that note real quickly, if you do look at the pictures I have from the oil spill, we got pictures of a piping clover which is an endangered species with five bands on it, nine years old, male, must be an old timer, and was in upper Canada and then would fly back down to the island I was assigned down in Alabama. So why do I bring that up, it's that same point you brought up, that sharing of those bands either through the Refuge office, State office or whatever or calling the number, is extremely valuable data, especially with these disasters we have. But beyond that just knowing what's going on. And I was charged by Fort Yukon to look out for your birds, there's was none of your birds there at the time because it was in the 90 degrees, but a lot of your shorebirds were there and they

1 were doing okay. But hopefully the oil spill will not
2 damage birds that you depend on.

3

4 CHAIRMAN REAKOFF: Oh. Any further
5 questions for Vince.

6

(No comments)

7

8

9 CHAIRMAN REAKOFF: Thanks, Vince,
10 appreciate that. Is there any other US. Fish and
11 Wildlife reports?

12

(No comments)

13

14

15 CHAIRMAN REAKOFF: And so either I have
16 ADF&G Subsistence Division, Seth, your name?

17

18

19 MR. WILSON: Thank you, Chair. Counsel.
20 My name's Seth Wilson with the Division of Fish and Game,
21 Division of Subsistence that is in Fairbanks. And I can
22 speak really briefly on just some of the highlights of
23 our research projects as they pertain to the priority
24 research needs that we discussed yesterday so five
25 minutes tops.

26

27 That being said, it would probably be
28 useful if the Council opens their materials to Page 28.
29 And I'll also quickly distribute or ask that Mr. Mike
30 distribute these. And I personally haven't been involved
31 in all of the research that I'm going to present to you
32 so if there are any questions that I can't answer I'll
33 definitely direct them to my supervisor, Caroline Brown.

34

35

36 But the first project I'd like to bring
37 to your attention is sort of an indexing approach to
38 comprehensive subsistence baselines. And I noted in your
39 2009 annual report, there's definitely a need for more
40 updated, comprehensive subsistence harvest data on the
41 middle Yukon Region and Koyukuk Region.

42

43

44 And we recently got a legislative
45 increment to kind of fill major gaps in available
46 subsistence data. But as you may or may not know these
47 comprehensive baseline projects are -- you know, they're
48 -- they take quite an expense and there's quite a bit of
49 time involved in conducting these surveys, they last
50 about an hour per household and we try to do the entire
51 community. So we're going to try this indexing community
52 approach which would sort of estimate subsistence
53 harvests in a cluster region. And we like to, you know,

1 collect harvest data in one community and hopefully be
2 able to extrapolate certain data to the other communities
3 in this cluster based on similar demographical
4 characteristics. But, you know, first to test this out
5 we have to take a cluster of communities and do
6 comprehensive baseline surveys in each community and then
7 statistically test relationships based on these
8 characteristics. But, you know, this is an exploratory
9 approach, but, you know, potentially we could fill some
10 major data gaps with minimal effort.

11
12 Moving on, yesterday there was some
13 questions about research prompted by Donlin Creek Mine.
14 And we do have a multi-year project that was funded by
15 Donlin Creek Mine, LLC, to conduct comprehensive
16 subsistence baseline surveys along the Kuskokwim River
17 along with TEK knowledge interviews. And again this
18 research is funded by Donlin Creek, LLC and could be used
19 as part of a NEPA review of the mine project should one
20 occur. But mostly it'll be published in our TP series
21 and available to tribal councils and other government
22 agencies.

23
24 We just completed research in the central
25 Kuskokwim River, eight communities for this project, what
26 we call phase one. We're currently seeking tribal
27 council approval to do these surveys downriver and you'll
28 notice that we're also going to survey Napaimute and
29 Georgetown which is smaller communities that don't really
30 have a significant year round population. So it's pretty
31 challenging, but it's one of the requirements from our
32 funders.

