

00001

1 EASTERN INTERIOR FEDERAL SUBSISTENCE  
2 REGIONAL COUNCIL MEETING

3

4 Tanana, Alaska  
5 October 11, 2000  
6 9:00 o'clock a.m.

7

8

9 COUNCIL MEMBERS PRESENT:

10

11 Nathaniel Good

12 Gerald Nicholia

13 Craig Fleener

14 David Jones

15 Jim Wilde

16

17 Coordinator; Vince Mathews, Donald Mike

00002

P R O C E E D I N G S

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

CHAIRMAN GOOD: I'd like to call this meeting to order. I'd first like to apologize to everybody for being so slow in getting started here. Second, I'd also like to say that we'll try to make up for lost time. We're going to eliminate the workshop that we usually have at the beginning. We'll now proceed to a roll call.  
Davey.

MR. JAMES: Chuck Miller.

MR. MATHEWS: Mr. Chairman. Chuck Miller called last week -- week before last and he's putting in his letter of resignation for family and medical concerns. So he's already called in with an excused absence and resignation.

MR. JAMES: Nat Good.

CHAIRMAN GOOD: Present.

MR. JAMES: Davey James, here. Craig Fleener.

MR. FLEENER: Present.

MR. JAMES: Knowland Silas.

MR. MATHEWS: Mr. Chairman, he's -- somehow or another it got lost in the mail, he sent in a letter of resignation sometime over summer that was never received. So he informed us today that he has resigned.

MR. JAMES: Gerald Nicholia.

MR. NICHOLIA: Here.

MR. JAMES: Lincoln Tritt.

MR. MATHEWS: This is going to sound like a broken record, but Lincoln, I talked with him yesterday, he was flown in for a medical emergency and he had indicated earlier this summer about resignation and he resigned yesterday.

MR. JAMES: Who's the next one, the pending?

(Laughter)

00003

1 MR. MATHEWS: The pending, because of the  
2 lateness of the appointment of the three seats that were  
3 opened, I couldn't put down the pending appointment. The  
4 signatures have been signed in Washington and the  
5 appointment is Carma Ulva of Eagle. I talked with her and  
6 due to the lateness of the request and her employment, she  
7 could not make it.

8  
9 MR. JAMES: Okay. Jim.

10  
11 MR. WILDE: Present.

12  
13 MR. JAMES: Okay, we got one, two, three,  
14 four, five, so I guess we established a quorum, uh, five  
15 out of nine.

16  
17 CHAIRMAN GOOD: We have a quorum. We'll  
18 move now to opening comments by Tanana elder. Gerald,  
19 would you handle that, please.

20  
21 MR. NICHOLIA: Yeah, I'd like to recognize  
22 John Starr as an elder from Tanana. John, could you please  
23 go up over there.

24  
25 MR. STARR: Before we start the proceedings  
26 I was going to say a prayer.

27  
28 Creator, we give you thanks for all that  
29 you are and you bring to us for within your creation. In  
30 Jesus, you place the gospel in the center of this sacred  
31 circle from which all of creation is related. You show us  
32 the way to live a generous and compassionate life. Give us  
33 strength to live together and with respect in the  
34 commandments and make us good stewards of your creation.

35  
36 This we ask in your precious name, Amen.

37  
38 CHAIRMAN GOOD: John Starr.

39  
40 MR. STARR: I was going to say, I was on  
41 this board once and I wanted to say hi. There's one thing  
42 that -- I guess you know that all my life I've been in the  
43 river here, I mean living in this area, trapping, hunting,  
44 making my living off this land here. And that's the first  
45 time I ever seen the fish being cut off for -- we didn't  
46 even get enough for subsistence use.

47  
48 I was in Fort Yukon September 1st and a  
49 lady came up to me and she said that, you build a  
50 smokehouse and they're ready to fish and she got two fish

00004

1 and they cut them off. And how do you think that woman  
2 felt when what -- not only here, it hurt a lot of people in  
3 this area. And I know when I was on the Board, the  
4 percentage of what we were taking in, the subsistence  
5 users, was about three percent. Is it still that or is it  
6 a little higher? Who's going to answer that? Subsistence  
7 users. When I was on the Fish and Game Board it was down  
8 to three. Even if it went up to four or five percent,  
9 they're cutting us off. You guys got to take that into  
10 consideration.

11

12 It doesn't bother me, I've lived this far  
13 but I'm going to -- but the once you cut off something like  
14 that it will always come back again. They can do it  
15 anytime they want to. That's not for me, that's for the  
16 generation that's coming that's got to fight this. I don't  
17 know what it's going to boil down to, you know, a lot of  
18 people are hurt on account of that.

19

20 And I just want to say I'm honored to sit  
21 up here and see old friends again, and that's all I have.  
22 Thank you.

23

24 CHAIRMAN GOOD: The Council would like to  
25 thank John Starr for his excellent and appropriate comments  
26 here. Just to bounce from them, I wonder if perhaps later  
27 in the meeting we couldn't find out that percentage of  
28 subsistence catch on the Yukon for John and have it  
29 reported here. And second, I think if sometime later in  
30 this meeting we could have, at least a brief report on the  
31 possibility of emergency openings on Federal land for  
32 salmon. How it could be done, the difficulties involved,  
33 whether or not it could even be done. Thank you, John.

34

35 We now reach Council member concerns and I  
36 think we're going to have a few here. Council members who  
37 would like to lead off on this one? Craig.

38

39 MR. FLEENER: Gerald.

40

41 CHAIRMAN GOOD: Just a second.

42

43 MR. MATHEWS: We didn't get time to explain  
44 the sound system, obviously you figured out how it worked.

45

46 CHAIRMAN GOOD: Tina let us know.

47

48 MR. MATHEWS: When the light's on it's  
49 activated, when it's off, it's off. So you need to turn on  
50 the mic and turn it off. If anyone needs hearing aids, you

00005

1 know, hearing ear plugs, we do have ear plugs that do plug  
2 into the side of this which makes it just the same way as  
3 Tina hears it over the air. Don't be bashful, we have  
4 those here for you to use.

5

6 The other thing is, the public needs to  
7 know and I need to confirm that the policy of the Council  
8 remains the same, that if you want to testify you just get  
9 the attention of the Chair or one of the Staff here and  
10 then we inform the Chair and then you come up and testify  
11 at the mic. We have these formalized forms here but  
12 generally we don't use them. So anyways, if you would want  
13 to testify when something's up get a hold of the Chair, is  
14 that still the policy?

15

16 CHAIRMAN GOOD: That would be the policy  
17 yes. We try to follow Roberts Rules of Order in order to  
18 keep things moving so that you people can get us out of  
19 Tanana eventually but on the other hand we try to be as  
20 open and informal as we can and we want you to feel  
21 comfortable addressing us at that mic there.

22

23 MR. MATHEWS: And with the blue forms, the  
24 forms that you can fill out, that is basically if you know  
25 of a specific time that you need to testify. Maybe you  
26 have some other activity today or you're working and you  
27 can testify at 3:00 or whatever, please fill out the form  
28 but don't feel like you can't comment unless you have a  
29 form in, that's not how we do it. I need to go over  
30 logistics, if that's okay.

31

32 CHAIRMAN GOOD: (Nods affirmatively)

33

34 MR. MATHEWS: All the members, where you're  
35 staying, you're not responsible for reimbursing for your  
36 stay, that will be worked through Staff, so you don't have  
37 to worry about that, and Gerald, we're not covering your  
38 lodging.

39

40 (Laughter)

41

42 MR. MATHEWS: And so the other ones would  
43 have to -- don't worry about that, that will be through the  
44 Tribal Council on that. There will be different meals with  
45 that, someone remind or someone else do it, put out a  
46 collection can to defray the cost that's being carried by  
47 the Tribal Council and others. So if those that can would  
48 help, it'd be great to make some donations to cover that  
49 cost. Let's see, that's all the logistics I have at this  
50 point, thank you.

00006

1 MR. FLEENER: Hey, Vince, I think it would  
2 be appropriate if you introduced the gentleman to your  
3 right.

4  
5 MR. MATHEWS: Oh, sure, you were going to  
6 do comments and then introductions. I didn't know, that's  
7 why I didn't do it.

8  
9 CHAIRMAN GOOD: Well, go ahead and  
10 introduce him now, Vince.

11  
12 MR. MATHEWS: Okay. Before I do that I've  
13 been reminded of another thing. There's a sign-up sheet  
14 that should be in either the back or floating around,  
15 please sign in so we have a record of who's here. That way  
16 Salena can spell your name correctly, but also we have an  
17 idea who's present here, because this is an official  
18 record.

19  
20 Yes, I'll introduce Donald Mike. Some of  
21 the Council members know of this, I don't know if all of  
22 them know of it, that he -- they've established a new  
23 position so he's the Regional Coordinator for Eastern  
24 Interior. So I'm just going to transition it at this  
25 meeting and then Donald will be the coordinator for Eastern  
26 Interior, so he may want to introduce himself.

27  
28 MR. MIKE: Mr. Chairman, my name is Donald  
29 Mike and I look forward to working with the Council members  
30 and the people of the Eastern Interior region. So just  
31 give me time and we'll transition into these positions  
32 smoothly and I'll do the best I can and help you out as  
33 much as I can. Thanks.

34  
35 CHAIRMAN GOOD: We're trying to speed  
36 things up a little bit here but we do need to introduce the  
37 Council members, very briefly. We're going to skip agency,  
38 Staff, we think to expedite this and make it more  
39 appropriate, Staff members can introduce themselves as they  
40 make their presentations. And our most honored guest, John  
41 Starr, we already had up here. So if Council members will  
42 give your names and where you're from, starting with  
43 myself, I guess.

44  
45 I'm Nat Good and I'm from Delta Junction.

46  
47 MR. WILDE: I'm Jim Wilde, I'm from  
48 Central.

49  
50 MR. JAMES: Davey James from Fort Yukon.

00007

1 MR. FLEENER: Craig Fleener from Fort  
2 Yukon.

3  
4 MR. NICHOLIA: Everybody knows me, I'm from  
5 Tanana.

6  
7 CHAIRMAN GOOD: Okay. Now, we'll move to  
8 Council member concerns. Who would like to lead off?

9  
10 MR. FLEENER: Okay, I'll lead off I guess.  
11 I've got a lot of concerns. I guess I'll go over a few of  
12 them because I think the rest of them will come out during  
13 the meeting but ones, of course, that have been a concern  
14 to all of us and that's been the problem with not meeting  
15 subsistence needs for fishing. I think that -- well, I  
16 know that, I've been to several meetings and I think that a  
17 lot of the topic has been focused on bickering between  
18 upriver and downriver and last night we were at a YRDFA  
19 meeting and there was concerns about those people in  
20 Canada, and of course those people in Canada are probably  
21 saying, those people in Alaska. And so there's those types  
22 of concerns as well. But Gerald brought out something that  
23 I thought was pretty important yesterday, and that's the  
24 small amount of fish we're catching in the river is  
25 probably not a major source of the problem and that we need  
26 to probably look out into the ocean to see where a lot of  
27 these problems are coming from. And I think that that's an  
28 area we do need to focus on even more and we can point the  
29 finger all we want in the state and upriver and down river  
30 and what our neighbors are doing, but as John Starr said,  
31 if subsistence take is only about three percent of the -- I  
32 don't know if that's the overall take or three percent of  
33 the suspected number of escapement; but either way, three  
34 percent is not a whole lot when you consider that hundreds  
35 of thousands of fish are either being wasted or caught and  
36 sold out in the ocean, and I think we need to look there to  
37 try to get some of these problems solved. And it seems to  
38 me a responsibility of the Federal Subsistence program is  
39 to meet subsistence needs and when subsistence needs aren't  
40 being met they should do what they need to do, whatever  
41 they can do, to try to get -- to try to create more  
42 subsistence opportunity. And the last thing we want to do  
43 is cut everybody off just to meet subsistence needs, so we  
44 have to look at some alternatives. And part of what I'm  
45 trying to say is I think we need to look at -- and I think  
46 this is the right term but expanding territorial, whatever,  
47 jurisdiction to see what we can do out in the open ocean.  
48 If the Federal Subsistence Program is part of the Federal  
49 government, you know, another part of the Federal  
50 government can go out there and do that. And so I think

00008

1 they need to start knocking on doors in Washington or  
2 wherever these doors are and get this job done.

3

4                   It's a dirty shame that we sit here  
5 bickering over a thousand fish at a time when hundreds of  
6 thousands of fish are primarily what's being taken out in  
7 the ocean. And, of course, we still have the anomalous  
8 conditions that are occurring out in the ocean that we need  
9 to study. And I think we need to focus a lot of effort on  
10 that.

11

12                   And once again, I'll talk a little bit  
13 about the extremely low moose population in the Yukon  
14 Flats. That's of concern, it has been for many years and I  
15 think it will be for many more years. I think it's  
16 something we need to address, and I don't see any wildlife  
17 staff here from state of Alaska. There was Greg McClellan,  
18 yeah, he's here from Yukon Flats Refuge, so this message  
19 still needs to be reiterated that our low moose population  
20 is not satisfactory and we need to do something about it.  
21 And what we don't like to here is, well, we'll just cut  
22 these other people off and that will create more  
23 opportunity. You know, we have subsistence priority or  
24 preference, whatever term you want to use, but you know a  
25 preference for hunting zero is not much of a preference at  
26 all, and we need to do something about getting these moose  
27 populations up to huntable population sizes. We have a  
28 problem that's being pointed out with extremely high  
29 numbers of bears, and something needs to be done. Whether  
30 or not it's getting the word out locally for more people to  
31 be involved in harvesting or some sort of a management  
32 effort. But we need to do something, we need to do it  
33 soon.

34

35                   And people are getting tired of saying it,  
36 you know, people always want to plan, plan, plan, people in  
37 the Yukon Flats are tired of planning, we want some action.

38

39                   Another big concern I have our subsistence  
40 program here, it seems to be really slipping, and I don't  
41 know what the problem is. If it's an overall problem of  
42 growing too fast or what, but you know, we got these  
43 meeting packets -- I got mine yesterday at dinner and I  
44 usually like to go through this thing usually pretty well  
45 so I can be prepared for the meeting. I really don't know  
46 what to say, which might be a shock to a lot of you, but  
47 it's hard to know what to say when you haven't gone through  
48 the packet. And, to me, this seems like it should be a  
49 priority to get this thing to us two weeks ahead of time  
50 and that's a darn shame. And I think somebody should be

00009

1 ashamed of themselves for not getting this to us. If the  
2 guy in charge wanted something two weeks ago he would get  
3 it or somebody's head would roll, you know.

4

5                   If we're to perform at above a sub-standard  
6 -- if we're not to be performing sub-standard, we need to  
7 have our materials in a timely fashion. That means you  
8 need to mail them to us three weeks ahead of time and we  
9 need to get them two weeks ahead of time and everything  
10 else, you know, there's a lot of little things that I have  
11 talked to Vince about and I don't think it's all one  
12 person's fault. I think it's just a little bit here and  
13 there. But I think something needs to be done and I just  
14 want to make sure that my voice gets heard.

15

16                   I told Vince yesterday, Glickman's going to  
17 find out about it but I was giving him a hard time. But  
18 somebody needs to know and some action needs to be taken  
19 because we don't need to be getting these things the last  
20 minute. Rumor has it, Western Interior also had theirs the  
21 day of the meeting or the day before the meeting, and  
22 that's not acceptable. And it makes me wonder how  
23 important this program and our time is if we're not given  
24 the credibility to -- if we're not important enough to  
25 receive this stuff in time to read it then maybe I should  
26 just be working on my graduate thesis and not be here at  
27 all.

28

29                   Something else that came up in some  
30 discussions yesterday and something I think is important is  
31 to find out what the word, flying, means. That sounds kind  
32 of weird but some discussions came up yesterday at a  
33 meeting and people wanted to know if using an ultralight is  
34 considered flying for the purpose of hunting or if using  
35 hot air balloons is flying for the purpose of hunting or  
36 using some sort of hydro air foil or I don't even know what  
37 the thing's called. But I think it's an important thing  
38 that a lot of people are concerned about. I've heard some  
39 concerns up and down the river but I don't think I've heard  
40 -- I don't think I've seen or heard anybody take any real  
41 action on making a determination. And I think the code  
42 says airborne, same day airborne and flying, and to me  
43 being in an ultralight or a balloon would be considered  
44 that but I think it would have to go to court or somebody  
45 has to put something into writing. So I think that's  
46 something that needs to be looked at.

