

1 SEWARD PENINSULA FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6  
7 VOLUME I

8  
9 Aurora Inn  
10 Nome, Alaska  
11 October 3, 2012  
12 9:00 a.m.

13  
14 Members Present:

- 15  
16 Louis Green, Chairman  
17 Reggie Barr  
18 Peter Buck  
19 Fred Eningowuk  
20 Thomas Gray  
21 Elmer Seetot  
22 Timothy Smith  
23  
24  
25 Regional Council Coordinator - Alex Nick

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

42 Recorded and transcribed by:  
43  
44 Computer Matrix Court Reporters, LLC  
45 135 Christensen Drive, Suite 2  
46 Anchorage, AK 99501  
47 907-243-0668/907-227-5312  
48 sahile@gci.net

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

P R O C E E D I N G S

(Nome, Alaska - 10/3/2012)

(On record)

CHAIRMAN GREEN: Good morning to everybody here. Welcome to the meeting for today and tomorrow. We've got a lot of ground to cover and new things to discover here, I suppose. My name is Louis Green from Nome, Alaska. I think we can go around the table and everybody can introduce themselves here and make it easy. We'll go to Peter Buck.

MR. BUCK: I'm Peter Buck from White Mountain.

MR. SMITH: I'm Tim Smith from Nome.

MR. ENINGOWUK: I'm Fred Eningowuk from Shishmaref.

MR. SEETOT: Elmer Seetot, Jr. from Brevig Mission.

MR. GRAY: Tom Gray, Nome.

MR. BARR: Reggie Barr, Brevig Mission.

MR. NICK: Alex Nick, Bethel, OSM Council coordinator.

CHAIRMAN GREEN: I suppose we ought to get into this roll call here and then have the Staff introduce themselves. Who's going to take the roll?

MR. BUCK: Louis Green, Jr.

CHAIRMAN GREEN: Here.

MR. BUCK: Elmer Seetot.

MR. SEETOT: Here.

MR. BUCK: Fred Eningowuk.

MR. ENINGOWUK: Here.

MR. BUCK: Tim Smith.

1 MR. SMITH: Here.  
2  
3 MR. BUCK: Tom Gray.  
4  
5 MR. GRAY: Here.  
6  
7 MR. BUCK: Reggie Barr.  
8  
9 MR. BARR: Here.  
10  
11 MR. BUCK: I think that does it.  
12  
13 CHAIRMAN GREEN: That covers everybody,  
14 huh?  
15  
16 MR. BUCK: Yeah. Anthony Keyes is gone  
17 and Peter Miner is gone.  
18  
19 CHAIRMAN GREEN: I'd like to have the  
20 Staff introduce themselves, please.  
21  
22 MR. RABINOWITCH: Sandy Rabinowitch,  
23 Federal Board member for the National Park Service and  
24 then I'm also on the Interagency Staff Committee to the  
25 Federal Board for the Park Service.  
26  
27 MR. ADKISSON: Good morning, Mr. Chair  
28 and Council members. My name is Ken Adkisson. I'm a  
29 subsistence program manager for the National Park  
30 Service, Western Arctic National Parklands, which  
31 includes the Bering Land Bridge National Preserve and  
32 I'm based here in Nome.  
33  
34 MS. BRAEM: Good morning. I'm Nikki  
35 Braem with Division of Subsistence, Fish and Game, and  
36 I'm based in Fairbanks but work in Arctic, Alaska.  
37  
38 DR. JENKINS: Good morning. My name is  
39 David Jenkins. I'm the subsistence policy coordinator  
40 for the Office of Subsistence Management.  
41  
42 DR. CHEN: Good morning. My name is  
43 Glenn Chen with the Bureau of Indian Affairs. I'm a  
44 subsistence branch manager and a member of the  
45 Interagency Staff Committee.  
46  
47 MR. TOCKTOO: My name is Fred Tocktoo  
48 with National Park Service here in Nome.  
49  
50 MR. JOHNSON: Good morning, Mr. Chair,

1 Council members. I'm Carl Johnson. I'm the Council  
2 coordination division chief with the Office of  
3 Subsistence Management.

4

5 CHAIRMAN GREEN: We have one member of  
6 the public here.

7

8 MR. WHEELER: Chuck Wheeler, lifelong  
9 member of Nome, member of Nome Eskimo and shareholder  
10 of Bering Straits and Sitnasuak, private citizen.

11

12 CHAIRMAN GREEN: Thank you. Now we've  
13 got to move on to -- we have an action item here,  
14 review and adopt the agenda. I think we have some  
15 recommendations to add some stuff there. Mr. Smith,  
16 would you carry on.

17

18 MR. SMITH: Yeah, I have a few things  
19 I'd like to see added to the agenda. Under old  
20 business I'd like to get an update on chum salmon  
21 bycatch in the pollock trawl fisheries if we can. Is  
22 Don Rivard going to be joining us today.

23

24 UNIDENTIFIED VOICE: He's on the phone.

25

26 MR. SMITH: Okay. If he can give us an  
27 update. I think the Council's meeting now. I don't  
28 know what's going on there, but it would be nice to  
29 find out and when they're going to take final action on  
30 chum salmon bycatch.

31

32 Also under old business there's a  
33 report in our booklet about setting limits on amounts  
34 of catch for customary trade. I don't know if we're  
35 going to get a report on that or not, but I think we  
36 should talk about that. It's been mostly a Yukon River  
37 issue so far, but I do think there's a lot of people  
38 here that will be affected by what I think are too low  
39 of limits on customary trade.

40

41 Under new business I was hoping we  
42 could get a report on the NBSRA. Tom, could you give  
43 us a report on what's happening there?

44

45 MR. GRAY: Who?

46

47 MR. SMITH: The Northern Bering Sea  
48 Regional Aquaculture Association.

49

50 MR. GRAY: I'm sure we can get somebody

1 here to report on it.

2

3 MR. SMITH: Okay. I'd like to add  
4 muskox status and Tier II. We're back to Tier II with  
5 the State. We probably should talk about what's going  
6 to happen on Federal lands with muskox.

7

8 Another thing for new business would be  
9 -- I'd like to at least kick around the idea of doing  
10 C&T for king salmon on the Unalakleet River leading to  
11 Tier II. It seems like we're at the point where we  
12 need to really start looking at Tier II on the  
13 Unalakleet River for king salmon. That's all I had. I  
14 may think of other things.

15

16 CHAIRMAN GREEN: Tim, what was that you  
17 were asking, the first item you had, the Norton Sound.  
18 I didn't quite.....

19

20 MR. SMITH: It's the Northern Bering  
21 Sea Regional Aquaculture Association. It's a newly-  
22 formed organization that will have some impact on  
23 salmon enhancement.

24

25 CHAIRMAN GREEN: Thank you. Do we have  
26 any other additional items to be added in by any other  
27 members here.

28

29 Tom.

30

31 MR. GRAY: I see you're talking about  
32 some of these Federal regulation proposals. Are you  
33 going to be talking at all about the Board of Fishery  
34 proposals that are going to happen this year?

35

36 CHAIRMAN GREEN: Until we have a --  
37 these are Proposals 40 and 41, is that what you're  
38 referring to?

39

40 MR. GRAY: You know, I don't think so.  
41 It looks like these are Federal proposals and what I'm  
42 talking about is State proposals.

43

44 CHAIRMAN GREEN: Oh, I see. You're on  
45 Page 1 there. I think we're going to need a booklet if  
46 we're going to do anything. If we get into looking  
47 into the State proposals, we probably ought to get a  
48 copy of the proposal booklet. We don't have that.

49

50 MR. GRAY: and the reason I bring this

1 up is our corporation, the Council Native Corporation  
2 has submitted a proposal and it's a subsistence issue.  
3 That's why we submitted it. I guess, if nothing else,  
4 it would be good to be aware of this certain proposal.

5  
6 CHAIRMAN GREEN: I think that we can  
7 probably get ourselves a copy of the proposal booklet.  
8 Do you have that proposal with you that you introduced?

9  
10 MR. GRAY: I do not but, again, there's  
11 people out there that have it, I'm sure. Our  
12 corporation should have it at their office.

13  
14 CHAIRMAN GREEN: Is there anybody  
15 that's going to come in and speak to that?

16  
17 MR. GRAY: Larry wanted to and I said,  
18 well, I don't know that they're going to let you come  
19 in and talk about it, but we could get our president  
20 here to talk about it if he's in town. I could talk  
21 about it if there's time on the agenda. We just need  
22 to get -- you know, I don't know if you're interested  
23 in talking about State issues here.

24  
25 UNIDENTIFIED VOICE: I would be  
26 interested in hearing about it.

27  
28 CHAIRMAN GREEN: I think we've done  
29 that in the past and since I've been on here that we  
30 have dealt with the State proposals. We've talked  
31 about them at least around the table here. I don't see  
32 any problem with it. I know we have a long agenda  
33 here, but certainly that's part of the reason we're  
34 here.

35  
36 MR. GRAY: Where do you want to add it  
37 then? The end of the Federal deal?

38  
39 CHAIRMAN GREEN: What page are you on  
40 there, Tom?

41  
42 MR. GRAY: What I'm looking at.....

43  
44 CHAIRMAN GREEN: Okay, under the.....

45  
46 MR. GRAY: Number 8 you have Federal  
47 regulatory proposals. Maybe F would be State  
48 proposals.

49  
50 CHAIRMAN GREEN: I think that would be

1 a good place to insert it. Is there any problems with  
2 anybody else on that one? We'll include that as F  
3 following the Federal Subsistence regulatory proposals.

4  
5 MR. GRAY: The only other thing that  
6 I've got a real concern about is this muskox thing and  
7 as long as Tim's idea of the muskox going on the  
8 agenda, I want a good discussion on bringing some of  
9 the animals back into Federal hands and how can we go  
10 it for slaughter. So as long as that's part of what  
11 he's proposing.

12  
13 CHAIRMAN GREEN: Thank you. Is there  
14 anything else.

15  
16 Mr. Alex Nick.

17  
18 MR. NICK: Mr. Chair. The reason why I  
19 didn't make any copies of the proposals, State won't  
20 let proposals listed in the agenda for discussion, is  
21 because we deal mostly with Federal proposals and if  
22 there is going to be a review and discussion and  
23 recommendation of the State proposals, I felt that  
24 people from our program would have to tell me to do so.  
25 All I understood from our Staff is that we needed to  
26 have region-specific wildlife proposals on the agenda  
27 for Council discussion. That's the clarification that  
28 I wanted. I think that's the intent of these State  
29 proposals, wildlife proposals on the agenda, that  
30 Council discuss and provide comments. I think Carl  
31 could clarify or maybe David could clarify that. In my  
32 personal opinion -- not as a Federal employee, but in  
33 my personal opinion, review, recommendation versus  
34 discussion is two different things to me. That's my  
35 personal opinion, not as a Federal employee.

36  
37 CHAIRMAN GREEN: Thanks, Alex. I was  
38 just looking -- we were talking about F under the  
39 Federal subsistence regulatory proposals. Maybe we  
40 should be putting this request of Tommy's under where  
41 the Council's comments on State wildlife proposals.  
42 Would that be.....

43  
44 MR. GRAY: Again, I think this is a  
45 proposal that impacts subsistence. It's a fish  
46 proposal and I would say it should stand alone and it  
47 should have its own discussion. Whether or not there's  
48 any recommendations that come out of this group --  
49 again, it all comes back to it's a subsistence issue.  
50 That's why we put that proposal in.

1 MR. BUCK: Mr. Chair. I think we  
2 should always be looking for the extraterritorial  
3 jurisdiction issues that comes up. That will be part  
4 of it.

5  
6 CHAIRMAN GREEN: Okay. With the  
7 comments I'm hearing I think we'll leave it under the  
8 subsistence regulatory proposals, under the letter F.

9  
10 If there's no further additions to the  
11 agenda, I'd like to have somebody make a motion to  
12 accept it.

13  
14 MR. BUCK: I so move.

15  
16 MR. SMITH: Second.

17  
18 CHAIRMAN GREEN: Moved by Peter Buck.  
19 Seconded by Tim Smith. All those in favor say aye.

20  
21 IN UNISON: Aye.

22  
23 CHAIRMAN GREEN: Those opposed same  
24 sign.

25  
26 (No opposing votes)

27  
28 CHAIRMAN GREEN: Pass. We'll move on  
29 to the review and approve previous meeting minutes. We  
30 might want to have a little time here to reflect on  
31 them and then make decisions on it.

32  
33 I was looking in the packet here and we  
34 have the February 2011. Are there any for the February  
35 2012?

36  
37 MR. NICK: Yeah, it's in the packet.

38  
39 CHAIRMAN GREEN: I didn't catch that.

40  
41 MR. SMITH: Starting on Page 5.

42  
43 CHAIRMAN GREEN: Page 5.

44  
45 MR. NICK: Mr. Chair. For your  
46 information, I would like to -- for the Council's  
47 information the February 15-16, 2011 meeting minutes  
48 were reviewed following -- in the fall of 2011, but the  
49 Council asked to defer approval of the minutes until  
50 Tim and I revised a document, Mr. Chair. I thank Tim

1 for his hard work in revising and giving us a chance to  
2 review the revised document before it goes forward.

3

4 CHAIRMAN GREEN: Thanks, Alex.

5

6 (Pause)

7

8 CHAIRMAN GREEN: Is everybody satisfied  
9 with the review of the draft? Any comments.

10

11 MR. SMITH: Mr. Chairman. These are  
12 really minor. These are good minutes, Alex, but on  
13 Page 8, third sentence from the bottom, there's a  
14 missing word between subsistence and collect. I think  
15 users is probably the word that needs to go in there.

16

17 CHAIRMAN GREEN: On Page 8. Where was  
18 that?

19

20 MR. SMITH: Page 8, third sentence from  
21 the bottom.

22

23 MR. NICK: For February 7?

24

25 MR. SMITH: Yeah, it's the February  
26 2012 minutes on Page 8 of your booklet.

27

28 MR. NICK: Which one are you doing?

29

30 MR. SMITH: The one in the booklet.

31

32 CHAIRMAN GREEN: The 2011 -- or '12,  
33 excuse me, the draft. We're on Page 8.

34

35 MR. SEETOT: Mr. Chair. I move to  
36 accept the draft minutes of February 7, 2012 for  
37 discussion.

38

39 CHAIRMAN GREEN: Is there a second?

40

41 (No comments)

42

43 CHAIRMAN GREEN: Is there a second?

44

45 MR. SMITH: I'll second it.

46

47 CHAIRMAN GREEN: Mr. Smith, thank you.  
48 Sandy, do you have a comment.

49

50 MR. RABINOWITCH: Yes, thank you, Mr.

1 Chairman. I actually have one suggested correction on  
2 that 2012. It's also very small. It's on Page 8 at  
3 the bottom, letter C, it says NPS and then the  
4 paragraph starts out with my name and six lines down it  
5 says the NPS is planning to liberalize existing  
6 regulations. If I said those exact words, which I may  
7 have, I misspoke or I said something else and this is  
8 what got written down. What would be more accurate is  
9 to say the NPS is considering liberalization of  
10 existing regulations. Right now it says we're  
11 planning. That's kind of a promise. It would be not  
12 correct for me to have made such a promise if I did say  
13 that. So we are considering liberalization and those  
14 are the couple of words that I would suggest be  
15 tweaked. Thank you for listening to me on that.

16

17 MR. SMITH: Mr. Chairman, Sandy. I was  
18 thinking maybe a better way to say it would be that  
19 you're considering -- you're just reviewing existing  
20 regulations. If you're reviewing existing regulations,  
21 you could go the opposite direction, couldn't you?

22

23 MR. RABINOWITCH: It's possible. I  
24 honestly can't imagine that we would make them more  
25 restrictive. I think we would either leave them the  
26 same or liberalize them, but I can't fathom we would  
27 make them more restrictive.

28

29 MR. SMITH: I didn't want to include  
30 that. I just thought there may be a better way of  
31 saying it unless you were reviewing existing  
32 regulations.

33

34 MR. RABINOWITCH: Whatever everybody is  
35 comfortable with is fine. I just don't want to convey  
36 something that isn't accurate like that.

37

38 Thank you.

39

40 CHAIRMAN GREEN: Mr. Smith, you made a  
41 comment and I didn't quite.....

42

43 MR. SMITH: This is really minor, but  
44 there's a missing word between subsistence and collect,  
45 the third line up from the bottom. There's a missing  
46 word and I would suggest users is the right word.

47

48 CHAIRMAN GREEN: Qualified subsistence  
49 users.

50

1 MR. SMITH: Yeah.  
2  
3 CHAIRMAN GREEN: Are there any other  
4 comments on the draft of the February 2012?  
5  
6 MR. SEETOT: Mr. Chair. The bottom of  
7 Page 10, BOG defined where animals are going. Even  
8 though I might know harvest numbers, I was thinking  
9 that Board of Game is saying these animals go to a  
10 certain place or directing the animals to move to a  
11 certain place. That's what -- are they referring to  
12 that or just harvested animals?  
13  
14 CHAIRMAN GREEN: Okay, I finally found  
15 it here. What was the comment you were making on it?  
16  
17 MR. SEETOT: Are those harvest numbers?  
18 Just for those that probably just first time look at  
19 the paragraph, they're inferring that the Board of Game  
20 is determining where the animals are going, the live  
21 animals instead of the harvested animals. Is that  
22 correct?  
23  
24 MR. SMITH: Mr. Chairman.  
25  
26 CHAIRMAN GREEN: Mr. Smith, go ahead.  
27  
28 MR. SMITH: I kind of think the easiest  
29 way to deal with that would be to just take the whole  
30 sentence out.  
31  
32 CHAIRMAN GREEN: I think you're right  
33 because it doesn't.....  
34  
35 MR. NICK: Excuse me, Mr. Chair. Which  
36 one is that? Which sentence is that?  
37  
38 CHAIRMAN GREEN: That's down on the  
39 bottom. It says although there is no hunt in areas  
40 mentioned, the Board of Game defined where animals are  
41 going to go.  
42  
43 MR. NICK: Okay. Strike the whole  
44 sentence?  
45  
46 CHAIRMAN GREEN: Strike the sentence.  
47  
48 MR. SEETOT: Also, Mr. Chair, on Page  
49 12, under my presentation, line 4, at the end, and  
50 seals are, it should be replaced with the. Insert the

1 and replace it.  
2  
3 CHAIRMAN GREEN: Where would that be  
4 again, Elmer?  
5  
6 MR. SEETOT: And seals. The fourth line  
7 under my presentation at the end of the sentence  
8 there's and seals.  
9  
10 CHAIRMAN GREEN: And seals.  
11  
12 MR. SEETOT: The seals. And should be  
13 replaced with the. Thank you.  
14  
15 MR. NICK: Excuse me, Mr. Chair.  
16 Elmer, I got distracted. Which line is that?  
17  
18 MR. SEETOT: Under my presentation,  
19 line 4, between first time and seals are, and should be  
20 replaced with the.  
21  
22 CHAIRMAN GREEN: Okay. Are we clear on  
23 our corrections?  
24  
25 MR. SMITH: Mr. Chairman. I've got one  
26 more on Page 10. Under BLM. The third sentence up  
27 from the bottom of the BLM report at D, it says BLM  
28 does not have process to do number of concessions to  
29 date. That needs to be reworded a little bit. It's a  
30 little hard to understand right now, so we need to work  
31 on the wording there. I'm not not sure what was  
32 intended.  
33  
34 CHAIRMAN GREEN: Is there anybody in  
35 here that can comment on that besides the fact that if  
36 it's not clear.....  
37  
38 MR. NICK: Mr. Chair. Dan Sharp is  
39 supposed to be calling in. I don't know if he's  
40 online.  
41  
42 CHAIRMAN GREEN: It sounds like he's  
43 not there. So what do you propose, Mr. Smith?  
44  
45 MR. SMITH: Maybe the best thing to do  
46 would be just to take the whole sentence out. That  
47 might be easiest.  
48  
49 CHAIRMAN GREEN: Simple solution.  
50 Anybody have any objections to that?

1                   MR. GRAY: What is the intent? This is  
2 talking about guiding. BLM does not have process to do  
3 number of concessions to date. Concessions is I have a  
4 concession. Before this comes out I'm curious what  
5 it's alluding to here.

6  
7                   CHAIRMAN GREEN: Sandy, do you  
8 have.....

9  
10                  MR. RABINOWITCH: It's dangerous  
11 territory for me to talk about another agency, so take  
12 what I say with a grain of salt, but I think what  
13 they're getting at because I've heard Dan Sharp talk at  
14 other meetings about it. Concessions, I think the  
15 guides that operate on BLM lands, not unlike other  
16 Federal lands, like Park Service or Fish and Wildlife,  
17 are dealt with through concession contracts. So I  
18 think that's what they're getting at and I think --  
19 again, Dan Sharp should really speak about this, but I  
20 think what they're trying to do is get a handle on how  
21 they manage, how the BLM manages the guiding operations  
22 that operate on BLM land. I think that's what it's all  
23 about. I'll stop there because I don't want to lead  
24 you down the wrong path.

25  
26                  CHAIRMAN GREEN: Thanks, Sandy. So  
27 what it is saying, with your comment to me is that they  
28 haven't got a process in place.

29  
30                  MR. SMITH: Mr. Chairman. I don't  
31 really see that it's that important to have it in here  
32 and rather than trying to guess what it might mean why  
33 not just eliminate it?

34  
35                  CHAIRMAN GREEN: Carl.

36  
37                  MR. JOHNSON: Mr. Chair. Actually this  
38 deals with a later agenda topic and that is related to  
39 BLM's current process that it's doing to study how many  
40 guiding concessions they are going to authorize for  
41 certain areas. So what this sentence essentially says  
42 is at that time there was not a process in place that  
43 the BLM had to determine how many concessions they were  
44 going to grant for a particular region or subregion on  
45 BLM lands. So that actually ties into the agenda item  
46 where you are going to be able to comment later on the  
47 BLM's process that it is going to undertake to  
48 determine the number of concessions it will grant for  
49 certain regions.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN GREEN: Thank you for your  
4 comment. Mr. Gray, do you still have any.....

5

6 MR. GRAY: Well, if that was the  
7 intent, I mean a couple of words -- BLM does not have a  
8 process to allocate a number of concessions to this  
9 date or something in that manner. I mean that's what  
10 I just heard I guess.

11

12 CHAIRMAN GREEN: I think I'm inclined  
13 to agree with you on that. So they didn't have a  
14 process to date for allocation.

15

16 MR. GRAY: They didn't have a process  
17 in place to come up with a number of concessions for  
18 their areas to date. If we change it to that, I think  
19 that's what he just said.

20

21 CHAIRMAN GREEN: So we're basically  
22 inserting the word -- BLM does not have a process in  
23 place. It should say did not for does not.

24

25 MR. GRAY: BLM does not have a process  
26 in place for allocation of concessions to date, would  
27 be probably the simplest.

28

29 MR. SHARP: Hello, Mr. Chairman. This  
30 is Dan Sharp, BLM.

31

32 CHAIRMAN GREEN: Okay, Dan, it's your  
33 floor.

34

35 MR. SHARP: I think, as Carl pointed  
36 out, this is a later agenda topic and we can speak to  
37 it at that time unless you guys want to delve into it  
38 now.

39

40 MR. GRAY: We're trying to clean up our  
41 meeting minutes and evidently it was talked about at  
42 this meeting and I hate to take it out of here unless  
43 it was something that was wrongly put in there.

44

45 MR. SHARP: Well, the topic -- I'm  
46 basically trying to introduce it to all the RACs. As  
47 was stated, BLM does not have a process. Basically  
48 we're doing this in conjunction with the Big Game  
49 Commercial Services Board where the State is allocating  
50 guide use areas. BLM is the only Federal agency that

1 doesn't have a similar process in place. One of BLM's  
2 concerns is that without a process to regulate the  
3 number of guides, we basically don't have a mechanism  
4 to say no. In essence, in most BLM lands capacity and  
5 guide use hasn't been an issue. There are a few places  
6 where guide use areas are very competitive and we seem  
7 to be having some social conflicts and issues.

8

9                   What we're doing right now is trying to  
10 work in conjunction with the State's process so that in  
11 time when guide use areas on the State side have been  
12 allocated then the BLM will have a mechanism in place  
13 so that we can assign a similar number of special -- or  
14 SRPs, special recreation permits, that the BLM will  
15 issue. That's about the crux of it. Right now we're  
16 just taking comments trying to figure out if there are  
17 areas we're unaware of where there are social impacts,  
18 guide versus subsistence user issues that are occurring  
19 on BLM lands.

20

21                   We're going to draw up a range of  
22 alternatives and an environmental assessment to  
23 basically come up with a mechanism to put a number on  
24 all the guide use areas as to how many permits will be  
25 issued. This won't address the number of -- the  
26 assessment process won't address the number of animals  
27 killed nor the number of clients that a guide can use.  
28 Those will be addressed on permit stipulations, but  
29 this will basically say we'll allow two, four, six,  
30 none guide use permits to be issued. It also isn't  
31 designed to deal with transporters. That's a separate  
32 initiative. So this is just dealing with guides.

33

34                   MR. GRAY: Again, you know, I think  
35 just a couple of -- BLM does not have a process to -- a  
36 process in place for the number of guides per  
37 concessions or something.

38

39                   MR. SMITH: Mr. Chairman. How about  
40 this? BLM does not currently have a process to limit  
41 the number of concessions.

42

43                   MR. GRAY: What they're talking about  
44 is I have a concession. I have my Fish River Flats  
45 guide use area as a concession and this process they're  
46 talking about is how many guides can operate in that  
47 concession and limiting the number of guides. So if  
48 there's two or four, whatever. The concession -- so,  
49 you know, I guess -- it does not have a process to  
50 limit the number of guides in a concession. I think,

1 you know, again, what they're getting at is the number  
2 of guides. How do you limit the guides. That's the  
3 key to this thing.

4  
5 MR. SMITH: Mr. Chairman. Isn't each  
6 guide a concessionaire on Federal lands?

7  
8 MR. GRAY: Ask BLM.

9  
10 CHAIRMAN GREEN: Dan, this is Louis.  
11 Do you have this draft document in your hand there?

12  
13 MR. SHARP: The handout that Carl had?

14  
15 CHAIRMAN GREEN: These are the minutes  
16 of the February 2012 meeting.

17  
18 MR. SHARP: They're on my desk, I  
19 guess, but it's sort of noisy over there. But go ahead  
20 if there's questions.

21  
22 CHAIRMAN GREEN: We want to clean this  
23 up a little bit here so we can move on with it. There  
24 was one other additional correction in here and it  
25 would be about halfway through there where there's LM  
26 lands. It's probably BLM lands.

27  
28 MR. SHARP: I'd imagine so.

29  
30 CHAIRMAN GREEN: Now we just need to  
31 have a sentence in here where BLM does not have a  
32 process to number of concessions to date. We just need  
33 to have something in there and I think Mr. Smith -- did  
34 you have -- it's either take it out or make your  
35 recommendation there.

36  
37 MR. SMITH: Well, I don't see why it's  
38 needed since it's not -- you know, it doesn't involve  
39 any action by the RAC. If we want to do it, let me ask  
40 this of BLM. Is each guide a concessionaire on BLM  
41 lands?

42  
43 MR. SHARP: Potentially, yes. If  
44 they're going to operate on BLM lands, they would need  
45 a permit from BLM and I guess, yes, that's correct.

46  
47 MR. GRAY: To me it doesn't matter. I  
48 mean, again, we can take it out. It really has no  
49 impact other than it's -- you know, BLM should be  
50 waving the flag saying keep it in, keep it in, this is

1 what I need to hear. To me, it doesn't matter. We can  
2 pull it out and BLM will be the slacker on this thing.

3

4 MR. SHARP: If there's an entry in the  
5 minutes and there's some question to it, I have no  
6 objection if folks want to remove it. This is a slowly  
7 evolving process. There will be time to have correct  
8 minutes and we'll all be on the same page soon.

9

10 MR. SMITH: In the interest of moving  
11 along, I would suggest we just delete it, especially  
12 since we're still talking about the evolving process.  
13 So I would say just delete it.

14

15 CHAIRMAN GREEN: If no objections by  
16 anybody else or any comments by anybody else, I think  
17 it's going to be deleted. Strike it. Okay. Are there  
18 any other corrections.

19

20 MR. BUCK: Question on the motion.

21

22 CHAIRMAN GREEN: The question has been  
23 called. All those in favor say aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN GREEN: All those opposed same  
28 sign.

29

30 (No opposing votes)

31

32 CHAIRMAN GREEN: Passed. So the  
33 meeting minutes of 2012 have been approved. I think we  
34 want to go back over -- I'm trying to get this straight  
35 here on the minutes for 2011. Now these were meeting  
36 minutes that have been gone over and corrections have  
37 been made and this is listed as a draft. So are we  
38 needing to approve it right now, right? Okay. Are  
39 there any corrections or anything else that anybody  
40 wants to add to it?

41

42 MR. SEETOT: Mr. Chair. Move to accept  
43 the February 15-16, 2011 meeting minutes as a draft.

44

45 CHAIRMAN GREEN: Elmer has moved. Is  
46 there a second.

47

48 MR. BUCK: Second it.

49

50 CHAIRMAN GREEN: All those in favor say

1 aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN GREEN: Those opposed same  
6 sign.

7

8 (No opposing votes)

9

10 CHAIRMAN GREEN: The meeting minutes of  
11 2011 have passed. We are into Number 6, the Chairman's  
12 report. I don't have anything to report and I would  
13 like to ask Council members if they have anything to  
14 report.

15

16 (No comments)

17

18 CHAIRMAN GREEN: With nothing from the  
19 members, we're moving into public and tribal comment on  
20 non-agenda items. We have one member of the public  
21 here, Chuck Wheeler. I'd like to call upon him to take  
22 the floor.

23

24 MR. WHEELER: I'll try to be brief.  
25 I've got about four different items.

26

27 CHAIRMAN GREEN: Push the button there.

28

29 MR. WHEELER: Number one would be the  
30 Norton Sound chum salmon disaster of 2000 and the  
31 subsequent Fish and Game declaring it didn't exist  
32 anymore in 2007, in which they did nothing to restore  
33 or enhance. I believe they have a financial  
34 accountability problem.

35

36 Having said that, the bycatch. I  
37 understand that in 2013 they're looking at an observer  
38 program where it's going to be independent from what I  
39 heard and trained rather than what they're using now.  
40 Perhaps they'll get more accurate numbers.

41

42 The other, as I said before, the latest  
43 assessment that was given by the Arctic Policy Board,  
44 which was this past spring. Prior to that the '08 oil  
45 lease that they had with the Feds in the Chukchi and  
46 Beaufort Sea the surveys indicated there was in excess  
47 of 200 species of fish of which about 5 percent or a  
48 dozen of them were potentially commercially available.  
49 There was discussion about a trial or experimental  
50 permit to go out there and see what they could find by

1 a bottom trawl or whatever.

2

3                   That says it pretty much in a nutshell.  
4 I would object to the Pacific Fisheries Council even  
5 considering an experimental permit to do it because of  
6 what's happening in the Bering Sea in regards to marine  
7 travel. The new Shell lease program and right behind  
8 them is the Stat oil program for all the leases that  
9 they bought from Chevron and some from other people.  
10 It looks like Wainwright is going to be the point in  
11 the Bering Sea and it's going to affect the marine  
12 mammals. It's going to affect the traffic.

13

14                   And they didn't even discuss the  
15 possible pollution of the ore that's being shipped out  
16 of Red Dog. There's 21 or 22 freighters going down.  
17 They're holding 70,000 tons per and they're saying  
18 there's no problem with one of those ships sinking and  
19 causing pollution in the marine environment and I beg  
20 to differ with them.

21

22                   Having said that, thank you.

23

24                   CHAIRMAN GREEN: Thank you for your  
25 comments, Mr. Wheeler. Are there any additional  
26 comments of anybody else in the public.

27

28                   (No comments)

29

30                   CHAIRMAN GREEN: I think that tomorrow  
31 we'll probably allow that to take place again because  
32 if somebody didn't make it in that wanted to make a  
33 comment at this meeting I think should be allowed. If  
34 you know somebody that wants to come, have them come.

35

36                   MR. BUCK: Mr. Chair. I have a  
37 question.

38

39                   CHAIRMAN GREEN: Mr. Buck.

40

41                   MR. BUCK: On Page 4 we've got -- I'd  
42 like to know what the process is. How close are they  
43 to filling those three other seats?

44

45                   MR. NICK: Mr. Chair. Mr. Buck. In  
46 order to fill vacant seats, we have to go through the  
47 nomination process. It will be done this fall or  
48 rather at the end of the year, around December. There  
49 will be -- the applicants will be -- well, they're in  
50 review process. Still in review process until

1 December. We wouldn't know who is going to be  
2 appointed until they send a letter to what I would call  
3 successful applicants.