33
34 Moving along, one project that would be
35 really -- is really of great interest to a lot of people,
36 especially this Council, is the Yukon salmon disaster
37 project. You know, fishermen in communities along the
38 Yukon are really struggling with the declining salmon
39 runs and we're doing a research project that would
40 explore the socio-economic impacts of the declining runs
41 along the Yukon River. Participating communities so far,
42 Emmonak and Marshall and pending approval, Tanana, Fort
43 Yukon and Eagle. And, you know, the methods include are
44 -- most importantly we're doing quite a few ethnographic
45 interviews with fishermen, both commercial and
46 subsistence fishermen along the river. And, you know,
47 we're pretty confident that this will generate a lot of
48 really rich and interesting data.

49
50 Secondly we're also trying to do a short,

1 brief survey on customary trade. And this is also
2 another sort of exploratory thing that we have some
3 questions about because it is really sensitive topic and
4 it presents a lot of -- well, this would be a first
5 attempt to kind of quantify customary trade, but I just
6 conducted the surveys in Emmonak recently and it was
7 pretty challenging.

8
9 CHAIRMAN REAKOFF: Question there,
10 participants were reluctant to talk about customary trade
11 or it's not a significant use or.....

12
13 MR. WILSON: Well, given that I -- you
14 know, I haven't really -- I haven't really found that
15 people are sensitive about it, I mean, they are sensitive
16 about it, but I haven't had too much trouble having
17 people open up to me and talk about it. It was just that
18 a -- there's a lot of misconceptions about definitions of
19 customary trade.....

20
21 CHAIRMAN REAKOFF: Oh, I see.

22
23 MR. WILSON:and barter. And, you
24 know, it -- these definitions don't necessarily fit how
25 people see their activity if that makes sense.

26
27 CHAIRMAN REAKOFF: Right.

28
29 MR. WILSON: Moving along. Another
30 project we're working on is kind of a strategic plan for
31 whitefish research. We had talked yesterday about a lot
32 more -- the need for a lot more research on whitefish in
33 the Yukon area and this was an OSM funded project. The
34 plan so far, it's had -- we've done a couple of scoping
35 meetings in the central Kuskokwim and lower Yukon and
36 we've done two expert working groups with biologists,
37 anthropologists and subsistence users. This would also
38 -- it also includes archival research and literature.
39 And Randy Brown and my supervisor, Caroline, are right
40 now compiling this data so that it'll be available to
41 anybody interested in whitefish uses and also, you know,
42 suggested plan of research needs for future funding.

43
44 CHAIRMAN REAKOFF: And where is the
45 document available, on the internet under what site?

46
47 MR. WILSON: Right now the findings are
48 being compiled.

49
50 CHAIRMAN REAKOFF: But they'll be

1 published at.....

2

3 MR. WILSON: Uh-huh.

4

5 CHAIRMAN REAKOFF:ADF&G Subsistence
6 Division site or.....

7

8 MR. WILSON: Not -- probably not in our
9 technical papers, but yeah, it will be available on the
10 web site.

11

12 CHAIRMAN REAKOFF: Okay.

13

14 MR. WILSON: Another OSM funded project
15 is climate change, the research on climate change and
16 impacts on subsistence fisheries in the Yukon River
17 drainage. And this project pretty much encompasses a
18 short survey in Grayling, Nulato, Koyukuk, Allakaket,
19 Fort Yukon and Northway. And we'll be visiting these
20 communities this winter to conduct the survey.

21

22 And last but not least, is the chum
23 salmon bycatch EIS which was presented a bit earlier by
24 OSM. Our participation in this project is pretty much
25 providing subsistence data and reviewing the
26 environmental impact statement.

27

28 And I didn't make slides for a couple
29 other projects, but I do want to bring them to your
30 attention. One's a traditional knowledge survey of non-
31 salmon fish species in the middle Yukon villages of Ruby,
32 Tanana, Galena, Nulato and Kaltag. And this is an OSM
33 funded project and right now it's being reviewed by OSM
34 staff before publication. And my favorite -- personally
35 my favorite project because it was so interesting was
36 sort of a study on continuity and change on Kuskokwim
37 salmon fisheries, basically and ethnography which
38 contains a lot of oral history, lot of comments about
39 customary and traditional gear uses, methods of sharing
40 strategies with, you know, higher prices of gas and
41 expensive gear. And so I can -- you know, I -- the
42 previous staff did that, I picked it -- helped pick it up
43 and did a lot of follow-up research and we're working on
44 drafting the final report.