47

48                   And that's all I can think of for now,  
49 thanks.

50

00010

1                   CHAIRMAN GOOD: Thank you, Craig. Does  
2 anybody else have any comments, Council members.

3

4                   MR. NICHOLIA: Yeah, Mr. Chair, I'd like to  
5 make a few comments about -- let's see I'll start out, I'll  
6 mention something, when I was growing up around here as a  
7 kid, you know, before all these high sea intercept  
8 trawlers, 20 years ago, there never used to be trawlers,  
9 there never used to be that much hatchery fish. And like  
10 Craig Fleener said, I said, we're bickering among each  
11 other for nothing up and down the river, we're looking in  
12 the wrong place. In reality we should be looking in the  
13 ocean where those fish do actually grow up. There never  
14 used to be Russian fleets, Asian fleets, that many in the  
15 seas out there. What they're doing out there really,  
16 they're raping the fish and plus they're raping the  
17 ecosystem by dragging their nets out there. And what's  
18 happened to the fish food when you have so many trawler  
19 fleets going out there dragging around the bottom of the  
20 ocean, bottom fishing. We're not going to -- if they keep  
21 this up we're not going to have fish in the next 20 or 10  
22 years, I mean it, we're not going to. If they don't stop  
23 it right now, if we don't push -- if we don't use the three  
24 RACs, Western, Eastern and YK and pus the National Marine  
25 Fisheries, NOAA to do something and the Federal government  
26 to do something about that out there, we're going to keep  
27 seeing decline.

28

29                   We got to get more involved. We got to  
30 work together, agencies, people, tribes, nothing, we cannot  
31 bicker amongst each other no more. If we're going to do  
32 something about rebuilding stocks, I've heard for the last  
33 10 or 15 years, we'll be rebuilding stocks, we're working  
34 on rebuilding stocks, looks where it's at now, it's going  
35 downhill, you got to change your direction on this. You got  
36 to enhance your habitats, protect your -- protect the  
37 migration routes. You could count all the fish all you  
38 want and you could do all the studies in the streams and  
39 everything, all you want, that's not going to do any good.  
40 You could enhance their streams, enhance their habitat and  
41 get our -- we got the biggest Navy in the world, the most  
42 powerful, how come they aren't protecting our resources,  
43 that's what human beings do all over the world, they fight  
44 over resources. Are we going to be fighting with the  
45 Russians and Japs over our fish resource or is our  
46 government going to let it be raped and leave us with  
47 nothing.

48

49                   I used to see a lot of fish on the bank at  
50 this time of the year, you look over the bank and you tell

00011

1 me what you see. That really pisses me off because you cut  
2 us off at the wrong time and now we're going to be  
3 dependent on whatever else that comes up, moose, I'd say  
4 about 30 percent of these people got their moose meat. I  
5 got a moose, sure, but I only got about a third of it.

6

7 I don't think - this decline in fish  
8 affects a lot of things, it affects the bear population,  
9 the bear population is starving. And so that's another  
10 predator that's competing against these people along this  
11 river. They're going around hungry, they're going to take  
12 anything they could get. And there's another thing about  
13 managing one resource to protect the subsistence resource,  
14 I'm going to say this again, you got to manage -- you got  
15 to manage one wildlife resource to protect another wildlife  
16 resource to provide subsistence, which is the first  
17 priority in ANILCA to these people. We're not going to  
18 take handouts. I think you already heard that last night.

19

20 I know some of these people around here are  
21 too proud to do that. We would rather provide for  
22 ourselves. And I really mean it, we got to work together.  
23 If we don't work together and we keep on bickering, we're  
24 just wasting our time here then.

25

26 And I'd like to invite you guys all here  
27 and if you don't have a place to stay, later on, look me up  
28 and me and Vince will fix something up for you.

29

30 Thanks.

31

32 CHAIRMAN GOOD: Davey, do you have any  
33 comments.

34

35 MR. JAMES: Yeah. I'd like to thank the  
36 community of Tanana there for holding the meeting down  
37 here. I got a few concerns here.

38

39 But before I start off there, my uncles and  
40 my mom has told me a lot of stories a long time ago, way  
41 back in the skin-days clothes when our leaders used to come  
42 down here with canoes from Canada and the Yukon Flats. And  
43 they come down to where the two rivers meet they said and  
44 they have meetings down here and they go back up two months  
45 or a month later, and where's that at, I said, when I was a  
46 little kid, it's down there by Tanana they said, and they  
47 meet with all the other leaders down there from Upper  
48 Tanana, Lower Yukon, the Koyukon and they said they'd talk  
49 about all the issues that we're talking right now. And  
50 that's what they call Nuchalawoyyaa, I guess, that's up

00012

1 there where two rivers meet. What else do they talk about,  
2 I said, they said they talked about -- they said there was  
3 people fighting among their own people, brothers against  
4 brothers they were talking about, and that must be the war  
5 of 1812, I guess, and they said it was really bad, that war  
6 there when you got your own family fighting among your own  
7 family and that's one of the stories we heard coming back.  
8 And so every year, the leaders, chiefs some of them go down  
9 there with canoes and they come back.

10

11 So I'm very proud to be here to talk about  
12 our management issue here. One of the things, there, we  
13 all talk about our subsistence fishing being shut off, that  
14 is exactly what happens when you follow the State  
15 management plan. In every other fish area, especially with  
16 our education, when we follow the State education plan, our  
17 schools have been shutting down, our families -- our  
18 village's been shutting down there, they had to move to  
19 urban area, that's exactly what happens when you follow the  
20 blind. We need to develop -- I'm glad that we're  
21 bickering. Sometimes we have to bicker among our  
22 ownselves to develop our own plan, even if we have to get  
23 to the point where we need to develop our own plan, our own  
24 people need to get together. And when we have a plan, we  
25 need to get it back to the people and get the people to the  
26 meeting saying this is what we got on the table, we need to  
27 have an alternative. In the Fishery Management Plan, there  
28 was no alternative in that plan. They were saying that the  
29 subsistence would be the last one to be cut off but what  
30 was the alternative on that plan, what would happen if  
31 there was -- no fish, would the people approve it, they  
32 would have never have approved it.

33

34 One of the things, I was looking at the  
35 plan there, we talk about high water. There was a lot of  
36 fish going through, a lot of fish all summer long. But the  
37 high water, with the high water there, we weren't catching  
38 no fish. Every time you get high water, you know with a  
39 fish wheel or fish nets, the fish is going under it. That  
40 never had been put into the factor when you do your  
41 calculation. You have to do your calculation on your  
42 needs. What is the needs of the subsistence? How much  
43 population do you have? Plus or minus, your high water,  
44 you have to put your high water in there and then you come  
45 out with your fracture. But none of that was in there.

46

47 I had concern last night when there was not  
48 enough planning provided within the villages up along the  
49 Yukon. You select some certain people, they go to meetings  
50 and then you leave, you got to -- if you're going to make

00013

1 decisions on the livelihood of the people, you better sit  
2 down and take your time.

3

4                   And it's also with our Board here. I  
5 shouldn't -- I really don't go to half a meeting and say I  
6 got to catch a plane, we got to rush this meeting. That  
7 should never be said at the meetings. We need to take our  
8 time because we're dealing with the food for the livelihood  
9 of our people. If we have to sit here until Sunday, we'll  
10 stay here until, Sunday, that's the commitment that we  
11 make, not the next plane out of here.

12

13                   John, my uncle, had good comments there,  
14 what are the percentage of the subsistence needs, the  
15 users, very, very low, we should never have been cut off.  
16 It's very low.

17

18                   The other one there is the treaty  
19 agreement. The treaty agreement, when you open up the  
20 commercial season on the mouth of the Yukon, that  
21 automatically opened up the door for the Canadian's saying  
22 that you already opened up commercial season so you open us  
23 up there as soon as the fish cross the border, we have no  
24 treaty. So they can do anything they want. There's been  
25 14 years now and that treaty's never been approved. And  
26 last year I had a big discussion, I was opposed, we need to  
27 address this treaty agreement otherwise they're going to do  
28 whatever they want on the Canadian side. They're going to  
29 use that as a leverage. There's a staff member on the  
30 treaty that works for the State, that person said, we'll  
31 just put off the meeting, put off the meeting, we'll wait.  
32 Every time you're waiting, who's going to suffer? We  
33 suffer. There's no fish on the river bank. Our people  
34 don't got no fish in the fish cache, we're the ones that  
35 suffer. And by putting off this treaty agreement there,  
36 we're going to be 10 years down the line again. We got to  
37 get the treaty agreement done and fixed. And by meeting  
38 once a year is not doing -- it's not fixing the problem.

39

40                   The other one there is we need to educate,  
41 continue education really. Education is the main important  
42 thing of anything else, as resource or anything, we have to  
43 educate our people.

44

45                   I guess I agree with Craig that we do have  
46 a low moose population up there on the Yukon Flats, and  
47 this is where the education needs to come in. I really  
48 stress that the State wildlife Staff and the Federal needs  
49 to really put this as one of their top priorities on how we  
50 need to work with the areas where there's no moose

00014

1 population, bring it back up there. And we need to bring  
2 -- in the western areas, the problems that they face when  
3 they have too high a population of moose, when they have no  
4 moose population and when moose in different areas, like  
5 across the river here, when the moose have been wiped out,  
6 we need to address all that, you know, we need to do our  
7 math sometimes. We need to look at other plans that fail  
8 and other plans that were a success.

9

10

11 The other alternative on the Subsistence  
12 Fisheries Plan, I'll go back to this fishery. The Yukon  
13 Flats, a lot of people are saying, why don't -- you know,  
14 we got shut off again, there's only one commercial people  
15 in Fort Yukon and he is an 80 year old man and he don't use  
16 his commercial license and another one in circle never uses  
17 his for the last four years. You know, we don't have that  
18 much dog mushers up there, but four in Fort Yukon and one  
19 in Tanana, a couple in Stevens Village, but our most need  
20 is the human consumption. We only wanted six hours to put  
21 fish on the table to feed ourselves and feed our kids, six  
22 hours. Well, would six hours make that much difference in  
23 bringing back the fish, no, because as John said, we don't  
24 take that much. And that's what I said at the  
25 teleconference, give us just six hours out of the week and  
26 they refused it and then fish crossed the border and they  
27 opened up commercial. That's because you have no treaty  
28 with them. It's the blind leading the blind again.

29

30

31 So the others we were talking about is how  
32 we're going to solve this and quite a few people in the  
33 Yukon Flats said, you know, allocation, from Stevens to  
34 Circle, is all Federal land there, if we catch 4,000 fish  
35 shut it off, that's -- you know we got the needs. But, you  
36 know, in that State and Federal plan you don't know what  
37 your need is. It's just your 300,000 level there, and if  
38 you catch up enough from Tanana or up to Rampart there's  
39 five or 6,000 and then shut them off as you move. Open it  
40 and shut it if you -- I think we need to look at other  
41 alternative plans before we approve anymore plans.

41

42

Thank you.

43

44

45 CHAIRMAN GOOD: I'd like to note that the  
46 wildlife biologist from ADF&G will be here tomorrow. And  
47 then I have another comment to make on the book here, if  
48 we're seriously going to be doing something in our meetings  
49 here, we need these well in advance so that we can prepare  
50 ourselves. Another comment, I did spend time in Anchorage  
51 trying to find out what had happened here, apparently the

00015

1 book goes through a series of checks and people review it  
2 to make sure it's what it should be, well, I'd like to  
3 convey that we really don't care if our book isn't perfect,  
4 we just need to get it on time. We have excellent staff  
5 who are here right now who will get us over any rough edges  
6 that might slip through in the book. It's a much worse  
7 disaster to get no book.

8

9 I think we have somebody who has asked for  
10 the floor. If you could introduce yourself and say where  
11 you're from.

12

13 MR. BREDEMAN: Hello, my name is Larry  
14 Bredeman, I'm from Manley Hot Springs, Alaska. I'm honored  
15 to be requested by the Manley Village Council to represent  
16 them and our community here at this meeting. I put myself  
17 down in the agenda on another agenda item but I think this  
18 is it right here. Manley has a lot of concerns, as we all  
19 do who live here on the river and I believe the consensus  
20 at the Manley Village Council and the people who live there  
21 is like the people who live here in Tanana and the people  
22 in Rampart and Minto and Nenana, Ruby, all the way up and  
23 down this river. What's important to the people, and I'm  
24 talking about the Native people, the people who are this  
25 country right in this area. They've been here, they're  
26 here, they're still here, they're still trying to stay on  
27 these rivers. Those are what I think is the subsistence  
28 priority. They're the last ones who should have a right to  
29 the game and the fish forever, that's part of it.

30

31 When the government came in here they  
32 guaranteed these tribes in this area the right to hunt and  
33 fish forever. That's a pretty heavy word, it carries a lot  
34 of weight in the English language. And that's forever.  
35 And the last people should be denied the rights to fish and  
36 game along this rivers are the Native people, and they  
37 can't fish either.

38

39 I was sent here to be at the State Fish and  
40 Game Advisory Committee meeting and I attended that and I  
41 also went to the YR DFA meeting last night and Monty, last  
42 night, said something that -- he was one of the few  
43 speakers that I could understand, he said, you know, the  
44 Canadian people are good neighbors, whether they get  
45 \$100,000 a year or whatever, you don't need to give them  
46 money to want them to have a fishery, they want it as much  
47 as we do, subsistence fishery. The people who live on  
48 these rivers, those are the people that subsistence.  
49 Gerald's right, in 10 years it's going to be like Cos  
50 Jacket up there by Casna, there's going to be no smoke

00016

1 coming out of these cabins. And I think there's a great  
2 opportunity here for the Native Councils, Federally  
3 recognized tribes, where those people are through  
4 resolution can mandate the Federal government to restore  
5 and guarantee the right to fish and hunt, and nobody else  
6 if that's what we have to do. I hate to say it but I think  
7 the commercial days are over.

8

9 I heard Gerald say yesterday, it's not an  
10 in-river problem, it's bigger than that, you bet, Gerald,  
11 it is bigger. It's the human race. And we're guilty, too,  
12 the people that live on these rivers, we're part of that,  
13 what's happened here. We all take blame for what's happened  
14 to our country, our world. But we can't be -- we got to  
15 start over and we have to remember what the most important  
16 priority to subsistence is and for me that's pretty easy,  
17 it's the tribes along these rivers, without them they  
18 won't be here anymore. I don't know who will be here but  
19 they won't be here, they can't live without food, Native  
20 food.

21

22 I promised my wife, she's the tribal  
23 administrator in Manley that I would ask a Federal agent,  
24 who's Federal here? Who's the boss, Federally, right here,  
25 right now? Who makes the most money? Who's the Federal  
26 agent? Monty?

27

28 My wife Elizabeth wants me to ask you, that  
29 if the tribes on these rivers came to the Federal  
30 government with a resolution mandating that the Federal  
31 government restore the right to subsist, in numbers that  
32 ensured escapement, we can do that depending on how big the  
33 runs are, will the Federal government react to Federally  
34 recognized tribes who are sovereign, yet dependent, will  
35 they step up and return the rights of these people to their  
36 fish and game?

37

38 MR. MILLARD: My immediate impulse is, is  
39 that the Natives are rural residents, just as you are a  
40 rural residents and that the rights are the same for all  
41 rural residents.

42

43 MR. BREDEMAN: Okay, now.....

44

45 MR. MILLARD: If you want to change that,  
46 you're going to have to go through Congressional action to  
47 change that.

48

49 MR. BREDEMAN: Okay, I don't want to be  
50 misunderstood here. I'm not talking about me and my blue

00017

1 eyes, okay. I'm not talking about anybody that's not  
2 recognized by their tribe, their council to give them the  
3 right to fish here. A guy like me who chooses to live here  
4 amongst these people, I'll eat fish, I'll go fishing with  
5 my buddies, you know, we'll go pick the nets or whatever, I  
6 choose to live here, and whether or not I have a right to  
7 fish is not important to me. I'm going to be here until  
8 we're all gone. What I'm talking about is sovereign  
9 tribes, that's what I'm talking about. Federally  
10 recognized Indian or Native tribes. I'm not talking about  
11 everything else, YRDFA or any of that, I'm talking about  
12 tribes. And that right there is how these people on these  
13 rivers who don't have fish on that bank, who don't have  
14 fish in their fish cache, they have, I believe, and they  
15 believe, they have a right to that fish before the mouth  
16 has the right to open for commercial. Before anything, the  
17 Native, and I'm talking about those Natives in Canada, when  
18 Canada started their fish wheels this season, you said last  
19 night, what'd they do for fish, Monty, they gave it to the  
20 First Nations. I read articles about the Canadian  
21 government and the bond they're creating with the Native  
22 people in Canada and trying to restore as much of the  
23 culture as those people can claim and keep them in those  
24 villages. That's what I'm talking about. Keeping -- not  
25 me in Manley or White people anywhere, I'm not talking  
26 about White people. I'm talking about Indians and Eskimos,  
27 Natives, that's what I'm talking about, those people.

28

29                   Those are the people who -- if nobody else  
30 gets to fish, they should be able to fish if anybody  
31 fishes. And that's what I think is where we're at now,  
32 they didn't get to fish and that's wrong. That is not  
33 right. Whether a commercial fisherman gets to turn his  
34 wheel commercial or a driftnetter gets to catch in the  
35 mouth, that's if we have fish, we don't have fish anymore  
36 near -- from what I hear. There's fish in the river but  
37 not enough to go around. And the fish has to be -- the  
38 Natives have to be the last ones to get fish is my point.  
39 And I thank this group of people here and you're Federal?