4  
5 Mr. Chair, Carl, do you have anything  
6 to add?

7  
8 (No comments)

9  
10 MR. NICK: Okay. Mr. Chair. One other  
11 thing. Two of your Council members resigned this  
12 summer because both of them moved away from the region.  
13 In order to serve in the region -- correct me if I'm  
14 wrong, in order for them to serve on the RAC in a new  
15 region they have to remain in the region.

16  
17 CHAIRMAN GREEN: Thank you, Alex.  
18 Carl.

19  
20 MR. JOHNSON: Thank you, Mr. Chair.  
21 Carl Johnson, for the record. To kind of add a little  
22 bit to Alex's comments from Mr. Buck, the two vacancies  
23 occurred after this nomination process was closed and  
24 they were already selecting the nominees for the next  
25 year. So you are going to end up -- even if  
26 everybody's names who were forwarded to the Secretary's  
27 Office are appointed, you're still going to end up with  
28 vacancies because there are not enough applicants to  
29 fill all of the empty and open seats for the cycle.  
30 This is something I'll want to talk to the Council  
31 about a bit later on in the agenda.

32  
33 Thank you, Mr. Chair.

34  
35 CHAIRMAN GREEN: Thank you for your  
36 comments, Carl. I guess that moves us on to the next  
37 agenda item, Number 8. The Federal subsistence  
38 regulatory proposals. Does anybody have anything to  
39 bring up about their -- any reviews? I've not been  
40 able to review these, so if there's anybody here that  
41 can add to it.

42  
43 Carl.

44  
45 MR. JOHNSON: Mr. Chair. Don Rivard,  
46 fisheries biologist with the Office of Subsistence  
47 Management is on the line and he can speak to most of  
48 the fisheries proposals. Also Dr. David Jenkins can  
49 speak to the proposals that deal with customary trade  
50 issues. So I will turn any inquiries the Council may

1 have on those proposals, those two gentlemen can  
2 answer.

3

4 CHAIRMAN GREEN: Thank you.

5

6 MR. JOHNSON: So, Don, do you want to  
7 be available for some questions?

8

9 MR. RIVARD: I'm here and ready to go.

10

11 CHAIRMAN GREEN: Mr. Smith.

12

13 MR. SMITH: Mr. Chairman. I'm not able  
14 to find the 2012 fishing season review for Yukon and  
15 Kuskokwim Rivers. It's not on Page 18. I was  
16 wondering where it is.

17

18 CHAIRMAN GREEN: I have the same  
19 problem. Alex.

20

21 MR. NICK: Mr. Chair. On Page 18 of  
22 your workbook, each proposal -- for example, each  
23 proposal begins with executive summary and then the  
24 following pages speaks about that proposal.

25

26 Mr. Chair.

27

28 MR. SMITH: What I'm looking for is the  
29 season review. It's on the agenda, 2012 fishing season  
30 review for Yukon and Kuskokwim Rivers.

31

32 MR. NICK: I stand corrected. Give me  
33 a few minutes to look at the book. Sometimes things  
34 get switched around a little bit. I'll check on it.

35

36 CHAIRMAN GREEN: Thank you, Alex. Go  
37 ahead and proceed to do so.

38

39 MR. GRAY: Mr. Chair. I'm trying to  
40 figure out who put these proposals forward, number one,  
41 and, for example, on Page 18 there's a proposal for  
42 changes, but what is the original proposal or what is  
43 the original regulation?

44

45 MR. NICK: Mr. Chair.

46

47 CHAIRMAN GREEN: Alex.

48

49 MR. NICK: There might be a printing  
50 error on this one because that 2012 season summary I

1 believe it's intended -- it's in the Y-K booklet  
2 because people -- there's supposed to be a joint  
3 presentation by the Fish and Wildlife and ADF&G that  
4 works out of Emmonak in summertime.  
5  
6 MR. GRAY: So.....  
7  
8 MR. NICK: So it might be an error.  
9  
10 MR. GRAY: It's our area? Is it part  
11 of our.....  
12  
13 MR. NICK: It's Lower Yukon.  
14  
15 MR. GRAY: Okay. So it's not  
16 involving.....  
17  
18 MR. NICK: Yukon area.  
19  
20 MR. GRAY: Okay. Not Stebbins, St.  
21 Michaels in other words.  
22  
23 MR. NICK: It affects those villages,  
24 but.....  
25  
26 MR. GRAY: It does affect them, but  
27 doesn't.....  
28  
29 MR. SMITH: Mr. Chairman.  
30  
31 CHAIRMAN GREEN: Mr. Smith.  
32  
33 MR. SMITH: I would like to see a  
34 season review for Seward Peninsula. We don't get very  
35 many chances to hear from Fish and Game on what  
36 happened here and this seems like a pretty good  
37 opportunity. This probably is meant to be for a  
38 different booklet, but I think we should get a report  
39 for Seward Peninsula salmon. This was definitely not a  
40 very good year and I'd like to hear from Fish and Game  
41 on that. There just aren't any opportunities. The  
42 State Fish and Game Advisory Committee doesn't meet  
43 anymore. The only time we ever get a report from Fish  
44 and Game is at an NSEDC meeting and nobody goes to  
45 those.  
46  
47 CHAIRMAN GREEN: Nikki.  
48  
49 MS. BRAEM: I'll make a point -- I'll  
50 head down to the office and see if there's anybody

1 there who can maybe come attend the meeting and report  
2 on what's going on with the fisheries here. I know Jim  
3 Menard is not in town right now, but Scott Kent might  
4 be here and he could provide you more information than  
5 I could at this point.

6  
7 CHAIRMAN GREEN: Thank you. Satisfied  
8 with that?

9  
10 MR. SMITH: Yes.

11  
12 CHAIRMAN GREEN: Thank you.

13  
14 MR. NICK: Mr. Chair. This also could  
15 be printing error. Maybe it was included by mistake  
16 because all of the materials was sent to our technical  
17 staff in Anchorage. For the ones like the regions like  
18 Y-K, rather in-season summary was going to be given as  
19 an update.

20  
21 MR. SMITH: Mr. Chairman.

22  
23 CHAIRMAN GREEN: Go ahead, Mr. Smith.

24  
25 MR. SMITH: While we're waiting for  
26 that, I guess I'd like to make a motion on B, FP13-02.  
27 I move that we support that proposal.

28  
29 CHAIRMAN GREEN: Is there a second.

30  
31 MR. SEETOT: Mr. Chair. Is that where  
32 we go through the presentation procedures?

33  
34 CHAIRMAN GREEN: I'm sorry, Elmer.  
35 What were you asking?

36  
37 MR. SEETOT: Is that where we go  
38 through the procedure for proposals on our agenda item?

39  
40 CHAIRMAN GREEN: I'm not sure.

41  
42 MR. SEETOT: That's why you have  
43 executive summary and then the detailed information  
44 following that.

45  
46 CHAIRMAN GREEN: So your question is  
47 that we.....

48  
49 MR. GRAY: Mr. Chair.

50

1 CHAIRMAN GREEN: Go ahead, Tom.  
2  
3 MR. GRAY: In the past, whenever we  
4 dealt with proposals, there was, I think, a motion to  
5 adopt the proposal and a second and then there's a  
6 process of agencies come forward and discuss the  
7 proposal. In the end, it either passes or dies.  
8 That's what Elmer's asking.  
9  
10 CHAIRMAN GREEN: So are we looking at  
11 this as a block?  
12  
13 MR. GRAY: No.  
14  
15 CHAIRMAN GREEN: No. Just -- I'm not  
16 seeing this in here. I'm not reading it.  
17  
18 MR. SMITH: I just made a motion to  
19 support this one proposal. I don't think we should  
20 support them as a block.  
21  
22 CHAIRMAN GREEN: Support one at a time.  
23 It's open for discussion.  
24  
25 MR. GRAY: So for discussion I'll  
26 second it and then we have this process on the back of  
27 here that we have to go through.  
28  
29 MR. JOHNSON: Mr. Chair. The Council  
30 members are correct. This is also on Page 14 of your  
31 Council book. It sets forward the same procedure  
32 that's on the back of your name plates. So the next  
33 step at this point in time would be to have Mr. Rivard  
34 or Dr. Jenkins do a presentation which highlights the  
35 proposal and presents the analysis and then after that  
36 would be your agency, Native organization, tribal  
37 government comments.  
38  
39 Thank you, Mr. Chair.  
40  
41 CHAIRMAN GREEN: We're open for  
42 discussion, so we need agency comment.  
43  
44 MR. JOHNSON: First, if I may, Mr.  
45 Chair, Don, would you like to walk the Council through  
46 FP13-02.  
47  
48 MR. RIVARD: I'd be more than happy to  
49 do that if that's the Council's wishes.  
50

1 CHAIRMAN GREEN: We'd like you to do  
2 that.

3  
4 MR. RIVARD: Can you hear me okay?

5  
6 MR. JOHNSON: Yes, we've got you and  
7 you've got the go ahead.

8  
9 MR. RIVARD: Okay. Good morning,  
10 Council members. My name is Don Rivard. I'm a fish  
11 biologist here with the Office of Subsistence  
12 Management. I cover the Yukon and Kuskokwim Rivers  
13 drainages for the most part. The draft Staff analysis  
14 starts on Page 19 in your books.

15  
16 This is Proposal FP13-02. It was  
17 submitted by the U.S. Fish and Wildlife Service,  
18 Fairbanks Fish and Wildlife Field Office and requests a  
19 change in the marking of chinook salmon taken for  
20 subsistence purposes in Districts 1, 2, and 3 on the  
21 Yukon River. Marking requirements for Yukon River  
22 chinook salmon were initially adopted to be consistent  
23 with State regulations. However, State and Federal  
24 regulations currently are inconsistent because there  
25 was some changes to the State's regulations back in  
26 2007.

27  
28 You can see the existing and proposed  
29 regulation on Page 19 there in the middle of the page  
30 and it shows it would go from a dorsal fin clip to  
31 having both tips or lobes of tail fin removed before  
32 the person conceals the salmon from plain view or  
33 transfers the salmon from the fishing site. This  
34 matches very closely with the State's language.

35  
36 On February 20, 2007, the Alaska Board  
37 of Fisheries adopted a proposal changing the marking  
38 requirement for subsistence-taken salmon from removal  
39 of the dorsal fin to removal of both tips of  
40 the tail fin. This was to make their regulations  
41 consistent with other areas of the state.

42  
43 If this proposal is adopted, the  
44 marking requirement change is not expected to alter  
45 salmon harvest because subsistence caught fish are  
46 currently required to be marked. Removal of both tips  
47 of the tail fin should be easier to accomplish than  
48 removal of the dorsal fin. It would not result in any  
49 damage to the flesh of the salmon and would result in  
50 an easily seen mark that would help discourage sales of

1 subsistence caught salmon to commercial buyers. It  
2 also would provide some modest reduction in regulatory  
3 complexity.

4  
5                   The preliminary OSM conclusion is to  
6 support this proposal.

7  
8                   Thank you, Mr. Chair.

9  
10                  CHAIRMAN GREEN: Thank you. Are there  
11 any comments by any of the Council.

12  
13                  (No comments)

14  
15                  CHAIRMAN GREEN: I was just curious --  
16 I guess the markings on these things required. Is  
17 there that much of a problem on the Yukon, that their  
18 taking subsistence salmon and selling it?

19  
20                  MR. RIVARD: Mr. Chair. I don't  
21 believe there's a problem, but what this does, it's a  
22 different mark than what is for subsistence-caught fish  
23 as opposed to commercially-caught fish so that anybody  
24 checking on it can easily see that it's meant for  
25 either subsistence or commercial purposes.

26  
27                  MR. GRAY: Mr. Chair.

28  
29                  CHAIRMAN GREEN: Go ahead.

30  
31                  MR. GRAY: This is Tom Gray. I guess  
32 I'm one of the guys that is not in favor of. If the  
33 State changes this, we're going to come in line and  
34 change our policies to match the State's. You know,  
35 the State has its mission in life and we have our  
36 mission in life and they're very different missions.  
37 You know, I read this and it's almost like the system  
38 doesn't have faith in people using this resource and  
39 we're going to micro-manage it to the point that it  
40 pisses people off. I'm a little bit curious. In a lot  
41 of these cases that we've dealt with in the past we've  
42 deferred the action to that region and let that region  
43 decide what they're going to do.

44  
45                  Again, I think we have a mission in  
46 life and the State has their own mission in life and we  
47 need to keep that in mind for our subsistence users.

48  
49                  MR. BUCK: Mr. Chair.

50

1 CHAIRMAN GREEN: Peter.

2

3 MR. BUCK: I'll say this is the first  
4 time I see this. If my subsistence fish that I'm  
5 getting and then I have to remove the dorsal fins and  
6 all the different fins, that seems ridiculous to me, so  
7 I'm not going to comment on this.

8

9 CHAIRMAN GREEN: I think that's the  
10 reasoning behind my question. Is there a definite  
11 problem out there? To me, it's imposing on the  
12 subsistence use. I don't see the point in it.

13

14 MR. SMITH: Mr. Chairman. All this  
15 proposal does is change the way they're marked. If  
16 they don't change it, you're going to have to cut off  
17 both the dorsal fin for State purposes and the tail in  
18 order to comply. To make it a little bit easier for  
19 the -- they're going to have to mark them one way or  
20 the other. This doesn't apply here, Peter. It only  
21 applies on the Yukon River.

22

23 MR. GRAY: Mr. Chair. I guess I would  
24 like to hear from somebody saying, yes, that's true, if  
25 you're going to have a subsistence fish, you have to  
26 have both of them cut. I guess my feeling is if I'm  
27 out on the high seas, I'm catching Federal fish, that  
28 fish comes into the land and I can catch a fish under  
29 Federal programs, I will follow the Federal programs.  
30 If the State is going to step on the Federal program, I  
31 feel they've got a little bit too much authority going  
32 on here.

33

34 Maybe Staff or somebody can enlighten  
35 us on what's what here. As this sits, you know, I  
36 guess my feeling -- I'm going to vote against it. But  
37 if we don't have any choice and our people don't have  
38 any choice, it's one of these issues that I would say  
39 I'm going to defer to Yukon and let the Yukon people  
40 deal with it.

41

42 CHAIRMAN GREEN: Carl, did you want to  
43 make a comment? You looked like you were ready to push  
44 the button.

45

46 MR. JOHNSON: I was just ready in case  
47 Mr. Rivard had a -- was going to say something. That's  
48 why I've got my finger here on the trigger so to speak.

49

50 MR. RIVARD: Okay. Well, I'll let you

1 use that finger if it's okay. This is Don Rivard  
2 again. I think one of the gentlemen already pointed  
3 out that right now subsistence-caught fish has to be  
4 marked twice now. It has to be marked both ways per  
5 regulation. What this would do is eliminate one of the  
6 marks and just make it consistent with the State. It's  
7 not a matter of, you know, the State imposing something  
8 on Federal users or vice versa. It's just making it  
9 easier for subsistence fishermen to mark their fish.  
10 They've got to mark them anyway to show that they've  
11 been caught for subsistence purposes. Right now there  
12 has to be one mark for Federal users and one mark for  
13 State. Most times these fish are caught under both  
14 regulations, so this way it just makes it consistent.

15  
16 CHAIRMAN GREEN: I think we had a  
17 motion on the floor, did we not?

18  
19 MR. GRAY: There is and it's been  
20 seconded, yes.

21  
22 CHAIRMAN GREEN: And it's been  
23 seconded, so.....

24  
25 MR. GRAY: Louis.

26  
27 CHAIRMAN GREEN: Go ahead.

28  
29 MR. GRAY: There's a whole process that  
30 should happen. You know, our people are going to talk,  
31 Fish and Game should have an opportunity to talk,  
32 Native villages, our own Staff should talk. There's a  
33 whole process that is supposed to go through on each  
34 one of these proposals. I don't know if we're going to  
35 follow that. I don't see Fish and Game here anymore.

36  
37 So, anyway, food for thought.

38  
39 CHAIRMAN GREEN: Mr. Gray, I see the  
40 list of names, the groups here. Maybe Park Service  
41 wants to comment on this.

42  
43 (No comments)

44  
45 CHAIRMAN GREEN: I didn't think so. We  
46 don't have any -- our advisory group comments have been  
47 coming across here. We don't have any neighboring  
48 Regional Councils here. We don't have local fish and  
49 game advisory committee, so we're kind of right down to  
50 whether we vote for it or not. Do we defer like you

1 referred? We have done that at advisory committee  
2 level at the State level. I know we've always got to  
3 the point where it was not our area, so we deferred it.  
4 Are we at that point today?

5  
6 MR. GRAY: I would say we have to go  
7 through the motion and if it passes, so be it, if it  
8 dies, so be it. If it dies, then maybe a motion to  
9 defer this issue would be proper. I'm not sure how  
10 process works here.

11  
12 MR. RIVARD: Mr. Chair. This is Don  
13 Rivard.

14  
15 CHAIRMAN GREEN: Mr. Rivard, go ahead.

16  
17 MR. RIVARD: Just for your information  
18 the Alaska Department of Fish and Game has provided  
19 their written comments in your book starting on Page  
20 22. They give their reasons for it, but they do  
21 support this proposal.

22  
23 Thank you.

24  
25 \*\*\*\*\*  
26 STATE OFFICIAL WRITTEN COMMENTS  
27 \*\*\*\*\*

28  
29 Alaska Department of Fish and Game  
30 Comments to the Regional Advisory Council

31  
32 Fisheries Proposal FP13-02:

33  
34 Revise the marking requirement for  
35 subsistence-caught Chinook salmon in Yukon River  
36 Districts 1, 2, and 3 from removal of the dorsal fin  
37 immediately after landing to removal of both tips  
38 (lobes) of the tail fin before the person conceals the  
39 salmon from plain view or transfers the salmon from the  
40 fishing site.

41  
42 Introduction:

43  
44 This proposal, submitted by the U.S.  
45 Fish & Wildlife Service (Service) Fairbanks Field  
46 Office, seeks to revise the marking requirement for  
47 subsistence-caught Chinook salmon in Yukon River  
48 districts 1, 2, and 3.

49  
50 Federal marking requirements for Yukon

1 River Chinook salmon were initially adopted to be  
2 consistent with state regulations current at the time.  
3 However, due to an oversight, this requirement was not  
4 amended in follow-up to the state s 2007 action.  
5 Changing the federal marking requirement at this time  
6 will bring this regulation back in line with the state  
7 regulation.

8

9

Impact to Subsistence Users:

10

11 If this proposal is adopted, the  
12 marking requirement change is not expected to alter  
13 salmon harvest because subsistence-caught fish are  
14 still required to be marked.

15

16

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

23

24

Impact to Other Users:

25

26

27 If this proposal is adopted, it will  
28 also simplify commercial fish buying operations by  
29 reducing the variety of fish markings crews must look  
30 for when accepting deliveries.

30

31

Opportunity Provided by State:

32

33

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

1 the salmon run progresses upstream. Federal  
2 regulations under Special Actions to restrict  
3 federally-eligible users have been rare and mirrored  
4 the state inseason actions necessary to meet escapement  
5 goals, except where state and federal regulations  
6 differ in subdistricts 4-B and 4-C. Amounts reasonably  
7 necessary (ANS) for subsistence Chinook salmon (5AAC  
8 01.236 (b)), as determined by the Alaska Board of  
9 Fisheries (BOF), have not been met in the Yukon River  
10 drainage the last four years.

11  
12 In February 2007, the BOF adopted a  
13 similar action in regulation 5 AAC 01.240(c). Marking  
14 and use of subsistence taken salmon: In Districts 1-3,  
15 from June 1 through July 15, a person may not possess  
16 king salmon taken for subsistence uses unless both tips  
17 (lobes) of the tail fin have been removed before the  
18 person conceals the salmon from plain view or transfers  
19 the salmon from the fishing site. A person may not  
20 sell or purchase salmon from which both tips (lobes) of  
21 the tail fin have been removed.

22  
23 The rationale cited in the BOF  
24 committee report was to foster better compliance  
25 because marking would be easier. The regulation would  
26 be consistent with other areas of the state, it  
27 clarified when subsistence marking requirements would  
28 be in place, and it was thought to be a more sanitary  
29 mark that was still needed for enforcement to  
30 discourage subsistence-caught fish from entering the  
31 state s commercial fisheries. The Federal Subsistence  
32 Management Program comment to the BOF at the time was  
33 in support of the proposed change

34  
35 Conservation Issues:

36  
37 The Yukon River Chinook salmon stock is  
38 currently classified as a yield concern. Subsistence  
39 harvest levels have not reached the ANS the last four  
40 years (2008 2011). A majority of the Yukon River  
41 drainage escapement goals have been met since 2000,  
42 including the Chena and Salcha rivers, which are the  
43 largest producers of Chinook salmon in the U.S. portion  
44 of the drainage. The agreed-to escapement objective  
45 for the Canadian mainstem was met every year from 2001  
46 through 2006, with 2001, 2003, and 2005 being the three  
47 highest spawning escapement estimates on record.  
48 However, the escapement objective for the Canadian  
49 mainstem was not met in 2007, 2008, and 2010.  
50 Exploitation rate on the Canadian-origin stock by

1 Alaskan fishermen has changed from an average of about  
2 55% (1989 1998) to an average of about 44% from  
3 2004 2008 (Howard et al. 2009)1. Although the  
4 subsistence harvest was stable at nearly 50,000 Chinook  
5 salmon annually through 2006, the recent five-year  
6 average (2007 2011) was 43,900. Commercial harvests  
7 have decreased over 90% from an average of 100,000  
8 annually (1989 1998) to the recent five-year average  
9 (2007 2011) of nearly 9,700 fish.

10

11 Enforcement Issue: None noted at this  
12 time.

13

14 Jurisdiction Issues:

15

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

24

25 Enforcement difficulties and user  
26 confusion -- concerning where and how federal  
27 regulations that are different than state regulations  
28 apply -- will result unless detailed maps and  
29 explanations specific to the area are provided.

30

31 Other Issues:

32

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

46

47 Recommendation: Support.

48

49 In February 2007, the BOF adopted a  
50 similar action in regulation 5 AAC 01.240. Marking and

1 use of subsistence taken salmon. Changing the federal  
2 marking requirement at this time will bring the Federal  
3 regulation back in line with the state regulation and  
4 be less confusing to the public.

5

6 CHAIRMAN GREEN: Thank you.

7

8 Carl.

9

10 MR. JOHNSON: Mr. Chair. Not only is  
11 there the process that's written down here, but while  
12 you may be able to visually look in the room and know  
13 that certain groups are not represented present, it's  
14 important for the record for it to be stated on the  
15 record that these groups were given an opportunity to  
16 speak. You ask if there's anybody from Fish and Game  
17 or any groups, Native organizations to speak, and if  
18 there's no answer, then we know on the record that  
19 these groups and agencies were given an opportunity,  
20 it's just that they weren't present and then just move  
21 on to the next step.

22

23 We did start this first one a little  
24 out of order because typically there's not a motion  
25 until after the proposal has been introduced and then  
26 all the agency and public comments, then there's a  
27 motion, but typically the motion always does start with  
28 a motion to support. We start with a positive motion.  
29 If it fails, then we go to a motion, perhaps defer or  
30 table or whatever the next step might be. They  
31 typically do start, as Mr. Smith correctly did, with a  
32 motion to support and then we go from there.

33

34 Thank you, Mr. Chair.

35

36 CHAIRMAN GREEN: Thank you, Carl.

37 Since we had the comment from Council, for the agency  
38 comments I guess I'll just go right on through it like  
39 that. Does Alaska Department of Fish and Game have any  
40 comments.

41

42 (No comments)

43

44 CHAIRMAN GREEN: Are there any Federal  
45 agencies to make comments?

46

47 (No comments)

48

49 CHAIRMAN GREEN: Interagency Staff  
50 Committee comments.

1 (No comments)  
2  
3 CHAIRMAN GREEN: Tribal, village or  
4 other comments.  
5  
6 (No comments)  
7  
8 CHAIRMAN GREEN: Advisory group  
9 comments.  
10  
11 (No comments)  
12  
13 CHAIRMAN GREEN: National Park Service  
14 Subsistence Resource Commissions.  
15  
16 (No comments)  
17  
18 CHAIRMAN GREEN: Are there any written  
19 comments?  
20  
21 MR. SEETOT: Mr. Chair. Other than  
22 Page 22 under Fish and Game.  
23  
24 CHAIRMAN GREEN: Page 22.  
25  
26 MR. SEETOT: Mr. Chair. That is just  
27 referred to as written comments by Fish and Game.  
28  
29 CHAIRMAN GREEN: Is there any public  
30 testimony.  
31  
32 (No comments)  
33  
34 CHAIRMAN GREEN: Regional Council  
35 recommendations to the motion. We have a motion in  
36 place and a second. All those in favor of the motion  
37 say aye.  
38  
39 MR. JOHNSON: Mr. Chair.  
40  
41 CHAIRMAN GREEN: I'm sorry.  
42  
43 MR. JOHNSON: Pardon the interruption,  
44 but I did want to point out that there are submitted  
45 written comments on different proposals beginning on  
46 Page 91. There's a series of proposal written comments  
47 dealing with FP11-08, which is not the one we're  
48 talking about; however, Tanana Chiefs Conference has  
49 submitted written comments on all of the proposals,  
50 including FP13-02, the one that is currently being

1 discussed by the Council.

2

3 MR. GRAY: What page was that again?

4

5 MR. JOHNSON: That's the Tanana Chiefs  
6 Conference beginning on Page 93. According to the kind  
7 of overall summary chart, the Tanana Chiefs Conference  
8 does support this proposal according to their provided  
9 written comments. But they do have written comments  
10 here on all the fisheries proposals that are going to  
11 be discussed by the Council today, so I just wanted to  
12 make the Council aware of that.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN GREEN: Thank you for that  
17 information, Carl.

18

19 MR. GRAY: Mr. Chair. Has the people  
20 that are being affected in this region acted on this  
21 proposal? Tanana Chiefs sounds like they may be part  
22 of this region, but has this board in that region acted  
23 on this proposal and, if so, what did they -- was there  
24 support or no support?

25

26 MR. RIVARD: Mr. Chair. This is Don  
27 Rivard.

28

29 CHAIRMAN GREEN: Go ahead, Mr. Rivard.

30

31 MR. RIVARD: The three Councils that  
32 are on the Yukon and the Kuskokwim are meeting next  
33 week and the week after, so they have not acted on any  
34 of these proposals yet.

35

36 MR. SMITH: Just for the record, to  
37 follow the procedures I would say for discussion and  
38 justification that there is not a conservation concern.  
39 It seems like a pretty minor issue just to -- you know,  
40 it kind of simplifies things for subsistence users, so  
41 I'd say it would not unnecessarily restrict subsistence  
42 users or other users, so I really don't see anything  
43 wrong with it. It's just a way to align the marking  
44 methods between the two agencies.

45

46 MR. BUCK: Mr. Chair. I think the  
47 person that would be looking at this proposal doesn't  
48 have a seat on the Advisory Council, those Stebbins,  
49 St. Michael, but looking through here I see that Tanana  
50 Chiefs support the proposal, so I'm going to support

1 this proposal.

2

3 CHAIRMAN GREEN: Thank you. So we're  
4 at the point of taking a vote here. We've got a motion  
5 on the table here. I'm going to ask that we vote. All  
6 those in favor say aye.

7

8 IN UNISON: Aye.

9

10 CHAIRMAN GREEN: All those opposed same  
11 sign.

12

13 MR. GRAY: I will oppose. Again, I  
14 feel it should be deferred. You know, one thing that I  
15 have a problem with is the State taking action and we  
16 follow suit. Every time it comes to pass we're always  
17 following suit. We need to be careful in this arena.

18

19 MR. BARR: Mr. Chair. I would also  
20 like to oppose this proposal.

21

22 CHAIRMAN GREEN: So we have two in  
23 opposition. The majority moves to pass. We're on to  
24 the next.

25

26 MR. SMITH: Page 25.

27

28 CHAIRMAN GREEN: We're going to Page  
29 25 and it's talking about revised harvest limit FP13-  
30 03.

31

32 MR. RIVARD: Thank you, Mr. Chair.  
33 I'll be presenting that analysis if you're ready for  
34 that.

35

36 CHAIRMAN GREEN: We are ready.

37

38 MR. RIVARD: The draft Staff analysis  
39 starts on Page 26. Before I start talking about any of  
40 it I'd like to refer you to the map on Page 27. Even  
41 though the map is fairly large and we put it this way  
42 so you could see the entire Grayling, Shageluk, Anvik,  
43 Holy Cross area, also known as GASH, the area affected  
44 by this proposal is down in the bottom.....

45

46 I'm hearing some kind of discussion  
47 here by a couple folks. Let me know when they stop and  
48 I'll continue.

49

50 MR. JOHNSON: Please, everybody other

1 than Don Rivard mute your phones so you're not  
2 interrupting the presentation. Thank you.

3

4 Go ahead, Don.

5

6 (TELECONFERENCE - Multiple parties  
7 talking)

8

9 MR. JOHNSON: Whoever that is who is  
10 speaking in the background, please mute your phone or  
11 disconnect from the call.

12

13 Thank you.

14

15 (TELECONFERENCE - Multiple parties  
16 talking)

17

18 MR. JOHNSON: Okay, whoever you are, I  
19 am going to disconnect you from the call.

20

21 Excuse me.

22

23 CHAIRMAN GREEN: Okay, folks, I think  
24 we need to take a break for five minutes until we get  
25 this cleared up.

26

27 (Off record)

28

29 (On record)

30

31 CHAIRMAN GREEN: I'd like to call the  
32 meeting back to order. What time do we have here, 10  
33 to 11:00. We're on the Federal subsistence regulatory  
34 proposals and we are on Item C, FP13-03. We have Dave  
35 Rivard on the phone. Excuse me, Don, to make comment  
36 on it. Page 25 in your booklet.

37

38 MR. JOHNSON: You there, Don?

39

40 MR. RIVARD: Yes, I'm ready.

41

42 MR. JOHNSON: Fire away.

43

44 MR. RIVARD: Okay. Can you hear me all  
45 right?

46

47 CHAIRMAN GREEN: You're coming in good.  
48 You don't have any people talking with you this time.

49

50 MR. RIVARD: Okay. Again, the Staff

1 analysis starts on Page 26 in your book. Before I  
2 speak, I want to just refer you to Page 27 the map.  
3 The map shows basically the entire GASH area. The  
4 effective area of this proposal is down in your lower  
5 left hand corner that's dealing with the Yukon-Delta  
6 National Wildlife Refuge. We're talking about the  
7 Yukon River and Paimiut Slough and you can see them  
8 both in your map. Just in those darker shaded areas.  
9 So it's a very limited area we're talking about. The  
10 Yukon River is upstream of Paimiut. So it's just a  
11 very small area that this proposal affects, so just  
12 keep that in mind.

13

14 Proposal FP13-03, submitted by the  
15 Grayling, Anvik, Shageluk and Holy Cross Fish and Game  
16 Advisory Committee, requests that a daily bag and  
17 possession limit for northern pike taken in all waters  
18 of the Yukon River, from Holy Cross downstream to and  
19 including Paimiut Slough.

20

21 The proponent is concerned that too  
22 many northern pike are being harvested during the  
23 winter months by subsistence users, especially the  
24 larger females. The proponent states that in the past  
25 several years during the winter multiple groups of  
26 people from outside the GASH area have traveled to and  
27 camped for several days in the lower Innoko River  
28 drainage, Paimiut Slough area where they have harvested  
29 "sled loads" of fish at a time.

30

31 Because there is no harvest limit on  
32 this fishery the proponent is concerned that this  
33 amount of fishing pressure may be causing adverse  
34 impacts on the local pike population. Just for your  
35 information the proponent has also submitted a  
36 companion proposal to the Alaska Board of Fisheries to  
37 establish a daily bag and possession limit for State  
38 managed subsistence fisheries in all waters of the  
39 Innoko River Drainage including all waters draining  
40 into the Yukon River from Holy Cross downstream to and  
41 including Paimiut Slough.

42

43 If you look in your book on the next  
44 page, I believe, you'll see the existing Federal  
45 regulation and the proposed Federal regulation there  
46 kind of in the middle of the page. The bold area is  
47 what the new wording would be and all waters of the  
48 Yukon River, from Holy Cross downstream to and  
49 including Paimiut Slough, the harvest and daily  
50 possession limit for northern pike is three pike, only

1 one of which may be over 30 inches.

2

3 I'm going to talk a little bit about  
4 the effects -- the northern pike population of the  
5 lower Innoko River does not appear to be in danger from  
6 over harvest. However, since both the sports and  
7 subsistence fisheries target large northern pike, a  
8 substantial increase in fishing pressure from one or  
9 both of these fisheries could result in a decrease in  
10 the abundance of older, larger northern pike.