45

46 Are there any questions.

47

48 CHAIRMAN REAKOFF: Any questions from the
49 Council on Seth's presentation.

50

1 (No comments)

2

3 MR. WILSON: I'll be available later and
4 you can certainly reach me at my office.

5

6 CHAIRMAN REAKOFF: These are all very
7 important projects and I really appreciate all the work
8 that the Subsistence Division is doing on these. And
9 OSM's funding -- I'm -- my comments would be I'm happy to
10 see this participant success rate for the central
11 baseline subsistence studies for the Donlin Creek
12 project, high participation gives confidence in the
13 project.

14

15 Thank you.

16

17 MR. WILSON: Yeah, a note on that is
18 these comprehensive surveys, we do do a complete census
19 of a community so 80 percent, 87 percent in Aniak, that's
20 a pretty big achievement. And we'll definitely be
21 continuing that effort.

22

23 Thank you.

24

25 CHAIRMAN REAKOFF: All right. Thank you.
26 Tim.

27

28 MR. GERVAIS: Seth, do you know if the
29 new Fish and Game Commissioner's going to come out of the
30 Subsistence Division?

31

32 (Laughter)

33

34 MR. WILSON: Chair. Council. No, I
35 don't. I think we're all pretty interested in the new
36 Commissioner.

37

38 CHAIRMAN REAKOFF: Thank you. Thanks for
39 your presentation.

40 And so we're at tribal organizations and
41 other organizations. I don't see anybody here.

42

43 There's some kind of clean up work, I
44 wanted to go over that letter that I just passed around
45 the table, transmitted to the OSM and Keith Goltz in
46 regards to the Board of Game's lack of diligence in
47 adhering to statutory. I still want that letter to go
48 out even though I hear that they're deferring -- trying
49 to defer to the bear trapping regulations to November
50 meeting, but that still has not actually occurred. So

1 they -- I would still want that letter to go forward and
2 the Council adopted that letter and I drafted it and is
3 that satisfactory to the Council, I passed it around the
4 table.

5

6 (Council nods affirmatively)

7

8 CHAIRMAN REAKOFF: Okay. Affirmative on
9 that.

10

11 Couple annual item topics that -- one
12 topic that I brought up to the Federal Subsistence Board,
13 they have a drawing permit if they come down to a limited
14 resource, there's a need for an .804 analysis on how to
15 implement .804 which is prioritizing user -- within the
16 subsistence users. I feel that there's a real need for
17 a Tier II type regulation, not a Federal drawing permit
18 because somebody could recently have moved to a community
19 and draw the permit and hunt a moose when somebody that's
20 traditionally has lived there forever won't draw the
21 permit. I feel that's a flawed system and I feel that
22 the Federal Subsistence Board should explore having a
23 Tier II, the old tier two type system, to direct
24 dependent on the resource, alternate resources and et
25 cetera and I feel that that should be an annual report
26 topic.

27

28 How does the Council feel about that
29 inclusion in the annual report?

30

31 (Council nods affirmatively)

32

33 CHAIRMAN REAKOFF: Affirmative on that.
34 Is there any other topics that the annual report -- we're
35 going to finalize our annual reports at our next meeting,
36 any topics they have to get into the annual report at
37 this meeting, is there any other topics that Council
38 members can think of that we haven't covered already.

39

40 Mickey.

41

42 MR. STICKMAN: Thank you, Mr. Chair. The
43 one other thing that I would like to see in the annual
44 report and it's something that we haven't talked about
45 for a while is one of the things that I saw just a few
46 days ago in the Anchorage paper was there's a lot of
47 scientists out there that believe that the ocean -- the
48 wild stock of fish out there in the ocean is doing
49 relatively good. But the thing that's not good is the
50 fact that the hatcheries are releasing 5 billion fish

1 that's going to be competing with the wild stock out
2 there in the ocean for food. And I know that that's a
3 subject that we've discussed a lot in the past, but we
4 somehow have skipped over it in some of our
5 deliberations, but that's one thing that I would like our
6 staff or the staff at OSM to look into is to look into
7 this news article that I saw a few days ago where they're
8 releasing 5 billion fish out of the hatcheries and those
9 5 billion fish are going to be giving the wild stock
10 competition for the food source.