40

41                   MR. MILLARD: Correct.

42

43                   MR. BREDEMAN: Okay, and you Federal people  
44 here are the only people that will help, but you have to be  
45 convinced of your responsibility. I'm not putting this  
46 responsibility on your government, they did that. Article  
47 25, what is that? Is that real? I think so. And that's  
48 what I'm trying to focus, if we can't do it through YRDFA  
49 and all these associations and Fish and Game Advisory  
50 Committee and this committee, it has to be a government to

00018

1 government relationship to a sovereign tribe that is  
2 dependent on the Federal government. I didn't do that, the  
3 Federal government did. But now it's time for them to step  
4 up and at least speak out. The concerns of these people,  
5 my uncle John Starr sat up here and told you the truth.

6

7 CHAIRMAN GOOD: Larry.....

8

9 MR. BREDEMAN: Do we need a resolution?  
10 I'm not a tribal member anywhere but that's the power, a  
11 resolution. And I'm done, I'll get off my soapbox, I  
12 appreciate everybody listening. And I hope I've maybe  
13 changed the direction of some of this because it's not  
14 going to do us any good to fight or blame anybody, we're  
15 all responsibility and that's why I'm here.

16

17 Thank you very much.

18

19 MR. FLEENER: Turn the microphone off.

20

21 MR. BREDEMAN: Okay.

22

23 CHAIRMAN GOOD: Are there any other  
24 comments out there.

25

26 MR. CARLO: William Carlo, Tanana Alaska.  
27 And I would like to comment on subsistence hunting. I,  
28 myself, I got a moose but I had to go quite a ways for it  
29 and spent almost \$500 just in gas. But the point is this,  
30 I only went -- it's harder -- it's getting harder for  
31 people around here just to go out and hunt because they  
32 have to go further and further and a lot of us don't have  
33 any money to go that far. The thing is I only went down as  
34 far as Bone-Yard. But, you know, for us, I went up to Fish  
35 Creek and there was too many people there and so I went up  
36 after trying all over, I didn't go down to Novi because  
37 there was just too many people down there. And so I went  
38 up to Hay Slough and I got up into Hay Slough, and that's  
39 quite a job to just get up in there. But I go up there and  
40 there's an airplane on floats, there's two tents up but  
41 there's really no camp. There's just -- you know, just to  
42 be legal. So they got their moose. I don't know how many  
43 moose they got because I turned around and went back down.  
44 But the thing is, a lot of people just can't afford to go  
45 out, they have to go too far.

46

47 They made a portage into the lake that I  
48 didn't see. I went up to the bridge, up to the Yukon  
49 bridge and I counted over 120 trailers, that's boat  
50 trailers. And standing out here, I see boat with a

00019

1 Hamilton jet on it, with three racks on there and I know  
2 damn well that they cannot haul that meat from the Novi or  
3 Galena or wherever. With a Hamilton jet boat here, it will  
4 take at least a 100 gallons to get to the bridge, so what  
5 did they do with that meat? If they got it out of the  
6 Novi, they would never get on step with a Hamilton jet, I  
7 know that for a fact.

8

9 I mean it's -- I've seen places where they  
10 just cut off the head and left everything there. I can't  
11 afford to go out and hunt anymore, I have to divide my  
12 moose up between me and my brother and my son. He didn't  
13 get one. He was out four or five days, my boy was out with  
14 me. You know, I -- there's got to be something different  
15 than what's going on here whether it's lottery, whether we  
16 say, okay, we'll open moose season, there'll be only 100,  
17 drawing for 100. I could live with that. I mean, to me, I  
18 mean I'm not going to be in the lottery, that's for sure.  
19 But I mean if you're going to have Fairbanks hunters coming  
20 down here, then there should be a lottery. There is no way  
21 -- there's a lot of people that didn't get moose here.

22

23 I mean this -- go down there in the store  
24 and look and see what they're selling us. Look in there,  
25 look around and see what we got. We got pizzas that  
26 Safeway don't want anymore, outdated, you know. Look down  
27 there. And the hell of it is is some of us are going to  
28 have to buy it. That's the hell of it.

29

30 And I thank you for listening to me. Thank  
31 you.

32

33 CHAIRMAN GOOD: William, if you could also  
34 do this again, tomorrow, when we have the ADF&G wildlife  
35 people here it would be real handy, too. Do we have any  
36 corrections or additions to the minutes?

37

38 MR. MATHEWS: Yes, Mr. Chairman. Basically  
39 the minutes were sent out and key staff, different staff  
40 review it closely. I have a copy of them, they're basically  
41 editorial, where I should have had an additional, that, in  
42 there, and I misspelled Monty's last name, things like  
43 that. But in general all the edits that were submitted  
44 were editorial and not content.

45

46 MR. FLEENER: Mr. Chairman, I'd like to  
47 make a motion to adopt the agenda.

48

49 CHAIRMAN GOOD: Is there a second.

50

00020

1 MR. NICHOLIA: Second.

2

3 CHAIRMAN GOOD: It has been moved and  
4 seconded to adopt the agenda.

5

6 MR. NICHOLIA: Question.

7

8 CHAIRMAN GOOD: Question has been called.  
9 All in favor say aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN GOOD: Opposed say nay.

14

15 (No opposing votes)

16

17 CHAIRMAN GOOD: The motion passes, we have  
18 an agenda.

19

20 MR. FLEENER: Mr. Chairman, I'd like to  
21 make a motion to adopt February 22 through 24 meeting  
22 minutes.

23

24 MR. NICHOLIA: Second.

25

26 CHAIRMAN GOOD: It has been moved and  
27 seconded that we adopt the February 22nd through 24th, 2000  
28 meeting minutes. Are there any questions or comments on  
29 those minutes?

30

31 MR. NICHOLIA: Mr. Chairman.

32

33 CHAIRMAN GOOD: Gerald.

34

35 MR. NICHOLIA: Mr. Chair, I went over these  
36 minutes and pretty much agree with everything, it pretty  
37 much reflects all the things that we did with the Western  
38 Interior Regional Council.

39

40 CHAIRMAN GOOD: Any other comments.

41

42 MR. NICHOLIA: Question.

43

44 CHAIRMAN GOOD: All those in favor of  
45 passing these minutes, please signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN GOOD: Opposed same sign.

50

00021

1 (No opposing votes)

2

3 CHAIRMAN GOOD: The minutes are approved as  
4 written.

5

6 MR. NICHOLIA: Mr. Chair, I'd like to  
7 mention to whoever is doing the minutes, that they use  
8 spell check and read it before they send it to us.

9

10 CHAIRMAN GOOD: Vince, before we move on to  
11 fisheries proposals, do you have any comments?

12

13 MR. MATHEWS: No, just that condensing 400  
14 pages of testimony into 20 pages can be trying at times,  
15 but I will use spellcheck.

16

17 CHAIRMAN GOOD: Thank you, Vince. Peggy,  
18 you have a comment.

19

20 MS. FOX: Thank you, Mr. Chair. I do want  
21 to take a couple of minutes to address the Council. On a  
22 number of the issues that were brought up about the Council  
23 books and perhaps the meeting preparation, I'm not sure of  
24 exactly all the concerns or where things went wrong, but,  
25 you know, I wanted to say, and you all know, this is our  
26 first year taking on fisheries and we're practically  
27 doubling staff. We've had just a tremendous increase in  
28 business, if you will, besides doing five million dollars  
29 worth of projects. I'm not here to make any excuses, I do  
30 want you to know that we are taking your comments very  
31 seriously and we are very concerned that you did not have  
32 the books here, even a few days in advance, a week or two  
33 weeks, because your work is very important to the program,  
34 it's extremely important. And we do want you to have the  
35 opportunity to do your work very effectively.

36

37 So I apologize for our office. And you  
38 know, I'm not promising the rest of the meeting is going to  
39 go real smooth either for a lot of the same reasons I  
40 mentioned, but we are trying and our intentions are good  
41 and we are here, you know, to help in any way we can to  
42 make things effective for you. But again, I do apologize  
43 and I promise we'll do better next year and you can hold me  
44 to it and rake me over the coals if we don't. But we are  
45 going to do our best, as always.

46

47 Thank you.

48

49 CHAIRMAN GOOD: Well, just to be  
50 mischievous, I don't think you'll have to work too hard to

00022

1 do better. That would bring us into fisheries proposals.

2

3 MR. MATHEWS: Yes, Mr. Chairman, with the  
4 Council's concurrence, the way we've done it in the past is  
5 I'll introduce the proposal and then turn it over to the  
6 appropriate Staff to do the analysis -- briefing on the  
7 analysis, and then it will come back to me to give you a  
8 summary of comments that were submitted and then I'll have  
9 to ask the Alaska Department of Fish and Game -- in Nulato,  
10 they had one of their members bring -- one of their Staff  
11 bring in the most current recommendations, so I don't know  
12 if.....

13

14 MS. WHEELER: (Nods affirmatively)

15

16 MR. MATHEWS: Yeah, okay. Then we'll turn  
17 it over to the State to hear that and then from there you  
18 guys can go forward. In the past you guys have taken it,  
19 where someone brings up a motion to support the proposal,  
20 it's seconded and then you work on it from there and then  
21 we walk through the steps. As your Coordinator, I'd also  
22 encourage you, since this is the first year you've dealt  
23 with fisheries proposals, I'm not saying you haven't done  
24 it in the past but it would be best to have clear  
25 justification for your votes, if at all possible. Whoever  
26 is your representative to the Federal Subsistence Board  
27 builds on those justifications.

28

29 So generally in the past, one or two of you  
30 summarized why you voted for or against something so it's  
31 clear on the record. So with that, I'll see if you agree  
32 to that way of doing it and then we'll start off.

33

34 MR. JAMES: Mr. Chairman. Nat.

35

36 CHAIRMAN GOOD: Yes, Davey, go ahead.

37

38 MR. JAMES: I was hoping that -- can you  
39 introduce the rest of the people that's here in this  
40 building, because there's a lot of people here and I don't  
41 know who they are. I know, us Board members, we know who  
42 they are, the Staff but there's a lot of local people that  
43 don't know who the rest of the people are and if we can  
44 introduce them or they can introduce themselves around  
45 the.....

46

47 CHAIRMAN GOOD: A request has been made for  
48 us to go all the way around the room with everybody  
49 introducing themselves. So I think I'll honor that  
50 request. So if we can start here, perhaps in this corner

00023

1 over here and go around the room and just quickly say your  
2 name and where you're from, and if appropriate, what you  
3 do.

4

5 MR. SOMMER: I am Curtis Sommer. I'm a  
6 tribal council member for the tribe here in Tanana.

7

8 MR. EDWIN: Herbie Edwin and I work for  
9 the Tanana Tribal Council.

10

11 MR. ANDERSON: Fred Anderson. I'm the  
12 fisheries biologist with National Park Service and I work  
13 in Yukon Charley Denali and Gates of the Arctic. I live in  
14 Fairbanks.

15

16 MS. EAKON: I'm Helga Eakon and I work with  
17 the Fish and Wildlife Service, Office of Subsistence  
18 Management. I coordinate meetings of the inter-agency  
19 Staff Committee to the Federal Subsistence Board.

20

21 MS. FRIEND: I'm Connie Friend. I'm  
22 working with the Tetlin National Wildlife Refuge in Tok.

23

24 MR. RIVARD: I'm Don Rivard. I'm with the  
25 U.S. Fish and Wildlife Service, Office of Subsistence  
26 Management. I'm a fisheries biologist by profession and  
27 I'm also Chief of the Interior Region Division, which  
28 includes all the Yukon River.

29

30 MR. DARLAND: I'm Darell Darland. I'm from  
31 Delta Junction. I represent the Delta Junction Advisory  
32 Committee.

33

34 MR. SCHULZ: I'm Bob Schulz, Tetlin  
35 National Wildlife Refuge.

36

37 MR. STARR: My name is Paul Starr, I live  
38 here in Tanana.

39

40 MR. TWITCHELL: I'm Hollis Twitchell with  
41 Denali National Park.

42

43 MR. ALBRECHT: Dan Albrecht. I'm the  
44 deputy director of the Yukon River Drainage Fisheries  
45 Association.

46

47 MR. G. SAM: Gabe Sam. Director of  
48 Wildlife and Parks for the Tanana Chiefs Conference. I'm  
49 originally from Huslia.

50

00024

1 MR. McCLELLAN: I'm Greg McClellan,  
2 Subsistence Coordinator for the Yukon Flats and Arctic  
3 National Wildlife Refuge. My office is in Fairbanks.

4  
5 MR. WILLIAMS: My name is Paul Williams and  
6 I'm from Beaver. I work for the Fish and Wildlife Service.  
7 I've been there with them for five years.

8  
9 MR. CARLO: Ken Carlo, resident.

10  
11 MS. CARLO: Judy Carlo. Tanana Native  
12 Council.

13  
14 MR. FLIRIS: Bill Fliris. I'm a fisherman  
15 and I'm on the advisory committee and the YR DFA board.

16  
17 MR. DOXEY: Mike Doxey. I'm a sportfish  
18 biologist with Fish and Game in Fairbanks and for the  
19 Tanana area, a management biologist.

20  
21 MR. KARLEN: I'm Bob Karlen. I work for  
22 BLM in Fairbanks as a fisheries biologist.

23  
24 MS. McSWEENEY: Ingrid McSweeney. BLM.

25  
26 MS. CHIVERS: Michelle Chivers. Fish and  
27 Wildlife Service, public involvement specialist out of  
28 Anchorage.

29  
30 MR. DeMATTEO: Pete DeMatteo. Office of  
31 Subsistence Management, regional biologist.

32  
33 MR. SHERROD: George Sherrod. Office of  
34 Subsistence Management, Interior anthropologist.

35  
36 CHAIRMAN GOOD: Thank you. If we could go  
37 in the center.

38  
39 MR. HANDER: I'm Ray Hander with the  
40 Fairbanks Fishery Resource Office. I'm a fishery  
41 biologist, subsistence, in-season manager.

42  
43 MR. MILLARD: I'm Monty Millard. Northern  
44 coordinator for fisheries out of Fairbanks and delegated  
45 in-season manager by the Federal Subsistence Board.

46  
47 MS. BORBA: I'm Bonnie Borba. I work for  
48 Fish and Game, State, in-season management, Yukon River,  
49 fall season.

50

00025

1 MS. FOX: Peggy Fox, Deputy Assistant  
2 Regional Director for Subsistence. And my apologies to  
3 Monty, I was playfully pointing to him when the question  
4 was asked who was the head Fed. I didn't mean to put him  
5 on the spot.

6  
7 I'm the head Fed here today if there's any  
8 other questions.

9  
10 MS. GRONQUIST: Ruth Gronquist. I'm a  
11 wildlife biologist for BLM out of the Fairbanks office.

12  
13 MR. BURR: I am John Burr. Alaska  
14 Department Fish and Game, sportfish biologist.

15  
16 MR. FOX: Good morning. I'm Devin Fox from  
17 Yukon Charley River National Preserve in Eagle, Alaska.

18  
19 MS. WHEELER: I'm Polly Wheeler.  
20 Department of Fish and Game, Division of Subsistence and  
21 I'm also acting co-chair of the Federal MOA group.

22  
23 MS. EVANS: Linda Evans. I'm a candidate  
24 for the Yukon River panel. I live in Rampart for the last  
25 -- I don't know how many years, 20-some years.

26  
27 MR. J. STARR: I already said who I was.

28  
29 MR. BREDEMAN: Larry Bredeman from Manley.

30  
31 CHAIRMAN GOOD: Vince, what we'd like you  
32 to do is go ahead and present the proposals and then we'll  
33 place a motion on the floor.

34  
35 MR. MATHEWS: Okay. If you turn to Tab C  
36 as in Cantwell, you'll see a listing there, Proposal 32 was  
37 put in by accident. You can look at it if you so desire,  
38 it deals with close non-subsistence fishing for pike and  
39 sheefish in the Innoko River. IT is out of your district  
40 and it's not on the Yukon River. But it is in your book so  
41 I'll wait to see if you just want to pass on that one  
42 since, in my opinion, by accident, it got put into the  
43 book.

44  
45 CHAIRMAN GOOD: We'll pass on that and move  
46 onto Proposal FP-01-5.

47  
48 MR. MATHEWS: Yes, Mr. Chairman. Proposal  
49 5 was proposed by Leonard Kobuk and the St. Michael Native  
50 Corporation. Proposal 5 seeks to add the residents of the

00026

1 community of St. Michael to the existing customary and  
2 traditional use determination for salmon and chum salmon.  
3 And before I turn it over to Don Rivard to talk about it,  
4 the reason all these different proposals that are in here  
5 that are somewhat out of your region is basically since the  
6 salmon stocks on the Yukon River are fully allocated, I  
7 felt as your Coordinator, proposal for the Yukon -- or all  
8 proposals for the Yukon River should be in front of you so  
9 that you can elect to take action on them or not.