11

12 So I'm going to talk a little bit about  
13 the effects if this proposal were adopted. Federally  
14 qualified subsistence users would be limited to  
15 harvesting and possessing only three pike per day.  
16 Additionally, only one pike could be over 30 inches  
17 long. This would hold subsistence users to the same  
18 harvest limits and restrictions as sport fishers under  
19 State of Alaska regulations.

20

21 This would likely adversely affect  
22 traditional winter harvest patterns and possibly make  
23 travel to traditional winter harvest sites economically  
24 unfeasible for subsistence users. Larger northern pike  
25 are targeted in the subsistence fishery. Reducing the  
26 daily harvest and possession to three pike per day,  
27 with only one pike being over 30 inches would decrease  
28 fishing pressure on the pike population allowing the  
29 larger fish a better chance to survive throughout the  
30 winter in order to spawn in the spring.

31

32 The OSM preliminary conclusion is to  
33 oppose this Proposal FP13-03.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN GREEN: Thank you, Don. Is  
38 there any comments from the Council to Don.

39

40 (No comments)

41

42 CHAIRMAN GREEN: Is there anything from  
43 Fish and Game?

44

45 (No comments)

46

47 \*\*\*\*\*

48 STATE OFFICIAL WRITTEN COMMENTS

49 \*\*\*\*\*

50

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

3

4 Fisheries Proposal FP13-03:

5

6 Revise the subsistence fishing harvest  
7 limits for northern pike in all waters of Yukon River  
8 from Holy Cross downstream to and including Paimuit  
9 Slough from no bag limit for northern pike to a bag and  
10 possession limit of three northern pike, only one of  
11 which can be over 30 inches.

12

13 Introduction:

14

15 This proposal, submitted by the  
16 Grayling Anvik Shageluk Holy Cross Fish and Game  
17 Advisory Committee (AC), would establish a bag and  
18 possession limit for northern pike in all waters of the  
19 Yukon River from Holy Cross downstream to and including  
20 Paimuit Slough. The proponent believes too many pike  
21 and too many large female pike are being taken during  
22 the winter subsistence fishery. In the past several  
23 years they have observed multiple (20 40) groups of  
24 people (three to six people per group) coming up and  
25 camping for several days at a time. These groups ice  
26 fish for pike night and day with tip-up poles and when  
27 done, leave with sled loads of fish. Currently there  
28 is no bag limit for this subsistence pike fishery. The  
29 proponent is concerned that this targeted fishing  
30 pressure will deplete northern pike stocks in the Yukon  
31 and Innoko River drainages, and would like to limit  
32 this fishery to ensure that there are pike available  
33 for future generations and for multiple user groups.

34

35 Impact on Subsistence Users:

36

37 This proposal, if adopted, will limit  
38 the northern pike harvest and provide protection to  
39 pike larger than 30 inches in length in all waters of  
40 the Yukon River from Holy Cross downstream to and  
41 including Paimuit Slough, which proponents suggest are  
42 currently subjected to excess fishing pressure by  
43 winter subsistence users. Local users report this to  
44 be an area where pike congregate and feed during the  
45 winter months. The area is relatively easy to access,  
46 and provides ample and expedient catch opportunity for  
47 pike.

48

49 The proponents acknowledge that  
50 changing the pike harvest from unlimited to this

1 proposed daily bag and possession limit will negatively  
2 impact some subsistence users. Nonlocal subsistence  
3 users intending to harvest pike will be limited from  
4 harvesting as many fish per day or taking as many large  
5 fish on one trip. This limitation will increase the  
6 number of trips, and therefore, time, fuel, and effort  
7 per trip to harvest the same number of pike which they  
8 have previously harvested. This proposal was brought  
9 forth by local users who would be affected by a reduced  
10 daily harvest.

11

12 Impact on Other Users:

13

14 This proposal may benefit  
15 sport/recreational fishermen, as well as local area  
16 subsistence fishermen. Adopting a daily bag and  
17 possession limit with a one-fish limit for those over  
18 30 inches in length for northern pike in this part of  
19 the Yukon River drainage may provide more opportunity  
20 for sport/recreational fisherman to catch northern pike  
21 both quantity and size.

22

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

25

26 Opportunity Provided by State:

27

28 Northern pike may be harvested under  
29 state regulations throughout the majority of the Yukon  
30 River watershed. There are no daily or annual bag  
31 limits for pike, except in the Minto Flats area (see 5  
32 AAC 01.244. Minto Flats Northern Pike Management Plan)  
33 where the bag limit is 10 fish and the possession limit  
34 is 20 fish. Gear types allowed are gillnet, beach  
35 seine, fish wheel, longline, fyke net, dip net, jigging  
36 gear, spear, a hook and line attached to a rod or pole,  
37 handline, or lead. Although all gear types are not  
38 used or allowed in all portions of the Yukon River  
39 drainage, drift and set gillnets and fish wheels  
40 harvest the majority of fish taken for subsistence  
41 uses. Under state regulations, subsistence is the  
42 priority consumptive use. Therefore, state subsistence  
43 fishing opportunity is directly linked to abundance and  
44 is not restricted unless run size is inadequate to meet  
45 escapement needs.

46

47 Conservation Issues:

48

49 Currently there are no conservation  
50 concerns for northern pike in waters of the Yukon River

1 from Holy Cross downstream to and including Paimuit  
2 Slough. However, little is known about the  
3 distribution of northern pike from this overwintering  
4 population and overwintering concentrations of northern  
5 pike can be vulnerable to high harvest rates. Local  
6 fishermen have expressed concern with the current level  
7 of harvest and the harvest of large northern pike in  
8 this fishing area. The northern pike subsistence  
9 harvest in this area is undocumented, particularly for  
10 fishermen from outside Yukon River drainage villages.

11

12                   The state has adopted a management plan  
13 for northern pike in the lakes and flowing waters of  
14 the Minto Flats area of the Yukon River drainage (see  
15 AAC 01.244. Minto Flats Northern Pike Management Plan)  
16 to provide the department with guidance to achieve the  
17 goals of managing these stocks consistent with  
18 sustained yield principles, providing a reasonable  
19 opportunity for the priority subsistence fishery, and  
20 providing a sport fishing opportunity.

21

22                   Northern pike are top level predators  
23 in aquatic food chains and are highly piscivorous (fish  
24 eating) (ADF&G 2012)<sup>1</sup>. Northern pike occur naturally  
25 in the Yukon River drainage and they are highly valued  
26 as a subsistence and sport fish. In a balanced  
27 ecosystem with many other fish (e.g., whitefish,  
28 sheefish, suckers, Alaska blackfish, stickleback, char,  
29 and juvenile Chinook, chum, coho, pink, and sockeye  
30 salmon), northern pike are simply another member of the  
31 fish community. However, an abundance of hungry  
32 Northern pike in the Yukon River drainage does not help  
33 reduce the yield concern for the Yukon River Chinook  
34 salmon stock.

35

36                   Enforcement Issues: None noted at this  
37 time.

38

39                   Jurisdiction Issues:

40

41                   The Federal Subsistence Board does not  
42 have the authority to regulate the  
43 nonfederally-qualified users participating in fisheries  
44 on waters outside of federal subsistence jurisdiction.  
45 While standing on state and private lands (including  
46 state-owned submerged lands), persons must comply with  
47 state law and cannot harvest under conflicting federal  
48 regulations.

49

50                   Enforcement difficulties and user

1 confusion -- concerning where and how federal  
2 regulations that are different than state regulations  
3 apply -- will result unless detailed maps and  
4 explanations specific to the area are provided.  
5 Requests for changes to State of Alaska fishery  
6 regulations must be submitted to the Alaska Board of  
7 Fisheries (BOF) for consideration. The Federal  
8 Subsistence Board does not have the authority to  
9 regulate the nonfederally-qualified users participating  
10 in fisheries on waters outside of federal subsistence  
11 jurisdiction.

12

13 Other Issues:

14

15 (1) Maps are needed showing the  
16 specific boundaries and areas where federal regulations  
17 are claimed to apply, along with providing the  
18 justification for claiming those boundaries;

19

20 (2) A large percentage of the lands  
21 along the Yukon River are state or private lands where  
22 federal subsistence fisheries are not authorized to  
23 occur;

24

25 (3) The federal board does not have  
26 authority to supersede state commercial and subsistence  
27 fisheries regulations unless a full closure is required  
28 for conservation purpose within water of claimed  
29 federal jurisdiction; and

30

31 (4) A similar fisheries regulation  
32 proposal has been e submitted to the BOF, which will be  
33 considered in January 2013. Taking action following a  
34 the Alaska Board of Fisheries meeting could easily be  
35 coordinated given both boards are scheduled to meet in  
36 mid to late January 2013. A greater degree of  
37 information will be available to this board at the  
38 conclusion of the state process.

39

40 Recommendation: Defer following BOF  
41 decision on parallel proposal.

42

43 CHAIRMAN GREEN: Anything from Federal  
44 agency.

45

46 (No comments)

47

48 MR. RIVARD: Mr. Chair. Fish and Game  
49 comments are in your book starting on Page 38 and they  
50 are recommending that this be deferred until after the

1 Board of Fisheries renders a decision in January.

2

3 Thank you.

4

5 CHAIRMAN GREEN: Thanks for pointing  
6 that out. Is there any written comment by these folks  
7 from the Lower Yukon, for the Yukon there?

8

9 MR. NICK: Mr. Chair.

10

11 CHAIRMAN GREEN: Alex, thanks.

12

13 MR. NICK: On Page 93, Tanana Chiefs  
14 supports the proposal.

15

16 MR. GRAY: Mr. Chair.

17

18 CHAIRMAN GREEN: Go ahead, Mr. Gray.

19

20 MR. GRAY: I guess I'm a little bit  
21 concerned that Tanana Chiefs -- Tanana Chiefs -- I mean  
22 they keep interjecting in this thing. Tanana Chiefs,  
23 do they operate or encompass the area that we're  
24 talking about? I'm a little bit curious about that.

25

26 CHAIRMAN GREEN: Carl.

27

28 MR. JOHNSON: Yes, Mr. Chair. Thank  
29 you. If you go to Page 94, Tanana Chiefs also polled  
30 the villages that are in the areas affected by  
31 proposals. At the top of Page 95 you'll see that for  
32 the row on FP13-03 it indicates that Holy Cross does  
33 support this proposal. So Holy Cross was specifically  
34 consulted on several of these proposals and their  
35 village comments were specifically noted in this table.

36

37 Thank you, Mr. Chair.

38

39 CHAIRMAN GREEN: Thanks for bringing  
40 that up. Does that answer your question?

41

42 MR. GRAY: It does. I'd like to  
43 interject something else, but I think it's the wrong  
44 time. You're going through agencies right now.

45

46 CHAIRMAN GREEN: Okay. We're going  
47 through the agencies now. We're asking for Federal  
48 agency comment.

49

50 (No comments)

1 CHAIRMAN GREEN: Fish and Game had a  
2 written comment. Are there any Native, tribal, village  
3 or other.

4  
5 (No comments)

6  
7 CHAIRMAN GREEN: Interagency Staff  
8 Committee comments.

9  
10 (No comments)

11  
12 CHAIRMAN GREEN: Any advisory group  
13 comments with neighboring panel councils.

14  
15 (No comments)

16  
17 CHAIRMAN GREEN: Local fish and game  
18 advisory committees.

19  
20 (No comments)

21  
22 CHAIRMAN GREEN: Park Service  
23 Subsistence Resource Commissions.

24  
25 (No comments)

26  
27 CHAIRMAN GREEN: They stated there was  
28 a written comment in there. The Tanana Chiefs  
29 Conference has pointed out that they've done a survey.

30  
31 (No comments)

32  
33 CHAIRMAN GREEN: Is there any public  
34 testimony.

35  
36 MR. WHEELER: Mr. Chairman. Just a  
37 quick one. Having not seen any harvest limits -- I  
38 mean harvest records and not knowing what the  
39 population of the stock is, it might be a little  
40 premature, but, on the same hand, the users seems to  
41 think there's a threat, but I think it seems to be  
42 going in the extreme condition from basically no  
43 harvest limit to a very limited one. That's only my  
44 concern there. It seems like they're in that  
45 conservation mode versus the liberal mode if you want  
46 to put it that way as far as harvest.

47  
48 Thank you.

49  
50 CHAIRMAN GREEN: Thank you, Chuck.

1 We're looking at number 6 on this, Regional Council  
2 recommendations.

3

4 MR. SMITH: I move that we oppose this  
5 proposal. I'll say way when somebody seconds it.

6

7 CHAIRMAN GREEN: We're asking for a  
8 positive motion.

9

10 MR. SMITH: I move that we support the  
11 proposal.

12

13 MR. GRAY: I'll second that one. Can I  
14 have the floor?

15

16 CHAIRMAN GREEN: You've got the floor,  
17 Tom.

18

19 MR. GRAY: I heard a couple of things  
20 that I'm a little bit concerned about. Somebody  
21 mentioned that there's no concern over the stock, the  
22 pike. It sounds like the pike are there and it's being  
23 a conservative issue trying to forecast that they  
24 protect that resource. So they're putting subsistence  
25 at the same level as sport fish and I don't like that.  
26 Subsistence is higher. It's the top dog and sport fish  
27 should take hind teat. They should shut down sport  
28 fishing if they have a concern. Subsistence needs to  
29 stay higher on this elevation, I guess. So to create a  
30 regulation that puts sports fish backwards, I'm not in  
31 support of it.

32

33 MR. BUCK: Mr. Chair.

34

35 CHAIRMAN GREEN: Go ahead.

36

37 MR. BUCK: I have a couple concerns. I  
38 agree with Tom with the sports fishing, that --  
39 especially when you're talking about pike in the White  
40 Mountain area. I subsist for pike and I mainly catch  
41 it for the older people, the people that make goo duck  
42 and put away fish for the pike. And the pike in White  
43 Mountain has been disappearing in the last three or  
44 four years and I've been wondering what is happening.  
45 I've been confused on what is happening. It looks like  
46 the same thing is happening down in the Holy Cross  
47 area. That's my concern. I'd like to get into the  
48 issue more. I'd support this proposal.

49

50 CHAIRMAN GREEN: Mr. Smith, go ahead.

1 MR. SMITH: I'm going to vote against  
2 it and I just want to say why. My wife's family is  
3 from that area just below Holy Cross and I'm familiar  
4 with that area. I've fished in that area. The Yukon  
5 River can produce an awful lot of pike. You've got the  
6 whole area producing pike and they do get concentrated  
7 in the winter and they are vulnerable to overfishing,  
8 but I doubt that that's happening. People aren't  
9 feeding dogs anymore. What really gets them is net  
10 fishing. I really doubt that they're being  
11 overharvested at this point.

12  
13 The other thing is it's an issue for  
14 juvenile king salmon. Pike are predators. Have a big  
15 pike population in the Yukon with the problems with  
16 king salmon I don't think is a good thing. If you  
17 overfish pike, you know, you can always stop fishing  
18 and I think they'll come right back.

19  
20 CHAIRMAN GREEN: Thank you, Tim. Is  
21 there anybody else.

22  
23 (No comments)

24  
25 CHAIRMAN GREEN: I think I agree with  
26 Tommy on the idea of subsistence being lumped in with  
27 sport fishing regulations, so I'm not going to support  
28 it. Tim Smith made a good comment there about  
29 abundance of pike. There's probably a lot of pike in  
30 the Yukon and I don't think it's going to hurt it any  
31 that a subsistence user catch as many as they need.

32  
33 So there's a motion on the floor. It's  
34 time to vote. All those in favor say aye.

35  
36 (No aye votes)

37  
38 CHAIRMAN GREEN: All those opposed same  
39 sign.

40  
41 IN UNISON: Aye.

42  
43 CHAIRMAN GREEN: Motion fails. Let's  
44 move on to the next one.

45  
46 MR. GRAY: Mr. Chair. Do you want to  
47 deal with this State issue and Larry?

48  
49 CHAIRMAN GREEN: Larry is probably  
50 crunched for time. He's probably got something else

1 going on, so we'll let him have the floor here to bring  
2 this proposal from the village of Council.

3

4 MR. PETERSON: Native corp.

5

6 CHAIRMAN GREEN: Native corp. You have  
7 the floor. When you speak, you want to speak into the  
8 microphone. Push the button to get your voice on  
9 there. You have the floor, Larry.

10

11 MR. PETERSON: My name is Larry  
12 Peterson. I'm the president of Council Native  
13 Corporation. This is a proposal that we submitted to  
14 the Alaska Board of Fisheries, but it's indicating to  
15 folks that there is a concern amongst our shareholders  
16 and some residents or all residents in Council that  
17 coho escapement goals aren't being adequately met to  
18 sustain both subsistence and commercial fishing in the  
19 Council area drainages. I guess that would include  
20 Golovin Bay as the kind of overall drainage.

21

22 The concern that Council has is that  
23 our subsistence users' needs aren't being adequately  
24 taken into account when it comes to the escapement  
25 goals. There's been a few years where the escapement  
26 goals, even though -- and I guess with the State  
27 standards they're on the lower end of the range.  
28 There's a range of 2,400 to 7,200. They're currently  
29 managing it to the lowest possible escapement, which is  
30 2,400 and I -- you know, my camp is basically at the  
31 headwaters of this drainage and I see a lot of these  
32 fish being taken upstream in the spawning grounds, so I  
33 know that, you know -- and where they're counting these  
34 are down river quite a ways from these areas, so we  
35 have a concern that escapement goals aren't -- and this  
36 is regarding silvers, coho.

37

38 We submitted this proposal back in  
39 March. Our request was to manage the escapement goal  
40 to the middle of the escapement range of 4,800. So  
41 that's what we're kind of pushing for.

42

43 MR. GRAY: Mr. Chair, can I jump in  
44 here. I'm part of the -- I'm one of the guys that  
45 helped draw this up. The intent of this proposal is --  
46 Council isn't arguing that 2,400 to 7,200 is a bad  
47 escapement goal. Granted, we think it is, but what  
48 we're arguing is at 2,400 there's not enough fish in  
49 the river for subsistence users, sport fishing users,  
50 commercial fishermen to live on.

1                   What we're proposing is Fish and Game,  
2 when they figure that they're going to get 4,800 cohos  
3 go by the tower, that Fish and Game then will have the  
4 authority to open up commercial fishing. If Fish and  
5 Game thinks they're not going to get 4,800, no  
6 commercial fishing will happen. And this is to protect  
7 not only the fishery but our subsistence lifestyle.  
8 Right now, when they need 2,400 fish, bingo, the  
9 commercial fishing is open and we're all fighting over  
10 these 2,400 fish. There's not enough fish in that  
11 river. Our of a 20-year cycle, if we set this 4,800  
12 limit, 10 years there would be no commercial fishing.  
13 The cycle that they have right now, they go fishing 17  
14 of those 20 years.

15  
16                   We're concerned that this resource is  
17 going to be just like Nome, in the toilet and can't  
18 come back. So this is the reason for this proposal to  
19 go forward is our subsistence users are taking the back  
20 burner again and fighting over a few fish in the river.

21  
22                   MR. PETERSON: I'll just add that we  
23 actually went to our full board of directors at Council  
24 Native Corp and had unanimous consent on submitting  
25 this proposal, so our full board basically supports it.

26  
27                   MR. BUCK: Mr. Chair.

28  
29                   CHAIRMAN GREEN: Go ahead, Peter.

30  
31                   MR. BUCK: I have a comment about the  
32 escapement goals. The escapement goals are not -- I  
33 don't think they're accurate because where the tower is  
34 you've got another river that goes up to Council, plus  
35 you don't count the fish that go up Fish River, you  
36 don't count the fish that goes to Kutcheblok, so  
37 they're not getting an accurate number of fish that we  
38 subsist on in the White Mountain area, Council area.  
39 So that's my comment. I'm here to support the  
40 proposal.

41  
42                   MR. SMITH: I have a question for you  
43 Larry. Are you talking about just Niukluk?

44  
45                   MR. PETERSON: Yes. Because that's all  
46 we have data for and that's our main -- Council Native  
47 Corp, that's our shareholder base, that's their main  
48 area of use.

49  
50                   MR. GRAY: Mr. Chair. The way the

1 proposal is written is there will be no commercial  
2 fishing implemented in Golovin Bay unless Fish and Game  
3 foresees 4,800 fish going by the Niukluk counting  
4 tower. That's the way it's written. In essence, the  
5 fish that he's talking about going up Kutcheblok and  
6 Fish River and so on and so forth, those fish can't be  
7 commercially fished until they figure that 4,800 is  
8 going to go by.

9

10 Now the other comment I want to add to  
11 this thing, I run a commercial fishing operation on  
12 that river. I tell my people they can only take three  
13 fish out of there. Legally, they can take 21. But the  
14 way that fishery is set up right now we're all fighting  
15 over those fish down below my camp. I've seen as many  
16 as 20 boats down there trying to fish that same amount  
17 of holes. The fishery just can't take that beating, so  
18 we've got to protect it somehow.

19

20 I know Golovin isn't very happy with  
21 this proposal, but it's, again, a subsistence issue.  
22 We need to protect subsistence.

23

24 CHAIRMAN GREEN: In your opinion,  
25 you're referring to a commercial operation on  
26 sportfish. What impact do you see on your fishery?

27

28 MR. GRAY: It's having impacts on my  
29 business itself also. My fishery takes probably 20  
30 fish a year out of there. I don't have a lot of  
31 fishermen and there's not a lot of fish going out  
32 because of my business. There's two of us commercial  
33 operators. I don't think the other operator is taking  
34 a lot of fish out. You know, I see all these boats  
35 fighting over these fish and that's after the fact,  
36 after commercial fishing is opened. If we had a number  
37 of 4,800, we're not going to be fighting like we are  
38 right now.

39

40 CHAIRMAN GREEN: And the reason why I  
41 was bringing that up is because the opposition to  
42 commercial fishing, unless 4,800 go past the tower, and  
43 you're saying Golovin is opposing or upset about it, do  
44 you think a sport fishing operation should be allowed  
45 also? I'm just trying to get this clear in my head.

46

47 MR. GRAY: I feel that if a sport  
48 fishing operation like mine would go down, then sport  
49 fishing gets closed. I'll follow the rule. If sport  
50 fishing is shut down, I'll shut down. I won't fish

1 salmon anymore. I don't have any choice. That's the  
2 law. But it's Golovin Bay that we're concerned about.  
3 Their intent with NSEDC coming into the picture, the  
4 resource is going to get pounded and we need to protect  
5 that resource.

6  
7 CHAIRMAN GREEN: Thinking about it  
8 here, when you're talking about 2,400 getting past and  
9 then commercial fishing opening in Golovin Bay, is that  
10 what's going on?

11  
12 MR. GRAY: That's exactly what's going  
13 on. If they foresee -- if they can project that  
14 they're going to make the 2,400, they'll open it up.  
15 What we're proposing is if they can project that  
16 they're going to meet the 4,800, they can open it up at  
17 2,400, I don't care, as long as they think they're  
18 going to make that 4,800. That's the intent of the  
19 proposal.

20  
21 CHAIRMAN GREEN: Also a lot of  
22 subsistence users up above the tower when they do the  
23 count, is there a lot of rod and reel, hook and line  
24 subsistence going on in your opinion?

25  
26 MR. GRAY: There's hook and line. I've  
27 seen above the tower -- there's a lot of fish coming  
28 out of that river above the tower. That is one of the  
29 arguments that we have, is there's a blessing that,  
30 yeah, 2,400 fish are going to make it and we're going  
31 to open it up to commercial fishing. Well, we're  
32 saying that you're not making 2,400 up there.

33  
34 CHAIRMAN GREEN: That's precisely why I  
35 asked the question because I think that although the  
36 2,400 are getting past the tower they're not getting  
37 onto the spawning grounds. Once they get on the  
38 spawning grounds they're targeted as subsistence fish,  
39 some commercial, and you say it's a minimum, but the  
40 target is -- they're targeted, so the 2,400 on the  
41 spawning grounds is not going to happen. So, in other  
42 words, the state is not making the minimum escapement  
43 goal onto the spawning grounds and that's your  
44 complaint, am I correct?

45  
46 MR. GRAY: That's part of the  
47 complaint. The other part of the complaint is we have  
48 subsistence -- people subsisting. I go out with a net  
49 and I seine silvers and I smoke a certain amount of  
50 silvers, I dry silvers. We're competing big time for a

1 handful of fish and we shouldn't be.

2

3 CHAIRMAN GREEN: I guess that's why I  
4 was trying to get this in my head was that although  
5 they're allowing the escapement of 2,400, in all  
6 reality that's not what's escaping to the spawning  
7 grounds. So you're going to need a higher -- like you  
8 were saying, is a mid range to address the -- at least  
9 make more fish abundant, available actually to the  
10 subsistence users up above. I see your point. Thanks.

11

12 MR. GRAY: And, you know, I'm not sure  
13 what this board wants to do. We're going to go before  
14 the Board of Fish and try and push this issue, but the  
15 reason that Larry's here is, again, this is a  
16 subsistence issue and under 2,400 that's a whole  
17 subsistence program and what we're saying is let's not  
18 commercial fish until we think we're going to hit  
19 4,800. We may only hit 3,500 and it opens. I don't  
20 have a problem with that, but what I do have a problem  
21 with is a couple years ago they made 2,408 fish and  
22 they had already open-end commercial fishing and they  
23 commercial fished a couple of sessions and then shut it  
24 down in hindsight. I think there needs to be more fish  
25 in the river to protect that fishery.

26

27 MR. SMITH: Have you submitted your  
28 proposal already to the Board of Fish?

29

30 MR. GRAY: Yes.

31

32 MR. PETERSON: Yes, we have.

33

34 MR. SMITH: When will they consider it?

35

36 MR. PETERSON: We got it in on this  
37 next cycle that's coming up.

38

39 MR. SMITH: Do you know when the  
40 meeting is?

41

42 MR. GRAY: To be honest, I don't.

43

44 MR. PETERSON: We submitted it on March  
45 22nd of this year.

46

47 MR. GRAY: It's in the book.

48

49 MR. SMITH: If we're done with  
50 discussion, I'll move to support the proposal.

1 CHAIRMAN GREEN: Is there a second.  
2  
3 MR. BUCK: I'll second it.  
4  
5 CHAIRMAN GREEN: Peter Buck seconds.  
6 All those in favor.  
7  
8 IN UNISON: Aye.  
9  
10 CHAIRMAN GREEN: Those opposed same  
11 sign.  
12  
13 (No opposing votes)  
14  
15 MR. GRAY: Thank you. This has been a  
16 real personal issue  
17 with some of us.  
18  
19 CHAIRMAN GREEN: Carl.  
20  
21 MR. JOHNSON: Mr. Chair. For the  
22 record, so that we can tie this in with the Board of  
23 Fisheries, if the proponent can identify the proposal  
24 number that has been assigned to this so that we can  
25 make that clear for the record which proposal we're  
26 supporting.  
27  
28 Thank you.  
29  
30 MR. PETERSON: It's proposal submitted  
31 to the Alaska Board of Fisheries EF032212176.  
32  
33 MR. GRAY: And if that number doesn't  
34 jive, we'll get you the right number to put in the  
35 paperwork.  
36  
37 CHAIRMAN GREEN: Can you state that  
38 number one more time, Larry.  
39  
40 MR. PETERSON: EF032212176.  
41  
42 MR. GRAY: I know in the proposal  
43 booklet they have -- you see coming up there's proposal  
44 40, 44. In the fisheries proposal booklet it will be  
45 assigned a similar number to that. We will get that  
46 number so it can be part of the record for you guys.  
47  
48 CHAIRMAN GREEN: With no further ado  
49 here to move the meeting on, we need to get back on  
50 track here. We're on Item D and that's FP13-06/07/08.

1 Do we hear from you, Don Rivard?

2

3 DR. JENKINS: Mr. Chair. You won't  
4 hear from Don. This is David Jenkins with OSM and Don  
5 is happy that I'll be doing this and he won't, I'm  
6 sure.

7

8 You have six customary trade proposals  
9 in front of you today. They are grouped together and  
10 we'll go through all of them. FP13-06, 07 and 08,  
11 we'll start with those.

12

13 FP13-06 was submitted by the Western  
14 Interior RAC, FP13-07 by the Eastern Interior RAC and  
15 FP13-08 by the Yukon-Kuskokwim Delta Regional Advisory  
16 Council and they all address customary trade  
17 regulations for Yukon River Drainage chinook salmon.  
18 FP13-06 seeks to limit customary trade of Yukon River  
19 chinook salmon to those with a current customary and  
20 traditional use determination for Yukon River chinook  
21 salmon.

22

23 FP13-07 seeks the same limitation, that  
24 is customary trade only between those with a current  
25 customary and traditional use determination, but only  
26 in times of shortage when there is no Yukon River  
27 chinook salmon commercial fishery and restrictions on  
28 subsistence fishing are in place.

29

30 FP13-08 from the Y-K RAC seeks to limit  
31 customary trade of Yukon River chinook salmon to those  
32 with a current customary and traditional use  
33 determination and to ensure that those who purchase  
34 chinook salmon under customary trade use it only for  
35 personal or family consumption.

36

37 These three proposals from these three  
38 Regional Advisory Councils respond to recommendations  
39 made by a subcommittee of those three RACs, which I'll  
40 speak about in a little while, which met twice over  
41 four days and discussed the issue of customary trade of  
42 chinook salmon in the context of declining chinook  
43 runs. This was an initiative they were concerned  
44 about.

45

46 The proponents, these three Regional  
47 Advisory Councils, all recognize that chinook salmon  
48 are in sharp decline. They all  
49 suggest that limiting customary trade of Yukon River  
50 chinook salmon to only Federally qualified rural

1 residents with current customary and traditional use  
2 determinations for Yukon River salmon would stop large  
3 customary trade exchanges of chinook that are reported  
4 to occur in urban areas of the state.

5  
6 This proposal is, again, in the context  
7 of declining chinook runs and these three Councils hope  
8 that reducing customary trade would go some way in  
9 helping preserve chinook salmon in the context of these  
10 declines of chinook.

11  
12 The proposals are all a little  
13 different, but the shared element for all of them, the  
14 reason they're grouped together into one analysis is  
15 that they all three seek to limit customary trade of  
16 chinook salmon to those with a current customary  
17 traditional use determination for chinook salmon.

18  
19 Let me pause for a second and remind  
20 everybody that customary trade is a subsistence use  
21 recognized under ANILCA as a legitimate subsistence  
22 use. It was not defined in ANILCA and it was defined  
23 in what are called implementing regulations after  
24 ANILCA and those Federal implementing regulations  
25 indicate that under customary trade you can exchange  
26 for cash fish, their parts and their eggs. That's the  
27 Federal regulations. You can see those on Page 45 if  
28 you want to look at those and the differences between  
29 the three Councils' recommendations are in bold, Page  
30 45 and Page 46.

31  
32 CHAIRMAN GREEN: Was there a cash limit  
33 on that in here somewhere?

34  
35 DR. JENKINS: Not in this proposal, but  
36 there will be in later proposals.

37  
38 CHAIRMAN GREEN: Thanks.

39  
40 DR. JENKINS: These three proposals  
41 simply attempt to limit customary trades and keep it  
42 within the Yukon River Drainage for those who already  
43 have the C&T determination. The hope is to preclude  
44 sales outside of the Yukon River Drainage. So sales in  
45 Fairbanks, Anchorage or other places outside of that  
46 drainage.

47  
48 In the analysis, there's a fairly long  
49 discussion of the history of customary trade in Federal  
50 regulations that I'll refer you to. Let me mention the

1 more recent event, the establishment of this Tri-RAC  
2 subcommittee. The Western Interior, the Eastern  
3 Interior and the Y-K RACs all suggested to the Federal  
4 Subsistence Board that a subcommittee be organized  
5 consisting of three members from each of these RACs to  
6 meet and discuss this issue of customary trade.

7  
8 The Tri-RAC subcommittee met twice,  
9 once in May over two days in Anchorage, and then again  
10 in August over two days in Fairbanks. The subcommittee  
11 came up with recommendations to limit customary trade.  
12 You can see those recommendations on the bottom of Page  
13 50 in your book.

14  
15 The first recommendation from the  
16 subcommittee was that customary trade of Yukon River  
17 chinook salmon may only occur between Federally  
18 qualified rural residents with a current customary and  
19 traditional use determination for Yukon River  
20 chinook salmon. That was their preferred option and  
21 they put in a second option and you can see it there,  
22 which was to preclude customary trade between rural  
23 residents and others and to establish a \$750 limit and  
24 to require a recordkeeping and receipt form.

25  
26 The subcommittee's recommendations were  
27 brought back to the three Regional Advisory Councils  
28 whose members sat on the subcommittee and based on  
29 those subcommittee recommendations the three Councils  
30 made the proposed changes that we started with. The  
31 shared element again is to limit customary trade to  
32 those who have a current customary and traditional use  
33 determination in the Yukon River Drainage area, which  
34 includes Stebbins, as you know.