11
12 CHAIRMAN REAKOFF: High seas competition
13 for wild stocks on the high seas is a huge concern. And
14 so I think that's a worthwhile issue to put on the annual
15 report.

16
17 Any other -- any other annual report
18 topics from the Council.

19 (No comments)

20
21 CHAIRMAN REAKOFF: I see the Council's
22 getting really tired and.....

23
24 MR. R. WALKER: It's 6:00 o'clock, Ray's
25 waiting.

26
27 CHAIRMAN REAKOFF:it's 6:00 o'clock
28 and so we're going to.....

29
30 (Laughter)

31
32 CHAIRMAN REAKOFF:so the dates and
33 locations of the next two meetings and that's one of our
34 last agenda items here. We're -- I thought we were down
35 for Galena this -- for our winter meeting.

36
37 MR. R. WALKER: March 1st and 2nd at
38 Galena.

39
40 CHAIRMAN REAKOFF: So confirmation of
41 Galena as our meeting place. Where's 180. So Galena for
42 our next meeting place, is that still agreeable to the
43 Council?

44
45 (Council nods affirmatively)

46
47 CHAIRMAN REAKOFF: And so the next, this
48 -- we would be requested to designate the next fall
49 meeting and so the first week in October appears to be
50 open.

1 MR. R. WALKER: 5, 6, 7?
2
3 CHAIRMAN REAKOFF: Yeah. 4, 5, 6 or 4 or
4 5 or something like that.
5
6 MR. GERVAIS: I request the earlier part
7 of the week because of -- if it's early freeze up it's
8 pushing.....
9
10 CHAIRMAN REAKOFF: Right.
11
12 MR. GERVAIS:pushing ice on the
13 Yukon.
14
15 CHAIRMAN REAKOFF: I also can't fly on
16 weekends, my air carrier does not fly on weekends. So --
17 and I will state for the record that the Council members
18 are volunteers and we have to have charters and go -- it
19 would have cut two days off of my travel to go Wiseman,
20 Fairbanks, get on a charter and come here to the meeting
21 and then we would have been able to start the meeting
22 yesterday at 8:30. But this Council has to have charters
23 from either -- if we're going to Galena, the Southern
24 Council members have to be able to charter up to a point
25 where the air carriers can get to either direction. This
26 Council has to have charters for -- almost for every
27 meeting that we have.
28
29 And so I want that stated on the record.
30
31 I also want to state that Council members
32 -- you wanted to bring up the stipend issue, Robert,
33 or.....
34
35 MR. R. WALKER: Oh, yeah. Well, at our
36 next meeting we should discuss the stipend here for the
37 Board members. We've been -- I've been here nine years,
38 Jack's been here a long time, Mickey's been here like
39 forever and Carl's been here forever too. So I'm going
40 to ask that this be put on the agenda for the next
41 meeting in February -- is it February, March 1st and 2nd.
42 Jack.
43
44 CHAIRMAN REAKOFF: Okay. Include that on
45 the agenda for our next meeting, Donald. Discussion of
46 stipend for Council members and to be -- well, actually
47 it probably should be an annual report item also and
48 discussion at our next meeting. Annual report topic
49 also, agreeable to the Council?
50

1 (No comments)

2

3 CHAIRMAN REAKOFF: And so I do want the
4 OSM to be aware that the least amount of travel is the
5 least taxing on the Council members and the staff and so
6 we have -- if charters are available staff members can
7 also -- from one side of the region to the other, can
8 also travel with us. The less travel time, less fatigue
9 and more production out of the Council and the staff.
10 And so I want to see charters incorporated into our
11 travel.

12

13 You got a comment on that, Robert.

14

15 MR. R. WALKER: Yes, it's a lot easier
16 traveling from Anvik right straight to McGrath than to go
17 from Anvik, Aniak, Anchorage, overnight, catch a plane,
18 come to McGrath, catch a plane go back to Anchorage, it's
19 a.....