10

11 The other thing is due to the work load  
12 that has fallen upon the program, we weren't able to get  
13 the coordinating fisheries committee together who might be  
14 the ones that would filter through the proposals and say  
15 this one, you know, your representative Davey or Gerald  
16 would say, no, our Council really doesn't need to look at  
17 that for whatever reasons. The reason that I bring this up  
18 is if this follows the trend that happened with wildlife,  
19 it's -- I forgot my geometry but for those that are smarter  
20 than I, it's a rapid increase after the first year, as  
21 people understand that there's an opportunity to get  
22 situations corrected possibly or modified or at least made  
23 known of on the Federal side. So I would predict next year  
24 you'll have a lot more proposals and that we'll need to  
25 make an effort to get that committee to help you refine  
26 which ones you need to look at, which ones you need to  
27 coordinate with your fellow Regional Councils, Yukon-  
28 Kuskokwim, Western Interior and then on the Copper River,  
29 with Southcentral.

30

31 So with that, I'll stop. But that explains  
32 why some of these are in here, Western Interior on some,  
33 and I'll share their recommendations; deferred, but they  
34 did appreciate knowing of the proposals.

35

36 MR. FLEENER: Mr. Chairman, I'd like to  
37 make a motion to adopt Proposal 5.

38

39 MR. WILDE: I'll second it.

40

41 CHAIRMAN GOOD: It has been moved and  
42 seconded to pass Proposal 5. If we now could continue with  
43 the material.

44

45 MR. RIVARD: Yes, thank you, Mr. Chair and  
46 fellow members of the Council. This Proposal 5, which was  
47 written by -- the analysis was written by Pat McClellahan  
48 of our Staff, talks about Leonard Kobuk and St. Michael  
49 Native Corporation requesting a positive and customary and  
50 trade use determination for salmon.

00027

1                   This proposal is in a state of flux right  
2 now. Talking with Pat yesterday before coming here,  
3 they're still talking about this within their own region  
4 and so there's no final proposal yet on this and so it's  
5 really kind of premature to discuss this one and to vote on  
6 it, if you should decide to support it or not. So at the  
7 time when we do get something in finalized form, we can  
8 then provide that to your Council if you so choose.

9

10                   Thank you.

11

12                   CHAIRMAN GOOD: Gerald.

13

14                   MR. NICHOLIA: Mr. Chair, I'd like to get  
15 this information but like I mentioned before, if we support  
16 this or oppose this, I think it will just lead to another  
17 confrontation of upriver and downriver scenarios so I think  
18 we should just pass on it.

19

20                   CHAIRMAN GOOD: To clarify things here, we  
21 have at this point. Well, first according to Roberts Rules  
22 of Orders, we need a motion on the floor and it must be in  
23 favor of an action that would be passing it. Now, that we  
24 have the motion on the floor, we can either vote it up or  
25 down or we can defer to the more appropriate Regional  
26 Council and in this case that's who Gerald is referring to  
27 here, suggesting it be deferred.

28

29                   MR. FLEENER: I'll second that motion.

30

31                   CHAIRMAN GOOD: It has been moved and  
32 seconded to defer this proposal to the appropriate Regional  
33 Council. Is there any comments.

34

35                   MR. FLEENER: Yes, Mr. Chair. I'd like to  
36 say that I wouldn't like to see any subsistence community  
37 refused an opportunity to have their customary and  
38 traditional usage recognized, as I talked about many times  
39 before, but since this is out of our region, we basically  
40 should just pass it on to them but in our comments let it  
41 be known that we do support C&T determinations for  
42 traditional uses.

43

44                   CHAIRMAN GOOD: Are there any further  
45 comments.

46

47                   MR. JAMES: Yeah, I have another comment.  
48 You know, I have no problem in designating a C&T, my other  
49 issue is how will that fit into the allocations? Will that  
50 increase the allocations or the amount of fish for the --

00028

1 at the mouth, the lower people there to get or do we need  
2 some more data information on that, I mean much people are  
3 we talking about? I mean that's.....

4

5 CHAIRMAN GOOD: They question is, more  
6 directly, do we have any idea what kind of impact that this  
7 would have upriver in terms of number of fish taken, number  
8 of users added to it?

9

10 MR. RIVARD: Well part of what's being  
11 discussed in the region itself is that the communities of  
12 St. Michael and Stebbins may not even be talking about  
13 their fishing on the Yukon River but other rivers that do  
14 not have any connection to the Yukon. So that's kind of --  
15 even though it affects the Yukon Northern area, I don't  
16 think they're talking about fishing in the Yukon River  
17 itself.

18

19 Thank you.

20

21 CHAIRMAN GOOD: By that then we would  
22 expect the effect to be minimal?

23

24 MR. RIVARD: Yes, I believe so.

25

26 CHAIRMAN GOOD: Any further comments from  
27 the  
28 Council.

29

30 MR. WILDE: Question.

31

32 CHAIRMAN GOOD: Question has been called.  
33 All those in favor of deferring this to the appropriate  
34 Regional Council, please signify by saying aye.

35

36 IN UNISON: Aye.

37

38 CHAIRMAN GOOD: Opposed same sign.

39

40 (No opposing votes)

41

42 CHAIRMAN GOOD: The motion carries to  
43 defer.

44

45 MR. FLEENER: Mr. Chairman, I just have a  
46 concern, I just thought about it as we were going over  
47 this, fisheries, of course, being a much different animal  
48 than any wildlife population, how are C&T determinations  
49 going to impact the amount of fish caught, locally and in  
50 other places a thousand miles away? Davey's point was well

00029

1 taken. I think this is something that goes back to the  
2 concept of determining the subsistence need. And I think  
3 this might be a good time to talk about that for a second.  
4 And the point being that we need to determine the amount of  
5 subsistence need in each community or each region in the  
6 entire drainage before we can go about understanding what's  
7 fully needed.

8

9

10 We talked about this on a couple of the  
11 Regional Council teleconferences, the importance of  
12 understanding what people need. You know, we have three  
13 priorities, categories, whatever you want to call them for  
14 fishing on the Yukon River. The first one is to meet  
15 escapement, second one is subsistence, the third is  
16 commercial. And commercial seems to come before quite a  
17 few subsistence users, that's just by the nature of where  
18 the commercial fishermen are. And we hope that we can meet  
19 escapement goals but it seems like the last ones, but  
20 they're supposed to be the second ones, are the subsistence  
21 users. We don't understand what they need, yet, we're  
22 making rules, we're making policy decisions that affect  
23 them.

23

24

25 We have a pretty darn understanding of what  
26 we need to meet escapement goals, we have a pretty good  
27 understanding of what commercial fishermen want and how  
28 much they need and how much we can allow them but we don't  
29 have a darn clue as to the true subsistence need. We also  
30 need to get, not just the subsistence need, the subsistence  
31 want and what people are actually taken. Those can be  
32 three different things. And I think that would be a  
33 vitally important step in making all future decisions for  
34 allocating fish on the Yukon River drainage.

34

35

36 CHAIRMAN GOOD: Gabe, did you have a  
37 request.

37

38

39 ME. G. SAM: Mr. Chair, Gabe Sam, Tanana  
40 Chiefs Conference. I seem to believe that, I think it was  
41 last year, Dan can correct me if I'm wrong, but a similar  
42 proposal was submitted that was wanting to be passed through  
43 YRDFA, to have their commercial fisheries along that same  
44 river system. And one of the big issues that we came up  
45 with was the bycatch of possible salmon that's bound for  
46 the Yukon. That was a big concern.

46

47

48 Which is the same C&T determination for St.  
49 Michael and these other communities. I think there's still  
50 a similar concern that, what impact would it have on the  
51 Yukon River bound fish, you know, you can't determine which

00030

1 fish is coming into the river system, and I think it leads  
2 on to a more -- you know, I think it has to be carefully  
3 looked at before you make a hasty decision on it.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN GOOD: Come forward please.

8

9 MS. WHEELER: Polly Wheeler, Division of  
10 Subsistence. Just for clarification, right now the finding  
11 -- there is a finding for -- a positive C&T finding for all  
12 salmon on the Yukon River, the finding doesn't go by stock,  
13 it's just all salmon. And I don't remember the exact  
14 amount offhand, it's a range, it's about 300,00 to 450,000,  
15 I think, or something like that. I mean it's a range and it  
16 was taken -- it was based on a five year average of all  
17 salmon species. And I can get you the exact number at a  
18 later date, I don't have them with me right now. And the  
19 Federal government adopted -- when the Federal government  
20 took over management of fisheries on Federally regulated  
21 waters, they also adopted that finding.

22

23 CHAIRMAN GOOD: Vince.

24

25 MR. MATHEWS: Mr. Chairman, I need to  
26 caution you that C&T, customary and traditional use  
27 determinations are separate from the allocation. If the  
28 community of St. Michael's has a long-term, consistent  
29 pattern of use, et cetera, et cetera, those different  
30 criteria that George or others can help you, that is the  
31 question before you in my understanding in the proposal.  
32 The question that is not before you is can the fishery  
33 support that community. So the question is, is do they  
34 really qualify, et cetera, and you already deferred that.  
35 So the other is separate, so I would caution you to make  
36 sure that you remember the two, and then finally my  
37 understanding is is they've historically have fished in  
38 this area for as long as St. Michael if not longer, so  
39 that's probably already calculated in, if that's the term,  
40 into the take.

41

42 So if you have any further questions we can  
43 get more Staff up here to go over the relationship of  
44 determinations to allocation.

45

46 CHAIRMAN GOOD: Vince, I realize that we  
47 have deferred that and we're essentially past that and I  
48 also realize that we're somewhat out of order, but I think  
49 the real question is, what can we do? And I mentioned  
50 earlier that I'd like to, at some point, have somebody

00031

1 speak to us about the possibility of emergency openers or  
2 subsistence purposes on Federal lands. Would we be able  
3 to, perhaps, insert that into the agenda somewhere, and  
4 know that we're going to get to it at this meeting?

5

6 MR. MATHEWS: Yes, Mr. Chairman. You have  
7 the option of emergency orders and it would be without  
8 consulting other Staff, it'd probably be a good time to  
9 talk about it, not to land it on the same thing, but to  
10 talk about it when we review the in-season management  
11 section. But individuals can submit emergency -- we call  
12 them special actions, but it's the same thing as an  
13 emergency order request. Individuals, groups,  
14 organizations can submit those throughout the year,  
15 throughout the season to address a need, and we have  
16 received some.

17

18 CHAIRMAN GOOD: I'd like to see it  
19 addressed at this meeting so we could determine just how  
20 possible it is to do this. I know we did run into problems  
21 with other -- with wildlife issues here so if we could see  
22 to it that we're prepared later in the meeting and go over  
23 that.

24

25 And that would now bring us to Proposal 6.

26

27 MR. MATHEWS: Okay, Mr. Chairman, Proposal  
28 6 is on Page 36. It is from the Yukon River Drainage  
29 Fishermen's Association, which their representative and  
30 executive director is here so he may want to talk about  
31 their proposal. It's to repeal the regulation that  
32 restricts the subsistence fishermen registered for a  
33 particular district commercially, to only be allowed to  
34 subsistence fish in that same district.

35

36 MR. RIVARD: Thank you, Mr. Chair. Don  
37 Rivard, U.S. Fish and Wildlife Service, Office of  
38 Subsistence Management.

39

40 MR. FLEENER: Hold on one second. Mr.  
41 Chair, hold on a second, I'd like to make a motion to adopt  
42 Proposal 6.

43

44 MR. NICHOLIA: Second.

45

46 CHAIRMAN GOOD: It's been moved and  
47 seconded to adopt Proposal 6.

48

49 MR. RIVARD: The next four draft Staff  
50 analysis that I'll be presenting were written by Rich

00032

1 Cannon, who has lots of experience on the Yukon River.  
2 Rich is now working with our Fisheries Information Service  
3 Division, and so he's busy working on the pre-proposals  
4 that came in over the past month.

5

6 Proposal 6 on Page 38 of the RAC booklet  
7 was submitted by the Yukon River Drainage Fishermen's  
8 Association, and it would change the Federal regulations  
9 under fishing periods for the Yukon Northern area.

10

11 The proposed change would repeal the  
12 following provision. If you are a commercial salmon  
13 fisherman who is registered for districts Y1, Y2 or Y3, you  
14 may not take salmon for subsistence purposes in any other  
15 district located downstream from Old Paradise Village. And  
16 as you can see, it shows the existing regulation there  
17 under the issue and then the proposed regulation would just  
18 strike all that.

19

20 On Page 40 is a map of the area we're  
21 talking about showing the three different districts.

22

23 The preliminary conclusion on Page 47 is to  
24 support this proposal. The justification for it is that  
25 the existing regulation, which was intended to prevent  
26 illegal sale of salmon harvested in the subsistence fishery  
27 is overly restricted to Lower Yukon River subsistence  
28 users. Management of the Lower Yukon commercial fishery  
29 has undergone many changes in recent years in response to  
30 enforcement actions, decreased returns, increased  
31 commercial catch efficiency and market trends. These  
32 changes have significantly reduced commercial fishing time  
33 and required subsistence fishermen to remove their fishing  
34 gear prior to, during and after announced commercial  
35 openings. Increased competition and market demands have  
36 required commercial fishermen living in villages in  
37 Districts Y2 and Y3 to travel down stream long distances to  
38 participate in commercial fishing openings in District Y1.  
39 These openings are very short and are announced on short  
40 notice. Once fishermen have sold fish in the district that  
41 they are registered and also must subsistence fish in that  
42 district.

43

44 The existing regulation prevents some of  
45 these fishermen from subsistence fishing near their home  
46 villages and established fish camps.

47

48 Thank you, Mr. Chair.

49

50 MR. MATHEWS: Mr. Chairman, there was no

00033

1 public comment submitted. Western Interior, last week,  
2 took up Proposal 6 and after discussing it they voted to  
3 support the proposal because it's an unnecessary burden on  
4 subsistence users. And Yukon-Kuskokwim, to make it clear,  
5 is not meeting until October 24th through the 26, so we  
6 have no recommendations from the other Yukon River Regional  
7 Council.

8

9

CHAIRMAN GOOD: Gerald.

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

CHAIRMAN GOOD: Any further Council

comments.

MR. JAMES: Yeah, I have one. I'm still a  
little bit confused on this here. You're saying that if a  
person lives, wherever, we're talking about Y1, if a  
fisherman has a commercial license in Y1, that's at the  
mouth and they live in St. Mary's and they're going down to  
Y1 to commercial fish, you mean that they have to stay  
within that area to subsistence, and they can't go up there  
to Y2 to subsistence fish?

CHAIRMAN GOOD: That's right. They can't  
go back into their own home area to subsistence fish. The  
motion on the floor would allow them to be at home and fish  
in their area.

MR. JAMES: Okay.

CHAIRMAN GOOD: Come forward please.

MS. WHEELER: Thank you, Mr. Chair. Just  
to get the State's comments on records. The comments that  
you have in your Regional Council booklets are actually our  
preliminary comments to the preliminary proposals. We have  
a few updated comments which are based on the proposals --  
or based on these Staff analysis and the Staff  
recommendation and we will have a third set of comments  
that are going to be based on the Staff Committee  
recommendation. If I could just read into the record our

00034

1 comments, Mr. Chair.

2

3

CHAIRMAN GOOD: Please.

4

5

MS. WHEELER: And this is to Proposal 6.

6

7

8

9

10

11

12

13

14

15

16

Thanks.

17

18

MR. FLEENER: Question.

19

20

MR. JAMES: I have one more question here.

21

22

CHAIRMAN GOOD: Go ahead, Davey.

23

24

MR. JAMES: Where is the Old Paradise

25

Village?

26

27

MR. ANDERSON: Just below Anvik.

28

29

MR. JAMES: Below Anvik?

30

31

MR. ANDERSON: (Nods affirmatively)

32

33

MR. JAMES: Okay, thank you.

34

35

36

37

38

39

40

IN UNISON: Aye.

41

42

CHAIRMAN GOOD: Opposed same sign.

43

44

(No opposing votes)

45

46

CHAIRMAN GOOD: The motion passes.

47

48

49

50

MR. MATHEWS: Mr. Chairman, that brings us up to Proposal 8. Proposal 7 was withdrawn. Proposal 8 is on Page 50. Again, it was submitted by the Yukon River Drainage Fishermen's Association. It would rescind the

00035

1 regulatory requirement that individuals obtain an Alaska  
2 Department of Fish and Game subsistence fishing permit for  
3 non-salmon species but retain the requirement to obtain a  
4 subsistence salmon fishing permit in the Upper Tanana above  
5 the mouth of the Wood River.

6

7 MR. FLEENER: Mr. Chairman, I move to adopt  
8 Proposal 8.

9

10 MR. NICHOLIA: Second.

11

12 CHAIRMAN GOOD: It has been moved and  
13 seconded to pass Proposal 8. Please continue.

14

15 MR. RIVARD: Thank you, Mr. Chair. Vince  
16 has outlined the issue already. And on Page 52 you can see  
17 the existing regulations there and then the proposed  
18 regulation would add in the words, for salmon in the Tanana  
19 River drainage above the mouth of the Wood River. If you  
20 look on Page 54, there's a map of the area we're talking  
21 about. And you can note on the Tanana River, that Federal  
22 jurisdiction is way high in the drainage, there's very  
23 little Federal jurisdiction in this proposal area.