35  
36 The effect of these proposals would be  
37 to make that limitation, to put it into place.

38  
39 The OSM preliminary conclusion, and I  
40 can skip over some of the details of the history of  
41 this and we can return to them if you'd like, but the  
42 preliminary conclusion is to support FP13-06 with  
43 modification and then to support the other proposals  
44 with modification to bring them in line with that  
45 modification. If you look on Page 52 and 53, the  
46 recommended proposal language would read customary  
47 trade of Yukon River chinook salmon may only occur  
48 between Federally qualified rural residents with a  
49 current customary and traditional use determination for  
50 Yukon River chinook salmon.

1                   So this was, in essence, the Western  
2 Interior's proposal and OSM is suggesting to modify the  
3 other two proposals to bring it in line with the  
4 Western Interior proposal.

5  
6                   I should point out that there's little  
7 quantifiable information on the numbers of chinook  
8 salmon that enter customary  
9 trade. We really don't know how much chinook salmon  
10 enters into customary trade. Given the current Yukon  
11 River chinook salmon declines, it seems prudent to  
12 follow the recommendations of the three Regional  
13 Advisory Councils in this particular matter.

14  
15                   Limiting customary trade of Yukon River  
16 chinook salmon only to those with a current customary  
17 and traditional use determination will keep such trade  
18 within the drainage and it would allow subsistence  
19 users to continue to receive cash in exchange for  
20 subsistence-caught chinook, which, as most evidence  
21 shows, supports other subsistence activities.

22  
23                   If runs of Yukon River chinook salmon  
24 increase to the point where there is a lessened  
25 conservation concern if the chinook rebound, then  
26 another proposal could be put in place to request  
27 lifting these restrictions.

28  
29                   Again, the OSM preliminary conclusion  
30 is to support with modification these proposals.

31  
32                   Thank you, Mr. Chairman.

33  
34                   CHAIRMAN GREEN: Thank you for your  
35 comment. Is there anybody on the Council who has any  
36 questions.

37  
38                   MR. GRAY: I do. So let's say somebody  
39 smokes a bunch of chinook salmon and they want to sell  
40 it to Tom Gray and Tom Gray lives on the Seward  
41 Peninsula. That would not happen, is that right, or  
42 not be legal?

43  
44                   DR. JENKINS: That would be precluded  
45 if you didn't have a customary and traditional use  
46 determination for.....

47  
48                   MR. GRAY: I'm asking specifically --  
49 I'm not from the Yukon, so I'm sure I'm not  
50 eligible.....

1 DR. JENKINS: Yes.  
2  
3 MR. GRAY: .....and that's what I'm  
4 wanting to know.....  
5  
6 DR. JENKINS: Yes.  
7  
8 MR. GRAY: .....is they cannot sell to  
9 me.  
10  
11 DR. JENKINS: Yes.  
12  
13 MR. GRAY: Okay.  
14  
15 MR. BUCK: I'm a customary and  
16 traditional use. If I bought smoked fish from the  
17 Yukon, that would be allowable, right, since I'm a  
18 Federal subsistence user for this area.  
19  
20 DR. JENKINS: You would need to have a  
21 customary and traditional use determination for your  
22 area for Yukon River chinook salmon to engage in  
23 customary trade. Absent that, these proposals say you  
24 cannot engage in customary trade. That's the intent of  
25 these proposals. The idea is to keep the fish within  
26 -- as I understand it, the idea is to keep the fish in  
27 customary trade within the Yukon River Drainage and  
28 attempt to stop these larger sales that these three  
29 RACs see as participating in the decline of chinook.  
30  
31 MR. BUCK: If I had some dried fish and  
32 I wanted to exchange it for the smoked salmon down  
33 there, that's allowable, right?  
34  
35 DR. JENKINS: Yes. This does not  
36 affect barter. So if you wanted to exchange fish for  
37 fish, these proposals do not address that issue nor do  
38 they address sharing. This is only exchange for cash.  
39 I should also point out there's an issue about the  
40 customary trade of strips because in Federal regulation  
41 it specifically says you may exchange for cash fish,  
42 their parts and their eggs. However, the State of  
43 Alaska has indicated that if you process fish, you need  
44 to meet State health regulations in the processing of  
45 fish.  
46  
47 The Federal Subsistence Board has said  
48 we, as a Board, don't have the authority to weigh in on  
49 issues of processing of fish, so there's some question  
50 about how those two laws interact with each other. The

1 State saying you have to meet processing regulations  
2 and the Federal regulations saying you can exchange  
3 fish, their parts and their eggs. In any case, the  
4 Board indicates that it doesn't have the authority to  
5 intrude into the issues of health regulations on the  
6 State side. So it gets a little more complicated when  
7 your example is of strips.

8

9 MR. GRAY: Mr. Chair. Here again, you  
10 know, I alluded to the State has their mission in life  
11 and subsistence has our mission in life. Here we have  
12 an issue that for thousands and thousands of years the  
13 Eskimos have cut fish and traded and bartered and sold  
14 or whatever a product to maintain a lifestyle and now  
15 the State has stepped in and said, oh, if you're going  
16 to do this, you have to comply with that and the other  
17 and here the Feds are agreeing, well, we don't want to  
18 dwell in that.

19

20 Well, we're subsistence. We've been  
21 doing it for thousands of years whether it's being sold  
22 or not. You know, as this thing rolls on, it just  
23 turns into a cesspool that it's unfortunate, but I'm  
24 very concerned that the C&T -- and I'm going to bring  
25 the C&T up later on on muskox. You know, it's just  
26 peck, peck, peck, peck and what happened years and  
27 years ago all of a sudden we're just getting pecked  
28 away to nothing and subsistence -- you know, it's like  
29 putting a road into Nome, Alaska. Subsistence will be  
30 something totally different than what we have today.  
31 What we have today is totally different than we had  
32 when ANCSA came into play. Time is just changing this  
33 thing and somewhere we've got to kind of stop and  
34 breathe the air and protect what subsistence really is.

35

36 MR. BUCK: I have a comment. Already  
37 I've gotten smoked salmon from the Yukon River, but  
38 it's gone through channels, through different channels.  
39 I don't know if it's illegal or not, but I did receive  
40 in White Mountain area. So the customary trade issue  
41 needs to be defined. It's all confusing to me, so that  
42 customary trade issue needs to be really worked on.

43

44 CHAIRMAN GREEN: Nikki.

45

46 MS. BRAEM: Mr. Chair. I'm going to  
47 confine my comments on customary trade on the Yukon to  
48 just a tiny bit because I'm not a Yukon specialist  
49 though my office -- my co-worker is working on this  
50 particular set of proposals. With regard to the

1 question of whether fish being traded for cash,  
2 customary trade on the Yukon, it would be subject to  
3 DEC requirements. Some members of State agencies think  
4 that that would apply. I'm not sure that that's been  
5 established by anybody.

6  
7                   So if customary trade is a  
8 non-commercial enterprise, then I personally do not  
9 know how DEC would have a role in monitoring how you're  
10 going to take care of your fish you're going to  
11 customarily trade when it's not a commercial  
12 enterprise. So that's not set in stone that DEC has  
13 some say over how people are going to take care of  
14 their strips. That still remains to -- I mean some  
15 people are making that argument. I don't know that  
16 that has been established.

17  
18                   The second point I'd like to make is,  
19 again, keep in mind that whatever goes on with  
20 customary trade, meaning exchanges of small amounts of  
21 cash for fish, barter is not on the table here. So you  
22 trading caribou for fish or fish for fish, that is not  
23 going to be affected by any of these proposals. So I  
24 just wanted to put your mind at rest there. I wish I  
25 had my co-worker with me, Caroline Brown, because she's  
26 working on this issue. She's a Yukon River person.

27  
28                   Do you have any more questions? I'll  
29 be quiet again.

30  
31                   MR. SMITH: I think the issue is not  
32 DEC regulations so much as the definition of fish.  
33 Fish is raw, fish in the round, and strips are not, so  
34 I think that's the problem. There's no way you could  
35 process subsistence-caught fish under DEC regulations  
36 and then sell the processed products. There's no way  
37 you can do that.

38  
39                   MS. BRAEM: Exactly. My point is I  
40 didn't want everyone to start worrying that DEC was  
41 going to start thinking about how they're dealing with  
42 their strips. That's not what's going on here. I'm  
43 not even sure that has anything to do with customary  
44 trade either.

45  
46                   DR. JENKINS: David Jenkins again. I'm  
47 very happy to hear the State comments. The DEC did  
48 give the Federal program a memo and I think it was in  
49 2002 addressing this particular issue. Part of the  
50 point that I just heard had to do with the commercial

1 or non-commercial nature of customary trade.

2

3                   If you look at Appendix B from Page 55  
4 on, it gives you a history of the research on customary  
5 trade and most of that research indicates that  
6 customary trade is a non-commercial activity. It's not  
7 for profit. Prices are not set by market forces.  
8 Prices are set by custom and most of these fish move  
9 through networks of kin and friends. So it's really a  
10 non-commercial activity. I'm interested to hear the  
11 State's comments that indicate that position as well.  
12 So you can see that history starting again on Page 55.

13

14                   Thank you, Mr. Chair.

15

16                   CHAIRMAN GREEN: Thanks. Elmer.

17

18                   MR. SEETOT: Elmer Seetot from Brevig  
19 Mission. You mentioned restricting customary trade  
20 would result in chinook increase at your opening  
21 statement if I heard you correctly. State and Federal  
22 agencies should have been more proactive when this  
23 issue of the interception and then the bycatch issue  
24 was being raised by fishermen within the Western Region  
25 and yet no action was taken during these years. I  
26 think that the lobbyists have a vested interest in  
27 trying to protect whatever they're trying to go for and  
28 I think our people have been overrun by regulations  
29 over the years.

30

31                   We have traditionally passed on this  
32 information from generation to generation, as Mr. Gray  
33 said. Our people have been fishing for a lot number of  
34 years, yet we have been pretty cozy to regulations that  
35 are being imposed by outside agencies. We have been  
36 here for a long time. State of Alaska, like I say, is  
37 a lot younger than when it became Statehood. So I  
38 think there are mixed feelings whether you use State or  
39 Federal regulations on your wildlife and also on your  
40 fish. Most of the regulations passed on by committees  
41 has been to kind of preserve the species and then carry  
42 on TEK knowledge that has been passed from many years.

43

44

45                   However, with the new generation, I  
46 think they're just questioning, oh, that is hearsay of  
47 what I heard, waste not, want not. Use more, it's  
48 going to provide for you. Those aren't really being  
49 taken seriously, I guess, by the younger generation  
50 nowadays. There's too much activities with their

1 computers and whatnot. Most of the hunting and fishing  
2 regulations and procedures for them to carry on have  
3 not been taught to them by the local people. To say  
4 that restricting customary trade would increase any  
5 species, I guess you have to look at other factors.  
6 Most of this is just pretty much human-caused harvest  
7 levels.

8

9                   You have mines -- you have mines in the  
10 rivers, you have predation out in -- I see you don't  
11 really talk about mortality rates among the species.  
12 What new chemicals are introduced by the boat traffic,  
13 by miners that don't report these accidents and yet  
14 we're partly confused because we don't know the  
15 answers. Nobody don't tell us the information, but  
16 somehow people find out through research and through  
17 questioning, you know, local people about these  
18 resources.

19

20                   A big increase in predation of fish  
21 species. I guess that can be expected, yet we should  
22 not be placing blame on one aspect of the life cycle of  
23 anything. Just because we're going through a shortage  
24 right now doesn't mean that they will be extinct. It's  
25 just that they have evolved or moved on to other  
26 locations that are more adaptable to their way of  
27 survival. But to say restricting our use for something  
28 else, that's something that needs to be researched. I  
29 think the Native communities have a lot to offer to  
30 people that are regulating the use of these resources.  
31 We are the ones that have daily -- we observe them and  
32 we have daily encounters. Some of these are not  
33 directly reported to agencies or people involved, but  
34 people know what's happening out in the country so to  
35 speak.

36

37                   I just need kind of clarification  
38 saying restricting customary trade would increase -- I  
39 mean would decrease the chinook population contrary to  
40 what was taught by our ancestors. You use the resource  
41 more, the resource will provide to you, but other  
42 factors are not being considered. Their spawning  
43 place, whether it's still good for them or something  
44 got spilled into their system or are they being  
45 predated by so many animals that they can't rebound.  
46 You have natural storms I think that play a big role  
47 right now. Eggs are being laid. Eggs can't pretty  
48 much take care of themselves, so they pretty much have  
49 to go with the flow of nature.

50

1                   That's all I have to say, thank you.

2

3                   CHAIRMAN GREEN: Thank you, Elmer. I  
4 forgot your name, I'm sorry. That helps, David  
5 Jenkins. This is a -- these three proposals, they're  
6 lumped together or they're just.....

7

8                   DR. JENKINS: Mr. Chair. They were  
9 analyzed together. They were three separate proposals  
10 and they had one common theme and that's why they were  
11 analyzed together. Go ahead, I'm sorry.

12

13                   CHAIRMAN GREEN: Just to go along with  
14 the question. Through the analysis, they were to go --  
15 I think you said something about the modifying of two  
16 of the other ones, like 07 and 08, to identify to what  
17 the 06 was with Western.

18

19                   DR. JENKINS: Yes, that was the OSM's  
20 recommendation.

21

22                   CHAIRMAN GREEN: Short and sweet, to  
23 the point.....

24

25                   DR. JENKINS: Right.

26

27                   CHAIRMAN GREEN: .....in other words.

28

29                   DR. JENKINS: To take out the common  
30 theme from all three and to identify that in one  
31 proposal and use as clear language as we could to get  
32 to that point.

33

34                   CHAIRMAN GREEN: Any other questions  
35 from the Council for Mr. Dave Jenkins here.

36

37                   (No comments)

38

39

40

41

42

43

44

45

46

47

48

49

50

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

Fisheries Proposals FP13-06, 07, 08:

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

1 Introduction:

2

3 FP13-06, submitted by the Western  
4 Interior Subsistence Regional Advisory Council  
5 (WI-RAC), seeks to limit customary trade of Yukon River  
6 Chinook salmon to that occurring between federally  
7 qualified rural residents with a current customary and  
8 traditional use determination(C&T). While the proposer  
9 does not qualify the customary and traditional use  
10 determination it may be it is assumed both the trader  
11 and recipient are to have C&T for Yukon River salmon.

12

13 FP13-07, submitted by the Eastern  
14 Interior Subsistence Regional Advisory Council  
15 (EI-RAC), seeks to limit customary trade of Yukon River  
16 Chinook salmon to that occurring between federally  
17 qualified rural residents with a current C&T and  
18 qualifies application to times of shortage when no  
19 Chinook salmon commercial fishery or restrictions on  
20 subsistence fishing are in place.

21

22 FP13-08, submitted by the  
23 Yukon-Kuskokwim Delta Subsistence Regional Advisory  
24 Council (YKD-RAC), seeks to limit customary trade of  
25 Yukon River Chinook salmon to that occurring between  
26 federally qualified rural residents with a current C&T  
27 for salmon only in the Yukon River drainage.

28

29 Impact on Subsistence Users:

30

31 Defining customary trade would provide  
32 greater understanding of what is allowable under this  
33 practice. Limiting the scope of customary trade to the  
34 specific users mentioned in the proposals would provide  
35 for those users and exclude other users. Some rural  
36 residents without C&T for Yukon River Chinook salmon  
37 who may have purchased these salmon in trade would  
38 suffer a loss of purchased salmon obtained through cash  
39 transactions. Without the addition of a definition of  
40 significant commercial enterprise , there will be  
41 continued confusion and enforcement issues will remain.

42

43 Impact on Other Users: None noted at  
44 this time.

45

46 Opportunity Provided by State:

47

48 State subsistence users are allowed to  
49 engage in the customary trade of subsistence-caught  
50 fish; however, 5 AAC 01.010 prohibits the sale of

1 subsistence-caught fish, their parts, or their eggs  
2 unless otherwise specified in state regulation.  
3 Currently, there are only two exceptions listed in  
4 Chapter 5 of state regulations; they are for the Norton  
5 Sound-Port Clarence Area and for Southeast Alaska. 2  
6 Currently, no sale of subsistence-caught fish is  
7 allowed in the Yukon River drainage.

8

9

#### Conservation Issues:

10

11 The Yukon River Chinook salmon stock is  
12 currently classified as a yield concern. Since 2001,  
13 subsistence fishing time in the Yukon Area has been  
14 limited by the windows schedule and then further  
15 restricted in 2008, 2009, and 2011 because of  
16 conservation concerns for Chinook salmon. Subsistence  
17 harvest levels for Chinook salmon have not met the  
18 amounts reasonably necessary for subsistence (ANS)  
19 range the last four years (2008 2011). A majority of  
20 the Yukon River drainage escapement goals have been met  
21 or exceeded since 2000, including the Chena and Salcha  
22 rivers, which are the largest producers of Chinook  
23 salmon in the U.S. portion of the drainage. The  
24 escapement objective for the Canadian mainstem was met  
25 every year from 2001 through 2006, with 2001, 2003, and  
26 2005 being the three highest spawning escapement  
27 estimates on record. The escapement objective for the  
28 Canadian mainstem was not met in 2007, 2008, and 2010.  
29 Exploitation rate on the Canadian-origin stock by  
30 Alaskan fishermen has changed from an average of about  
31 55% (1989 1998) to an average of about 44% from  
32 2004 2008 (Howard et al. 2009). Although the  
33 subsistence harvest was stable at nearly 50,000 Chinook  
34 salmon annually through 2006, the recent five-year  
35 average (2007-2011) was 43,900. Commercial harvests  
36 have decreased over 90% from an average of 100,000  
37 annually (1989 1998) to the recent five-year average  
38 (2005 2009) of nearly 9,700 fish.

39

40

#### Enforcement Issues:

41

42 A refined federal definition for  
43 customary trade would reasonably be expected to reduce  
44 enforcement complications provided the definition  
45 adopted is specific and easily interpreted.  
46 Information outreach will be necessary to adequately  
47 inform the public of any adopted changes to the  
48 definition. Without the addition of a definition of  
49 significant commercial enterprise, confusion and  
50 enforcement issues will remain.



1 comments.

2

3

(No comments)

4

5 CHAIRMAN GREEN: Are there any advisory  
6 groups, such as neighboring panels or local fish and  
7 game advisory committees or the Park Service.

8

9

(No comments)

10

11 CHAIRMAN GREEN: Written comments. I  
12 think that was part of the analysis in there. There  
13 was the Federal written comments also with the Regional  
14 Advisory Council's submitting their comment. Go ahead,  
15 Alex.

16

17

18 MR. NICK: Mr. Chairman. Written  
19 public comments for Proposal.....

19

20

CHAIRMAN GREEN: 06/07/08.

21

22

23 MR. NICK: Yeah. There is -- well,  
24 you heard about -- we referred to comments for Tanana  
25 Chiefs on Pages 93, 94 for those comments. Mr. Chair.

25

26

27 CHAIRMAN GREEN: Those are supported by  
28 their -- Tanana Chiefs Conference's written comments  
29 are supported by the surveys of these local people, the  
30 local residents.

30

31

32 MR. NICK: Mr. Chair. According to  
33 Tanana Chiefs, they did a community survey and Tanana  
34 Chiefs did provide their own, whether or not they  
35 supported or opposed the proposal. That's on Page 93.

35

36

CHAIRMAN GREEN: On 93 there's.....

37

38

MR. NICK: 06.

39

40

41 CHAIRMAN GREEN: .....opposing on 06.  
42 Opposition of 06 from the Western Interior. The 07 is  
43 the Eastern Interior RAC. 08 that is all fish, Y-K  
44 Delta RAC opposes. So they're all in opposition of the  
45 recommendation of the Staff's analysis.

45

46

47 DR. JENKINS: Mr. Chairman. Those were  
48 all in opposition to these proposals and I urge you to  
49 read the Tanana Chiefs fairly lengthy response to these  
50 proposals to get an understanding of their position. I  
51 think they're eight or ten pages in this document

1 starting on Page 96.

2

3 MR. GRAY: Mr. Chair.

4

5 CHAIRMAN GREEN: Go ahead.

6

7 MR. GRAY: I have a thought, I guess.  
8 Anywhere in our regulations on whatever we're dealing  
9 with is there a number like this \$750 that limits what  
10 we can do as far as trade or is this the beginning of  
11 we're going to downsize you, etc.

12

13 DR. JENKINS: Yes, and we're going to  
14 get actually into a discussion of that with later  
15 proposals that propose a dollar limit, but there's two  
16 areas in Alaska, Bristol Bay and the Upper Copper River  
17 area that have limits on customary trade that are in  
18 place and have been for many years.

19

20 MR. GRAY: Limits. What kind of  
21 limits?

22

23 DR. JENKINS: Dollar limits, \$500, \$400  
24 and in one instance 50 percent of subsistence-caught  
25 fish are the limit that could be up to \$500 that could  
26 be exchanged in customary trade for the Upper Copper  
27 River area.

28

29 CHAIRMAN GREEN: Nikki.

30

31 MS. BRAEM: I don't even know if it's  
32 appropriate to add this. That's under the Federal way.  
33 The Feds deal with customary trade. Currently in this  
34 area the limit is \$200, though there is a proposal  
35 before the Board of Fish to raise that to \$500 and that  
36 meeting is happening in January by the way, the one  
37 where your proposal is going to be considered.

38

39 MR. GRAY: The \$200 is a State-mandated  
40 thing?

41

42 MS. BRAEM: When they made a finding  
43 for customary trade, I didn't work for the division  
44 back then, but back when that was put in place, that  
45 customary trade for Norton Sound, I believe the  
46 original recommendation was a threshold of \$500,  
47 meaning that's a non-commercial activity, so it meant  
48 under \$500 per year. The Board chose at that time to  
49 make it \$200 per year. So there is a proposal and I  
50 can't pull it off the top of my head in this Board

1 cycle coming up in January that would seek to increase  
2 the amount here in Norton Sound to \$500 per year.

3

4 MR. GRAY: So I'm at a loss here. The  
5 State has a \$200 price.

6

7 MS. BRAEM: Yes, uh-huh.

8

9 MR. GRAY: Do we, as a subsistence  
10 board -- and I should know this, I apologize, but do  
11 we, as a subsistence board, have a different number?

12

13 DR. JENKINS: There is no number for  
14 Yukon River chinook salmon and customary trade.  
15 There's no dollar limit at all at this point.

16

17 MR. GRAY: I'm talking about here.  
18 She's talking about here.

19

20 MS. BRAEM: Right. On the State side  
21 of things it is in Prince William Sound and I think  
22 it's for herring. That's not my area. And it's also  
23 here. Oh, look, we've got it right here in the meeting  
24 book. Yeah, it's for herring roe in Southeast Alaska,  
25 which doesn't concern you guys here and for subsistence  
26 harvested fin fish in Norton Sound, Port Clarence. On  
27 the State side of things where we do have an  
28 established value, Norton Sound, Port Clarence, the  
29 annual is \$200.

30

31 MR. GRAY: On the Federal side of it  
32 there is no number then. Okay. That's what I'm trying  
33 to dig for here.

34

35 MR. NICK: Mr. Chair.

36

37 CHAIRMAN GREEN: Go ahead, Alex.

38

39 MR. NICK: To give you -- because you  
40 have a couple of villages in your region that has C&T  
41 for Yukon River fish, to give you a little idea of how  
42 this originated -- I mean the customary trade thing, it  
43 actually originated -- discussion originated from the  
44 Yukon Delta Regional Advisory Council. There was  
45 concern about in early 2000 there were some concerns  
46 about too much being sold to other regions from Yukon  
47 River. It got hung up along the way and then they  
48 adopted Bristol Bay figures when they recommended to  
49 the Federal Subsistence Board and, again, it got  
50 deferred several times the last few years just to give

1 you an idea how this started.

2

3 CHAIRMAN GREEN: My, the discussion.  
4 Any other questions from the Council members.

5

6 (No comments)

7

8 CHAIRMAN GREEN: We've looked over the  
9 written comments. Is there any public testimony. I'll  
10 take it at this time.

11

12 MR. WHEELER: Mr. Chairman. Mr.  
13 Wheeler. I lived on the Yukon for 11 years. We  
14 commercial fished for kings. What bothers me more  
15 about anything is this is creeping restrictions. First  
16 of all, ANCSA was a compromise, ANILCA was a  
17 compromise. Now you're saying, okay, we're going to  
18 put these restrictions on chinook on the Yukon and then  
19 it will be more and more. What you're doing is -- what  
20 they're doing with this is putting more restrictions.  
21 Once you put them on there I doubt seriously if they'll  
22 come off. You can go back to fisheries before the  
23 state was a state. You have to take a historic look at  
24 this.

25

26 Subsistence, in most cases, fish and  
27 wildlife is anywhere from 2-3 percent of the total  
28 harvest on any one sector. Now, yes, there's a king  
29 problem. We know what that kind problem is. It's  
30 people don't understand fish biology 101 and what's  
31 happening in the ocean.

32

33 Having said that, as far as this \$750  
34 limit. First of all there's home use, there's extended  
35 family use and then there's the bartering and the sale.  
36 \$750, you can't go to camp more than three times round  
37 trip. You're talking about 100 gallons of fuel to put  
38 it in perspective.

39

40 Second of all, like I said, 2-3 percent  
41 of the total harvest for subsistence, yet in times of  
42 shortage the law says subsistence has priority. Well,  
43 who's got priority? The commercial fishermen under  
44 State law or does it mean that the subsistence users  
45 got to yield. It seems to me we've yielded long  
46 enough. As far as \$750 worth of fish trips, you're  
47 looking at \$25 a pound. You're only looking at 30  
48 pounds. To say they go to AFN and they see all this.

49

50 Let me tell you, the people that do it

1 are either full-time workers, they take time off from  
2 their job, they take subsistence leave, they've got  
3 boats, motors, trailers and a lot of implements. They  
4 have the means to do it and the extended family help  
5 them. The person who can't afford it is on the Quest  
6 card because there's no jobs out there primarily and  
7 because in the State's means of doing it they take the  
8 Federal monies and pass it down and people live on the  
9 Quest card and AC or whoever, ANILCA.

10  
11 The only way it's going to really work  
12 in the future is through cooperative management and you  
13 put the user in the seat at the table because it's not  
14 working under dual. The State would like to get it  
15 back, but frankly they don't deserve it because they're  
16 doing the same thing the Feds did when they took it  
17 away from the Feds or was given to them. They don't  
18 have a record of fisheries, for instance in the chum or  
19 the king, because there's never been an increase since  
20 the  
21 '80s or the '70s. It's downhill all the way. But they  
22 don't like to reflect 30 or 40 years back and that's  
23 what you've got to do. You've got to have historical  
24 perspective.

25  
26 I thank you, Mr. Chairman.

27  
28 CHAIRMAN GREEN: Thank you, Chuck.

29  
30 MR. SMITH: Are you ready for a motion?

31  
32 CHAIRMAN GREEN: I'm ready for a  
33 motion.

34  
35 MR. SMITH: I know it says on our card  
36 it's supposed to always be positive, but it gets kind  
37 of confusing to me. What I'd like to do is move to  
38 oppose all three of these proposals and if somebody  
39 wants to second it.....

40  
41 MR. GRAY: Second.

42  
43 MR. SMITH: .....I'll say why. I'd  
44 like to move into discussion.

45  
46 CHAIRMAN GREEN: Move into discussion.

47  
48 MR. SMITH: The reason I'm opposing  
49 this motion is -- you know, I agree with what both Tom  
50 and Chuck said, that once something goes into place --

1 this is only for Yukon River king salmon and it's a  
2 special situation where you've got a serious problem  
3 with Yukon River king salmon, but once you establish  
4 something like this it does become carved in concrete  
5 and it will expand to everything.

6

7 I've got a bucket of Yukon River dried  
8 chum salmon in my porch right now that I bought from  
9 the Yukon. A five-gallon bucket of chum salmon dried  
10 fish is about \$400 and that's a pretty fair price. We  
11 can't get king salmon. There just aren't enough.  
12 People don't have enough down there to even share with  
13 anybody. To me, customary trade is very important to  
14 us. We wouldn't have dried fish without this. We like  
15 Yukon River dried fish and we wouldn't have it without  
16 it. Under these three proposals we wouldn't be able to  
17 get it anymore. We would be excluded from bartering  
18 for cash and we don't have anything to trade that they  
19 would need down there.

20

21 The second reason for opposing it is  
22 there's a traditional trade of Yukon River king salmon  
23 that has been going on for generations all over the  
24 place, not just on the Yukon. In fact, the people that  
25 need it the most are the ones who don't live on the  
26 Yukon but still like to eat Yukon River fish.

27

28 The last thing for these three  
29 proposals -- I'd like to comment on the dollar limit  
30 when we get to it, but the last thing for these  
31 proposals is as long as there's an issue of fairness  
32 here, as long as there's the trawlers, the pollock  
33 trawlers are allocated 60,000 king salmon, that's their  
34 allocation. They can kill and waste 60,000 king  
35 salmon. Why are we stopping people on the Yukon River  
36 for making a couple bucks to help offset their costs in  
37 catching and processing these fish. It's not fair.  
38 Why worry about these small numbers of fish. Nobody's  
39 really come up with any -- you know, people worry about  
40 fish being sold at AFN, but it's really not very much  
41 when you compare it to 60,000 king salmon killed by the  
42 trawlers. So I think there's a real issue of fairness,  
43 so I'm opposing all three of these proposals.

44

MR. BARR: Question.

45

CHAIRMAN GREEN: Who seconded?

46

47

MR. SMITH: Tom.

48

49

50

1 CHAIRMAN GREEN: Tom did. Okay.  
2 Reggie called for the question.  
3  
4 MR. BUCK: Question.  
5  
6 CHAIRMAN GREEN: All those opposing  
7 saying aye.  
8  
9 IN UNISON: Aye.  
10  
11 CHAIRMAN GREEN: I should have said all  
12 those in favor of opposition say aye. All those  
13 opposed same sign.  
14  
15 (No opposing votes)  
16  
17 CHAIRMAN GREEN: We just opposed all  
18 the motions -- all the amendments. These have not  
19 passed. It's a non-pass. I think we're getting up to  
20 the lunch hour here. What is it customary to take here  
21 for a lunch break. Is it an hour? We already took  
22 your two-hour break this morning. Is it an hour and a  
23 half? I forgot.  
24  
25 MR. SMITH: Yes.  
26  
27 CHAIRMAN GREEN: So we'll do an hour  
28 and a half and we'll be back at 1:30.  
29  
30 MR. JOHNSON: Mr. Chair.  
31  
32 CHAIRMAN GREEN: Go ahead.  
33  
34 MR. JOHNSON: As we all noticed  
35 earlier, we had problems with people on the phone not  
36 muting their phone, so I've been keeping the lines  
37 muted to keep the background noise down, but Jennifer  
38 Yuhas is on the line and I've unmuted her phone. She's  
39 been wanting to be recognized to speak to this issue.  
40  
41 CHAIRMAN GREEN: Okay. Who is she  
42 representing?  
43  
44 MR. JOHNSON: She's with Department of  
45 Fish and Game. She's our primary.....  
46  
47 CHAIRMAN GREEN: Okay. I thought we  
48 heard from everybody because I never heard anybody, but  
49 you had her muted, so.....  
50

1 MR. JOHNSON: Yeah, I had because there  
2 was some typing noise in the background I was trying to  
3 isolate by selectively muting the different phones. I  
4 have unmuted her line. So, Jennifer, are you there?

5  
6 MS. YUHAS: Can you hear me now?  
7

8 CHAIRMAN GREEN: We can hear you now.  
9 It's Verizon time. You have the floor.

10  
11 MS. YUHAS: Thank you, Mr. Chairman. I  
12 realize that you have already voted on these proposals.  
13 My title is the State Federal Subsistence Liaison Team  
14 Leader, so I lead the Liaison Team and prepared the  
15 comments that you have in your book. Just for the  
16 record, Fish and Game is extremely appreciative that we  
17 have a DEC representative available to discuss their  
18 regulations. The official State position on the  
19 comments for the proposals before you today is printed  
20 in your book and both Drew Crawford, the fisheries  
21 liaison for the State, and myself will be listening  
22 online today as best we can with a few technical  
23 difficulties to deliver those State positions.

24  
25 While it may not be pertinent for your  
26 vote, we'd simply like to state for the record that the  
27 State position on those last three proposals is that  
28 while the State supports refining the definition, we do  
29 believe that definition should come from the users and  
30 I simply wanted that placed on the record today.

31  
32 CHAIRMAN GREEN: Thank you for your  
33 comment. Mr. Smith.

34  
35 MR. SMITH: For clarification, when you  
36 say the definition, what do you mean?

37  
38 MS. YUHAS: Through the Chair. Is this  
39 a question to Fish and Game from DEC?