20

21 CHAIRMAN REAKOFF: Exactly.

22

23 MR. R. WALKER:it's a one hour trip
24 between Anvik and McGrath versus like a.....

25

26 CHAIRMAN REAKOFF: It's actually.....

27

28 MR. R. WALKER:that's two days.

29

30 CHAIRMAN REAKOFF:it's actually
31 more expensive -- it was \$99 for my room over in
32 Anchorage. I'm going to have another \$90 something in
33 Fairbanks. If I can cut those two days off, we pay for
34 charters and shortening -- charters are actually cheaper
35 in the long run when you look at the per diem and --
36 stipend or per diem and they -- and the rooms and travel,
37 plus the fatigue factor. Now my Council is fatigued
38 right this minute because we had additional travel days.
39 And so I would say October 4th and 5th in place -- where
40 do we want to have this meeting?

41

42 MR. R. WALKER: Are we having any Board
43 of Game things in Fairbanks or anything?

44

45 CHAIRMAN REAKOFF: No. So there's 4th
46 and 5th, we're going to be in Galena this next spring
47 meeting so Aniak?

48

49 MR. GERVAIS: How about Holy Cross.

50

1 CHAIRMAN REAKOFF: Well, OSM has been
2 reluctant to have out of hub community meetings and that
3 -- we haven't read the Federal review on that issue and
4 so I -- that just came out and I haven't had a chance to
5 read that. That was one of the discussion topics at the
6 Federal review is actually being able to go back to
7 hotspots within region and have meetings in villages.
8 But at this point, preliminarily Aniak would be the best
9 position to have our next meeting. Is that.....

10

11 MR. R. WALKER: Why don't we have our
12 meeting in a refugee somewhere -- a refuge, I mean,
13 we.....

14

15 CHAIRMAN REAKOFF: Reindeer Lake.

16

17 MR. R. WALKER:deal with these guys
18 all the time here and we never see where they work.

19

20 CHAIRMAN REAKOFF: That would be great
21 too.

22

23 MR. GERVAIS: Out at moose camp.

24

25 (Laughter)

26

27 CHAIRMAN REAKOFF: I am a proponent of
28 meetings in hotspot areas because we have high public
29 participation and one of the .805 points of councils is
30 to have public participation in the regulatory process.
31 But as far as right at this point Aniak is our next
32 meeting point. We've -- we're meeting here, we go to
33 Galena and we can go to Aniak. So right now those are
34 our three hub communities. Is that agreeable to the
35 Council?

36

37 MR. R. WALKER: Or we could have it
38 Anchorage.

39

40 CHAIRMAN REAKOFF: I prefer to have in
41 region meetings if I can.

42

43 MR. MORGAN: I have no problem with
44 Aniak.

45

46 MR. R. WALKER: Closer to me, I can fly
47 there and fly home easy. Probably don't even have to
48 fly.

49

50 CHAIRMAN REAKOFF: Right. And we need a

1 charter down to Aniak. So okay at this point we've
2 completed our agenda, is there any other business, I see
3 other business on the agenda here.

4
5 Tim.

6
7 MR. GERVAIS: What was the dates for the
8 October meeting?

9
10 CHAIRMAN REAKOFF: The 4th and 5th,
11 that's Tuesday and Wednesday.

12
13 MR. R. WALKER: 4 and 5.

14
15 MR. GERVAIS: Thank you.

16
17 REPORTER: That was not on the record.

18
19 CHAIRMAN REAKOFF: And so that's early
20 enough in the week for travel. Any other business items?

21
22 Does the Chair have a motion to adjourn?

23
24 MR. PELKOLA: I make a motion to adjourn.

25
26 MR. R. WALKER: Move.

27
28 (Laughter)

29
30 MS. PELKOLA: Second.

31
32 (Laughter)

33
34 CHAIRMAN REAKOFF: Robert motion, Jenny
35 seconded to adjourn.

36
37 Those in favor of adjournment signify by
38 saying aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN REAKOFF: Meeting is adjourned.

43
44 (Off record)

45
46 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 22nd day of October 2010.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14