24

25 The preliminary conclusion from Staff  
26 analysis is to support the proposal and the justification  
27 is under current State and Federal subsistence fishing  
28 regulations, subsistence fishing permits for taking any  
29 fish are required in the Tanana River drainage upstream of  
30 the mouth of the Wood River. This proposed regulatory  
31 change would amend existing regulations by deleting the  
32 permit requirements for non-salmon species but retain a  
33 permit requirement for salmon.

34

35 According to the ADF&G managers responsible  
36 for the Tanana River fisheries compliance with the non-  
37 salmon permit requirement and reporting of non-salmon  
38 harvest has been poor in this area. The use of post-season  
39 subsistence surveys in Upper Tanana River villages may  
40 provide a more reliable source of subsistence harvest  
41 information.

42

43 Federal jurisdiction is limited to the  
44 Federal public waters within the boundaries of the Tetlin  
45 National Wildlife Refuge, the only Federal conservation  
46 unit in this portion of the Tanana River drainage. The  
47 Refuge boundary is located 300 more river miles upstream  
48 from the lower boundary of subdistrict 6(C). Little, if  
49 any, subsistence fishing is thought to occur in waters  
50 under Federal jurisdiction.



00037

1 proposal asks to rescind a regulation requiring a State  
2 permit for non-salmon species in the Tanana River drainage  
3 above the Wood River mouth. The State is neutral with  
4 respect to this proposal. We do note that most of the area  
5 above the Wood River is not under Federal jurisdiction.  
6 And actually, for your reference, our preliminary comments  
7 are on Page 50 in the executive summary.

8

9 Thank you, Mr. Chair.

10

11 MR. FLEENER: Mr. Chair. Polly, before you  
12 take off, is the entire purpose for the permitting for  
13 gathering data, is that what it's for?

14

15 MS. WHEELER: That's my understanding,  
16 Craig.

17

18 MR. FLEENER: And have we made major season  
19 bag limit changes based on the data that's been gathered?  
20 I see that the data is pretty sketchy as it is.

21

22 MS. WHEELER: Yeah.

23

24 MR. FLEENER: Do you -- I mean it says that  
25 you guys are neutral but do we think that the loss of these  
26 permits is going to be a great tragedy to information  
27 gathering and regulation making in the future?

28

29 MS. WHEELER: I guess I would say that, you  
30 know, again in our preliminary comments we say that we have  
31 concerns over the loss of potentially valuable information,  
32 but historically the reporting there has really not been  
33 very good so.....

34

35 MR. FLEENER: Thanks. And if you have more  
36 proposals coming up, you can just stay there you don't have  
37 to go back and forth.

38

39 MS. WHEELER: I was hoping you'd make that  
40 offer, thank you.

41

42 CHAIRMAN GOOD: We'll probably allow that  
43 for Don, too. Are there any further comments. I'll  
44 comment on this one -- oh, there's a comment here from the  
45 audience.

46

47 MR. DARLAND: Yes, the.....

48

49 REPORTER: Wait.....

50

00038

1 MR. FLEENER: Microphone please.

2

3 CHAIRMAN GOOD: Yes, if you could come to  
4 the mic here and give your name and where you're from.

5

6 MR. DARLAND: Darell Darland, representing  
7 Delta Junction Advisory Committee. We took this issue up  
8 at our last meeting. Basically we were pretty neutral on  
9 it, but you were talking about gathering of information and  
10 by what we could determine there's been no enforcement of  
11 having that permit. It wasn't enforced. And we felt if  
12 the requirement for the permit wasn't enforced then why  
13 have the law, and that's where we're at on it.

14

15 CHAIRMAN GOOD: Thank you. And as a  
16 resident of that area I have to agree 100 percent with what  
17 Darell has said. This -- there's no reason for us to have  
18 intricacies in any of the laws affecting our people under  
19 subsistence rules here and rather than make criminals, I'd  
20 rather see it as simple as possible. This simplifies our  
21 approach to it and therefore makes it easier, so I,  
22 personally, am in favor of it, although I guess -- well,  
23 the Chair can say what they feel.

24

25 MR. FLEENER: Sure. Call for the question.

26

27 CHAIRMAN GOOD: Question has been called.  
28 Hearing no further discussion, all those in favor please  
29 say aye.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN GOOD: Opposed same sign.

34

35 (No opposing votes)

36

37 CHAIRMAN GOOD: The motion passes.

38

39 MR. MATHEWS: Okay, Mr. Chairman, that  
40 brings us up to Proposal 9 on Page 64, which was submitted  
41 by the Council of Athabaskan Tribal Governments and they do  
42 have representatives here who may want to speak on the  
43 proposal. This deals with the Yukon Northern area special  
44 provision, it deletes the requirement for a permit for  
45 whitefish and suckers for the Birch Creek and within the  
46 500 feet of its mouth and refine the permit requirement to  
47 be upstream of the Birch Creek bridge on the Steese Highway  
48 for whitefish and suckers.

49

50 MR. FLEENER: Mr. Chairman, I move to adopt

00039

1 Proposal 9.

2

3

CHAIRMAN GOOD: Is there a second.

4

5

MR. JAMES: Second.

6

7

MR. WILDE: Second.

8

9

CHAIRMAN GOOD: It has been moved and  
10 seconded to pass Proposal 9. Go ahead, Don.

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

MR. RIVARD: Thank you, Mr. Chair. On Page  
66 of your booklet, is the start of the draft Staff  
analysis. Vince has outlined the issue here. You'll see  
the existing regulation, Item C is what we're talking about  
and it would add upstream from the bridge on the Steese  
Highway and strike within 500 feet of its mouth, it's  
talking about whitefish and suckers in Birch Creek. Map 1  
on Page 68 shows the area that we're talking about and  
we're looking there on the upper and lower mouth of Birch  
Creek, that area there and then if you'll look at, there's  
a box that says permit required upstream south of the  
bridge on the Steese Highway, that part of Birch Creek from  
the highway to the boundary of the Steese National  
Conservation area is a wild river corridor, so that's under  
Federal jurisdiction as well as the Steese National  
Conservation area.

The preliminary Staff conclusion is to  
support this proposal. The justification, local  
subsistence users who reside in rural communities near the  
Birch Creek, including the village of Birch Creek, have  
traditionally fished for non-salmon species in Birch Creek.  
Subsistence fishing for salmon occurs in the mainstem Yukon  
River in that area.

The original concern by the Alaska  
Department of Fish and Game about salmon spawning in Birch  
Creek does not appear relevant given available information.  
Therefore, allowing subsistence fishing to occur downstream  
of the Steese Highway bridge is justified. Subsistence  
harvest monitoring could be addressed through use of  
voluntary post-season surveys. Concerns about additional  
effort and possibly underreported harvest from non-local  
fishermen gaining access to Birch Creek at the Steese  
Highway bridge could be addressed by requiring a State or a  
Federal subsistence permit. This permit requirement would  
ensure the collection of harvest data from fishers from  
more distant locations who subsistence fish in Birch Creek  
due to the easy access point at the bridge.

00040

1                   Jurisdictional aspects of this proposal  
2 will need to be coordinated between the Federal Subsistence  
3 Board and the Alaska Board of Fisheries, which will  
4 consider a related proposal, No. 164, during their  
5 deliberations in January which was also submitted by CATG.

6

7                   Thank you, Mr. Chair.

8

9                   CHAIRMAN GOOD: Don, one comment here, what  
10 this does is appear to move it back off of State land and  
11 make sure that it applies only to Federal land; is that  
12 correct? I guess what I'm saying here is if it's now being  
13 applied strictly to Federal land it would seem more  
14 appropriate for us to have it on our books.

15

16                   MR. RIVARD: Yes. It would be on Federal  
17 lands, but right now we don't have a permitting system so  
18 it still is going to need to be coordinated somehow with  
19 the State. And it may still be able to done under a State  
20 fishing permit.

21

22                   MR. NICHOLIA: Yeah, Mr. Chair, would this  
23 be an added burden on the subsistence fishermen or would  
24 this just be more or less regulating the people that go  
25 there from the road system?

26

27                   MR. RIVARD: I think that's the main thing  
28 is to capture the harvest data from people that are coming  
29 -- using the road system to fish in Birch Creek, accessing  
30 at the bridge there at the Steese Highway.

31

32                   MR. NICHOLIA: From what Polly mentioned if  
33 you use this -- more permitting systems -- and if you use  
34 all these permits and stuff and you don't get the data  
35 back, what will be the purpose then?

36

37                   MR. JAMES: I think I could answer. I was  
38 the original proposer that put this in here. Originally  
39 the village of Birch Creek had a fish camp at the mouth of  
40 the Birch Creek River and they didn't know all these years  
41 that they had to have a permit. They were illegally  
42 fishing. Statistics and data shows that nobody goes  
43 through the mouth of Birch Creek and fish -- hardly nobody  
44 at all, zero, only the Village of Birch Creek, plus the few  
45 trappers, my brother and me have a trap line down there,  
46 that's about it. And they were asking why, you know, since  
47 there's nobody going there taking that fish, why they're  
48 required to have a permit there and half the time they  
49 leave their permits home anyway, they didn't even realize  
50 they were illegally fishing.

00041

1                   So I put in this proposal there and we  
2 didn't know that there was a proposal restricting fishing  
3 on that mouth there. But then we found out that Birch  
4 Creek was the access to the roads and there was a lot of  
5 subsistence fishermen in Fairbanks and outside Fairbanks  
6 rural area, and if you don't -- if we wanted to keep the  
7 proposal, you know, require permits -- permit requirements  
8 up there in the mouth of Birch Creek on up because we don't  
9 have the requirement, they can just fish out the stocks, so  
10 that was the original.....

11  
12                   CHAIRMAN GOOD: So this would then simplify  
13 it for subsistence users.

14  
15                   MR. RIVARD: Yes. Especially for the  
16 people of the village of Birch Creek.

17  
18                   CHAIRMAN GOOD: Polly.

19  
20                   MS. WHEELER: Thank you, Mr. Chair. We had  
21 some preliminary comments, we didn't actually see the  
22 Federal proposal analysis so we don't really have any  
23 comment based on the Federal proposal analysis because this  
24 is the first time we've seen it. However, our position to  
25 support this proposal still stands. We supported it  
26 initially and we support it now, even in the absence of  
27 reading the proposal analysis or looking at the Staff  
28 recommendation.

29  
30                   CHAIRMAN GOOD: Vince.

31  
32                   MR. MATHEWS: Mr. Chairman, Western  
33 Interior did review this proposal and they supported this  
34 proposal. And we'll need to pursue because my  
35 understanding all draft analysis were shared with the  
36 Alaska Department of Fish and Game prior to even putting  
37 this book together, so we'll have to find out what reason  
38 they did not see it.

39  
40                   MR. FLEENER: Call for the question.

41  
42                   CHAIRMAN GOOD: Question has been called --  
43 comment.

44  
45                   MR. ALBRECHT: Yes, could I comment on.....

46  
47                   REPORTER: Wait, you have to come up here.

48  
49                   MR. ALBRECHT: For the record, Dan Albrecht  
50 with YR DFA. On Page 69, there's the bottom paragraph, it

00042

1 has a reference to some contract surveys that were done by  
2 our association this summer. There's an inaccuracy here in  
3 the statement. It says at the bottom of Page 69, however,  
4 recent fisheries surveys conducted by a contractor to YRDFA  
5 for the purpose of evaluating the reclamation status of  
6 Birch Creek for salmon production observed high numbers of  
7 northern pike in the lower reaches of the river, no  
8 juvenile salmon were observed during these surveys. That's  
9 incorrect.

10

11 It appears that Mr. Cannon, who wrote this,  
12 may have confused what our results were from Minook Creek  
13 which was also surveyed this summer. And Minook, indeed,  
14 this summer had no juvenile salmon in it at all, despite  
15 extensive sampling. But in Birch Creek, quite far  
16 upstream, way upstream near where the farthest upstream  
17 crossing of the Steese Highway, and I'll just quote from  
18 our newsletter and you can introduce in the record on Page  
19 9 of our YRDFA is an article, YRDFA surveys Minook and  
20 Birch Creek and I'll just read it about Birch Creek.

21

22 Birch Creek surveys were carried out during  
23 August 7th to 11th, 2000. Surveys were conducted via boat  
24 from Big Creek to Crooked Creek, et cetera. Birch Creek  
25 watershed has been extensively mined, there is significant  
26 disturbance that predates the Safe Mining Reclamation Act  
27 and is not subject to reclamation. Habitat in mining  
28 surveys from 1984 to 1995 indicated an increase in fish  
29 species in numbers of grayling, sculpin and round  
30 whitefish. The presence of one juvenile chinook was  
31 documented in Birch Creek during the 1990s and a second  
32 juvenile chinook was documented in Twelve Mile Creek, a  
33 tributary of Birch and that's again, up kind of in between  
34 the two areas of Steese National Conservation area near  
35 close to the Steese Highway. Our survey this summer  
36 basically says, current results, i.e., the work we did in  
37 August of 2000, current results found 19 chinook juveniles  
38 were at the Birch Harrison Creek confluence, actually right  
39 in Harrison Creek itself, and these were pretty large  
40 juveniles as well.

41

42 So there are, just for the record, there  
43 are juvenile chinook salmon in the Harrison -- in the Upper  
44 Birch Creek area. But YRDFA still supports the proposal,  
45 which is getting rid of the permit requirement because it's  
46 overly burdensome to subsistence users.

47

48 MR. FLEENER: Question.

49

50 CHAIRMAN GOOD: Question has been called.

00043

1 Hearing no further discussion, all those in favor of the  
2 proposal, please say aye.

3

4 IN UNISON: Aye.

5

6 CHAIRMAN GOOD: Opposed same sign.

7

8 (No opposing votes)

9

10 CHAIRMAN GOOD: The motion passes.

11

12 MR. NICHOLIA: Mr. Chair.

13

14 CHAIRMAN GOOD: Gerald.

15

16 MR. NICHOLIA: I don't know what's back  
17 there but there's food back there and if people are hungry  
18 and stuff.

19

20 CHAIRMAN GOOD: Yeah, it does appear that  
21 food has snuck up behind us and maybe we better take us a  
22 lunch break. It's about 20 after 12:00, how long do we  
23 need?

24

25 MR. FLEENER: Two hours.

26

27 CHAIRMAN GOOD: No two hours. Let's take  
28 an hour -- we'll take a one hour lunch break.

29

30 (Off record)

31 (On record)

32

33 CHAIRMAN GOOD: We'd like to call this  
34 meeting back to order. We're going to make a change in the  
35 agenda at this point. We have a member who's getting his  
36 leg medically taken care of so we're going to get some  
37 updates from the Office of Subsistence Management. That's  
38 Item 10 on your agenda. We're going to start with A, which  
39 is the statewide rural determinations.

40

41 MR. RIVARD: Thank you, Mr. Chair. Don  
42 Rivard, US Fish and Wildlife Service, Office of Subsistence  
43 Management. Per ANILCA, every 10 years the Federal  
44 Subsistence Board has to look at the rural and non-rural  
45 determinations. And so with that end, the Board directed  
46 the Staff earlier this year to put a process in place to  
47 review our current rural determination methodology and to  
48 recommend a defensible set of criteria and methodologies to  
49 support the Board's decision-making on this subject.

50

00044

1                   The Office of Subsistence Management  
2 anticipates letting a third-party contract in early 2001,  
3 sometime during the first quarter of 2001, in which the  
4 contractor will be asked to develop and evaluate one or  
5 more methodologies for identifying the characteristics of  
6 rural Alaskan communities and the criteria that may be  
7 utilized to aggregate communities that are integrated  
8 economically, socially and/or communally.

9  
10                   Based upon the results obtained, a  
11 contractor will recommend the best methodology to be used  
12 by the Board to support future rural and/or non-rural  
13 determinations. And I'm on the first page under Tab E in  
14 your booklet, I'm sorry, I should have mentioned that to  
15 begin with. There's also a handout in the back of the  
16 room, some people may have gotten it, it's salmon-colored  
17 of this same thing that's in the booklet.

18  
19                   All communities statewide will be reviewed  
20 and evaluated based on this new methodology if it is  
21 accepted by the Board. And it is anticipated that this  
22 contract will be awarded to an academic or other  
23 professional organization with appropriate expertise in  
24 rural sociology and economics. The Board also recognizes  
25 that the Regional Advisory Councils will want to  
26 participate on this issue and they'll be providing an  
27 opportunity for selected Council representatives to  
28 participate in Board meetings when the statewide rural  
29 determination process is on the agenda. This role would be  
30 the same as when two Council Chairs participated in Board  
31 work sessions on the fisheries implementation, advising the  
32 Board on specific issues as appropriate. Again, we would  
33 expect that the Council Chairs would determine who would  
34 represent the Councils during this topic when it's on the  
35 agenda.