40  
41 MR. SMITH: It's a question from Tim  
42 Smith to you. You talked about the definition. What  
43 did you mean by that?

44  
45 MS. YUHAS: Thank you. Through the  
46 Chair. That the State supports defining customary  
47 trade so that everyone knows what it is and we can  
48 alleviate some of this back and forth over what it  
49 means, but that the State believes that definition  
50 should come from the users and not be imposed by the

1 State.

2

3

CHAIRMAN GREEN: Go ahead.

4

5

MR. GRAY: The only thing that I would suggest is that this discussion or some kind of a chopped-down version of discussion of this thing go to this tri-committee that discussed this so they can understand a little bit of what happened here today. I think in the worst of the world it's going to end up in this Tri-committee's hands again and I'm not sure where it's going to really fall. If this thing fails all through the -- which it looks like it may, all three of these Advisory Boards, I'm a little bit concerned that somebody may step up and take their own action without support of these boards.

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

CHAIRMAN GREEN: David, you have a

comment.

DR. JENKINS: Yes. I'll be attending both the Eastern Interior and the Y-K Regional Advisory Council meetings and I will indicate to those Councils your vote. I won't be at the Western Interior, but somebody from my office can do the same. Carl will be there, so he can indicate to the Western Interior what your vote was.

Thank you.

CHAIRMAN GREEN: Tim.

MR. SMITH: I was at the Federal Subsistence Board when they set up this committee and my feeling at the time was that we should be involved in these discussions too because I know it isn't going to just be limited to Yukon River king salmon. Once you start establishing these restrictions it's going to be used as a model for every place. We have people that do customary trade here, have done it for several generations. Joe Garney, he grew up a professional fish process and seller and it's as important to people here as it is people on the Yukon. I would like to see us be involved in the decision-making too. It's mostly for king salmon on the Yukon now, but it won't be in the future.

CHAIRMAN GREEN: Do we have any further

comment.

1 (No comments)

2

3 CHAIRMAN GREEN: Are we ready for  
4 lunch. Excuse me, Elmer.

5

6 MR. SEETOT: What Mr. Smith was saying  
7 is quite true. Even though this is specific to Yukon  
8 River salmon, the subject matter pertains to pretty  
9 much all of us, so we should take this into  
10 consideration. They might have a different definition.  
11 They might have a different way of doing it, but it's  
12 still going to affect us. We're still being regulated  
13 by State and by Federal regulations. That's not the  
14 end of the issue there. I seen it being discussed, but  
15 it should be discussed more thoroughly so that  
16 everybody can have an understanding of this and not  
17 going through the back burner again. We're not going  
18 to give it to a lobbying firm for further discussion.  
19 I think it should be determined by the people who use  
20 it.

21

22 Thank you.

23

24 CHAIRMAN GREEN: I agree. Anyway,  
25 we're looking at lunch time here, aren't we. Tony,  
26 thanks for being here. I know this is getting long and  
27 you're probably up next. Accept the apologies. We are  
28 going to come back in an hour and a half.

29

30 MR. GRAY: We have some proposals we're  
31 going to look at. Are they in this document here? No?  
32 Do you have handouts that you can hand out to us.  
33 After lunch we're going to get to these proposals,  
34 Tony.

35

36 MR. GORN: Mr. Chair. Committee  
37 members. Are you referring to the three or four  
38 proposals listed?

39

40 MR. SMITH: Yes.

41

42 MR. GORN: I guess I will admit I was  
43 taken aback to see those on the agenda. I know what  
44 they are. They were addressed at the last Board of  
45 Game meeting November of 2011 in Barrow. I guess I'm  
46 curious on how can I prepare over the next 90 minutes  
47 for your questions or comments related to those. On  
48 the State side they've been acted on. I was surprised  
49 to see them because I thought they were kind of a done  
50 deal.

1                   Again, Mr. Chair, I guess we need to --  
2 maybe we need to do some sleuthing on the agency side  
3 of things. The antlerless moose -- one of them is for  
4 antlerless moose, which comes up, as Tom knows, on the  
5 advisory committee side annually. That was addressed  
6 in Barrow. Another one was the brown bear tag fee  
7 exemption. That was addressed.

8  
9                   For the Arctic Region of Fish and Game,  
10 Units 18, 22, 23 and 26, we're not going back to the  
11 Board of Game for another year, so we don't have any --  
12 from the wildlife perspective right now we have no  
13 proposals to talk about. That will be coming at a much  
14 later date.

15  
16                   MR. SMITH: What we did do though,  
17 Tony, is we -- and you weren't here -- we added muskox  
18 status and then Tier II to the discussion, so we'd like  
19 to hear from you on that. I think we can easily just  
20 scratch these off.

21  
22                   CHAIRMAN GREEN: So we're going to take  
23 out Proposal 40, 41, 44.....

24  
25                   MR. GRAY: Louis.

26  
27                   CHAIRMAN GREEN: Excuse me.

28  
29                   MR. GRAY: Maybe I would suggest --  
30 some of these, like the antlerless moose hunt, I'd like  
31 to hear where we're at on that, like a report maybe.  
32 Just give a report on all these and we'll get into this  
33 discussion with the muskox, that's fine, but after  
34 lunch maybe just kind of a quick report of where we're  
35 at and what's being done on these proposals.

36  
37                   MR. GORN: Through the Chair to member  
38 Gray. Certainly we can -- we were going to give a --  
39 for the agency report, it would be great if we could do  
40 it after lunch, but we were going to kind of give you  
41 an update on the fall hunting season, what happened  
42 there. I was going to give you an update on what we  
43 did last spring. As you guys know, the majority of our  
44 field work up here is completed during the spring  
45 portion of our year. As part of that, I would let you  
46 know what we found out with our muskox survey work, our  
47 moose survey work and kind of what it all means.

48  
49                   I'm still confused with these. I mean  
50 Park Service Staff, Sandy and these guys back here,

1 just showed me this book. I've got to figure this out.  
2 I know -- I mean we addressed these all in Barrow and  
3 the only thing that maybe I'm a bit confused on is on  
4 the State side of things we completely changed our  
5 Board of Game cycle. The dates now for getting  
6 proposals in for comment, the Board meeting dates  
7 themselves has all changed. This is the first year  
8 it's happening, so they might have caught me by  
9 surprise with some of these.

10

11 But Proposal 40 is a Unit 18 proposal  
12 and I will not be able to speak to that. That's out of  
13 the Bethel office and I'm not familiar with what's  
14 going on down there. Proposal 41, the Unit 22C and D  
15 antlerless moose proposals I can definitely speak to.  
16 Proposal 42 is a Unit 23 proposal. That one I will not  
17 speak to. That's a Kotzebue office proposal. 43 is a  
18 26A. That's another antlerless moose proposal out of  
19 the Barrow office. I should not speak to that one  
20 either. Then I can speak to 44, which is a brown bear  
21 tag fee exemption proposal, which includes Unit 22 as  
22 well as the rest of the Region 5 offices.

23

24 So, that's all I know.

25

26 CHAIRMAN GREEN: Alex.

27

28 MR. NICK: Mr. Chair. Tony. I would  
29 like to apologize to you because I have been trying to  
30 contact you for how many weeks, in fact at Nome ADF&G  
31 office. I put these agenda topics region specific  
32 wildlife proposals because I was asked to do so, asked  
33 to add wildlife proposals that has an effect and maybe  
34 the RAC might not have time to comment before it's  
35 taken up. I don't have an idea other than what I see  
36 in your website and what I see in the booklet, so I  
37 take the blame. I take the blame for putting this on  
38 and I did talk to Mr. Ken Adkisson about this when he  
39 called back after he saw the draft agenda. I take the  
40 full responsibility because what I'm asked to put on  
41 the agenda, I put them on for your discussion, for the  
42 Council's discussion.

43

44 My understanding was that we were only  
45 to put these proposals, not necessarily for review but  
46 for comments, Council's comments that could go forward  
47 to the State. So I take the full responsibility of  
48 these being on the agenda, but I did try to contact you  
49 and I ask everyone when I leave a message please return  
50 my call or leave me a message so that we'll be in the

1 same dialogue when these things are put on the agenda.

2

3 Thank you.

4

5 CHAIRMAN GREEN: I think we're going to  
6 adjourn for lunch.

7

8 (Off record)

9

10 (On record)

11

12 CHAIRMAN GREEN: We're back on record.  
13 It is now 1:44. Call the meeting to order. We're  
14 under section 8, Federal Subsistence Board regulatory  
15 proposals. We just went through D, which was 06/07/08  
16 chinook and then we're going to FP13-09/10 chinook. Do  
17 we still have Don Rivard on board? We've got Mr. David  
18 Jenkins on board. I remembered your name this time.  
19 It's your floor.

20

21 DR. JENKINS: Good afternoon, Mr.  
22 Chair. David Jenkins with OSM. Proposal FP13-09/10,  
23 these are two proposals that are grouped together,  
24 starts on Page 64 if you want to look through your  
25 books. 13-09 was submitted by the Eastern Interior  
26 Subsistence Regional Advisory Council and what it seeks  
27 is to prioritize direct personal or family consumption  
28 over customary trade of Yukon River drainage chinook  
29 salmon. Proposal FP13-10 was submitted by the  
30 Yukon-Kuskokwim Delta RAC and requests that the Board  
31 prioritize family consumption over customary trade of  
32 Yukon River drainage chinook salmon. Both proponents  
33 are concerned with declining chinook runs in the Yukon.

34

35 Both of these proposals seek to limit  
36 exchanges for cash of subsistence-caught Yukon River  
37 chinook salmon in an attempt to prioritize other uses,  
38 that is both of these proposals wish to ensure that  
39 direct personal or family consumption of Yukon king  
40 salmon comes before customary trade.

41

42 Proposal FP13-10 indicates when such  
43 prioritization should take place and it's when  
44 subsistence restrictions are enacted. In that case,  
45 the use of chinook as a primary food source and related  
46 food security issues take precedence over any  
47 activities that involve money or material gain such as  
48 customary trade.

49

50 Let me point out just quite briefly

1 what defines subsistence uses so we can have similar  
2 meanings at play here. Subsistence uses means under  
3 Section .803 of the ANILCA means the customary and  
4 traditional uses by rural Alaska residents of wild,  
5 renewable resources for direct personal or family  
6 consumption as food, shelter, fuel, clothing, tools, or  
7 transportation; for the making and selling of  
8 handicraft articles out of nonedible byproducts of fish  
9 and wildlife resources taken for personal or family  
10 consumption; for barter, or sharing for personal or  
11 family consumption; and for customary trade. So these  
12 are the subsistence uses defined under ANILCA.

13

14 ANILCA does not prioritize any of these  
15 uses and the Federal Subsistence Board has reasoned  
16 that all subsistence uses defined here are equally  
17 important. There are no unimportant subsistence uses.  
18 The Board does not have a mechanism to prioritize one  
19 use over the other. There is, however, one regulatory  
20 exception to that general Board preference or practice  
21 and that exception requires that in the Yukon River  
22 drainage, chinook salmon must be used primarily for  
23 human consumption and not be targeted for dog  
24 food. So that's the intent of both these proposals, to  
25 prioritize direct personal and family consumption over  
26 customary trade.

27

28 The effects of these proposals if they  
29 are adopted, all rural residents of the Yukon River  
30 drainage and residents of Stebbins would not be allowed  
31 to trade for cash chinook salmon harvested from the  
32 Federal public waters of the Yukon River. A priority  
33 would be established between subsistence uses, with  
34 human consumption given higher priority over customary  
35 trade with the one exception that I just noted.

36

37 It is unknown at this time because  
38 there's no quantified evidence about customary trade  
39 how many people would be affected. Presumably, however,  
40 both harvesters and recipients, rural and nonrural,  
41 would be affected by these proposals.

42

43 The preliminary OSM conclusion is to  
44 oppose both of these proposals because, as defined in  
45 ANILCA, all subsistence uses are equally permissible  
46 and all are equally important. There's substantial  
47 evidence that people use the small amounts of cash that  
48 they get for customary trade to continue their own  
49 subsistence practices. If customary trade was  
50 prioritized lower than direct family consumption, then

1 small amounts of cash to support subsistence activities  
2 may be even less.

3

4 For these reasons, OSM's preliminary  
5 conclusion is to oppose.

6

7 Thank you, Mr. Chair.

8

9 CHAIRMAN GREEN: Thank you for that  
10 presentation, Dave. Anybody on the Council have  
11 questions or remarks.

12

13 MR. GRAY: Mr. Chair.

14

15 CHAIRMAN GREEN: Go ahead.

16

17 MR. GRAY: The only thing, I guess, I  
18 would be concerned about is -- I made notes. Let's  
19 see. All uses are equal according to ANILCA in  
20 subsistence and this would take a stand against ANILCA  
21 and I'm not sure we want to go there.

22

23 CHAIRMAN GREEN: Anybody else. Peter.

24

25 MR. BUCK: It also makes customary and  
26 traditional uses more confusing.

27

28 CHAIRMAN GREEN: With that, we have the  
29 agency comments. I was wondering if Fish and Game has  
30 anything to bring to the table. We've already heard  
31 from the Federal side here.

32

33 (No comments)

34

35 \*\*\*\*\*

36 STATE OFFICIAL WRITTEN COMMENTS

37 \*\*\*\*\*

38

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

41

42 Fisheries Proposals FP13-09, 10:

43

44 Both proposals seek to prioritize the  
45 use of Yukon River Chinook salmon for subsistence  
46 consumption.

47

48 Introduction:

49

50 FP13-09, submitted by the Eastern

1 Interior Subsistence Regional Advisory Council (EI-RAC)  
2 seeks to reserve Yukon River Chinook salmon primarily  
3 for subsistence use for human food and personal family  
4 consumption.

5  
6 FP13-10, submitted by the  
7 Yukon-Kuskokwim Delta Subsistence Regional Advisory  
8 Council (YKD-RAC) seeks to reserve Yukon River Chinook  
9 salmon primarily for subsistence use for human food and  
10 personal family consumption over all other uses, and  
11 notes customary trade among other uses, whenever  
12 returns are below average; are a conservation concern  
13 by management authorities, and subsistence restrictions  
14 are being considered or implemented.

15  
16 Impact on Subsistence Users:

17  
18 Both of these proposals ask for  
19 prioritizing subsistence use of Chinook salmon for  
20 human food and personal family consumption.  
21 Subsistence uses of Yukon River Chinook salmon for  
22 domestic consumption and food will not be affected.  
23 However, FP13-10 directly suggests that customary trade  
24 and exchange of wild resources for money should be  
25 lower priorities when Yukon River Chinook salmon are a  
26 conservation concern by management authorities, and  
27 subsistence restrictions are being considered or  
28 implemented.

29  
30 Impact on Other Users: None noted at  
31 this time.

32  
33 Opportunity Provided by State:

34  
35 State subsistence users are allowed to  
36 engage in the customary trade of subsistence-caught  
37 fish; however, 5 AAC 01.010 prohibits the sale of  
38 subsistence-caught fish, their parts, or their eggs  
39 unless otherwise specified in state regulation.  
40 Currently, there are only two exceptions listed in  
41 Chapter 5 of state regulations; they are for the Norton  
42 Sound-Port Clarence Area and for Southeast Alaska.  
43 Currently, no sale of subsistence-caught fish is  
44 allowed in the Yukon River drainage.

45  
46 Conservation Issues:

47  
48 The Yukon River Chinook salmon stock is  
49 currently classified as a yield concern. Since 2001,  
50 subsistence fishing time in the Yukon Area has been

1 limited by the windows schedule and then further  
2 restricted in 2008, 2009, and 2011 because of  
3 conservation concerns for Chinook salmon. Subsistence  
4 harvest levels for Chinook salmon have not met the  
5 amounts reasonably necessary for subsistence (ANS)  
6 range the last four years (2008 2011). A majority of  
7 the Yukon River drainage escapement goals have been met  
8 since 2000, including the Chena and Salcha rivers,  
9 which are the largest producers of Chinook salmon in  
10 the U.S. portion of the drainage. The escapement  
11 objective for the Canadian mainstem was met every year  
12 from 2001 through 2006, with 2001, 2003, and 2005 being  
13 the three highest spawning escapement estimates on  
14 record. The escapement objective for the Canadian  
15 mainstem was not met in 2007, 2008, and 2010.  
16 Exploitation rate on the Canadian-origin stock by  
17 Alaskan fishermen has changed from an average of about  
18 55% (1989 1998) to an average of about 44% from  
19 2004 2008 (Howard et al. 2009). Although the  
20 subsistence harvest was stable at nearly 50,000 Chinook  
21 salmon annually through 2006, the recent five-year  
22 average (2007 2011) was 43,900. Commercial harvests  
23 have decreased over 90% from an average of 100,000  
24 annually (1989 1998) to the recent five-year average  
25 (2007 2011) of nearly 9,700 fish.

26

#### 27 Enforcement Issues:

28

29 Enforcement issues may be alleviated by  
30 providing the greatest clarity to all definitions  
31 regarding subsistence uses.

32

#### 33 Jurisdiction Issues:

34

35 While standing on state and private  
36 lands (including state-owned submerged lands and shore  
37 lands), persons must comply with state laws and  
38 regulations and cannot sell subsistence-caught fish,  
39 with two exceptions as specified above. Federal  
40 subsistence regulations, particularly customary trade  
41 regulations, pertain only to fishing on and use of fish  
42 caught on federal public lands and those waters where  
43 federal subsistence jurisdiction is claimed. The sale  
44 of subsistence fish caught on all lands and waters  
45 (federal, state, or private) is limited by state  
46 regulations, except to the extent superseded by federal  
47 law on federal lands. The State of Alaska maintains  
48 jurisdiction of food safety and food processing  
49 regulations based upon DEC regulations.

50

1 Violation of existing customary trade  
2 rules is largely an enforcement problem. What is  
3 needed is more education and an enforceable definition  
4 on what constitutes a significant commercial  
5 enterprise. We also request implementation of a  
6 monitoring program to produce actual data, and  
7 clarifying the roles and responsibilities of federal  
8 and state enforcement agencies. A permit system is  
9 more readily enforceable than one without permits  
10 required.

11

12 Other Issues:

13

14 While subsistence uses are presently  
15 prioritized under both state and federal law, the  
16 Federal Subsistence Board (Board) is afforded purview  
17 to prioritize among those uses, including  
18 distinguishing between human consumption and that of  
19 animals, or family consumption versus trade as noted by  
20 the Solicitor before the Board January 19, 20113.  
21 Other proposals before the Board address such issues as  
22 refining the definition of customary trade and  
23 significant commercial enterprise.

24

25 Recommendation: Neutral.

26

27 Subsistence is already granted priority  
28 under state and federal law. The department recognizes  
29 the value in providing the greatest clarity in all  
30 definitions regarding subsistence uses to the users,  
31 managers, and enforcement personnel.

32

33 CHAIRMAN GREEN: Anybody from the  
34 village or tribal membership.

35

36 (No comments)

37

38 CHAIRMAN GREEN: Interagency Staff --  
39 okay, you have something there, Carl.

40

41 MR. JOHNSON: I was just going to add,  
42 Mr. Chair, that I do know that there are Fish and Game  
43 personnel on the line who were anticipating speaking on  
44 each of the proposals regarding the State's position on  
45 them, so we can invite whoever's on the line  
46 to speak on behalf of Fish and Game.

47

48 CHAIRMAN GREEN: Just for a little help  
49 here, when you're on the line, let us know you're on  
50 there when we come back after a break or anything so we

1 know who is with us. Appreciate it. Thank you. Do we  
2 have anybody on line there.

3

4 I think I heard a hangup.

5

6 Sometimes that happens.

7

8 (No comments)

9

10 CHAIRMAN GREEN: Okay. We'll move on  
11 to advisory group comments.

12

13 (No comments)

14

15 CHAIRMAN GREEN: Neighboring Regional  
16 Councils.

17

18 (No comments)

19

20 CHAIRMAN GREEN: Local Fish and Game  
21 Advisory Committee.

22

23 (No comments)

24

25 CHAIRMAN GREEN: National Park Service  
26 Subsistence Resource Commission.

27

28 (No comments)

29

30 CHAIRMAN GREEN: David did read us some  
31 of these written comments. Do we have anything from  
32 like the Tanana Chiefs Conference in here too? Alex.

33

34 MR. NICK: Mr. Chair. If you look at  
35 the executive summary on Page 63, ADF&G comment  
36 indicates that they're neutral. It says there's two  
37 comments opposing this proposal. I think it might  
38 mean, correct me if I'm wrong, David, on page 94 Tanana  
39 Chiefs opposed FP13-09 and FP13-10. Mr. Chair.

40

41 CHAIRMAN GREEN: Thank you, Alex. At  
42 this time I'd ask for public testimony.

43

44 Chuck.

45

46 MR. WHEELER: Yes, Mr. Chairman. Chuck  
47 Wheeler from Nome. I oppose it and I oppose it  
48 because, as Mr. Gray pointed out, equal uses. I find  
49 that asserting that customary trade contributes but  
50 it's insignificant -- and I use the word significant

1 because that's what you deal with when you make  
2 comparisons on these proposals A, B, C and D. I might  
3 note everything is pegged on oil. When oil goes up,  
4 transportation costs goes up, fuel goes up. The cost  
5 of getting out there and getting the fish goes up.  
6 They have to have cash to buy fuel. It's going to  
7 continue to go up. The toys or the tools that you use  
8 is going to go up.

9

10 So to say that customary trade should  
11 be minimized or restricted or put a cap on is asinine.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN GREEN: Thank you, Mr.  
16 Wheeler. Having heard from the public, we can move  
17 onto the motion on the floor.

18

19 MR. SMITH: I move that we oppose both  
20 of these proposals and speak to them if there's a  
21 second.

22

23 CHAIRMAN GREEN: I'm going to ask that  
24 we go through the routine here where we go for a  
25 position motion and then we vote for or against. That  
26 way it makes more sense to me when I'm trying to  
27 explain to myself what I just did. We already saw that  
28 a while ago. Thanks.

29

30 MR. SMITH: I'll withdraw my motion and  
31 make it a positive one. We went through this at the  
32 last meeting and it was so confusing that we stopped  
33 making all positive motions. We can try it again. I  
34 move that we support both of these proposals.

35

36 MR. BUCK: Seconded.

37

38 CHAIRMAN GREEN: Seconded by Peter.  
39 All those in favor of the motion -- excuse me. We're  
40 going to go through discussion.

41

42 MR. SMITH: I have an additional reason  
43 for opposing these other than the ones that have been  
44 brought up that it does prioritize subsistence, which  
45 may not be something we want to do, but I think  
46 enforcement is going to be impossible. Once the fish  
47 is harvested how are you going to know what the person  
48 does with it. I don't see any way to enforce it.  
49 That's another reason for opposing it, but primarily I  
50 just don't think it's necessary in the first place,

1 it's not a conservation issue, the harvest will remain  
2 the same regardless of how the fish are used, so I  
3 think we should oppose it.

4  
5 CHAIRMAN GREEN: Any more discussion.

6  
7 (No comments)

8  
9 CHAIRMAN GREEN: All those in favor of  
10 the proposal FP13-09 say aye.

11  
12 (No aye votes)

13  
14 CHAIRMAN GREEN: All those opposed same  
15 sign.

16  
17 IN UNISON: Aye.

18  
19 CHAIRMAN GREEN: Motion fails by  
20 majority vote.

21  
22 REPORTER: (Nods affirmatively)

23  
24 CHAIRMAN GREEN: So we go to Proposal  
25 FP13-10. All those in favor of the motion say aye.

26  
27 (No aye votes)

28  
29 CHAIRMAN GREEN: All those opposing  
30 same sign.

31  
32 IN UNISON: Aye.

33  
34 CHAIRMAN GREEN: Motion fails by  
35 majority vote in opposition. Thank you. Turn to Page  
36 72 for the FP13-11 chinook and it's to define  
37 significant commercial enterprise as sales exceeding  
38 \$750 per household.

39  
40 Mr. Jenkins, you have the floor.

41  
42 DR. JENKINS: Thank you, Mr. Chair.  
43 FP13-11 was submitted by the Yukon-Kuskokwim Delta  
44 Subsistence Regional Advisory Council and it requests  
45 that the harvest of chinook salmon from the Yukon River  
46 drainage used for customary trade be limited to a cash  
47 value of \$750 per household.

48  
49 The concern, as in all the proposals  
50 that we've just gone through, is that customary trade

1 in chinook salmon from the Yukon River drainage has  
2 been abused by some subsistence users. The proponent  
3 believes that high levels of customary trade will  
4 continue unless limits are placed on the customary  
5 trade of king salmon. The proponent further argues  
6 that the proposed changes to customary trade  
7 regulations would help increase future escapement and  
8 run sizes and, as a result, all users would benefit.  
9 Subsistence, sport, and recreational opportunities  
10 could increase.

11  
12                   You can see at the bottom of Page 74  
13 the proposed regulation. It's a \$750 limit annually  
14 per household and anything above \$750 would then be  
15 defined as a significant commercial enterprise and that  
16 would be precluded. You can see that regulation for  
17 both exchanges between rural residents and exchanges  
18 between rural residents and others.

19  
20                   I refer you to the rather lengthy  
21 discussion of customary trade in the prior proposals  
22 for historical background and the regulation of  
23 customary trade and the history of the Tri-Regional  
24 Advisory Council as well, which we've talked about.

25  
26                   Let me point out that not all Regional  
27 Advisory Councils supported a \$750 limit. The Western  
28 Interior Regional Advisory Council voted against a  
29 limit, as did the Eastern Interior RAC, voted against a  
30 \$750 limit or any limit.

31  
32                   If adopted, the proposal would limit  
33 the amount of cash a Federally qualified subsistence  
34 user s household could accumulate in one year through  
35 customary trade of Chinook salmon. The limit would  
36 apply only to chinook salmon harvested from Federal  
37 public waters of the Yukon River drainage. We don't  
38 know the number of households that would be affected;  
39 however, customary trades exceeding \$750 is presumed to  
40 occur. Both harvesters and recipients would be affect,  
41 rural and nonrural.

42  
43                   If the proposal is adopted, Federally  
44 qualified subsistence users could continue harvesting  
45 chinook salmon to be used for direct personal or family  
46 consumption, barter, and sharing with the \$750 limit to  
47 customary trade. It is not possible to estimate how  
48 many more fish would be available with this \$750 limit  
49 in place.

50

1                   As I pointed out, subsistence users  
2 often depend on cash from customary trade to support  
3 other subsistence activities. To buy equipment, gas,  
4 and transportation and so on. With limits to customary  
5 trade, they may find their ability to harvest wild  
6 resources lessened because of lesser amounts of cash.

7  
8                   We also point out that in two regions  
9 there have been limits to customary trade in dollar  
10 limits. The Bristol Bay Fisheries Management Area has  
11 a \$500 limit and a \$400 limit depending on if it's  
12 between rural residents and between rural and nonrural.  
13 The Upper Copper River District also has a cash limit  
14 of \$500.

15  
16                   The OSM preliminary conclusion is to  
17 oppose this proposal. For the reasons that I pointed  
18 before, limiting customary trade to \$750 could curtail  
19 other subsistence uses when subsistence users rely on  
20 those small amounts of cash to continue their  
21 subsistence activities. So, primarily for that reason  
22 OSM opposes this proposal.

23  
24                   Thank you, Mr. Chair.

25  
26                   CHAIRMAN GREEN: Thank you, Dave. Any  
27 questions or comments from the Council.

28  
29                   MR. GRAY: I guess the question I have  
30 is with ANILCA came subsistence and with subsistence  
31 came these definitions. How is this going to impact  
32 those definitions? Are we going against what those  
33 definitions mean by adopting this? It seems to me if  
34 this is adopted, it's going to set parameters that  
35 ANILCA had not intended and that language had not  
36 intended and we'd be contradicting ourselves.

37  
38                   DR. JENKINS: Part of the ANILCA  
39 question has to do with a significant commercial  
40 enterprise and significant commercial enterprises are  
41 actually precluded. They're already precluded. The  
42 question is what is that limit. The Upper Copper River  
43 and Bristol Bay decided on what they thought for their  
44 region that limit was. Other regions can similarly  
45 decide what they think that limit should be and the  
46 Federal Subsistence Board is empowered to take regional  
47 differences under consideration. So the significant  
48 commercial enterprise is a threshold, but except for  
49 those two instances that thresh -- we don't know what  
50 that threshold is in other regions of the state. So

1 it's not going to contradict ANILCA, but the provision  
2 is already -- it precludes a significant commercial  
3 enterprise, whatever that happens to be if that's any  
4 help.

5

6 MR. SMITH: Mr. Chair.

7

8 CHAIRMAN GREEN: Tim.

9

10 MR. SMITH: You know we hear these  
11 anecdotes about sale of king salmon. Is there any data  
12 on that? What's the biggest amount that anybody has  
13 uncovered that is considered to be a significant  
14 commercial enterprise?

15

16 DR. JENKINS: There's very limited  
17 information on numbers on how much cash people accrue  
18 through customary trades. According to Moncrieff, the  
19 largest sale in a year from one participant was a  
20 little over \$1,300 for the middle part of the Yukon  
21 River and that's the highest figure that I've seen.  
22 Other than that there's very limited information.

23

24 CHAIRMAN GREEN: It's really  
25 interesting that -- you know, Chucky Wheeler over here,  
26 Chuck Wheeler brought up in his public comment that  
27 \$750 dictates 100 gallons of fuel. That's probably  
28 about what we've got to pay for it here in Nome. If  
29 you've got that \$750, you can buy that gas or some  
30 other articles you might need, a gun or something for  
31 your subsistence. It seems to me up in Barrow with the  
32 whalers I think they've got like a \$10,000 limit or  
33 something on their subsistence. They can sell so much  
34 of their whale product in the amount of about \$10,000.  
35 When you need to subsist, people need a four-wheeler,  
36 they need a snowmachine. You're talking about 10-  
37 15,000 dollars right there. So it bothers me to even  
38 set a \$750 limit because some of these articles that  
39 you need to subsist on are what we're talking about,  
40 10-15,000 dollars. I'm going to vote to oppose it  
41 through our process here. Those are my comments.

42

43 DR. JENKINS: Mr. Chair. Can I modify  
44 what I said. I'm looking through Moncrieff's study  
45 again and I misspoke. The higher figure that in an  
46 interview he told her that he had sold an average of  
47 600 pounds annually for about \$6,000, but starting in  
48 2005 stopped that and reserved most of his strips for  
49 family and kin. So that's the higher figure and I'm  
50 sorry I missed that. That's on page 57 of this report.

1 Thank you.  
2  
3 CHAIRMAN GREEN: You said 600 pounds?  
4  
5 DR. JENKINS: Yes, 600 pounds for  
6 \$6,000 annually is what she reported is the highest  
7 figure, but the average was \$1,360.  
8  
9 CHAIRMAN GREEN: Thank you. Is there  
10 anybody else.  
11  
12 MR. SEETOT: I apologize for not being  
13 here on the first part. Is that just the cash value of  
14 chinook salmon and nothing else?  
15  
16 MR. JENKINS: Moncrieff's study didn't  
17 specify, so that's a good question, and her study  
18 didn't say whether or not -- what species of salmon  
19 were at issue. I assume if they were strips -- well,  
20 I'm not going to assume.  
21  
22 CHAIRMAN GREEN: Is there anybody else.  
23  
24 (No comments)  
25  
26 CHAIRMAN GREEN: We've heard from the  
27 Federal agency. Is there anybody with the Department  
28 of Fish and Game for any comments.  
29  
30 (No comments)  
31  
32 CHAIRMAN GREEN: Anybody from Native,  
33 tribal, village or other.  
34  
35 (No comments)  
36  
37 CHAIRMAN GREEN: Interagency Staff  
38 Committee comments.  
39  
40 (No comments)  
41  
42 CHAIRMAN GREEN: Advisory group  
43 comments.  
44  
45 MR. CRAWFORD: Mr. Chair. This is Drew  
46 Crawford with the Department of Fish and Game in  
47 Anchorage. I just wanted to let you know that on this  
48 Proposal FP13-11 the State's recommendation was to  
49 support defining customary trade and significant  
50 commercial enterprises, but they defer the monetary

1 amount of the limit to the Regional Advisory Councils  
2 and the advisory committees in the applicable areas.

3

4 Thank you.

5

6 CHAIRMAN GREEN: Thank you for your  
7 comment. Is there anybody else out there online.

8

9 (No comments)

10

11 CHAIRMAN GREEN: Okay. I'll go to the  
12 -- we don't have any neighboring regional panels or the  
13 local fish and game advisory committees.