36  
37                   The statewide rural determination process  
38 will also provide for extensive public participation. The  
39 Regional Advisory Councils will regularly be updated and  
40 the recommendations of the Councils will be sought on the  
41 proposed methodology and the proposed rural determinations  
42 over the next two years. Development of a recommended  
43 methodology will take -- we anticipate it will take  
44 approximately one year, and applying it to the Alaskan  
45 communities will occur during the second year when more  
46 census data will be available from the 2000 census. And  
47 the final rural determinations will probably be established  
48 sometime in the year 2003.

49  
50                   Thank you.

00045

1 MR. NICHOLIA: It was stressed very much in  
2 the Federal Subsistence meeting in Anchorage and stressed  
3 very much in that Western and Eastern joint meeting in  
4 Fairbanks and a few other meetings that I've been to, that  
5 any time a Federal agency gets involved in like studying --  
6 like I say, like other professional organizations, on this  
7 page right here in the middle, that rules, sociology,  
8 economics, why ain't traditional ecological knowledge, it  
9 ain't in there. Because that's what we -- we stressed that  
10 in those meetings and I'm going to stress this here that  
11 that should be included there.

12  
13 And I have one more question, too, why is  
14 in a rural area that this census has to be included for a  
15 rural area, ain't we already known as rural? Why do we  
16 have to take our census for that? It doesn't matter how  
17 much is here or how much is there, we're already rural.  
18 And you don't have to know how much we are, you just have  
19 to manage the resource for us because one of the second  
20 priorities in this thing is subsistence.

21  
22 MR. RIVARD: Well, if I may, I think  
23 there's many communities that are rural now that will  
24 remain rural, based on population and other things.

25  
26 MR. NICHOLIA: Uh-huh.

27  
28 MR. RIVARD: You also have to realize that  
29 the.....

30  
31 MR. NICHOLIA: I could see it where it's  
32 coming from like around Nenana or Clear or on the road  
33 system, but on the river system, unless they put a road  
34 there, I don't think they should -- instead of the census  
35 data, it should be road-connected, because it's very hard  
36 for a river like this Tanana River system, it's very hard  
37 for that kind of system to have like a population growth  
38 without it being connected to a road.

39  
40 MR. RIVARD: Right. And I think those  
41 factors will all be included again. There are  
42 possibilities, you know, that they may go the other way.  
43 For example, I think it's, Adak, the Naval Station, that  
44 lost a significant amount of population this past year and  
45 they were determined non-rural before and it possibly could  
46 end up as a rural community in the future once this  
47 reassessed.

48  
49 MR. NICHOLIA: Yeah, I see your reasoning.  
50 It just kind of caught me off guard there. That's why I

00046

1 would like to stress that you send these things out ahead  
2 of time, because I'm just going through it right now and I  
3 just got it today. I just don't like not being prepared  
4 for this meeting.

5

6 Thanks.

7

8 CHAIRMAN GOOD: Don, I have a question.  
9 You used the term, aggregate, now, are there any areas in  
10 Eastern Interior that could be considered for aggregate?  
11 Obviously we'd be looking at highway system, so that would  
12 really put it down to Nenana and south or say out along the  
13 Richardson -- well, probably on the Tok Cutoff, what do you  
14 mean by that and is there a possible impact on Eastern  
15 Interior?

16

17 MR. RIVARD: Well, I'm out of my area of  
18 expertise. But by aggregate, some of the discussions that  
19 I've heard is like road-connected communities, are they  
20 basically functioning as pretty integrated. Now, that's  
21 the type of things that this technical expert evaluation  
22 panel is going to be looking at to come up with those  
23 criteria to put into the statement of work for this  
24 contract.

25

26 MR. FLEENER: Mr. Chairman.

27

28 CHAIRMAN GOOD: Go ahead, Craig.

29

30 MR. FLEENER: I wonder about the technical  
31 evaluation panel. How many people are going to serve on  
32 the panel?

33

34 MR. RIVARD: There will be four to five  
35 depending on -- there's three stages for that panel and the  
36 first stage there's going to be five people that are  
37 putting together a detailed statement of work for the  
38 contract. And then the second stage there'll be four or  
39 five as well that will look at, once the bids come in from  
40 the contractors, they will evaluate them and make a  
41 recommendation as -- or evaluate them and score them in a  
42 certain way. And that part, the second part about  
43 contractor evaluation, that's all done basically in  
44 confidentiality. And then the third stage for this  
45 technical evaluation panel is once the contract is going on  
46 and the products are coming in from the contractor, they'll  
47 be looking at those and evaluating them to make sure that  
48 the contractor is living up to the contract.

49

50 MR. FLEENER: Mr. Chair, it talks about

00047

1 minimum requirements, are these going to be Federal  
2 employees or are they going to be community members, who  
3 are they going to be?

4

5 MR. RIVARD: Right now it's four Federal  
6 employees and one State employee. And for the -- when they  
7 go to select the contractor, again, this has to be done in  
8 confidentiality, and it's a Federal contract process,  
9 contracting process that usually goes quicker and it's  
10 recommended that it just be Federal employees that are on  
11 this panel.

12

13 MR. FLEENER: Mr. Chair, so we have a  
14 committee of five people that's going to be involved in  
15 determining whether or not our rural communities are --  
16 maintain that determination?

17

18 MR. RIVARD: If I may clarify, what they're  
19 doing is setting up the statement of work for the contract.  
20 There'll be a contract that's let to a private  
21 organization. They will come up with developing a  
22 methodology or one or more and the Board will always have  
23 the option of accepting the methodology with input from the  
24 RACs, if it makes sense to them to use it as one of the  
25 analytical tools that they'll be utilizing to determine or  
26 reevaluate rural versus non-rural determinations. So they  
27 always have that option to accept or not accept whatever  
28 comes up with this contract.

29

30 MR. FLEENER: Okay, thanks.

31

32 CHAIRMAN GOOD: Don, this just really  
33 raises the interesting and normal for us up here,  
34 aberration of people coming in from the Lower 48 as  
35 contractors to find out what rural really is because they  
36 don't have rural in the Lower 48 anymore. They don't have  
37 the type of situations that we do here, and frequently it  
38 seems like we waste an awful lot of money just paying  
39 people to come up here and find out how we live.

40

41 MR. NICHOLIA: Mr. Chair.

42

43 CHAIRMAN GOOD: Gerald.

44

45 MR. NICHOLIA: Yeah, Mr. Chair, I wanted to  
46 speak about that, too. If it's going to be from outside, I  
47 don't think it will work right here because they really  
48 don't know what rural is. I suggest that you work with  
49 like TCC or Tanana Tribal Council or any one of these  
50 tribal councils. Go into the rural area instead of working

00048

1 from outside of it. you'll have more trouble going working  
2 into it then if you work from out of it. You'll be better  
3 off if you start from the grassroots instead of trying to  
4 work from the grassroots of Anchorage or Washington or  
5 something or somewhere like that.

6

7 MR. RIVARD: Well, if I may, Mr. Chair,  
8 Gerald, I've been sitting in on some of these initial  
9 meetings of the first page of the technical evaluation  
10 panel and they are aware of these issues. They've been  
11 discussing them among themselves, and what they're trying  
12 to come up with this statement of work and I don't want to  
13 presume what they're going to come up with but they are  
14 looking -- they want to address that concern and make sure,  
15 as much as they can, that they have a contractor who has  
16 knowledge of, experience with rural Alaskan communities.  
17 So, yeah, they have been concerned that they may get some,  
18 say university from the eastern United States who doesn't  
19 have any real knowledge or experience here in Alaska. So I  
20 think the statement of work and the requirements of the  
21 contractor will be such that, and again I don't want to  
22 presume but they probably will have to have some kind of  
23 Alaska experience to begin with.

24

25 MR. NICHOLIA: I'd like to suggest that you  
26 work with TCC and UAF has a good archeological department  
27 up there that maybe you could do some kind of cooperative  
28 agreement with TCC, Tanana Chiefs Conference or something.  
29 If Gabe was still here maybe he could put in his two cents  
30 about that, but I would like to see it come from the  
31 grassroots deal. Because if they really want to know what  
32 rural is about they got to go into the rural area and  
33 investigate that instead of coming from some office from  
34 Anchorage or Washington.

35

36 CHAIRMAN GOOD: You want to come forward.

37

38 MS. EVANS: My name is Linda Evans, I'm  
39 from Rampart. I was born here in Tanana though. And  
40 talking about this technical evaluation panel. Here again  
41 there is something set before us that somebody from the  
42 outside is developing. I think it's time for us to develop  
43 our own programs, our own methodologies, and stuff. I  
44 think it's time to stop bringing people in from the outside  
45 to tell us how we're supposed to live or how we live. It's  
46 got to stop. I think with this technical evaluation panel,  
47 this is a good time for our traditional knowledge, our  
48 elders to give their input. It's a good avenue for them to  
49 start helping us to determine our own pathways that we want  
50 to go. And this word, methodology, what does that mean?

00049

1 What kind of methodology are they trying to say that we  
2 need in the rural area? I need someone to explain that to  
3 me?

4

5 CHAIRMAN GOOD: What they're referring to  
6 here are the methods and means used to determine whether or  
7 not people are rural. And I think to most of us, we're  
8 concerned, just as you are, that the money not be spent on  
9 people from the Lower 48 who are simply coming up here to  
10 learn what rural is.

11

12 MR. EVANS: It seems to me.....

13

14 MR. NICHOLIA: Maybe one of these, maybe  
15 Don or somebody could answer her question because I don't  
16 really -- I lived here all my life so I didn't really study  
17 that. But I know pretty much that I grew up here, I don't  
18 want -- I want to make some kind of determine -- I want you  
19 guys to make some kind of determination like from John  
20 Starr, anyone of these elders around here, is that -- you  
21 classify rural as it is, not what you think it is.

22

23 MR. RIVARD: Well, if I may, this is still  
24 going to be within the ANILCA guidelines. And ANILCA has  
25 specific language right now as to what is rural and non  
26 rural. There are certain communities that have already  
27 been determined as non-rural such as Anchorage and  
28 Fairbanks, and I don't think they're going to be outside of  
29 those, out of ANILCA. They're going to be coming up with  
30 methodologies to assess some of those communities that are  
31 kind of in between. They'll be looking at those more than  
32 anything, the ones that are probably below the 7,000  
33 population, those kind of things. ANILCA has some  
34 guidelines in there.

35

36 And again, this is a responsibility that  
37 the Federal Subsistence Board has to do every 10 years.  
38 They have to look over again -- look at the rural and non-  
39 rural determinations. So what this contract is doing is  
40 just to give the Board another analytical tool so that they  
41 can come up with those determinations. I'm assuming that  
42 most of the communities are going to pretty much stay the  
43 way they are, you know, I'm just presuming that. But they  
44 do have to do this per ANILCA every 10 years.

45

46 MR. FLEENER: Mr. Chair.

47

48 CHAIRMAN GOOD: Ms. Evans.

49

50 MS. EVANS: Thank you for your time. But I

00050

1 just think here again is another area where our own Native  
2 people can be doing some work and getting money and  
3 employment in our own areas to do these kinds of things  
4 instead of contracting with outside people. You know,  
5 we're talking about economics, fishing disaster going on,  
6 no money, people need this kind of employment where they  
7 can work in their own areas and their own villages.

8

9 CHAIRMAN GOOD: Thank you. Craig.

10

11 MR. FLEENER: Thank you, Mr. Chair. What  
12 sort of a dollar amount are we looking at for running this  
13 entire project here; do you have any idea?

14

15 MR. RIVARD: I don't think I'm at liberty  
16 to say that, that's because it's going to be bids, so we  
17 just have to wait and see what kind of bids come in on  
18 these contracts.

19

20 MR. FLEENER: And something that I heard  
21 mentioned that sounded pretty valuable to me was the idea  
22 of focusing, and I know if you have a Federal program, you  
23 got to open it up to everybody in the country I guess, but  
24 I think that there should certainly be some sort of  
25 guidelines that say we use people, at least, within Alaska,  
26 because they're closer to home. If we're going to be doing  
27 the Yukon River, do something maybe out of Fairbanks  
28 because they're a little closer. It seems like it would be  
29 a pretty good idea to work with people that have experience  
30 already, and not only experience but people in the  
31 communities here have learned to trust and have learned to  
32 work with, at least to some degree instead of someone  
33 coming up from Kentucky, you know, to do another project.  
34 That's something that always bothers a lot of people is all  
35 of the research going on, you know, all of these different  
36 things occurring, people from outside, they do a project,  
37 they disappear, we never see or hear from them again. But  
38 we've established good working relationships with quite a  
39 few organizations around the state and I think it would be  
40 a good idea to try to keep working with these  
41 organizations. And I don't know, I mean I'm not going to  
42 name them in particular because this isn't my field of  
43 expertise either, but I know that things have been done in  
44 our communities with people -- with more local people.

45

46 So thank you.

47

48 CHAIRMAN GOOD: You want to come forward to  
49 the mic, please.

50

00051

1 MR. EDWIN: Hi, my name is Herbie Edwin, I  
2 live in Tanana. I've pretty much grown up here and have  
3 had the education of the elders, my parents, my  
4 grandparents. What I'm getting at is here in Tanana, the  
5 village of Tanana, the tribal council is a matured 638  
6 contractor that they can contract any kind of government  
7 contracts that they so with to take on. And what I'd like  
8 to see happen with some of these funds is to actually  
9 contact some of the local 638 contractors within the  
10 villages, tribal governments, per se. This gives a chance  
11 for the money to funnel into the areas and impact the local  
12 governments and give them a viable option as a true  
13 government to government relationship that's stated by the  
14 executive order.

15  
16 Another thing is that as contractors, you  
17 can contract and you can hire and you can subcontract your  
18 contractors to another organization. The money is spent  
19 within the areas that is being studied. I think this is a  
20 good contrast and I think it's an important issue that you  
21 should look at.

22  
23 Thank you.

24  
25 CHAIRMAN GOOD: Is there any further  
26 questions or comments.

27  
28 MR. JAMES: I have one here. I didn't know  
29 this was in the agenda here. But this is very discussion  
30 here, time and time again, we went through the same process  
31 up there in Yukon Flats with outside people coming in  
32 constantly telling us what -- how to do our way of live and  
33 livelihood. I'd like to entertain a motion at this time,  
34 is the -- I don't know if this would fall into our criteria  
35 as a board Council members, but I'd like to entertain a  
36 motion that the recommendation from this Council here is  
37 that two of the Regional Boards, is that they initiate the  
38 government to government agreement there that's been  
39 signed, to implement that with the State and tribal  
40 committees that's going on right now here and put that in,  
41 recommend that the tribal organizations within Alaska have  
42 a chance to apply for these grants.

43  
44 CHAIRMAN GOOD: Is there a second.

45  
46 MR. NICHOLIA: I'll second it.

47  
48 CHAIRMAN GOOD: It has been moved and  
49 seconded that Alaska organizations, tribal or otherwise, be  
50 eligible to apply for the grants being discussed at this

00052

1 time. Is that close.....

2

3 MR. JAMES: As stated in the government to  
4 government relationship.

5

6 CHAIRMAN GOOD: As stated under the  
7 government to government relationship.

8

9 MR. JAMES: I forgot that number there.

10

11 MR. RIVARD: If I may, Mr. Chairman, I'd  
12 like to clarify, this is going to be a competitive bid  
13 process, it's not going to be a grant. Thank you.

14

15 CHAIRMAN GOOD: What you're saying, Don, is  
16 that everybody is eligible already.

17

18 MR. RIVARD: Yes, anybody can submit a bid  
19 on this contract.

20

21 MR. FLEENER: Mr. Chairman.

22

23 CHAIRMAN GOOD: Craig.

24

25 MR. FLEENER: Yes, it's going to be an open  
26 bid, that means anybody can put in for it, is there going  
27 to be any preference, is there a preference to tribes, for  
28 example, which is normally the case, I think, with Federal  
29 contracts?

30

31 MR. RIVARD: I don't have any awareness or  
32 any of that whether there's going to be a preference.  
33 Again, the statement of work is being developed and they  
34 could conceivably put something in there that the  
35 organization has to show their expertise in rural sociology  
36 in Alaska, for example. But from what I know of the  
37 competitive bid process, I don't think they can exclude  
38 people that way. If they meet certain requirements of the  
39 contract, that might exclude -- or that might include  
40 certain organizations and exclude others. They just have  
41 to prove this certain amount of knowledge or expertise or  
42 experience in whatever the statement of work comes up with.

43

44 MR. FLEENER: Mr. Chair, the reason I'm  
45 bringing it up is I think it would just remind all of us  
46 that, if I'm right, there is a preference, and Gerald was  
47 just pointing out some sort of a regulation number 32-71.  
48 I'm not sure what.

49

50 MR. NICHOLIA: It's a Secretarial order.

00053

1 MR. FLEENER: It's a Secretarial order.  
2 But that tribes are to be given preference in competing for  
3 these types of projects. And the reason I bring that up is  
4 that might take care of Davey's motion because I think it's  
5 already something that's in existence, and I don't know if  
6 we would need to make a motion to say that the governments  
7 be allowed to compete for these because I think that we are  
8 already are allowed to compete for these and not only are  
9 we allowed to compete, but we have a slight advantage  
10 because we have a preference. I don't know if it's based  
11 on points or what. It would probably be good if we could  
12 get someone to check in on that because it doesn't seem  
13 like anyone knows for sure.