14

15 (No comments)

16

17 CHAIRMAN GREEN: Anybody from the Park  
18 Service Subsistence Resource Commission.

19

20 (No comments)

21

22 CHAIRMAN GREEN: Is there somebody on  
23 the phone?

24

25 (No comments)

26

27 CHAIRMAN GREEN: How about a summary of  
28 written comments. Do you have something there, Alex?

29

30 MR. NICK: Mr. Chair. There are four  
31 written comments. One in support of Proposal FP11-08  
32 and that was submitted by Council of Athabaskan Tribal  
33 Governments. And three other comments opposing the  
34 proposal. One from Alyson Esmailka.....

35

36 CHAIRMAN GREEN: Do you have some page  
37 numbers?

38

39 MR. NICK: I'm sorry. It's on Page 91.

40

41 CHAIRMAN GREEN: Thank you.

42

43 MR. NICK: The next one is from James  
44 E. Roberts and the last one is a letter signed by 37  
45 residents of Galena.

46

47 CHAIRMAN GREEN: We're on 13-11.

48

49 MR. NICK: I'm sorry, I was.....

50

1 CHAIRMAN GREEN: That's okay. Do you  
2 have something on 11, Alex? Nothing written?

3  
4 MR. NICK: I didn't see any, Mr. Chair,  
5 except for the Tanana Chiefs on Page 94 oppose.

6  
7 CHAIRMAN GREEN: That's the extent of  
8 the written comments. I say we ask for public  
9 testimony. Mr. Wheeler.

10  
11 MR. WHEELER: Mr. Chairman, thank you.  
12 I oppose it and for good reason. When you limit the  
13 cash value to 750, it's very insignificant. Your low  
14 income assistance, you qualify at 23,000-something.  
15 When you take a family in the village, you're talking  
16 about a lot of money, getting 23,000 a year. So the  
17 majority of them qualify for low energy assistance,  
18 food stamps, whatever. When you look at \$750 -- first  
19 of all, I object or I find it unacceptable to put any  
20 dollar limit because you put the limit and it never  
21 goes away.

22  
23 Anyway, if you took that figure, it's  
24 like 3 percent of that dollar amount if they made that  
25 much money. When you consider \$7 a gallon for gasoline  
26 and equivalent for diesel fuel and the majority of them  
27 don't use wood because it's not available in the  
28 northern latitudes, some of them are lucky that have  
29 it, so your supplemental fuel just to get by is at a  
30 minimum. When you compare Bristol Bay, they gave  
31 figures, and Cook Inlet, you know, in Cook Inlet,  
32 natural gas, 100, 125 dollars a month. They're charged  
33 8 to 10 cents a kilowatt for electricity. Come on, in  
34 the villages it's 30, 40 and 50 cents a kilowatt, 54  
35 max to qualify for PCE.

36  
37 So, based on that I object to it,  
38 oppose it.

39  
40 Thank you.

41  
42 CHAIRMAN GREEN: Thank you, Chuck. I  
43 don't think we have any more public comments. I think  
44 you're the only one here.

45  
46 MR. SMITH: I move we support FP13-11.

47  
48 MR. BUCK: Seconded.

49  
50 CHAIRMAN GREEN: Call for the question

1 anybody.

2

3 MR. GRAY: Question.

4

5 CHAIRMAN GREEN: The question has been  
6 called. All those in favor of the motion say aye.

7

8 (No aye votes)

9

10 CHAIRMAN GREEN: All those opposing the  
11 motion same sign.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN GREEN: Motion fails to  
16 majority vote.

17

18 MR. GRAY: Can I say something.

19

20 CHAIRMAN GREEN: Go ahead, Tom.

21

22 MR. GRAY: I think that there's a valid  
23 issue here where maybe the subsistence quote is being  
24 abused and it's turned into a commercial entity, but I  
25 think that the system needs to address this in a  
26 different fashion. They need to go back to the box and  
27 take a look at it. We're all here to protect our  
28 rights, but we're not here to give away rights to  
29 protect rights that are being abused if that makes  
30 sense to you.

31

32 So I would suggest that as this thing  
33 evolves that if it's not adopted that somebody take a  
34 hard look at this thing again and try and figure out  
35 how to address this big sale issue. \$6,000 is nothing  
36 in my world. I mean that isn't big sales. If  
37 subsistence is actually being abused, I think it needs  
38 to be addressed in a different manner so it doesn't  
39 affect what rights we have gotten or the people have  
40 gotten from ANILCA or whoever. To me, you're taking and  
41 putting parameters on this when there shouldn't be.  
42 You know, the dollar signs or this, that and the other.  
43 We regulate ourselves to death and pretty soon we can't  
44 move. Anyway, I hope I said what makes sense.

45

46 CHAIRMAN GREEN: Okay. Let's move on  
47 to.....

48

49 MR. SMITH: Mr. Chair.

50

1 CHAIRMAN GREEN: Oh, I'm sorry.

2

3 MR. SMITH: Yeah, I wanted to follow up  
4 with Tom. You know, there's a perception that there's  
5 a problem, but if the most anybody has been able to  
6 come up with is \$6,000 a year, I don't see the problem.  
7 I think you'd have a really hard time convincing the  
8 IRS that that was a significant commercial activity in  
9 order to get -- to take a small business, expense  
10 deductions, you have to convince somebody you're doing  
11 something that's not just a hobby. I think they would  
12 call \$6,000 a year a hobby. If that's the maximum they  
13 found, I don't see the problem.

14

15 Also, again, I've got to repeat we're  
16 allowing the trawlers to take 60,000 king salmon a  
17 year. Now that's a significant economic activity.  
18 There's no comparison at all. I think it's a mistake  
19 to put all this burden on subsistence users. Plus, I  
20 actually support customary trade. You're making a  
21 value added product and it's an extension of  
22 subsistence. Just because you're not able to make your  
23 own dry fish doesn't mean you don't want to eat dry  
24 fish and then the eating of it is still subsistence.  
25 It's just you get it from somebody else.

26

27 CHAIRMAN GREEN: Thank you, Tim.  
28 We'll move on to G. That would be the FP11-08 chinook  
29 salmon, prohibit customary trade of salmon in the Yukon  
30 River fisheries management area on Page 79.

31

32 Mr. Jenkins, I think the floor is yours  
33 again.

34

35 DR. JENKINS: Thank you, Mr. Chair.  
36 FP11-08 was submitted by the Y-K RAC and it requested  
37 that customary trade in the Yukon River Fisheries  
38 Management Area be prohibited in any year when chinook  
39 salmon runs are insufficient to fully satisfy  
40 subsistence harvest needs and subsistence fisheries are  
41 restricted. As submitted, the prohibition would only  
42 affect customary trade between rural residents, but, as  
43 it's written, it would prohibit customary trade of all  
44 subsistence-caught fish. They didn't target chinook.

45

46 This was the proposal that the Federal  
47 Subsistence Board deferred in 2011 in order for a tri-  
48 Regional Advisory Council subcommittee to meet and  
49 discuss customary trade and to try to come up with a  
50 riverwide understanding and solution to what was

1 perceived as a problem and what is frequently referred  
2 to as subsistence abuses of customary trade. That is,  
3 selling at high levels.

4

5                   So this proposal was deferred. The  
6 Board may take it up again depending on how the Board  
7 acts on the proposals that you just heard, the six  
8 proposals we just went through. So we can briefly go  
9 through this one as well.

10

11

12                   The proponent states that prohibiting  
13 customary trade in years of poor king salmon runs would  
14 have significant positive effects on fish populations  
15 as well as on lawful subsistence fishers. That under  
16 current regulations, when chinook runs are low,  
17 subsistence users are restricted but not subsistence  
18 uses. In the case of customary trade, the proponent  
19 argues, the emphasis should be reversed and customary  
20 trade should be restricted before subsistence users are  
21 restricted. The proponent is especially concerned with  
22 what it states as numerous reports of Yukon River rural  
23 residents selling large numbers of Yukon chinook salmon  
24 in the urban areas of Alaska.

25

26                   You can see the language that they  
27 proposed. It's on Page 83. I'll talk about the  
28 effects of the proposal in a minute, but all of the  
29 regulatory history, the history of customary trade  
30 research and so on, we've gone through and it is  
31 included in the other proposal analyses, so I won't go  
32 through that here.

33

34

35                   Let me note that, if adopted, the  
36 proposal would prohibit all customary trade of any  
37 subsistence-caught fish between rural  
38 residents under the following condition: If in any  
39 given year in the Yukon River Fisheries Management Area  
40 chinook runs are insufficient to fully satisfy  
41 subsistence harvest needs and subsistence fisheries are  
42 restricted, the amount of cash exchanged in customary  
43 trade would thereby be diminished.

43

44

45                   If this proposal is adopted, then a  
46 definition of when chinook salmon runs are insufficient  
47 to fully satisfy subsistence harvest needs would need  
48 to be created. The Federal program does not have the  
49 equivalent of the amounts necessary for subsistence  
50 that the State program has, but this language would  
51 require such a definition, what it means to fully

1 satisfy harvest needs.

2

3 If adopted, the proposal would limit  
4 the ability of Federally qualified subsistence users to  
5 engage in customary trade under the conditions that I  
6 just specified and that non-Federally qualified  
7 subsistence users, as recipients of these fish -- this  
8 is what Mr. Smith has been speaking about -- would also  
9 find their engagement curtailed or limited.

10

11 As I've said before, the total number  
12 of fish exchanged in customary trade is unknown and the  
13 effects of this proposal on fish populations is also  
14 unknown.

15

16 The OSM conclusion was to oppose FP11-  
17 08 for the reasons I just cited.

18

19 I'll just end there and you can ask  
20 questions.

21

22 CHAIRMAN GREEN: Any Council members,  
23 do you have any questions or comments.

24

25 (No comments)

26

27 CHAIRMAN GREEN: I'd ask if the Alaska  
28 Department of Fish and Game has any comments if  
29 anybody's on the phone.

30

31 MR. CRAWFORD: Yes, Mr. Chairman. This  
32 is Drew Crawford with Fish and Game in Anchorage again.  
33 The Department's recommendation on FP11-08 is to  
34 support. The Department supports prohibiting customary  
35 trade of chinook salmon harvest in Yukon River  
36 Fisheries Management Area during years of insufficient  
37 chinook salmon returns. For example, when there are  
38 subsistence fishing closures or restrictions across the  
39 drainage to reduce subsistence harvest of chinook  
40 salmon to achieve escapement goals, customary trade of  
41 chinook salmon would be prohibited.

42

43 Thank you.

44

45 \*\*\*\*\*

46 STATE OFFICIAL WRITTEN COMMENTS

47 \*\*\*\*\*

48

49 Fisheries Proposal FP11-08:

50

1 Prohibit customary trade of Chinook  
2 salmon harvest in the Yukon River Fisheries Management  
3 Area during years of insufficient Chinook salmon  
4 returns.

5  
6 Introduction:

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

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

45  
46 Impact on Subsistence Users:

47  
48 This proposal, if enforced, will reduce  
49 harvest of Chinook salmon for cash sale. It is not  
50 possible, however, to accurately predict how much this

1 proposal will reduce subsistence harvest because  
2 federal agencies lack information and data regarding  
3 existing levels of harvest and actual sales of  
4 subsistence harvested Chinook salmon. Existing federal  
5 customary trade is limited to whole fish, unless  
6 processed fish are produced in compliance with Alaska  
7 Department of Environmental Conservation food safety  
8 rules. Because state and federal regulations differ,  
9 subsistence fishermen are vulnerable to prosecution  
10 when selling subsistence harvested salmon on lands and  
11 waters outside the boundaries where federal subsistence  
12 jurisdiction is claimed. Adoption of limitations on  
13 cash sales of subsistence harvested salmon that define  
14 significant commercial enterprise, specify fish  
15 weight or number limits, clarify where subsistence  
16 harvested fish may be sold under federal regulations,  
17 and establish reporting requirements for cash sales of  
18 subsistence harvested salmon would clarify federal  
19 subsistence law, facilitate enforcement against  
20 unlawful sales of subsistence harvested salmon, and  
21 reduce the risk of citation of law-abiding subsistence  
22 fishermen in the Yukon River drainage.

23

24 Opportunity Provided by State:

25

26 The department supports subsistence  
27 harvest and use of salmon consistent with existing  
28 state laws and regulations including customary trade of  
29 this 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 yield concern. Subsistence  
41 harvest levels have not reached the ANS for subsistence  
42 the last four years 2008 2011. A majority of the  
43 Yukon River drainage escapement goals have been met  
44 since 2000, including the Chena and Salcha rivers,  
45 which are the largest producers of Chinook salmon in  
46 the U.S. portion of the drainage. The agreed-to  
47 escapement objective for the Canadian mainstem was met  
48 every year from 2001 through 2006, with 2001, 2003, and  
49 2005 being the three highest spawning escapement  
50 estimates on record. However, the escapement objective

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

12

13 Enforcement Issues:

14

15 Enforcement of existing state  
16 regulations is difficult because of differences between  
17 federal and state regulations regarding customary  
18 trade. Currently, sale of processed fish without DEC  
19 permits is difficult to enforce because the formal  
20 federal rules lack clarity on this specific subject.

21

22 Jurisdiction Issues:

23

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

40

41 Other Issues:

42

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

50

1 Violation of existing federal customary  
2 trade and state fish processing regulations is an  
3 enforcement problem that has significant implications  
4 for subsistence users and the public. More clarity and  
5 education on state and federal regulations and an  
6 enforceable definition on what constitutes a  
7 significant commercial enterprise are needed.

8

9 Recommendation: Support.

10

11 The department supports prohibiting  
12 customary trade of Chinook salmon harvest in the Yukon  
13 River Fisheries Management Area during years of  
14 insufficient Chinook salmon returns. For example, when  
15 there are subsistence fishing closure/restrictions  
16 across the drainage to reduce subsistence harvest of  
17 Chinook salmon to achieve escapement goals, customary  
18 trade of Chinook salmon would be prohibited.

19

20 CHAIRMAN GREEN: Thank you for your  
21 comment. Is there anybody else.

22

23 (No comments)

24

25 CHAIRMAN GREEN: Federal agencies.

26

27 (No comments)

28

29 CHAIRMAN GREEN: Native, tribal,  
30 villages or other.

31

32 (No comments)

33

34 CHAIRMAN GREEN: Interagency Staff  
35 Committee comments.

36

37 (No comments)

38

39 CHAIRMAN GREEN: Advisory group  
40 comments with the neighboring Regional Councils.

41

42 (No comments)

43

44 CHAIRMAN GREEN: Any local fish and  
45 game advisory committee comments.

46

47 (No comments)

48

49 CHAIRMAN GREEN: National Park Service  
50 Subsistence Resource Commission.

1 (No comments)

2

3 CHAIRMAN GREEN: Summary of written  
4 comments. Do you have anything there for us, Alex? I  
5 think you did earlier.

6

7 MR. NICK: Mr. Chair. On Page 91,  
8 summary of written comments. One support by Council of  
9 Athabaskan Tribal Governments, three in opposition of  
10 the proposal. Those who opposed were James E. Roberts  
11 of Tanana Tribal Council, 1st Chief Pat McCarty, 2nd  
12 Don Honea Jr., and Traditional Chief William McCarty  
13 Jr., Ruby Tribal Council, and eight residents of Ruby.  
14 The last one is a letter signed by 37 residents of  
15 Galena. Mr. Chair.

16

17 CHAIRMAN GREEN: Was there something  
18 under the TCC?

19

20 MR. NICK: Tanana Chief Conference.  
21 The letter I believe referred to you by Mr. Jenkins on  
22 Page 96. It talks about the position Doyon has and  
23 TCC, the last paragraph of the first page. It begins,  
24 it is the position of Doyon and TCC that the \$750  
25 limitation on customary trade between rural residents  
26 and the preclusion of trade with non-rural residents  
27 are both inadequate and inconsistent with customary  
28 trade practices that have existed and continue to exist  
29 in the Yukon River Management Area. And it continues  
30 on. Mr. Chair.

31

32 CHAIRMAN GREEN: Thank you, Alex. With  
33 that I would like to see if there's any public  
34 testimony.

35

36 MR. WHEELER: Mr. Chairman. Mr.  
37 Wheeler. Yeah, I oppose it, too. And until they get a  
38 handle on the bycatch and get some real true observers  
39 out there and they come to grips and actually shut  
40 down some of the commercial activity, I see now  
41 restrictions further than they've done already by  
42 emergency order or otherwise and I support the reasons  
43 given for opposing as previously stated.

44

45 Thank you.

46

47 CHAIRMAN GREEN: Thank you, Chuck.  
48 With that, anybody with a motion.

49

50 MR. SMITH: Move that we adopt this

1 proposal.

2

3 CHAIRMAN GREEN: Is there a second.

4

5 MR. ENINGOWUK: Second.

6

7 CHAIRMAN GREEN: Anybody call for the  
8 question here.

9

10 MR. SMITH: Discussion.

11

12 CHAIRMAN GREEN: Discussion. We've got  
13 to have some discussion.

14

15 MR. SMITH: Again, this is another --  
16 it's unenforceable. How would you know when, you know?  
17 If you take the fish in the summer and you sell them in  
18 December, how would you know when the fish were taken.  
19 There's no way you can enforce it. That's another  
20 reason for opposing it.

21

22 CHAIRMAN GREEN: That's too logical.  
23 Anybody else.

24

25 MR. BUCK: Question.

26

27 MR. GRAY: I keep coming back to  
28 ANILCA, Louis. We're trying to dilute what ANILCA did  
29 and I don't agree with that.

30

31 CHAIRMAN GREEN: I'll go along with  
32 you, Mr. Gray.

33

34 MR. BUCK: Question.

35

36 CHAIRMAN GREEN: The question has been  
37 called. All those in favor of the motion say aye.

38

39 (No aye votes)

40

41 CHAIRMAN GREEN: All those opposed same  
42 sign.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN GREEN: Motion fails to  
47 majority vote. That brings us up to Section 9 here,  
48 Council's comments on State wildlife proposals. I  
49 think Mr. Gorn is here to enlighten us with a little  
50 information here.

1 Carl, was there anything you wanted to  
2 add to this about these proposals?

3  
4 MR. JOHNSON: No, Mr. Chair, other than  
5 I'd reiterate what I passed on to you before that  
6 Trevor from our office had indicated that Proposals  
7 40, 41 and 44 are annually reviewed, but that Proposal  
8 109 is likely not applicable to this region, so Council  
9 might want to consider not discussing that one, but the  
10 other ones would be applicable.

11  
12 Thank you, Mr. Chair.

13  
14 CHAIRMAN GREEN: Thank you, Carl.  
15 Okay, Mr. Gorn, you do have the floor.

16  
17 MR. GORN: Thank you, Mr. Chair. And  
18 thanks for the clarification. I guess I understand now  
19 that these are just reauthorizations of antlerless  
20 moose and brown bear tag fee exemption proposals that  
21 we need to address on an annual basis. I would be most  
22 comfortable only speaking to Unit 22 issues. Some of  
23 these proposals talk about Unit 18 and Unit 23 and 26.  
24 I think I would shy away from commenting on those  
25 units. I am here to respond to any questions you guys  
26 might have related to the Unit 22 antlerless moose and  
27 brown bear tag fee exemption proposals.

28  
29 CHAIRMAN GREEN: I would entertain any  
30 questions for Mr. Gorn.

31  
32 MR. GRAY: I have a question. What  
33 antlerless hunts are available on 22 right now?

34  
35 MR. GORN: Through the Chair to  
36 Committee Member Gray. We have two antlerless moose  
37 hunts in Unit 22 right now. The first one is in Unit  
38 22C. I would be happy to go over that with you. I  
39 guess I'd mention that to my knowledge there's no  
40 Federal public lands in Unit 22C and I'd also add that  
41 the Northern Norton Sound Advisory Committee endorsed  
42 that proposal at their last meeting prior to the  
43 Board of Game meeting in Barrow.

44  
45 The second hunt that we have that's an  
46 antlerless hunt in Unit 22 is in what we refer to as  
47 Unit 22D remainder. It's the American and Agiapuk  
48 Drainages in Unit 22D. We can go over basically why  
49 that hunt still exists if you want me to.

50

1 MR. GRAY: I guess one of the things  
2 I'm interested in is that in a lot of our areas we have  
3 taken a hit on how many bulls are available to -- let's  
4 take Nome for example. Even though this board doesn't  
5 have any Federal lands there that hunt in this area has  
6 gone from 30-some bulls to 16 bulls or whatever. We  
7 still have a cow hunt. You take the American River, I  
8 know there's a little ruckus going on up in the  
9 American River where it sounds like people are moving  
10 around scrounging for bulls and there's issues up there  
11 and we're still killing cows up there.

12  
13 So I'm a little curious of numbers.  
14 We've taken a crash in bull numbers, you know. In 22B,  
15 our hunt was over in five days or something. We went  
16 way over on the kill, I understand. Our actual  
17 allocations are going down and yet we're still killing  
18 cows. I don't understand that.

19  
20 MR. GORN: Through the Chair to  
21 Committee Member Gray. I heard in your comments  
22 several different questions, so I'll try to address  
23 them independently.

24  
25 First of all, in Unit 22D remainder,  
26 let's start there, the antlerless hunt exists in Unit  
27 22D remainder really as an artifact of regulations from  
28 when moose populations on the Seward Peninsula were  
29 very high. You all were here when they were back in  
30 the '80s. Densities on the Seward Peninsula related to  
31 moose were at their peaks. At that time period,  
32 hunting seasons and bag limits were very liberal. What  
33 happened after populations crashed was a series of  
34 season and bag limit hunt restrictions in areas where  
35 they were needed most. So we saw along the Nome road  
36 system registration hunts with quotas and out in a  
37 place like 22D remainder where basically that wheel  
38 wasn't quite as squeaky, that area got left alone and  
39 some of those regulations still persist today.

40  
41 Biologically what's occurring in Unit  
42 22D is that that population has stabilized at a lower  
43 density. For about a decade now we're sitting between  
44 1,500 and 1,600 moose in that area. In Unit 22D  
45 remainder, really that's where things are best. We  
46 have bull/cow ratios between 30 and 40 bulls per 100  
47 cows. Everybody is present in the fall time. Large  
48 bulls, medium bulls, small bulls. Harvest, we believe,  
49 is right around 8 percent annual harvest out of that  
50 area and that's based on reported harvest from hunters

1 and village-based harvest assessment surveys completed  
2 in Brevig Mission.

3  
4                   When we look at the antlerless moose  
5 harvest since 1997, we're taking less than one  
6 antlerless moose out of that country a year. So we  
7 don't even take one a year in that season. That's why  
8 -- putting all that together, that's why that  
9 opportunity still exists. I think if we ever saw a  
10 change in that and I was sitting here saying we're  
11 taking 20 antlerless moose a year out of Unit 22D  
12 remainder, the Department's attitude would be a bit  
13 different, but since we only take -- you know, we're  
14 taking less than one a year that's reported, it's not a  
15 biological concern at this point.

16  
17                   So that's 22D remainder. If you have  
18 questions on that area, I can answer them. If not, I  
19 can talk a little bit about Unit 22C.

20  
21                   MR. GRAY: Well, one of the issues --  
22 hurdles, I guess, that I try and cross is in a one  
23 moose lifetime, that's 200 moose you're killing when  
24 you shoot that one cow and I've seen graphs of this  
25 that Fish and Game or somebody has put it out. I  
26 really question why we're shooting cows at all  
27 especially when -- if you look around the Seward  
28 Peninsula, we're micromanaging everything. You know,  
29 you say things are good up in Serpentine or up in  
30 American River and stuff, but that one cow could be  
31 going over into another area and populating that other  
32 area. I guess I have a hard time -- if you're only  
33 killing one moose or not even one moose a year, why  
34 have that in place? To me it's kind of a fruitless  
35 regulation or whatever you want to call it.

36  
37                   MR. GORN: Through the Chair to Member  
38 Gray. I guess there's a couple points I would make.  
39 First of all, generally Fish and Game is not in the  
40 business of restricting opportunity unless there's a  
41 reason to do so. So in an area like 22D remainder  
42 where the population has been stable, it's still  
43 productive, there's no issues with the bull/cow ratio  
44 and we're only -- we take less than one a year, we're  
45 not going to go through the exercise because there's no  
46 biological reason to restrict that opportunity.

47  
48                   If we really want to talk about  
49 antlerless moose harvest in an area where we are taking  
50 antlerless moose annually, it would be Unit 22C. I've

1 heard your comments before. It seems like we do this  
2 on an annual basis. A lot of your comments are related  
3 to moose that may leave, emigrate and populate a lower  
4 density area. The fact of the matter is that research  
5 does more than suggest that that just doesn't occur.  
6 In fact, moose select against areas like you're  
7 referring to. So that's research.

8  
9 Beyond that, we had 25 years of living  
10 it right here on the Seward Peninsula. We've had 25  
11 years of Unit 22C being at high density and Unit 22B  
12 being at very low density after it crashed in the '80s  
13 and those moose not recolonizing that area. It's  
14 because of predation. It's because of low recruitment  
15 rates in 22B. We know from decades of research that  
16 when a cow moose drops a couple calves, those calves,  
17 if we talk about ranges, will only expand mom's range  
18 by about 20 percent.

19  
20 So it's a very slow process. Obviously  
21 it occurs because moose came all the way over to the  
22 Seward Peninsula. I'm not saying that it doesn't  
23 occur, but it's a very slow process and we've sat back  
24 for greater than two decades and watched it not happen.

25  
26 On the other side of it is evaluating  
27 what really sustainable moose populations are and  
28 that's what's going on in Unit 22C. During the time  
29 period we've had the antlerless hunt in Unit 22C, the  
30 population has still grown 2 percent annually. We've  
31 got more moose in Unit 22C today than we've ever known  
32 about.

33  
34 What concerns me is the five-year time  
35 period when we weighed 10-month-old moose calves, which  
36 is a metric that biologists use to understand resource  
37 limitation or available habitat in an area. What we  
38 found in Unit 22C is that during these years of deeper  
39 snow, which we are now seeing deep snow along the  
40 southern Seward Peninsula coast persists today like it  
41 never has. If we go back and review over 100 years of  
42 weather data, almost 70 percent of the years of 100  
43 inches or greater of snowfall have occurred since 1995.

44  
45 When we look at calf weights from those  
46 years, the calf weights drop from greater than 400  
47 pounds, which is a big moose calf, down around 370  
48 pounds, which is the area where in other parts of the  
49 state you're saying we don't have enough habitat to  
50 support these moose.

1                   So that's why in Unit 22C we're  
2 actually trying to -- and it's in the spirit of a  
3 sustainable moose population related to how much  
4 available habitat we have in the area. We're actually  
5 trying to reduce the population a little bit, by about  
6 150 moose, to get her down to where -- regardless if we  
7 have an average snow year, around 60 to 70 inches of  
8 snow a year or we have one of these big years where we  
9 have over 100 inches of snow, moose still make it  
10 through the year without experiencing a big die off.

11  
12                   MR. GRAY: I'm not going to dwell on  
13 this thing. I'm going to make a couple more comments  
14 and we can go wherever. But 2 percent growth, you  
15 could go to Fish River and have 2 percent growth for  
16 the next 50 years. So, you know, a 2 percent growth in  
17 the last 20 years in the Nome area, what did it come  
18 from? A handful of animals probably. So, you know,  
19 that issue -- like I say, we could have a 2 percent  
20 growth forever in 22B.

21  
22                   These moose came from somewhere. I  
23 remember as a kid long before you showed up that there  
24 was no moose here. There was no bears here. All of a  
25 sudden we have this big population come. It's hard for  
26 me to fathom that these animals won't expand. You just  
27 said a minute ago there's a 20 percent expansion rate.  
28 Twenty percent expanding into the Fish River or other  
29 drainages is going to impact those resources in those  
30 other areas.

31  
32                   I've also heard just this fall, a  
33 hunter came up to me and said I saw a tagged cow and  
34 your people told this hunter that that cow came from  
35 somewhere else and there is a mixing of animals. That  
36 came from your own Fish and Game Staff. So, you know,  
37 it's kind of mind-boggling that they don't move and  
38 there is no interaction in other areas.

39  
40                   Then we have the other side of the coin  
41 where we're told there is an interaction and animals  
42 are moving from Fish and Game themselves. But I keep  
43 coming back to this issue of one cow. I saw a graph  
44 one time. One cow is 200 animals and we're killing  
45 hundreds and hundred thousands of animals and I just  
46 can't justify it.

47  
48                   You know, he's right. I've argued this  
49 issue with him lots in the past and my feeling is I'm  
50 willing to sacrifice an area to enhance other areas.

1 Anyway, when it comes to a vote to do this, I'm going  
2 to oppose it just like I've always done in the past and  
3 so be it.

4

5 CHAIRMAN GREEN: I've got a question.  
6 It says these are action items. We were talking about  
7 these were coming up on the cycle, Carl. Make sure  
8 we're all on the same page. Maybe that's me on the  
9 same page.

10

11 MR. JOHNSON: Yes, Mr. Chair, these  
12 proposals will be addressed at the January Board of  
13 Game meeting in Sitka. This could be for Councils  
14 information only. The Council is free to do what it  
15 likes. It could authorize Mr. Nick to write a public  
16 comment on behalf of the Council. It really is at the  
17 Council's discretion.

18

19 Thank you, Mr. Chair.

20

21 CHAIRMAN GREEN: Thank you for the  
22 clarification, Carl. Anybody else on the Council here  
23 have a question or comment for Mr. Gorn.

24

25 MR. SMITH: I got a comment. This  
26 seems counter-intuitive. Hunting cow moose would be --  
27 not that destructive, but, you know, when you model a  
28 moose population and you've got such low productivity,  
29 it really doesn't make that much difference. The cows  
30 are not producing very many calves, so it's not 200  
31 animals. It's a lot less than that on the Seward  
32 Peninsula now. Killing bulls or cows almost has the  
33 same affect on population.

34

35 CHAIRMAN GREEN: Mr. Gorn. Do you care  
36 to carry on. I think you've got the next level here.

37

38 MR. GORN: Thank you, Mr. Chair. I can  
39 briefly summarize the brown bear tag fee exemption. In  
40 Unit 22, the brown bear tag fee has been exempted for  
41 11 years. It was initially brought to the Board of  
42 Game as part of a package of regulatory options to  
43 liberalize brown bear regulations in Unit 22. Well,  
44 with the idea that we could find ways to increase  
45 harvest. That first took place 11 years ago. The  
46 Advisory Committee has endorsed it on an annual basis.  
47 I'm not sure what more I can say about that one, but  
48 I'll response to questions.

49

50 CHAIRMAN GREEN: I've got a question

1 for you. Just an observation. For the last several  
2 years here, I guess the last sighting was an  
3 exclamation at the end of the sentence for me. Has  
4 there been any consideration for two bears per hunter  
5 per year in everywhere except for 22C? And then one  
6 question about 22C. Is there ever going to be any  
7 consideration to have one per year in 22C? Has the  
8 Advisory Committee ever discussed it? I know it was an  
9 impossible thing to ever get one a year when I was on  
10 there, but six years later it became real.

11  
12 MR. GORN: Mr. Chair. Changing the  
13 brown bear bag limit is always an option. Those  
14 regulations are particularly slippery in my opinion  
15 because the Department lacks biological data,  
16 population data related to brown bears. When we don't  
17 have that type of information, oftentimes there's great  
18 amounts of conjecture entered into the conversation and  
19 you just don't know where it's going to go. We really  
20 sit around the table and talk about anecdotal evidence.  
21 You know, I think there's more bears here than there  
22 used to be type of thing.

23  
24 It's my opinion that regulatory bodies  
25 in recent years really evaluate brown bear regulations  
26 based on ungulate populations, on the abundance and  
27 densities of ungulate populations and I think that  
28 that's been the case in Unit 22 with a caveat that  
29 we're going to use harvest data, we're going to use  
30 anecdotal reports to monitor the population and see if  
31 these regulations have any adverse impact.

32  
33 In 22C, until recently, specifically  
34 related to the muskox population, our ungulate  
35 populations have been very abundant. We've had lots of  
36 opportunity to harvest moose, to harvest muskox and we  
37 haven't -- there's really been no justification to  
38 increase or liberalize the brown bear season and bag  
39 limit except for at the most recent Board of Game  
40 meeting. We actually lengthened the spring season by a  
41 few weeks just to allow better traveling conditions.

42  
43 We do have a two bear bag limit in a  
44 portion of Unit 22A and I think beyond that we would  
45 have to just look at the area in question, look at  
46 historical brown bear harvest, look to see if we could  
47 suck out any more information out of the 1997 brown  
48 bear census that was completed in Unit 22 and then  
49 evaluate the situation and make a recommendation.  
50

1                   CHAIRMAN GREEN: Thank you. A question  
2 on the 22A two bear limit. How did you and Fish and  
3 Game come to the conclusion that there should be two  
4 bears per year per hunter?