14  
15 I don't know if Peggy would know since  
16 she's the Head Honcho.

17  
18 MR. NICHOLIA: Mr. Chair, I think the  
19 reason, because if it is going to affect a tribe's  
20 lifestyle or tribal government's lifestyle that -- that  
21 will be the cause of it -- adversely effect it -- and what  
22 I'm afraid of here is what I already brought up earlier, is  
23 that, I don't want nobody from outside or any organization  
24 or whatever coming here and telling me what my lifestyle  
25 is, I already know what my lifestyle is. You could make  
26 all your -- you could copy the lifestyle from Fairbanks and  
27 Anchorage and if they don't look rural then you could say  
28 that we're rural and they're not rural. It's just.....

29  
30 CHAIRMAN GOOD: You want to come forward to  
31 the mic please.

32  
33 MR. BREDEMAN: Don is there a bid proposal  
34 out on this evaluation yet or.....

35  
36 MR. FLEENER: Mr. Chair, point of order.  
37 When you come up to the mic you need to mention your name  
38 again for Salena, and you need to make sure you address the  
39 Chair.

40  
41 MR. BREDEMAN: Oh, sorry.

42  
43 MR. FLEENER: Thank you.

44  
45 MR. BREDEMAN: Larry Bredeman, from Manley.  
46 I want to ask Don a few questions if I may, Mr. Chairman.

47  
48 CHAIRMAN GOOD: Well, it would be better to  
49 direct your questions to the Chair.

50

00054

1 MR. BREDEMAN: Okay, Mr. Chairman, we're  
2 talking about tribal governments or associations from our  
3 state possibly bidding on this Federal money by contract to  
4 produce information, products or whatever, and I'm  
5 interested in, first of all, what are the bidders reading,  
6 okay, the guidelines and requirements of the contract? And  
7 also another question, not really related to that, should I  
8 ask that now or wait for a reply first?

9  
10 CHAIRMAN GOOD: Well, why don't we go with  
11 one question at a time for Don.

12  
13 MR. BREDEMAN: Okay, that's the first one.

14  
15 MR. RIVARD: Mr. Chair, thank you. The  
16 panel is just starting to meet to develop the statement of  
17 work and anticipating having all that done by the end of  
18 the year. And then there'll be an announcement in the  
19 Commerce Business Daily that will announce that this  
20 contract is now available to be bid upon, and so that  
21 process will probably come out in early 2001, January or  
22 February sometime. And that's when organizations will then  
23 have the opportunity to submit a proposal.

24  
25 CHAIRMAN GOOD: Will that prompts me to ask  
26 a question if I can insert here, will that be made --  
27 you're talking about putting it in Commerce Daily, is it  
28 possible that that could be supplied Alaska-wide on a more  
29 simple basis as well?

30  
31 MR. RIVARD: The Commerce Business Daily,  
32 I'm not familiar enough with it to know what it's  
33 distribution is. But I believe they have a web site now,  
34 probably, as well, and I think we could -- our office could  
35 probably alert people that that is the -- that the Commerce  
36 Business Daily announcement is out.

37  
38 MR. NICHOLIA: Mr. Chair.

39  
40 CHAIRMAN GOOD: Yes, Gerald.

41  
42 MR. NICHOLIA: Hey, Don, I'd like to  
43 suggest that you mention this to AITC and Alaska Federation  
44 of Natives in Anchorage, unless you could let this guy know  
45 -- let Gabe know and he'll let his organization know,  
46 Tanana Chiefs about this opportunity here.

47  
48 MR. RIVARD: We can do an announcement that  
49 it's out and how to access the Commerce Business Daily.

50

00055

1 CHAIRMAN GOOD: And Larry, did you have  
2 another question?

3  
4 LARRY: Yes, Mr. Chairman. My question is  
5 in regard to this subject about determinations. And my  
6 question revolves around jurisdiction by the Federal  
7 government of regional and village corporation lands in  
8 regards to subsistence. I'm wondering if the Native  
9 community somehow got together and -- Native community of  
10 tribal governments, I should specify that, got together and  
11 passed a joint or individual resolution to mandate Federal  
12 jurisdiction of subsistence on their own lands, I wonder --  
13 right now I don't believe that any of the Native owned  
14 village or regional corporation lands is under Federal  
15 jurisdiction; is that correct? Does anybody know whether  
16 or not those are Federal lands or not and who has  
17 juris.....

18  
19 MR. NICHOLIA: They're State conveyed  
20 lands.

21  
22 CHAIRMAN GOOD: They are considered private  
23 lands.

24  
25 MR. BREDEMAN: And my question, I guess to  
26 be more pointed is, I'm wondering the power of the tribal  
27 government resolution may be claiming jurisdiction of those  
28 village and regional corporations in the area of  
29 subsistence only, hunting and fishing and gathering. I  
30 wonder if that might not enlarge the Native interest in  
31 their own investment and in their own lands, and have the  
32 help of the Federal government and the State government,  
33 you know, I don't think there's room for exclusion of  
34 anybody, but I think those are of immediate interest to the  
35 Native communities. And if they had subsistence rights to  
36 those lands with Federal jurisdiction, I think -- I think  
37 they'd have a better shot of staying on the rivers around  
38 here.

39  
40 I'd like to thank the Chairman for his  
41 patience.

42  
43 CHAIRMAN GOOD: Okay. Now, what we have  
44 here is you're dealing with something that is outside of  
45 our realm, we're talking about private land owners who  
46 would have to make that decision for themselves about their  
47 own land. We don't have any kind of a system. We don't  
48 have, at this point -- they could pursue such a thing,  
49 whether they would ultimately successful or not we have no  
50 idea, but it's beyond our purview here.

00056

1 We do have a motion on the floor, though  
2 which we do need to deal with.

3

4 MR. BREDEMAN: Thank you again for your  
5 patience.

6

7 MS. FRIEND: Mr. Chair.

8

9 CHAIRMAN GOOD: Connie.

10

11 REPORTER: Connie, can you come up here.

12

13 MS. FRIEND: Thank you. Mr. Chairman, my  
14 name is Connie Friend, I'm with the Tetlin National  
15 Wildlife Refuge. And I have a question and I have a  
16 suggestion. My question is these new methodologies, they  
17 will include a look at the methodology that's currently  
18 being used, the C&T evaluation and the eight factor  
19 criteria; is that right?

20

21 CHAIRMAN GOOD: Don, would you respond to  
22 that in terms of -- obviously the eight criteria factor are  
23 part or are not part, I don't know.

24

25 MR. MATHEWS: The answer is no. The  
26 question before you and this contract is to determine --  
27 how to determine a rural community versus a non-rural  
28 community, and there's no relationship to customary and  
29 traditional use determinations. This is to determine which  
30 communities would qualify underneath the Federal program.  
31 So it has nothing to do with the eight factors. There's  
32 other details we can give you on this, but at this time  
33 it's not pertinent to it. But it's determining which  
34 communities have either reduced in number or shifted in  
35 their pattern to more subsistence lifestyle or those that  
36 may have shifted in the other direction that would no  
37 longer fall underneath the umbrella of considered rural.  
38 So this is not dealing with customary and traditional use  
39 determinations.

40

41 MS. FRIEND: Thank you, Vince. I just  
42 wasn't clear whether that was included in this review.

43

44 MR. MATHEWS: Right. And Mr. Chair, I  
45 think it needs to be reemphasized that there will be two  
46 Council Chairs involved in this and -- and someone will  
47 correct me if I got this wrong, any potential decisions by  
48 the Federal Subsistence Board, to say this is rural and  
49 this is not will go before the Regional Councils for their  
50 recommendations. So please don't lose sight of that.

00057

1 CHAIRMAN GOOD: So what we're really  
2 discussing here is whether any given community will remain  
3 rural or will be in the future, determined to be rural,  
4 that's the bottom line of our discussion here; right, Don?

5  
6 MR. RIVARD: Well, again, that's presuming  
7 whatever this contractor comes up with. Right now this was  
8 just information to let you know that there's going to be  
9 contract to look at determining a methodology for this.  
10 That we do anticipate and hope to see RAC participation  
11 when this topic comes on the Board's agenda. As Vince just  
12 pointed out, possibly like having two Council Chairs being  
13 in on this to give their input immediately to the Board.  
14 And then there'll be public participation as well when this  
15 methodology comes out for the RACs to weigh in on it, to  
16 give their opinions on what they feel and think about the  
17 proposed methodology before the Board accepts or not  
18 accepts this methodology. Again, that's just one of their  
19 analytical tools that they're going to be utilizing to make  
20 these determinations or to leave things as they are, as  
21 they have to do every 10 years.

22  
23 MR. FLEENER: Mr. Chair.

24  
25 CHAIRMAN GOOD: Craig.

26  
27 MR. FLEENER: I'd just like to kind of  
28 scoot things along, I guess, if we could. We've -- like he  
29 said, this is just an informational piece, we've gotten way  
30 of the topic of Davey's motion and I think we need to try  
31 to get back on that path or dismiss the motion, and then  
32 finish with this presentation because we've spent quite a  
33 bit of time on just something that's informational.

34  
35 But I don't want to get off the importance of what  
36 everybody's been saying and I'd like to make sure that it's  
37 reiterated that people are very interested in having the  
38 most local input that they could have to any kind of  
39 determination that may change whether or not their  
40 community is determined to be rural, if that's going to --  
41 which will have potential impacts on their subsistence  
42 lifestyle.

43  
44 MR. RIVARD: And I will carry these  
45 concerns and ideas to this technical evaluation panel in  
46 their next meeting, and also look into whether tribes do,  
47 indeed, have preference on bidding on Federal contracts and  
48 let you know.

49  
50 MR. FLEENER: Mr. Chair, just for the sake

00058

1 of Davey's motion, I don't think we really need to pass the  
2 motion, myself, because I think there is already -- it's  
3 already taken care of legally that everyone -- anybody that  
4 wants to -- everybody that has a business license, I guess,  
5 that wants to and has the qualifications will be able to  
6 put in to get this grant, unless there was something more  
7 specific Davey had but I think it was to implement the  
8 government to government relationship to make sure that the  
9 tribes are able to participate, and I think that already  
10 exists.

11

12 MR. JAMES: To your question here, Craig, I  
13 think we should pass this -- I prefer to pass this because  
14 I'm just getting this on the table to inform the Board that  
15 we do have government to government. There's a tendency  
16 that the agencies forget about it and there's a tendency  
17 that they don't know what government to government  
18 relationship is about and we need to keep this on the table  
19 all the time because it goes back to bidding on research  
20 projects. I know for a fact that tribal organizations or  
21 tribal villages have bid for research and they've been  
22 refused, and they've been refused on technical merit, but  
23 they never -- it's not on -- and we, before, have brought  
24 this up that capacity building has to be built within the  
25 fisheries program. But you know, if we don't bring up this  
26 government to government relationship it's just going to be  
27 shoved away and go away.

28

29 MR. FLEENER: Mr. Chairman, I think Davey's  
30 point is very valid and with the comments he just make as a  
31 reminder to everyone involved, I would tend to support it  
32 then and I call the question.

33

34 CHAIRMAN GOOD: There's a motion on the  
35 floor, if there's no further discussion, and hearing none,  
36 I would ask that those in favor of the motion, please  
37 signify by saying aye.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN GOOD: Those opposed same sign.

42

43 (No opposing votes)

44

45 CHAIRMAN GOOD: The motion carries.

46

47 MR. MATHEWS: Mr. Chairman, I'll bring up  
48 the next topic. It should be a little bit easier to work  
49 through. This is one that you started and now has gone to  
50 being implemented. This has to deal with the subsistence

00059

1 lifestyles art contest. I don't remember what annual  
2 report but I do remember a letter being drafted by this  
3 Council and sent in to have this art contest because of the  
4 fact that there seemed to be a reoccurrence of the same art  
5 work on the wildlife regulations. So under Tab E as in  
6 Evansville, one page in there is the announcement and  
7 application and it's been to sent to all schools, I believe  
8 all tribal councils and village councils soliciting art  
9 work from school children, grades K through 12, and the  
10 deadline to submit the art work is October 27th. So it's  
11 approaching us very rapidly.

12

13 I believe in a Staff meeting, that we have  
14 received a fair amount of art work considering it's the  
15 first year. When the art work is received, as following  
16 the parameters of one of your Council members that laid  
17 this out, is that, the Chairs when they meet before the  
18 Federal Subsistence Board, you know, their annual meeting,  
19 will be the judges on this art work. So this is something  
20 that shows you, even though it is small step, the actions  
21 that you've taken several years ago are now being  
22 implemented to have this lifestyles art contest. So we  
23 encourage that you would share this information throughout  
24 your communities and gain support because this will be an  
25 annual process.

26

27 And it will be both for the wildlife  
28 notebook -- or wildlife regulation book, the handy-dan, and  
29 the same for the fisheries booklet. So with that, that's  
30 all I have unless there's some questions about the art  
31 contest.

32

33 CHAIRMAN GOOD: I'd just like to make a  
34 quick comment here, and that's I think this is very good  
35 and I'm very pleased to see this, I like to see things  
36 changed and I like to see kids involved with this. But the  
37 next time around, I'd like to suggest a heading for it  
38 instead of just subsistence lifestyles, but perhaps a  
39 subject like subsistence is a family affair, because it  
40 does convey another message that families are important  
41 here, for some future.

42

43 MR. MATHEWS: Well, I think Mr. Chairman,  
44 in response to that, I think your avenue on that would be  
45 when you -- if whoever becomes Chair, if you're the Chair,  
46 when the 10 Chairs meet to actually select the art work to  
47 pursue that idea of having an annual theme of some sort.  
48 But give us a little breather because this is going to --  
49 this is to provide additional recognition of the youth and  
50 the importance of the subsistence lifestyle but we don't

00060

1 want to end up running a lottery type system. So it's  
2 something that it may be able to be incorporated but it  
3 will probably take a couple years for us to get used to  
4 doing that and getting this art work in. We did consult  
5 closely with the waterfowl calendar, and they advised us  
6 that it is a tremendous amount of work once this starts --  
7 gets going, or periods of large amounts of work, but I  
8 would encourage you to bring that up when this unfolds  
9 before you as a Chair and as a member of the other nine  
10 Chairs.

11  
12 CHAIRMAN GOOD: And I think that will put  
13 us back on our regular agenda?

14  
15 MR. MATHEWS: No, Mr. Chairman, you have  
16 one more topic that I believe Helga's going to brief you  
17 on.

18  
19 MS. EAKON: Thank you, Mr. Chair. And in  
20 your book, the topic of staffing to implement Federal  
21 Subsistence Fisheries Management is found as the last page  
22 under Tab E as in Eagle.

23  
24 As Peggy Fox mentioned this morning, the  
25 addition of fisheries to the Federal Subsistence Program  
26 has just about doubled new employees. As of August 21, all  
27 of the Federal agencies had hired a total of 21 new  
28 employees to implement this new program. We plan to hire  
29 22 additional employees for a total of 43 new Federal  
30 employees. From this total we have hired 18 Alaskans,  
31 including seven former State fisheries managers or  
32 researchers. The break down of the new hires for fisheries  
33 implementation by agency is shown on that one page  
34 briefing. And the participating agencies of the Fish and  
35 Wildlife Service, Office of Subsistence Management are  
36 planning to hire six additional employees. The Fish and  
37 Wildlife Service is planning to hire three new employees.  
38 National Park Service, zero. The Bureau of Indian Affairs,  
39 two. Bureau of Land Management, two. The U.S. Department  
40 of Agriculture Forest Service is planning to hire a total  
41 of nine employees.

42  
43 Other information is that local hires  
44 associated with projects conducted through cooperative  
45 agreements by Native and other organizations as part of the  
46 resource monitoring effort resulted in hiring 69 Alaska  
47 Native rural residents to work on the projects out of a  
48 total of 83 local hires. As part of the resource  
49 monitoring effort, we plan to contract out nine technical  
50 positions to Native and other regional organizations.

00061

1 These positions will enhance local capability to oversee  
2 monitoring projects and participate in the Federal  
3 Subsistence Program.

4  
5 Bureau of Indian Affairs will soon be  
6 hiring the Native Liaison position who will work closely  
7 with the Federal Subsistence Board and the Alaska Native  
8 organizations and that is it.

9  
10 CHAIRMAN GOOD: Are there any questions  
11 from the Council. Thank you, Helga.

12  
13 MS. EAKON: Thank you.

14  
15 CHAIRMAN GOOD: And now, Vince.

16  
17 MR. MATHEWS: Yes, Mr. Chairman, that gets  
18 you back onto the agenda. I think that was a good break.  
19 You're now onto Proposal 10, which is found on Page 74.  
20 And this is from the Council of Athabascan Tribal  
21 Governments. It's for the Yukon Northern area, it's  
22 requesting to delete the permit requirement for the Yukon  
23 River drainage from the mouth of Twentytwo Mile Slough  
24 upstream to the US/Canada border. And that's the proposal.  
25 It's under Tab C as in Cantwell.