5  
6                   MR. GORN: Mr. Chair. I would have to  
7 review that specific Board proposal, which I could do  
8 very quickly. That was brought forth not by the  
9 Department. It was a public proposal. The Board  
10 adopted it, but as I sit here right now I don't recall  
11 exactly how the deliberations went. I can tell you  
12 that that was not a Department proposal. It was  
13 proposed by, I believe, Unit 22A residents and the  
14 Board of Game deliberated on it and adopted it.

15  
16                   CHAIRMAN GREEN: Thank you for the  
17 answer. Now what I was going to get back to is the  
18 exclamation at the end of the sentence. When I see  
19 four or five cubs to one sow, I'm kind of concerned  
20 because somebody's living awfully good out there and  
21 we're losing our population of moose. We're seeing the  
22 muskox becoming an issue. I remember several years ago  
23 when bears weren't killing moose, but we were  
24 witnessing it and Fish and Game was denying it because  
25 they didn't have the data. It's been said that the  
26 same thing is happening with muskox, adult muskox.  
27 They're learning how to kill.

28  
29                   The other one was there was a question  
30 of whether bears were eating salmon. Well, turn on the  
31 TV once in a while. I think we see bears eating salmon  
32 on TV. Maybe we don't see them as often here because  
33 the movie cameras aren't out there on our rivers, but  
34 they must be doing something. In this room I learned  
35 that wolves were eating salmon. I guess it really  
36 bothers me that the residents of 22A -- I want to say  
37 that was in the Unalakleet area on the two bears per  
38 year.

39  
40                   MR. GORN: That's correct, Mr. Chair.

41  
42                   CHAIRMAN GREEN: So those were  
43 residents putting that proposal in. Was there any  
44 guides involved in that or would you know?

45  
46                   MR. GORN: Mr. Chair. I don't recall  
47 the proponents of that proposal. These are all things  
48 we could find out. As I sit here, I don't recall who  
49 put in the proposal.

50

1 CHAIRMAN GREEN: How long ago was it  
2 that they did that, get that limit? You don't  
3 remember?

4  
5 MR. GORN: We started hunting again in  
6 '08 and I want to say it was at the '09 meeting.

7  
8 CHAIRMAN GREEN: And then 22C I know  
9 that -- I was on the advisory committee when it got  
10 tweaked down and then we tried to get it extended and  
11 we actually tried to get it to where it was following  
12 the rest of the 22 subunits, but failed to do so. So  
13 the extension of a few weeks -- what is the dates on it  
14 now?

15  
16 MR. GORN: I believe it's the month of  
17 May.

18  
19 CHAIRMAN GREEN: The full month now?

20  
21 MR. GORN: Yes, sir, but I can find it  
22 out very quickly.

23  
24 CHAIRMAN GREEN: Okay. He's got it  
25 right here, May 1st to May 31st now. That answered my  
26 question. How long ago was that done when the Board of  
27 Game extended that?

28  
29 MR. GORN: Mr. Chair. For Unit 22C it  
30 is the month of May and that was a product of a  
31 proposal at the 2011 Board of Game meeting in Barrow.

32  
33 CHAIRMAN GREEN: Thank you. Anybody  
34 else have any questions. Since he's on my right, I'll  
35 let him go first.

36  
37 MR. BUCK: I always think about it the  
38 way Tom Gray said this. We didn't have bears here in  
39 this area. We didn't have moose. Now your bear  
40 regulations you say you have no data on the bear  
41 history because there was no bears and that's the way  
42 we liked it. Now you've got the bears. Now you're  
43 making the regulations for -- you're looking at the  
44 bear and making your regulations about what the quota  
45 should be on the regulations for the bears. That  
46 process of who has priority on the importance of the  
47 bear needs to be settled. That's my comment.

48  
49 MR. GORN: I'd like to respond to that.  
50 Just so we're clear, Mr. Buck, the Department doesn't

1 have historic information on brown bear abundance  
2 because there were no bears. The Department doesn't  
3 have information on brown bear populations because for  
4 what we do as population biologists, for how we choose  
5 to monitor populations, monitoring brown bear  
6 populations is very difficult and it's very expensive.  
7 Boy, I hate to go here, but you only have so much money  
8 and we have to make decisions about how we're going to  
9 spend our money and what populations to monitor.

10

11 To be honest with you, since I've been  
12 in Nome I have not spent money on monitoring  
13 populations. One, because the widely accepted ways to  
14 do it are terribly expensive. A mark recapture project  
15 to estimate brown bear numbers is going to be a  
16 \$250,000 project all day long. We just left my budget  
17 25 bus stops ago when I throw numbers out like that. I  
18 don't have anywhere close to that.

19

20 The second thing that you have to look  
21 at is what is it really going to tell me, what's it  
22 going to tell us. We've got a lot of brown bears. We  
23 know that. But there are things that we can do within  
24 an S&I program, our survey and inventory program, where  
25 maybe we can actually really learn something useful, so  
26 we spend out money studying moose populations. We  
27 spend our money estimating muskox populations and those  
28 types of things.

29

30 So I just want you to understand it's  
31 not that we're not interested in counting brown bears  
32 because we are, we are interested in counting them, but  
33 we need an affordable way to do it that the results are  
34 going to mean something. And we need to do it as part  
35 of everything else that we do on an annual basis.

36

37 MR. BUCK: I think that with the  
38 reports that you have you should be promoting the  
39 harvest of the brown bears. You know there's a big  
40 population there, so the brown bear regulations should  
41 be real liberal and put that forward because you've got  
42 a lot of complaints of a lot of people.

43

44 MR. ENINGOWUK: This is Fred from  
45 Shishmaref. You were talking about having an opening  
46 for -- you know, doing surveys and you should consult  
47 with the communities. You know, they sight a lot of  
48 bears and probably would cost you a phone call. In  
49 Shishmaref we've been having problems with brown bears  
50 coming into our communities in Shishmaref. The first

1 in recorded history or I don't know how many thousands  
2 of years. Like everybody said, we're having too many  
3 brown bears here.

4

5 CHAIRMAN GREEN: I hate to say it the  
6 way I'm going to say it, but you've got a funding  
7 problem for counting bears. Has anybody ever made a  
8 proposal to NSEDC for funding for such an activity?

9

10 MR. GORN: Mr. Chair. I can say with a  
11 smile on my face that we are working out of my job  
12 class at this point. I'm not aware of anybody doing  
13 that. That's not what I do. To be honest with you,  
14 I'm not even going to pretend that I understand the  
15 details of administratively of the Fish and Game  
16 budgeting system. I'm not sure how to more clearly  
17 articulate my point there.

18

19 CHAIRMAN GREEN: Okay. We've got a  
20 questions. Elmer.

21

22 MR. SEETOT: Over the number of  
23 meetings that I attended I kind of mentioned that bear  
24 population is always an issue with the community  
25 residents, but from my observation I just tell them  
26 where is your permit, where is your hunting license.  
27 All we do is just talk about bears. Nobody goes after  
28 them. I remember having bear steak or parts of bear  
29 when I was growing up. With the older generation that  
30 was there, but now it's something that -- we look at  
31 muskox, you know, a new or recent animal introduced,  
32 but not really utilized by our residents. Even in 22D,  
33 mostly Teller and Brevig, I really haven't heard anyone  
34 really harvesting bear. It's not affordable, like Mr.  
35 Eningowuk said.

36

37 I can name at least 10 bears. Last  
38 week a brown bear with two or three cubs broke into my  
39 brother's cabin, also my cabin, at Grantley Harbor. So  
40 that's on the wanted list. Whether it's being reported  
41 to the State of Alaska, I don't know. For me, I would  
42 kind of comment something about that, but it's still  
43 loose. I have seen females with more cubs the past  
44 three years on the Teller side and then also on the  
45 Brevig side that they have a habit of breaking into  
46 cabins around the Agiapuk River. So those are also on  
47 the wanted list by persons that own these cabins.

48

49 How can the State of Alaska with a \$38  
50 billion or whatever is in the Permanent Fund is so poor

1 that they can't even afford to count our animals. How  
2 is it so that we can't even buy our own gas to make it  
3 even cheaper? Here, somebody is talking about a limit  
4 on customary trade, yet, like someone said, just maybe  
5 just one round trip. Two round trips between hunting  
6 season.

7

8                   So that is something that is being  
9 discussed at the community level. Brown bears  
10 especially. They're numerous and there's just no  
11 hunting involved with these animals at least in our  
12 area other than people coming in maybe toward the  
13 American River and bagging one or two either during the  
14 spring season or during the late fall season, so that's  
15 pretty much where our problem lies. The bears are  
16 numerous. I'm not a tourist right now. I'm just  
17 trying to put it out so people won't be surprised that,  
18 oh, look, there's a bear.

19

20                   Something like that happened recently  
21 with our muskox population. Young people just  
22 indiscriminantly shooting. I'm not sure if that's  
23 going to be out in the report, that's still under  
24 investigation and I just kind of found that out. My  
25 understanding was just only one or two, now it went up.  
26 So that's something that I heard about, but never  
27 realized to the extent how many animals were down until  
28 recently. So very little information is being passed  
29 sometime in the village, but pretty much everyone knows  
30 when anybody bags a muskox or moose for human  
31 consumption. Everybody gets a piece of it. Everybody  
32 gets a piece because that's the way it's been going on.  
33 Animals being taken down and sharing of meat or other  
34 items. That's pretty much how it goes out in the  
35 communities.

36

37                   With Nome, I think it's just too much  
38 of a diverse group that you're going to be running into  
39 issues all day long. Back home you could go out there  
40 with a gun and get it. Around here, oh, yeah, four or  
41 five agencies discussing on what to do with it. So  
42 without finding a solution to that problem, then it  
43 just kind of goes -- leap frogs from year to year and  
44 we keep talking about the same issues. Sometimes for  
45 the good, sometimes for the bad, but the issue is still  
46 out there.

47

48                   CHAIRMAN GREEN: I've got one more  
49 comment from Tim.

50

1 MR. SMITH: I'm just curious. What  
2 affect have you seen from the tag fee exemption? Has  
3 that made any significant difference in harvest?

4  
5 MR. GORN: Through the Chair to  
6 Committee Member Smith. It's difficult to say  
7 specifically what the tag fee exemption has done, but  
8 the suite of changes they were all adopted at the same  
9 time, apparently has had an impact. The harvest  
10 increased -- if we look at a 10-year time period prior  
11 to 1997 and then 10 years afterwards, harvest increased  
12 88 percent. So we basically went from 50 to 60 brown  
13 bears a year to 90 to 100 brown bears a year and these  
14 comments persist.

15  
16 MR. SMITH: Just a follow up. I was  
17 participating in a brown bear population estimate  
18 basically between here and Council in an area around  
19 that and it was expensive. It was a mark recapture  
20 study. We did it -- I think we took five years to do  
21 it and we got a count and it was reasonably accurate  
22 and precise. We found there were more bears in that  
23 area than any place that had been studied previously  
24 north of the Alaska Range, but it really didn't change  
25 bear management at all. In the big picture, it's still  
26 a pretty small area and you can't really expand that  
27 count to other areas. All we knew about was that area  
28 between here and Council. I'm not sure it was worth  
29 it. There was some interesting findings, but I'm not  
30 sure it was worth the money.

31  
32 If we're going to do anything with  
33 predators, what I'd rather see is we do a predator  
34 elimination study where we eliminate bears and wolves  
35 in a fixed area and then see what effect that has on  
36 ungulate populations. I think that would be a lot more  
37 productive than just counting bears.

38  
39 MR. GRAY: I had the same question on  
40 this 425 fee. I would think that when projects like  
41 this, \$25 elimination and blah, blah, blah, when those  
42 are implemented those would have some studies done and  
43 something you can hand out and justify this is the  
44 outcome. I would expect that from Fish and Game. I  
45 think that is something that should happen.

46  
47 Just to go on record, I was opposed to  
48 this \$25 tag and a weigh fee because it's a tool to  
49 understand how many people are interested in bear  
50 hunting. Evidently there's no interest in

1 understanding that. So it's no longer a tool.  
2 Granted, there's been an increase in the last 10 years  
3 in bear hunting just in my business. In the last two  
4 years it's gone way up.

5  
6 I always cringe when Fish and Game  
7 comes and says 20 years ago we had this and in the last  
8 10 years we had that. That's salt and pepper. I mean  
9 our technology, our four-wheelers have changed in the  
10 last 20 years. Twenty years ago we had three-wheelers.  
11 Today we have four-wheelers. Us as hunters have  
12 improved so much that it's beyond realm. Anyway, I  
13 needed to make that comment.

14  
15 The question that I had left was -- or  
16 one comment. The reindeer industry is involved in that  
17 bear study. We helped get it off the ground and we  
18 would help get it off the ground again if it came to  
19 pass. Wolves is another issue we would help get off  
20 the ground if we could. But the question I have for  
21 you is you've had a two bear hunt down in Unalakleet in  
22 22A. Has that impacted the number of animals that are  
23 being taken?

24  
25 MR. GORN: Through the Chair and  
26 Committee Member Gray. It has impacted the number of  
27 bears taken and I apologize because I can't site the  
28 percentage, but it's significant. I want to say it's  
29 more than doubled the harvest in that subunit, so it  
30 certainly has had an impact on the number of bears  
31 taken in Unit 22A.

32  
33 MR. GRAY: And just a follow up. You  
34 know, if we have a bear every four years or a bear  
35 every year in an area, let's take my area, a bear every  
36 year. You could shoot a bear every year under the  
37 State program and you can shoot a bear every year under  
38 the Federal program, so there's always been an option  
39 to shoot two bears a year. I don't know about 22A.  
40 Maybe there's an option of shooting three bears a year  
41 down there using the Federal program. So, I don't  
42 know. Ken is shaking his head no.

43  
44 But wherever there's Federal lands, you  
45 know, there's opportunity for a subsistence bear kill.  
46 I raised this years ago at an AC meeting and it kind of  
47 blew through years and didn't stop anywhere.

48  
49 CHAIRMAN GREEN: Push the button.  
50

1 MR. ADKISSON: Councilman Gray through  
2 the Chair. No, on harvest limits those are non-  
3 accumulative. So if the harvest limit is one muskox,  
4 it's one muskox per hunter. You can have State and  
5 Federal permits, have two permits in your pocket at the  
6 same time. Whichever one you fill first that's the end  
7 of your hunt. The other one is no longer valid.

8  
9 It's the same thing with the bears.  
10 The only place you can get more than like one bear is  
11 someplace like 22A where it says two bears or, in some  
12 cases, there's -- you can have more bears in a given  
13 area, so if you take a bear in an area that's more  
14 restricted, you can still go hunt in the area with a  
15 larger harvest and your first bear won't count against  
16 -- you know, it will add into the second harvest, but  
17 you couldn't reverse it and go back the other way or  
18 something. Basically the harvest limits are non-  
19 accumulable.

20  
21 MR. GRAY: Maybe I misunderstood. I  
22 need to find out and if there's somebody in our system  
23 that understands this well enough that can inform me,  
24 I'd like that because maybe things have changed in the  
25 last few years. My understanding years ago was you can  
26 shoot a subsistence bear and you can shoot a State  
27 bear, which is two bears a year. I'll get to the  
28 bottom of this somehow. If there's somebody I can talk  
29 to, I'd like to talk to. Maybe Ken or Sandy you know  
30 something.

31  
32 MR. RABINOWITCH: Thank you. When I  
33 first sat at this table, probably my hair wasn't gray  
34 or wasn't so gray, so I've been sitting at this table a  
35 long time now. So just based on my memory, my memory  
36 tells me the same thing that Ken Adkisson just did and  
37 that's that the limits don't accumulate.

38  
39 I think there actually is a fairly easy  
40 way to figure that out though if you really want to  
41 sort of do the research and kind of nail it down.

42  
43 MR. GRAY: I do.

44  
45 MR. RABINOWITCH: The person -- and  
46 maybe somebody here from OSM could help you, but the  
47 person -- if I wanted an answer to a question, I would  
48 go to a fellow named Theo Matuskowitz, just Theo, T-H-  
49 E-O, in the OSM office because he has access to the  
50 Federal Register publications where these regulations

1 have -- you know, every year they get published and  
2 written down. I'm guessing that it would be not very  
3 hard for him to look back through the Federal  
4 Regulations. Again, based on my memory, what I think  
5 he'll see is that they have always been non-  
6 accumulating if you will. But, you know, my memory  
7 could be wrong. I think that might be a fairly simple  
8 way to just run that down and see what you learn.

9

10 MR. GRAY: What was his last name?

11

12 MR. RABINOWITCH: Matuskowitz. I'll  
13 try to spell it. M-A-T-U-S-K-O-W-I-T-Z. Am I getting  
14 there?

15

16 CHAIRMAN GREEN: Tony, do you have  
17 something to add?

18

19 MR. GORN: Through the Chair to Member  
20 Gray. Certainly it's not my intent to muddy the water  
21 on this, but from the State perspective I guess one  
22 thing I might add and maybe what you remember, Tom, is  
23 we had subunit regulations with general brown bear  
24 season bag limits of one bear per four years. But in  
25 that same area we had State of Alaska subsistence brown  
26 bear regulations that allowed one bear per year. So in  
27 year one you took your general season bear. Years two,  
28 three and four you could take a bear every year under  
29 subsistence regs and then on year five you could go  
30 back again and take one under the general season bag  
31 limit.

32

33 MR. GRAY: That may be what I'm  
34 thinking of.

35

36 MR. GORN: That may be what you were  
37 thinking of.

38

39 MR. GRAY: We'll find it.

40

41 CHAIRMAN GREEN: A question follow up  
42 on that. Would that be in 22C, is that where you were  
43 referring to, or another area?

44

45 MR. GRAY: Federal lands.

46

47 CHAIRMAN GREEN: Just Federal lands are  
48 involved.

49

50 MR. GORN: Through the Chair or maybe

1 to the Chair. The scenario that I just laid out was  
2 plausible in all areas of Unit 22 just depending upon  
3 what year we're talking about. Certainly prior to 1997  
4 that was a real possibility in several subunits. Since  
5 1997 that's been a possibility in Unit 22C where the  
6 bag limit is still one bear per every four years, but  
7 you can take a subsistence bear every year.

8

9 MR. GRAY: Maybe this is the issue that  
10 I was thinking about, but I knew that there was a  
11 subsistence bear available every year. I thought it  
12 was a Federal bear, but evidently not and I've been  
13 pointed in a different direction here. Anyway, so be  
14 it.

15

16 CHAIRMAN GREEN: Okay. Getting back to  
17 these proposals here. I don't have the information  
18 here. I'm missing something here. The Proposal 41 and  
19 Proposal -- you said Proposal 40 was Unit 18, had to do  
20 with Unit 18 earlier?

21

22 MR. GORN: Mr. Chair. I don't have the  
23 proposals right in front of me, but my comments are  
24 directed towards the Unit 22 proposals for both the  
25 brown bear tag fee exemption and the antlerless moose  
26 hunt.

27

28 CHAIRMAN GREEN: Tim.

29

30 MR. SMITH: Didn't you say that these  
31 proposals have already been acted on by the Board?

32

33 MR. GORN: Through the Chair to  
34 Committee Member Smith. Yes. They were acted on at  
35 the November 2011 Board of Game meeting. Both of these  
36 -- I'm only speaking from the State perspective and the  
37 State system. Both of these proposals need to be  
38 reauthorized annually. Antlerless moose hunt is  
39 particularly tricky because that needs to be endorsed  
40 by the advisory committee. So on the State side  
41 antlerless moose hunts need to be endorsed by the  
42 Northern Norton Sound Advisory Committee. I don't know  
43 if that helps.

44

45 MR. SMITH: Another quick question. Do  
46 we need to take a position on this for this November?

47

48 MR. GORN: Well, as I understand it,  
49 through the Chair to Committee Member Smith, these will  
50 be brought up at the January meeting in Juneau or

1 Sitka. Sitka. These were acted on for the 2012  
2 regulatory year last year, so I'm assuming this is for  
3 the 2013 regulatory year.

4  
5 MR. SMITH: We don't have a meeting  
6 between now and January, but I'm kind of hesitant to do  
7 anything when we don't know exactly what we're doing.

8  
9 CHAIRMAN GREEN: That was why I asked  
10 the question. Proposal 40 I think -- I wrote a note  
11 here that said Unit 18 was what that was dealing with.

12  
13 MR. GRAY: I did too.

14  
15 CHAIRMAN GREEN: So that's something  
16 that doesn't pertain to our area.

17  
18 MR. GORN: Mr. Chair. Proposal 40 is  
19 to reauthorize antlerless moose seasons in Unit 18.  
20 I'm going to avoid that one. Proposal 41 reauthorizes  
21 antlerless moose seasons in Unit 22C and the remainder  
22 of 22D. That's 41. 42 reauthorizes antlerless moose  
23 seasons in Unit 23. I'm going to avoid that one. 43  
24 is antlerless moose seasons. The reauthorization on  
25 26A I'm going to avoid that one. Proposal 44  
26 reauthorizes the current resident tag fee exemptions  
27 for brown bear in Units 18, 22, 23 and 26A. The  
28 comments that I gave you were implied towards Unit 22.

29  
30 MR. SMITH: And 109.

31  
32 CHAIRMAN GREEN: 109, I think, is not  
33 from this region. I didn't look it up in the book, but  
34 it doesn't pertain to this area as I was told.

35  
36 MR. GORN: I quickly reviewed 109  
37 during lunch and Unit 22 staff I'm not going to comment  
38 on that. What I see in there actually is some  
39 allocative issues which I avoid because they're not  
40 biological.

41  
42 MR. SMITH: Can you just say what it  
43 is, summarize it?

44  
45 MR. GORN: It's in reference to seasons  
46 and bag limits and it asks that we -- the proponent  
47 asks that residents hunting seasons open 10 days before  
48 non-resident seasons, allocate 90 percent of harvest to  
49 residents, remove guide requirements and increase tag  
50 and permit fees for Central and Southwest Region units.

1 It goes on. Let's see. All resident hunting seasons  
2 for all species should open 10 days prior to non-  
3 resident hunters, remove the guiding requirement for  
4 sheep, goats and brown bears, raise all non-resident  
5 harvest tags and permit fees, allocate 90 percent of  
6 harvest to residents and 10 percent to non-residents.

7

8 CHAIRMAN GREEN: That's just a general  
9 statewide proposal? It doesn't say what subunit or  
10 unit?

11

12 MR. GORN: It only speaks to Central  
13 and Southwest Region units.

14

15 REPORTER: Sitka.

16

17 MR. GORN: Sitka.

18

19 CHAIRMAN GREEN: That's nothing for us  
20 to be worrying about.

21 Is there any more questions or comments for Mr. Gorn.

22

23 (No comments)

24

25 CHAIRMAN GREEN: On Proposal 41 and 44,  
26 it's coming back up again. Tim, you were talking about  
27 the cycle.

28

29 MR. SMITH: Yeah, Louis, it sounds like  
30 if we want to make a statement on it, we should act on  
31 41 and 44 today.

32

33 CHAIRMAN GREEN: Okay. With that I  
34 think all we got -- we have a couple of them to act on.  
35 Tony, I think you've answered all the questions you  
36 needed to answer. I appreciate your help and time.

37

38 Let's take a break and get these --  
39 does anybody have these proposals in front of them? We  
40 can't act on them unless we know what they are. We've  
41 got them in the book, but can we get them out of the  
42 book so everybody has a piece of it in their -- so we  
43 know what it is during the break.

44

45 UNIDENTIFIED VOICE: I have an  
46 electronic copy of it.

47

48 CHAIRMAN GREEN: Well, if we could get  
49 it downstairs to get it on a printer and print off a  
50 few copies here so we could look at it. Take a 15-

1 minute break. Thanks, Tony.

2

3 MR. JOHNSON: I have an alternative  
4 suggestion. I also have a digital projector handy, so  
5 perhaps maybe if we could just project it and then that  
6 would save a lot of printing and the Council could just  
7 review it up on the wall.

8

9 CHAIRMAN GREEN: That would be fine.  
10 Again, thank you, Tony.

11

(Off record)

12

(On record)

13

14 CHAIRMAN GREEN: Okay. Is everybody in  
15 the room. The meeting has been called to order. Is  
16 this a reauthorization or is this a.....

17

18 MR. JOHNSON: This is a  
19 reauthorization, Mr. Chair.

20

21 CHAIRMAN GREEN: Okay. I see it up  
22 there now.

23

24 MR. GRAY: The one that's in our  
25 regulation book is 22D. There is no 22C in our  
26 regulation book.

27

28 CHAIRMAN GREEN: I think we have been  
29 commenting on it.

30

31 (Off record comments on whether it's a  
32 typo)

33

34 CHAIRMAN GREEN: Does anybody have any  
35 comments on this. Proposal 41 has to do with  
36 reauthorizing the antlerless moose seasons in 22C and  
37 the remainder of Unit 22D in Agiapuk and American  
38 Rivers. Tom, do you have any comment.

39

40 MR. GRAY: My only comment is I've  
41 voted against it forever and I'm going to vote against  
42 it now.

43

44 CHAIRMAN GREEN: Tim.

45

46 MR. SMITH: I wish we knew more about  
47 moose management. I'm nervous about it too, you know.  
48 I'm worried about moose in 22C. I think one of the

49

1 mistakes we made back in the early '80s was letting  
2 moose densities get too high in a lot of the areas. I  
3 think that was a mistake. That might be something we  
4 can avoid in 22C, but I'm not sure. We don't really  
5 know if it's going to work.

6  
7                   One thing that happens -- I don't know  
8 if you notice, but 22C you're starting to not see any  
9 willows above the snow. They're getting browsed off.  
10 So everything that's still out there, it looks like  
11 there's a lot of willows, but you go out there in April  
12 and there's nothing showing. It looks like the willows  
13 just can't stand up to moose browsing over a long  
14 period of time. I think it's just kind of hard to  
15 manage moose on the Seward Peninsula.

16  
17                   CHAIRMAN GREEN: Tim, what's your  
18 interpretation of the snow cover?

19  
20                   MR. SMITH: It's bad. There's a lot of  
21 snow and it's lasting late into the spring. It's a bad  
22 situation for moose. They look terrible in June.  
23 That's when most of the die off occurs, is when you  
24 think they've made it after break-up and they start  
25 dying.

26  
27                   CHAIRMAN GREEN: I've seen some pretty  
28 rough looking ones myself. I'm like Tommy, I watched  
29 the herd grow on the Seward Peninsula and cows are not  
30 my favorite target, but there's a biologist right there  
31 that's giving us his opinion. If we're looking at an  
32 over-browsing in Subunit 22C and the winters have been  
33 pretty harsh, including a lot of snow, we might want to  
34 consider not opposing it.

35  
36                   MR. SMITH: My opinion is I don't know.  
37 I really don't know what's going to work. I know that  
38 -- I think what we did in the early '80s is probably  
39 not the right thing, but I'm not sure that keeping  
40 moose densities lower is going to help. It's worth a  
41 try. It might be worth a try. We might learn  
42 something from it, but there's always a lot of  
43 complicating factors. A lot of predators out there  
44 too.

45  
46                   CHAIRMAN GREEN: Carl had something to  
47 add here.

48  
49                   MR. JOHNSON: Mr. Chair. Just to help  
50 Council phrase the debate, I'm hearing language about

1 oppose. You wouldn't really be necessarily opposing  
2 the proposal per se like you do with a regular Federal  
3 proposal, but instead you would be submitting whatever  
4 written comments you may to the Board of Game  
5 expressing whatever opinions may have about this  
6 proposal in a written comment just like any other  
7 public organization or entity would.

8

9 Thank you, Mr. Chair.

10

11 CHAIRMAN GREEN: Thanks for the  
12 clarification. So, in other words, we're not going to  
13 vote on it. We're basically going to take a position  
14 and write a letter.

15

16 MR. JOHNSON: Well, you still need to  
17 approve of any correspondence as the Council, so the  
18 typical way of taking action is to have a motion, but  
19 the motion would be more to the effect of authorizing  
20 your Council coordinator to write a letter on behalf of  
21 the Council to submit to the Board of Game on this  
22 proposal and then you'd want to state on the record  
23 what it is you'd want to express to the Board of Game  
24 about the proposal so that it's clear so that Mr. Nick  
25 understands what you're intentions are and we can  
26 express them clearly in a letter on the Council's  
27 behalf.

28

29 Thank you.

30

31 CHAIRMAN GREEN: Thank you. Well, you  
32 know what I should do, I think I should just go around  
33 the table. Tommy has already -- do you have anything  
34 to add to that? 22D remainder is right behind your  
35 guys's back yard, so I'd like to hear what you have to  
36 say about comments in your area.

37

38 MR. SEETOT: I have said in the past  
39 that that use area is not really utilized. One, it's  
40 never been -- it really hasn't been used other than  
41 maybe by Teller or other than residents. I guess the  
42 fact is that we do have a body of water between Brevig  
43 Mission and that Unit 22D remainder. The predators are  
44 there, the bears and wolves. They have a reindeer herd  
45 there. A reindeer herder told me a couple years back  
46 that he stopped counting reindeer carcasses after he  
47 reached 40 and that was just for one season.

48

49 I have driven from the Davidson Landing  
50 area, the American River area, the Agiapuk River system

1 and within that time period, within the period of five  
2 months I think we counted over 20 moose kills by wolves  
3 and that was just that one cycle. So there are numbers  
4 out there that aren't documented by biologists by us,  
5 so the number factor is unknown pretty much other than  
6 just pure observation within the American, Kuzitrin  
7 River drainage. Remainder Unit 22D probably is pretty  
8 much an opportunity hunt for berry pickers late in the  
9 fall, like in September. I have heard only a very few  
10 harvest numbers from there by residents of either  
11 Teller or Brevig. Nome or other people I have no idea  
12 what is going on on the harvest there.

13

14 I would kind of go with this moose  
15 whether it's antlerless or antlered, it all depends on  
16 the user. Even though I have -- I might have some  
17 comments for or against it. It's pretty much up to the  
18 user and then we should be giving them that opportunity  
19 and not just saying, oh, I'm just a bull hunter only.  
20 I won't support this proposal. You know, it's, I  
21 think, a hunter's preference. I'm not going to tell  
22 them what to hunt, but that at least gives them  
23 opportunity to get what they have been usually getting  
24 over the years.

25 CHAIRMAN GREEN: Thanks, Elmer. Fred.

26

27 MR. ENINGOWUK: I don't hunt in this  
28 area, but myself I prefer the cow over the bulls, but  
29 right now I have choice to hunt bulls if I need to be  
30 hunting moose, but I don't hunt in this general area  
31 and I have no comment.

32

33 CHAIRMAN GREEN: Peter.

34

35 MR. BUCK: When hunting moose, I always  
36 -- before I always preferred cows because they had  
37 better meat, a lot better. I'm going to oppose this  
38 proposal.

39

40 CHAIRMAN GREEN: Thank you. Tim.

41

42 MR. SMITH: I've already said my peace.  
43 I don't know. I'll go with whatever everybody else  
44 wants to do, I guess.

45

46 CHAIRMAN GREEN: I guess it's my turn.  
47 In other words, you're just not sure, the management.  
48 Well, I can hear what Elmer had to say, but the kill --  
49 if, you know, that's the facts, that's the facts.  
50 Wolves are doing something. We're going to get to a

1 point up there. I don't know what anybody in town does  
2 with that 22D remainder access there. What are we  
3 looking at on the -- it's December 1st.....

4  
5 MR. JOHNSON: Here are the dates of  
6 22C.

7  
8 CHAIRMAN GREEN: Okay.

9  
10 MR. JOHNSON: And then here are the  
11 dates for 22D.

12  
13 CHAIRMAN GREEN: 22D antlerless.  
14 August 10th to September 14th. This is a  
15 reauthorization of it. I just didn't know that even  
16 existed up there. Okay. So the other one is from  
17 October 1st. That's a winter hunt. Like Elmer says,  
18 it's opportunity. Well, I'm going to go along with it.  
19 I went by comments here, so the comments are that Tom  
20 is a definite no, Elmer is a yes to provide  
21 opportunity, knowing in his opinion that it isn't  
22 utilized that much, Fred had no comment but does prefer  
23 cows, Peter goes no and Tim.....

24  
25 MR. SMITH: On the fence.

26  
27 CHAIRMAN GREEN: .....on the fence. So  
28 you've got -- and I'm a yes, so there's two no's, two  
29 yes's and two no comments. So it's pretty undecided.  
30 That's why I ended up asking the questions because it  
31 just sounded like people had an opinion here. So how  
32 do we handle that? Do you got an opinion on that?

33  
34 MR. JOHNSON: Well, Mr. Chair, if the  
35 Council were just taking a vote, it would be a draw and  
36 no tie-breaker.

37  
38 CHAIRMAN GREEN: So that would  
39 mean.....

40  
41 MR. JOHNSON: So there would be no  
42 action.

43  
44 CHAIRMAN GREEN: .....no action.

45  
46 MR. JOHNSON: Typically then the  
47 suggestion is -- especially since this is a State  
48 proposal, if there are people on the Council who feel  
49 passionate about it, then they should certainly write  
50 on their own individual behalf, but it seems to me like

1 there's a no action vote on the Council on this  
2 particular proposal.

3

4 CHAIRMAN GREEN: I think that takes  
5 care of that. Do we need to discuss Proposal 44. I  
6 think we can go ahead and take a vote on this. Simple  
7 enough. It's reauthorize the current resident tag fee  
8 exemptions for brown bears in Unit 22 since that's who  
9 we are. I'm going to ask for a motion.

10

11 MR. SMITH: Move that we vote to  
12 support this proposal.

13

14 CHAIRMAN GREEN: Is there a second.

15

16 MR. GRAY: I'll second it for  
17 discussion.

18

19 CHAIRMAN GREEN: Do you want  
20 discussion? Do you got something to say?

21

22 MR. GRAY: I just want to make a  
23 comment. I'm going to vote against it because I really  
24 think this is a tool that Fish and Game is not using to  
25 understand who's interested in hunting brown bears and  
26 \$25 to all of us is nothing. Anyway, there's another  
27 issue that I've took a stand on over the years and it  
28 seems like I'm the lone guy out there but that's okay.

29

30 CHAIRMAN GREEN: You're saying it's a  
31 tool just to see who's.....

32

33 MR. GRAY: In moose hunting, you got to  
34 go get a permit and that permit says that Louis Green  
35 is interested in a moose in 22D or wherever. In this  
36 particular case there is nothing and even if they put a  
37 registration permit out there that you have to go get a  
38 permit to go brown bear hunting. Doesn't cost  
39 anything, but get a permit, then they understand how  
40 many people are trying to brown bear hunt and they  
41 understand how many bears to manage to. They're not  
42 doing -- they haven't got a clue and that's been my  
43 argument. If they come in and propose a permit system  
44 that is no cost to the public, I support it. Now we  
45 know who's wanting to go shoot brown bears. Right now  
46 they don't.

47

48 CHAIRMAN GREEN: It's a good point. I  
49 can't argue with it. It would be a track record.  
50 Anybody else? Fred, go ahead.

1 MR. ENINGOWUK: Yeah, I'm confused  
2 here. If you oppose this here, what does it mean?  
3 Does it mean not supporting the tags? I'm confused  
4 here.

5  
6 MR. GRAY: Can I explain? In the State  
7 law, there's a law that says if you're going to go  
8 brown bear hunting, there's a \$25 tag you have to get.  
9 If this passes -- which it already has passed, so we're  
10 voting on kind of a moot issue anyway. If this passes,  
11 it says Board of Game reauthorize an exemption for that  
12 \$25, so you don't have to -- Tom Gray doesn't have to  
13 go pay \$25 to go shoot a bear. I could just go shoot  
14 one.

15  
16 Again, there's no -- they don't  
17 understand who wants to kill bears. So if you vote  
18 against it, which I'm going to, it will cost \$25 to go  
19 brown bear hunting. If you vote for this, it doesn't  
20 cost you anything. But, again, I really think Fish and  
21 Game needs to go a step further and do a registration  
22 hunt so they understand how many people are trying to  
23 shoot bears on the Seward Peninsula.

24  
25 CHAIRMAN GREEN: So, in other words,  
26 reauthorizing the tag fee exemption if you vote for it.  
27 You're saying every resident doesn't have to go pay for  
28 a tag. Tommy's reason behind himself opposing it is  
29 that Fish and Game should have a paper trail. They  
30 should say come in here if you're interested in hunting  
31 brown bear, we'll give you a paper, it won't cost you  
32 anything, but we need to keep track of what's going on  
33 out there like they do with the moose tag. The harvest  
34 -- the green one, that's what that is. So he's just  
35 saying they should have a harvest ticket.

36  
37 Well, we need to do something about  
38 that later on the State side. Maybe we should be  
39 pushing it. I agree with you. I don't see there's  
40 anything wrong with it. Right now all they're asking  
41 right here is whether we think it's -- if we want to go  
42 along with the free tag or the no fee.

43  
44 Anyway, first, second. Anybody call  
45 for the question.

46  
47 MR. GRAY: Question.

48  
49 CHAIRMAN GREEN: The question has been  
50 called. All those in favor say aye.

1                   IN UNISON:  Aye.  
2  
3                   CHAIRMAN GREEN:  All those opposed same  
4 sign.  
5  
6                   MR. GRAY:  Aye.  
7  
8                   MR. BUCK:  Aye.  
9  
10                  CHAIRMAN GREEN:  Two against.  Motion  
11 passes, majority rules.  
12  
13                  MR. GRAY:  I don't know if this board  
14 wants to take a step in the direction of suggesting to  
15 Fish and Game that maybe a permit or a registration  
16 paper be used instead of this process here and broached  
17 to the Board of Game.  Again, I've voted against this  
18 since they started it.  I really think that if they're  
19 going to manage anything they should understand who's  
20 interested in hunting that resource.  
21  
22                  CHAIRMAN GREEN:  They don't know who's  
23 taking these bears even though people, when they take  
24 them, they've got to go in there and get them tagged.  
25 Are you saying there will be bears taken that they  
26 don't know about?  
27  
28                  MR. GRAY:  There's bears taken that are  
29 never reported I'm sure, but the only thing that they  
30 know is there's 80 or 90 bears on the Seward Peninsula  
31 sealed.  They don't know that in reality maybe there's  
32 200 hunters out there hunting them or I don't know.  I  
33 think this track record will tell us some interesting  
34 stuff.  I feel -- I'm sure that their comment is it's  
35 going to be a lot of work and we don't want to do that  
36 work and yada yada, but it's still a management tool.  
37  
38                  CHAIRMAN GREEN:  Point well taken.  
39 Tim.  
40  
41                  MR. SMITH:  Just to play the other side  
42 of it, you know, Tony said harvest increased 80 percent  
43 after the tag fee was removed.  Speaking for myself, I  
44 don't really care much about shooting brown bears, but  
45 if one presents itself to me where it's easy and no  
46 trouble, I might do it, but if I had to have a harvest  
47 permit I might not even get it because I don't really  
48 hunt brown bear.  I think the danger of doing what you  
49 say, Tom, is it might reduce the harvest.  If we want  
50 to keep the harvest up, it might be better to go with

1 what we've got.

2

3 CHAIRMAN GREEN: With that we're into  
4 -- there's D, Proposal 109. We already decided that's  
5 not anything to do with us. So we're going to go to  
6 Section 10. That would be old business. We're going  
7 to review this Memorandum of Understanding with Sandy.  
8 He's coming in here with a whole armload of books, so  
9 we're going to be here for a long time. Carl.

10

11 MR. JOHNSON: I'm sorry, Mr. Chair. I  
12 was out asking Tony a question. So did the Council  
13 decide to not take any action on the motion.

14

15 CHAIRMAN GREEN: Our action was to  
16 authorize 4 to -- 3 to -- how many.....

17

18 REPORTER: They approved it. They  
19 adopted the proposal.

20

21 MR. GRAY: It was 4 to 2.

22

23 CHAIRMAN GREEN: 4 to 2.

24

25 MR. JOHNSON: Thank you. All right.  
26 My apologies.

27

28 CHAIRMAN GREEN: That's all right.  
29 It's your turn. Sandy, you've got the floor.

30

31 MR. RABINOWITCH: Let's start by getting  
32 everybody to Page 112 of your Council book. Council  
33 members, again, my name is Sandy Rabinowitch. I'm with  
34 the Park Service. I've been part of a work group  
35 that's been working on what's referred to as the  
36 State/Federal MOU or the Federal/State MOU, however  
37 you'd like to say it.

38

39 I'm going to make a couple introductory  
40 comments, give you a little bit of history. I'm going  
41 to walk you through a short list of general changes and  
42 I will try to keep this moving. It's a hard topic to  
43 do really quickly. I'll kind of let you all drive. If  
44 you want to try to finish with this one tonight or just  
45 stop at some point and carry over to the morning and  
46 that's up to you.

47

48 Before we get into that, let me stress  
49 that as you see at the top of Page 112 you see on the  
50 left side the word action. The point here is that

1 we're trying to stress to Councils that the Federal  
2 Board is very much interested in you developing and  
3 providing feedback, whether in a motion or not, that's  
4 up to you, or just comments about this document.

5  
6 I would also mention before I get too  
7 far there's possibly someone on the line from Fish and  
8 Game and I welcome their joining into this if anyone is  
9 online and wants to do that. Again, this is a joint  
10 thing between the Federal program and Fish and Game.

11  
12 The quick history is that the State and  
13 Federal program established an interim Memorandum of  
14 Agreement in 2000, 12 years ago. I have a copy of that  
15 here in my hand and I'm happy to pass this around if  
16 anyone cares. It looks fairly similar to the one you  
17 have in front of you in your book. So that's sort of  
18 the beginning on this.

19  
20 In 2008, eight years later, the next  
21 version of the MOU was crafted and you have a copy in  
22 your book that starts on Page 118 and I'll talk more on  
23 that in a minute. The key thing is the first version  
24 in 2000, eight years later the second version, you've  
25 got it in your book, and now I'm here talking about  
26 modifying the 2008 version into the 2013 version. That  
27 would be the soonest that what I'm here to talk about  
28 might be signed.

29  
30 As I think all of you know, the Federal  
31 program underwent lengthy review at sort of the highest  
32 levels in 2011. There were a lot of comments submitted  
33 to the Department of Interior and Department of  
34 Agriculture about this MOU and many of them were fairly  
35 negative. Some were very detailed with their comments  
36 and others were more generalized. As a result of that  
37 review, the Federal program decided to take this on as  
38 a topic to follow up on.

39  
40 In 2011, all the Councils were asked  
41 their opinion about the MOU. Good idea, bad idea,  
42 should we have it, should we not have it. The outcome  
43 of all of that in 2011 was we want to stick with the  
44 MOU, but we need to modify it, so that's what I'm here  
45 to talk about. This wasn't unanimous. I mean not  
46 everybody agreed, but that was just the preponderous of  
47 all the comments.

48  
49 On Page 118, the complete document is  
50 in your book here for you and there's one set of things

1 I want to talk about before I get to that. If you look  
2 at that version on Page 118, 119, et cetera, you'll see  
3 the original language, then you'll see some what we  
4 call redline or strike-out. I wish this was in color  
5 in your book. Unfortunately it's not.

6

7 Yes. Question.

8

9 CHAIRMAN GREEN: I have a question for  
10 you, Sandy. Speaking about this, is this on the  
11 website?

12

13 MR. RABINOWITCH: Excellent question.  
14 It is on the Council website. If we'd go to the Seward  
15 Pen RAC Council location and if we pulled up this, it  
16 would show in color. Is that where you were going?

17

18 CHAIRMAN GREEN: Yes.

19

20 MR. RABINOWITCH: Yes, it would show in  
21 color. Actually, I believe I have it on a laptop with  
22 me in color and I don't know that you want to do this,  
23 but I presume we could actually get it up on the screen  
24 if you wanted to in color. I'm not trying to lead you  
25 down the path, but it's probably technically possible.

26

27 Anyway, you can see the strike-outs.  
28 Those are proposed deletions. You can see the  
29 underlines. Those are proposed additions. Then really  
30 importantly off on the right-hand side in a gray column  
31 -- and I find this pretty hard to read. I was really  
32 squinting trying to read this myself, but we have  
33 comments explaining why something has been either added  
34 or deleted. Those explanations are in direct response  
35 to the comments from the 10 Councils.

36

37 All of the comments from the 10  
38 Councils, which I'm not going to walk you through, it  
39 would take forever, they start on Page 115 and they go  
40 up to Page 118. This Council's comments are actually  
41 very short, they're right on the top of Page 115 and  
42 it's labeled the Seward Peninsula Council and then  
43 there's three lines. That's quick and easy to read and  
44 those were the comments from the last time this issue  
45 was brought to this Council. I'll pause and just give  
46 you all a minute to read that.

47

48 So I think given the time of day and I  
49 know you still have a lot of things you want to get to,  
50 let me throw out a suggestion and I'll go forward in

1 whatever direction you want me to. If you told me just  
2 sort of keep going, tell us what you think we need to  
3 hear, what I'd do is probably spend seven or eight  
4 minutes and I'll walk you through a list of eight  
5 things that summarize all the changes in the document.  
6 It's the list that starts on Page 112 that's called  
7 general changes. I would just sort of walk through  
8 changes one through eight. We've categorized all the  
9 changes and tried to just write them up in plain  
10 English summary fashion.

11  
12 If you really wanted to get into the  
13 weeds, the next thing I would do after that is turn to  
14 Page 118 and we could just walk through the document  
15 page by page. That would obviously take a little bit  
16 longer. Or I could stop now and you all could review  
17 this and pick it back up in the morning, which you may  
18 want to finish tonight. Whatever you want to do is  
19 fine with me.

20  
21 Maybe I should pause and see if there's  
22 questions and then I'll pause and see how you want to  
23 go forward, just manage your time.

24  
25 CHAIRMAN GREEN: Tommy, go ahead.

26  
27 MR. GRAY: The MOU that's in place  
28 right now, is it something that's outdated and that's  
29 why this draft is being worked on? I guess I remember  
30 talking about an agreement years back and I know some  
31 of us were a little bit vocal and the State has their  
32 mission in life and we have ours and let's be careful  
33 what we do in trying to coordinate things. It sounds  
34 like there's been a couple of documents signed. Is the  
35 current one going out of date?

36  
37 MR. RABINOWITCH: The short answer is  
38 no, it's not going out of date. Let me restate a  
39 little bit of what I said a couple minutes ago. In the  
40 Federal program review from a couple years ago the  
41 Department of Interior and Department of Agriculture  
42 got a lot of comments. I want to say I think they were  
43 like 35 written comments or something like that. I've  
44 read them all, but it's been a couple years now. There  
45 was a lot of complaints, a lot of discomfort about the  
46 document, kind of like what you were just saying. So  
47 because of all those comments the Federal Board decided  
48 that we should take another look at this 2008 version,  
49 which is the one in place. It's in place today. It's  
50 in effect today.

1                   So the Federal Board did a quick review  
2 with all the Councils again in 2011, basically said,  
3 so, what do you all think. The summary was that we  
4 want to live with the document, but we want to modify  
5 it. We're not happy with it the way it is, so it's not  
6 outdated. It's more like people weren't comfortable  
7 with it, but they wanted to keep using it.

8  
9                   So that's what we're trying to do.  
10 We're trying to sort of improve the comfort level for  
11 everybody. So we've taken our shot. As I said, there  
12 were -- I think I said there were four of us that  
13 worked on this for, I don't know, a little less than a  
14 year. Pete Probasco with OSM, Steve Kessler with  
15 Forest Service, and myself from the Park Service and  
16 Jennifer Yuhas on the State side. We've had a series  
17 of meetings, we've thrashed through this with our red  
18 pens and the result is what you have here on Page 118  
19 and on. We've tried very hard to -- I'm not saying  
20 we've succeeded or been perfect, but we tried very  
21 hard to be responsive to all the comments from the  
22 Councils and that's why all those -- they're here in  
23 the book, so you can kind of check it off. You know,  
24 you can compare and contrast and tell us what you  
25 think. That's what we're after here. There's a lot of  
26 details. There's stuff like this. Every word matters.  
27 But that's the creature we have in front of us to work  
28 with.

29  
30                   CHAIRMAN GREEN: Sandy, could we have  
31 you go through those general changes.

32  
33                   MR. RABINOWITCH: Sure.

34  
35                   CHAIRMAN GREEN: Just a brief shot  
36 maybe. That's enough for everybody to get started off  
37 on. If anybody wants to get into the detail, they can  
38 deal with that tomorrow.

39  
40                   MR. RABINOWITCH: I would encourage you  
41 to interrupt me. If you've got a question as I'm doing  
42 this, just interrupt and ask a question.

43  
44                   MR. BUCK: Mr. Chair. I was just  
45 looking at 119 down to where they're leaving out State  
46 of Alaska and the State of Alaska they're leaving that  
47 out and going down to -- they're cutting out the State.  
48 I think they have the right idea. It's going to take a  
49 while to look at this whole document and try to figure  
50 everything out. I need to figure it out.

1 MR. RABINOWITCH: Okay. Do you want me  
2 to continue?

3  
4 CHAIRMAN GREEN: Yes. Go with general  
5 changes for starters.

6  
7 MR. RABINOWITCH: Okay. Will do. What  
8 I'm going to do is try to quickly summarize. I'm going  
9 to start on Page 112 toward the bottom. It says  
10 general changes, number one. So a comment from many of  
11 the Councils was put this thing in plain English. This  
12 is complicated, it's hard to understand. So we have  
13 given it our best shot. We feel like we have somewhat  
14 accomplished the goal but we know we have not fully  
15 accomplished the goal. All I can say is if you all  
16 have suggestions about how to say things in a plainer,  
17 more straightforward way, we're all ears. We're happy  
18 to hear it. We found it challenging to do that because  
19 of the nature of this document.

20  
21 The second -- so now I'm going over to  
22 Page 113. The second one was reordering, was the way  
23 we framed it. I'm just going to kind of paraphrase.  
24 We say the MOU we have reformatted it consistently so  
25 that whenever you see the words State and Federal in  
26 the new version, what you see is Federal then State.  
27 So we've taken the words and we sort of shifted their  
28 order. The goal is to try to put an emphasis on  
29 Federal program, Federal lands, Federal priority. I  
30 think, from the Federal perspective, it reads a little  
31 better. Everybody might not agree, but that's the  
32 shift that we did. So it's largely kind of just shift  
33 places of the word, shift the order. We did that in a  
34 number of places throughout the document.

35  
36 The third item was we had a number of  
37 people say some of these words are hard to understand,  
38 give us a glossary to find these terms. We actually  
39 chose not to do that and what we tried to do was plain  
40 language, the first one, and, two, we tried to just  
41 spell everything out in the document. Not use  
42 acronyms, you know, stuff like that. We just tried to  
43 write it all out. Rather than create yet another page  
44 and another piece to go along with this thing.  
45 Hopefully that's worked.

46  
47 Slightly more specific changes. A  
48 number of the Councils were interested to see the  
49 concept of traditional ecological knowledge, TEK, as  
50 many of you and we often say, added wherever the term

1 scientific information was used because ANILCA uses the  
2 term scientific quite a bit.

3  
4                   So what we did was we scratched our --  
5 well, we didn't scratch our head a little bit. We  
6 worked at this and we actually did the request but with  
7 a little modification. We could see that ANILCA  
8 actually doesn't use the term traditional environmental  
9 or ecological knowledge. ANILCA uses the term  
10 customary and traditional uses. So we took the term  
11 out of ANILCA and we've used that term in a number of  
12 places rather than the TEK term. We feel like that's  
13 being responsive and it's also a little stronger  
14 connection into the Federal law and the Federal  
15 priority.

16  
17                   The fifth item here is predator  
18 management. A number of comments from different  
19 Councils were about an interest in the Federal program  
20 taking on management actions like the State of Alaska  
21 has through its intensive management statute predator  
22 control program. In a nutshell, we did not go there.  
23 The Federal program, as some people will remember but  
24 some of you wouldn't know, was built on a big thick  
25 document, about four volumes thick in 1992 called an  
26 Environmental Impact Statement. So it's sort of like  
27 the part of the foundation of the whole program, like  
28 the foundation of a house.

29  
30                   In that Environmental Impact Statement  
31 it's very clear that the way the program was built is  
32 that predator management is an individual agency  
33 responsibility. It's actually linked up with habitat  
34 manipulation. The two were together. The Board wasn't  
35 given -- I'm trying to use the right word here. The  
36 Environmental Impact Statement didn't -- assumed that  
37 the Board would not engage in predator management, but  
38 the individual agencies would continue to have the  
39 authority they had at that time. I don't know if I'm  
40 being completely clear or not. The point is it's an  
41 individual agency issue, not a Federal Board issue.  
42 That's what I'm trying to get at. So changes were  
43 asked to be made and what I'm saying is those changes  
44 were not made in this draft in front of you.

45  
46                   The sixth one, State management plans.  
47 In a number of places -- well, at least one place in  
48 the MOU there's some language about the State  
49 management plans. This could be a moose plan, a muskox  
50 plan, caribou plan for the initial basis for management

1 actions and we've modified that so that the MOU now  
2 talks about Federal plans, State plans and cooperative  
3 plans. We basically tried to think of all the  
4 different kinds of plans that are in use around the  
5 state. We put the Federal ones first, the State  
6 second, the cooperative third. Again, more of an  
7 emphasis on Federal rather than just State, but not  
8 doing away with the State plans at all, of course.

9  
10 The seventh general one is to evaluate  
11 the MOU. This one, actually, I think we came up with a  
12 fairly simple approach, which is we would recommend  
13 once a year in Regional Council meetings, all 10, once  
14 a year on your agenda would show up an item which would  
15 basically be something along the lines of how is the  
16 MOU doing. Just to get everybody to think once a year,  
17 hey, is this MOU working, are there some problems, if  
18 so, what are they and just put it on your all's agenda  
19 once a year just as like a standard item and try to  
20 keep it fresh in everybody's mind and then go from  
21 there. If there's problems, then let's deal with them.

22  
23 The last general item is protocol  
24 reviews. If you look at the MOU, there's one attached  
25 protocol and I believe there's actually a total of  
26 three, two of them dealing with Yukon River fisheries  
27 and one of them having to do with data sharing between  
28 the Federal and State programs. The point is there are  
29 attachments to it that are called protocols. There is  
30 an intent and an interest to follow up and look at  
31 those after we get through this document. So the years  
32 to come there's more, so those have not been forgotten  
33 about, but we're trying to take kind of one bite of the  
34 apple at a time.

35  
36 I'll stop there. That's our attempt to  
37 summarize all the fine print in the more detailed  
38 document. We've put a lot of effort into trying to  
39 make sure we captured things. I feel pretty  
40 comfortable that this summary does capture the changes  
41 in eight pieces. I'll stop there and see if that's  
42 enough that you all either want to ask questions, take  
43 some position on this or tell me just to come back to  
44 the microphone in the morning. Whatever works for you.

45  
46 CHAIRMAN GREEN: Just a question here.  
47 Do they have some sort of a deadline? Am I missing  
48 something here that I didn't catch? Is there a time  
49 when they want to make it solid and be done with it?  
50

1 MR. RABINOWITCH: Excellent question  
2 and I think I kind of breezed past that. If you look  
3 at the bottom of Page 113 and then flip over and look  
4 at Page 114, the schedule is on those two pages. The  
5 goal, I underline that word, is to take this back to  
6 the Federal Board at its upcoming January meeting. The  
7 rosy picture was to get comments from all the Councils  
8 now, this fall. We, the workgroup, would then take any  
9 specific recommendations you had. I like this, I don't  
10 like that, make more changes, whatever, and sort of  
11 negotiate those back and forth between the Federal reps  
12 and the State rep and then give us time to do a little  
13 re-crafting and lay it down in front of the Federal  
14 Board in January at the fish regulatory meeting and see  
15 if everybody is willing to sign off on the new document  
16 at that point in time. That's the rosy scenario. If  
17 that doesn't occur, then it just stretches further out  
18 in time. In the meanwhile though, the existing 2008  
19 document is still there, still in place.

20

21 CHAIRMAN GREEN: Tim.

22

23 MR. SMITH: I think you did a real good  
24 job with the language. It seems pretty clear to me.  
25 It's hard to put things in simple terms and still carry  
26 the meaning that you want.

27

28 Could you identify anything that you  
29 consider that we might want to focus on, something that  
30 might be controversial in the document? Is there  
31 anything like that? Maybe there isn't anything like  
32 that.

33

34 MR. RABINOWITCH: Well, there were a  
35 couple things there, so let me respond to those. One,  
36 the past comments from this Council were that -- and  
37 I'm putting this into my words, but you all were pretty  
38 comfortable with the MOU the last time you looked at  
39 it, more so than many of the other Councils.

40

41 So those eight things I just went  
42 through sort of summarize how we've kind of tweaked  
43 this and I use the word tweaked purposefully because I  
44 don't think this document is substantially different.  
45 It's minorly different. There's subtleties, but it's a  
46 similar document. There's no radical sort of changes.  
47 So that's the first part of the answer.

48

49 I think the second part of the answer  
50 is that different people will have a perspective of

1 what's controversial and no big surprise. I mean  
2 you're all familiar with that. My answer, my  
3 individual answer to your question of these sort of  
4 eight things, which again I do think are a fair and  
5 good summary, probably the firth one, predator control,  
6 would probably rise up to the top in my book.  
7 Different people, different groups have strongly-held  
8 feelings about it. It's no secret that the Park  
9 Service that I work for has strong feelings about it.  
10 Everybody's got their own feelings. That one sort of  
11 floats up there as potentially controversial.

12  
13 At the same time, what I would tell you  
14 is or remind people is that the Federal Board has its  
15 own policy, okay, separate document. Federal Board --  
16 you know, there's a collection of Federal Board  
17 policies. One of them is about predator control. It  
18 was written -- I don't have it in front of me, but I  
19 want to say 2007 or 2008, something like that, and it  
20 says what I said a couple of minutes ago. The Federal  
21 Board doesn't do this, it's up to the individual  
22 agencies to consider whether they do or don't do  
23 predator control on individual Federal agency land. So  
24 in terms of this document that we're looking at,  
25 nothing changes. So is that controversial or not I  
26 think depends a little bit on how you look at it.

27  
28 But that's the only one in my mind that  
29 rises up. Again, different people might say, oh, gee,  
30 I think maybe number six, State management plans, that  
31 might be more controversial to somebody than it is to  
32 me. I'll stop there.

33  
34 MR. BUCK: Mr. Chair. I think that  
35 when we looked at this Memorandum of Agreement before  
36 we were pretty satisfied with it, and then you brought  
37 this up in the last couple meetings and then we told  
38 you we were confused about it because we can't read the  
39 whole thing and can't understand it all. Now you're  
40 making these changes in there that they look pretty  
41 reasonable and I don't think the Memorandum of  
42 Agreement will change very much with the new changes  
43 that you proposed and the wording that you have in  
44 there. I would recommend that we approve that  
45 amendments of the Memorandum of Agreement and push it  
46 through because they're going to be meeting in January.

47  
48 After it passes, I'm pretty sure we'll  
49 be pretty satisfied, but if there's a big change in  
50 there, we notice a big change in there that needs to be

1 changed, then we can change it after. That's what I'd  
2 say. But I would recommend that we approve the changes  
3 that are on 112.

4

5 MR. GRAY: Mr. Chair.

6

7 CHAIRMAN GREEN: Tom.

8

9 MR. GRAY: I sat on different boards  
10 and we've had different agreements over the years and  
11 this is the first time I've really had a good look at  
12 this agreement and I'm a little bit curious if there's  
13 any what do you call it -- you've got this agreement,  
14 any use in this agreement where the State or the Feds  
15 use this policy to attain a goal or whatever. Are  
16 there goals that have been attained coming out of this  
17 thing that we can put a finger on or talk about? If  
18 you make an agreement, usually you get something or you  
19 work on goals and projects and it may be one, it may  
20 100. Is there such goals that have been attained under  
21 this agreement or is this agreement just been out there  
22 and everybody kind of walks around the table saying,  
23 yeah, there it is, there it is?

24

25 MR. RABINOWITCH: I think if you had  
26 two or three people sitting at the table I'm sitting at  
27 here, you might get two answers, you might get three  
28 answers, but my answer is that I think the value of it  
29 is that the two governments have taken the time to try  
30 to write down how we will communicate and operate  
31 together. Again, words are very important here and  
32 this talks -- and I'm going to look at it and  
33 paraphrase a little bit, but this talks about  
34 coordinated interagency fish and wildlife management  
35 for subsistence uses on Federal public lands in Alaska.

36

37 So how is the Federal government going  
38 to cooperate and coordinate about subsistence uses on  
39 Federal public lands because, as you all know, we have  
40 dual management. It makes life really challenging for  
41 lots and lots of people. None of us here can untangle  
42 that. So this is all about striving to coordinate and  
43 cooperate as much as we can. That, to me, is the  
44 single biggest goal. Does the document help? I think  
45 it does. Is it perfect? Probably not. Can we make it  
46 perfect? I don't know how to make it perfect. We're  
47 trying to make it better. That's my short answer.

48

49 MR. GRAY: Mr. Chair. The reason I  
50 asked this is today we had proposals in front of us and

1 we opposed most of the proposals. Fish and Game  
2 supported most of the proposals. You know, this  
3 document says you're going to work together and resolve  
4 issues, I guess. I'm trying to understand where the  
5 win/win -- you know, it's great to have these  
6 documents, but you just read that one little section  
7 and I thought, huh, not on State lands too, just  
8 Federal lands. So it's a one-sided thing here.

9

10 MR. RABINOWITCH: Yes.

11

12 MR. GRAY: Anyway, you know, anything  
13 where we work together is good, I guess, but I  
14 personally would like a good understanding of this  
15 thing. What I think may not matter anyway.

16

17 MR. RABINOWITCH: If I may. I mean I  
18 think what all of you think does matter. That's why  
19 we're all here. I would -- I always want to think of  
20 an analogy, but maybe I won't go off in that direction.  
21 Trying to cooperate doesn't mean you always agree.  
22 Okay. I mean you and I just individually could try to  
23 cooperate on, I don't know, doing something, but we  
24 might not agree on the best way to do it, but we could  
25 maybe still do it together and maybe we'd try it your  
26 way one time and my way the next time and maybe we'd  
27 both look at each other and say, well, yeah, you know,  
28 actually you had a good idea there and, gee, so did  
29 you, you know.

30

31 But I make a point of like just trying  
32 to get along that's a good goal, but it doesn't mean it  
33 always works and it doesn't mean you always agree on  
34 proposals just like what you were saying. I think it's  
35 okay to not always agree. It stresses some people out  
36 a lot. It doesn't stress me out. I mean it's easier  
37 when everybody agrees. I think being able to --  
38 everybody to talk and communicate, that, to me, is a  
39 really good goal and that's what I think this is all  
40 about.

41

42

43 CHAIRMAN GREEN: Have you had enough  
44 for the day?

45

46 MR. GRAY: I've had enough.

47

48 CHAIRMAN GREEN: Well, with that,  
49 Sandy, I think that will do it for today.

50

1 MR. RABINOWITCH: Mr. Chairman. If I  
2 could ask a quick question just because we're really  
3 trying to put an emphasis on making sure we know what  
4 your Council thinks. So I heard a couple of Council  
5 members talk about -- what I wrote -- I'll just read  
6 you what I wrote down. That you're okay with the  
7 document, we ought to approve the changes, but I heard  
8 two people say that. I don't know if everyone else is  
9 on board or not and I am trying to pressure you a  
10 little bit about the body of you being clear about  
11 where you are.

12  
13 MR. SMITH: As far as I'm concerned,  
14 I'd vote to sign off on it. It looks fine to me.

15  
16 MR. GRAY: Mr. Chair. I would suggest  
17 you give some of us tonight to read this thing and  
18 let's address it in the morning. I've never read it.

19  
20 MR. BUCK: Mr. Chair. I think that,  
21 too, this document has passed through a lot of people  
22 you see on Page 115, you've got Eastern Interior  
23 Council, you've got North Slope Council making  
24 comments, you've got Yukon-Kuskokwim making comments.  
25 I'm pretty satisfied with their comments and the way  
26 they're making this here, but I think we do need --  
27 somebody needs to look more at the comments and all  
28 that. As far as now, I would approve it.

29  
30 CHAIRMAN GREEN: Anybody else. Carl.

31  
32 MR. JOHNSON: Mr. Chair. I also want  
33 to note that part of the Board's directive when they  
34 sent this out to the Councils for the fall meeting  
35 cycle to review and comment was also to ensure that at  
36 each meeting if there were any members of the public or  
37 any tribal organizations or anybody who also wanted to  
38 specifically comment on the Memorandum of Understanding  
39 that the floor should be open for that as well similar  
40 to how we handle regulatory proposals. So that will be  
41 one thing we'll want to keep in mind tomorrow when we  
42 open this back up again for discussion.

43  
44 Thank you, Mr. Chair.

45  
46 CHAIRMAN GREEN: Thank you. Well.....

47  
48 MR. GRAY: Move to adjourn for the day.

49  
50 CHAIRMAN GREEN: I was just going to

1 ask if anybody wants to move. I think that's good  
2 enough for today. We're adjourned.

3

4 MR. JOHNSON: In recess, Mr. Chair.

5

6 CHAIRMAN GREEN: Recess, excuse me.

7

8 MR. GRAY: Recess. I'm sorry.

9

10 CHAIRMAN GREEN: We should know better.

11

12 MR. GRAY: Yeah. I was up at 6:00 this  
13 morning, so I'm tired.

14

15 CHAIRMAN GREEN: We're done.

16

17 (Off record)

18

19 (PROCEEDINGS TO BE CONTINUED)