26  
27 MR. FLEENER: Mr. Chair, I move to adopt  
28 Proposal 9.

29  
30 MR. NICHOLIA: Second.

31  
32 CHAIRMAN GOOD: It's been moved and  
33 seconded to adopt Proposal.....

34  
35 MR. FLEENER: 10, I mean.

36  
37 CHAIRMAN GOOD: .....10. Go ahead, Don.

38  
39 MR. RIVARD: Thank you, Mr. Chair. This is  
40 another draft Staff analysis done by Rich Cannon. Proposal  
41 10 submitted by Council of Athabascan Tribal Governments  
42 would rescind the regulatory requirement that individuals  
43 obtain an Alaska Department of Fish and Game subsistence  
44 fishing permit for the Yukon River from the mouth of  
45 Twentytwo Mile Slough upstream to the US/Canada border. On  
46 Page 76 of the booklet it shows the existing regulation and  
47 the proposed regulation would strike all of Item B.

48  
49 Map 1 on Page 78 shows the area here  
50 between Twentytwo Mile Slough and the Canadian border.

00062

1 This is the proposal area here.

2

3

4 The preliminary conclusion from Staff is to  
5 not support this proposal. The justification being that  
6 this proposal would rescind the regulatory requirement that  
7 individuals secure a subsistence fishing permit in the  
8 Yukon River from the mouth of Twentytwo Mile Slough  
9 upstream to the US/Canada border. In the fishery area  
10 accessible by road, the Board of Fisheries established a  
11 subsistence fishing permit and catch reporting requirements  
12 to enable fisheries managers to identify non-local  
13 subsistence fishermen and to collect catch and effort data.  
14 Without such a requirement managers would not have the  
15 benefit of complete catch and effort data essential to  
16 managing the Yukon River fishery. It is extremely  
17 important to continue to collect this harvest data for  
18 management purposes in the Upper Yukon River, especially in  
19 light of the Year 2000 runs for chinook and chum salmon  
20 being assessed as the poorest on record which prompted a  
21 complete closure in August of all non-subsistence and  
22 subsistence salmon fisheries in Alaska. In Canada the  
23 Department of Fisheries and Oceans fisheries managers  
24 closed commercial, recreational and domestic food fisheries  
25 and voluntary restrictions were requested of the aboriginal  
26 fisheries.

26

27

28 As discussed last night in the YRDFA  
29 meeting, in talking about the US and Canada negotiations,  
30 the US and Canada have been cooperating in the rebuilding  
31 of salmon stocks for the mainstem Yukon River for several  
32 years now, while the official interim agreement between the  
33 US and Canada lapsed in March 1998. Both countries have  
34 continued conservation measures from the former agreement  
35 in the best interest of the salmon stocks.

35

36

37 Up to 25 to 30 percent of all fall chum  
38 salmon harvested in Alaska subsistence and commercial  
39 fisheries are thought to spawn in Canada, however, the  
40 percentage of Canadian origin fall chum salmon harvested in  
41 the permit area likely exceeds 90 percent. In addition,  
42 approximately 50 percent of all chinook salmon harvested  
43 in Alaskan commercial fisheries spawn in Canada. No  
44 estimate is available for Alaskan subsistence fisheries.  
45 However, all of the chinook salmon harvested in the permit  
46 area above Twentytwo Mile Slough are thought to have  
47 spawned in Canadian waters.

47

48

49 It should be noted that if Proposal 10 were  
50 implemented by the Federal Subsistence Board, close  
51 coordination between Federal and State fisheries managers

00063

1 would be needed to implement it to minimize confusion and  
2 conflicts. The proponent, CATG, did not submit a companion  
3 proposal to the Alaska Board of Fisheries to address  
4 changes in State regulations. That would be needed in  
5 order to fully implement the requested change.

6

7 Thank you, Mr. Chair.

8

9 MR. MATHEWS: Mr. Chairman, we did receive  
10 public comments on this, they're on Page 85. The reason I  
11 point out the page is because one of the comments may have  
12 been put in there in error but in respect to the person  
13 submitting it, it's possible that he wanted to comment on  
14 this. The United Fishermen of Alaska submitted a lengthy  
15 letter and a table and in each proposal they had a comment,  
16 so for Proposal 10, the United Fishermen of Alaska said  
17 that an accurate recording of subsistence harvest is needed  
18 to fully document usage and impact on the resource. You'll  
19 notice in the book you have a comment from Don Woodruff, I  
20 believe this is more in reference to Proposal 11 but his  
21 comments about it being offensive to have a warden or Fish  
22 and Game officer searching his fish take and looking at his  
23 gear may refer to this permit requirement so that's why I'm  
24 saying it's possible that's what he meant. But my feeling  
25 is it's mainly on Proposal 11 and we'll summarize that when  
26 we come there.

27

28 Those are all the public comments that I've  
29 received to-date on Proposal 10.

30

31 CHAIRMAN GOOD: Polly, do you have any  
32 comments.

33

34 MS. WHEELER: Yes, Mr. Chair, thank you.  
35 According to the statement that I got, we didn't see -- the  
36 State didn't see the preliminary Staff analysis, however, I  
37 will -- we will undoubtedly have additional comments to  
38 this proposal but I would add that the harvest information  
39 that's obtained out of this permit requirement is real  
40 useful in Yukon negotiations, we've had excellent  
41 compliance with the permit system. We haven't gotten a lot  
42 of complaints about people's inability or lack of desire to  
43 participate in this and I guess I would stress that this  
44 information is real important as has been highlighted in  
45 meetings in the last couple of days. It's clear that the  
46 more data that we have, the better -- while it may not be  
47 an in-river fishery issue, it's still good to have that  
48 data. So I guess the State would go on record as not  
49 supporting this proposal.

50

00064

1                   CHAIRMAN GOOD: Are there any other Council  
2 comments.

3

4                   MR. JAMES: I originally put in this  
5 proposal here for the concerns of the Village of Circle.  
6 The original issue here wasn't the harvest data. I never  
7 seen this as an issue until -- I just seen this here. I'm  
8 going to have to abstain on this one here since I put this  
9 in there because mainly the other reason was, too, I did  
10 not get back to Richard or with the State there and sat  
11 down and had a chance to talk with him on this proposal and  
12 I never got back to talk with the village of Circle again,  
13 because a number of personal issues came up within the time  
14 frame and -- but the issue here wasn't harvest data.

15

16                   The village's natural resource department  
17 has been collecting harvest data for the last 10 years and  
18 that has never -- I never seen that in here, in this input  
19 here, and we have that harvest data, you can get that from  
20 Craig over here. The issue here was there -- the majority  
21 of the people in Circle, you know, they go out two or three  
22 times a day and they don't carry their permits with all the  
23 time, and it just so happened three of them got caught,  
24 first time in 10 years, I guess, and we never really -- we  
25 said we need to look at this situation, this issue, this  
26 problem here, you know. Because this is going on up and  
27 down the Yukon River, where fishermen never close their  
28 fish wheel five minutes after the closing hour and they've  
29 been cited, five minutes and then one fish in there, how do  
30 they know that that fish got caught within that five  
31 minutes or before 6:00 o'clock. We got a lot of issues out  
32 there that needs to be solved, and that's what the natural  
33 resource departments in these villages are there, they're  
34 there to try to work on some of these problems there. So  
35 these poor fishermen out there are not going to court or  
36 not getting harassed by the enforcement agencies. So  
37 that's why we put this in here, to get this on the table,  
38 to get this aware, to get this momentum going and if those  
39 don't pass now, you know, we got a couple years to --  
40 another two years it'll come up, uh, fisheries, but as long  
41 as it's on the table to make the agencies aware that we  
42 have other issues, not only regulations but enforcement out  
43 there, how are you going to -- these poor people are going  
44 to get caught 15 minutes after hours or 10 minutes after  
45 and these kind of issues need to be addressed there.

46

47                   The other one there is the harvest data  
48 here. We really need to work with the tribes because they  
49 got the harvest data already and that's not in there. And  
50 the other issues is that maybe we should have a residence

00065

1 -- people register at the natural resource office, you  
2 know, and the agencies will work with the natural resource  
3 office within each of the villages to collect the data.  
4 You know, make it easier for you guys, you guys don't have  
5 to travel out, email, stay home.

6

7 Thank you.

8

9 MR. FLEENER: Mr. Chair, I'm thinking if  
10 Davey thinks that there may need to be some more  
11 communication, maybe we can bring these concerns back to  
12 the Circle Tribal Council, if you want to withdraw this  
13 until we can get some of these things sorted out or do you  
14 want to leave it in? Because you said you were planning on  
15 abstaining the vote and since you were the proponent, we  
16 could pull it.....

17

18 MR. JAMES: Yeah.

19

20 MR. FLEENER: .....and then work with the  
21 Circle Tribal Council to see if there's another way.

22

23 MR. JAMES: Yeah, I think that's the best  
24 avenue at this moment here because I never did get back  
25 with them.

26

27 MR. NICHOLIA: Mr. Chair, about these --  
28 what Davey just mentioned reminded me that when you do  
29 select or hire officers that do come out here and regulate  
30 these -- like these areas that you have to have permits or  
31 like the Nowitna, like I had an individual from Tanana go  
32 to the Novi and hunt there, they did that for like the past  
33 20 years or however long they been here and one thing that  
34 was brought up to me was that -- is that they brought in  
35 some new people from I don't know where, from outside or  
36 something, that was regulating the hunters down in Nowitna,  
37 and one thing that really irked all the people that was  
38 there, even from being in Ruby, was that these hunters went  
39 out, like, where's your hunting license, where's your this  
40 at, they were harassing people all the way up -- one camp  
41 was good and they harassed the next three tents in that  
42 same camp when all these people that was allowed in Novi,  
43 they checked them at the mouth and proved they had a  
44 license. And whoever these individuals, who was -- I guess  
45 they took Joanna Roberts place down in Novi, after that  
46 they went up the river and harassed these people. And I  
47 don't believe that these Federal managers should hire  
48 outside of the state without educating that public safety,  
49 wildlife protection officer first about the parameters of  
50 the difference between a rural resident and an urban

00066

1 resident. I just had to bring that up.

2

3 CHAIRMAN GOOD: I assume that the Council  
4 then is regarding this one as withdrawn.

5

6 MR. FLEENER: Mr. Chair, I think that as an  
7 employee of CATG, I would have no problem going along with  
8 that and I can take back the concerns of Fish and Game and  
9 Fish and Wildlife Service to the Circle Natural Resource  
10 Department and see how they want to proceed with it, if  
11 that's all right with Davey.

12

13 MR. JAMES: Yeah, that's all right.

14

15 CHAIRMAN GOOD: Well, that would take us on  
16 then to Proposal 11.

17

18 MR. MATHEWS: Yes, Mr. Chairman, Proposal  
19 11, on Page 86, and we'll be shuffling a little bit of  
20 Staff here, this was submitted by the Yukon River Drainage  
21 Fishermen's Association. This is to adopt a new regulation  
22 restricting targeting of chinook salmon specifically for  
23 the use of dog food. And we do have fairly extensive  
24 public comment, just to let you know ahead of time.

25

26 MR. FLEENER: Mr. Chair, I move to adopt  
27 Proposal 11.

28

29 MR. WILDE: Second.

30

31 CHAIRMAN GOOD: It's been moved and  
32 seconded to adopt Proposal 11. Go ahead, George, if you're  
33 ready.

34

35 MR. SHERROD: Thank you, Mr. Chair.  
36 Proposal 11 was submitted by the Yukon River Drainage  
37 Fishermen's Association and it requests adopting a new  
38 regulation that would restrict the targeting of chinook  
39 salmon specifically for use as dog food. The proposals  
40 authors offered the following justification for restricting  
41 the use of king salmon for dog food. The increase in the  
42 harvest of king salmon taken to feed dogs, primarily in the  
43 Eagle area in 1998 and '99 and the lack of regulations to  
44 discourage non such customary and non-traditional use of  
45 king salmon, the persons or persons near Eagle,  
46 deliberately engaging in the harvest of king salmon for use  
47 as dried food for dogs may very well continue this practice  
48 ignoring both customary and traditional use patterns of  
49 king salmon. Others may choose to follow their example so  
50 that in another decade or two this socially and culturally

00067

1 abhorrent practice might be recognized as customary and  
2 traditional by either the Alaska Board of Fisheries or the  
3 Federal Subsistence Board.

4

5                   If you look on the bottom of Page 90, you  
6 see specifically the language that was proposed by the  
7 proposal's authors, and this included allowing the use of  
8 fish unfit for human consumption, fish scraps and fish  
9 under 16 inches for dog food. It also allowed -- offered  
10 dates after which fish taken in the Koyukuk River drainage  
11 and in District 6, the Tanana River drainage, those fish  
12 incidentally taken, kings incidentally taken could be used  
13 as dog food.

14

15                   Currently the State of Alaska has a  
16 regulation pertaining to the use of king salmon for dog  
17 food. This regulation is found at the top of Page 91, the  
18 regulation then in fact is basically a policy and reads  
19 that, it is the policy of the Board of Fisheries that king  
20 salmon are to be used primarily for human consumption and  
21 not specifically targeted for dog food except for whole  
22 fish that are unfit for human consumption, scraps and small  
23 fish may be fed to dogs. And it should be noted that there  
24 is a proposal going in front of the Board of Fisheries, No.  
25 156 that is basically identical to the one that is before  
26 you now.

27

28                   Under Federal regulations, we do not have  
29 any regulations governing the use of subsistence fish. In  
30 both ANILCA and in Federal regulations there are  
31 definitions for what are subsistence uses and this is found  
32 at the bottom of Page 91. Subsistence uses means the  
33 customary and traditional use by rural Alaska residences of  
34 wild renewable resources for direct personal or family  
35 consumption as food, shelter, fuel, clothing, tools or  
36 transportation for the making or selling of handicraft  
37 articles out of the non-edible by-products of fish and  
38 wildlife resources taken for personal or family consumption  
39 for barter, for sharing for personal or family consumption  
40 and for customary trade.

41

42                   There are also within Federal regulations  
43 restrictions on the use of the selling or the customary and  
44 trade and barter of fish taken for subsistence purposes.  
45 While there are no regulations in Federal regulations  
46 concerning the use of fish, there are regulations  
47 concerning the use of wildlife, those regulations can be  
48 found on Page 93, and in summary they prohibit the use of  
49 certain wildlife for dog food.

50

00068

1 MR. MATHEWS: The page numbers have  
2 changed.

3  
4 MR. SHERROD: Okay, okay. Thank you,  
5 Vince. I'm sorry, the pages have changed, let me see if I  
6 can't -- sorry about that, you guys are very.....

7  
8 MR. MATHEWS: Mr. Chairman, the reason that  
9 has happened is the Western Interior book had them on Page  
10 91 and et cetera, so we didn't have a lot of time to  
11 adjust.

12  
13 MR. SHERROD: I just got my book last  
14 night, too, you know.

15  
16 CHAIRMAN GOOD: That's okay, I think we've  
17 actually been finding your tables and things.

18  
19 MR. SHERROD: Okay, starting on Page 93  
20 then there's a fairly lengthy discussion about the  
21 biological status of fish as well as a fairly lengthy  
22 discussion about the use of fish as dog food in the Yukon  
23 River drainage. And in those areas the Yukon River  
24 drainage, particularly the upriver areas in and around  
25 Eagle there is, in fact, documentation of the use of king  
26 salmon for dog food.

27  
28 On the bottom of 104, there is a section  
29 called potential effects of adopting this proposal, and I'd  
30 like to read that since we all haven't had a chance of  
31 really getting through this in great detail.

32  
33 The proposed change to the Federal  
34 Subsistence fishing regulations would prohibit rural  
35 residents from harvesting chinook salmon for dog food. If  
36 the dogs are employed for transportation a subsistence use  
37 identified in ANILCA regulations or other functions  
38 contributing to a subsistence lifestyle, bear watch dogs  
39 could negatively impact some subsistence users. The  
40 proposal, in essence, suggests establishing a post-chinook  
41 run fishing season for the taking of salmon for dog food.  
42 If for management purposes, such as escapement problems,  
43 post-chinook salmon runs did not -- were not open fishing  
44 after the chinook run would be restricted or prohibited.  
45 Rural residents would have no available supply of salmon  
46 for dog food. This problem is compounded by the fact that  
47 wildlife is prohibited by regulations from feeding dogs.  
48 Adopting this proposal, as written, would make Federal  
49 subsistence fishing regulations more restrictive than  
50 current State of Alaska regulations. However, again, I

00069

1 must note that there is a proposal in front of the State to  
2 change their regulations. This could restriction,  
3 therefore, would not have any real effect as individuals  
4 taking chinook salmon for dog food under State regulations.  
5 If the State did not change their regulations, the practice  
6 could still continue because we recognize State regulations  
7 for rural Alaska users as long as they're not more  
8 restrictive than ours.

9

10 The preliminary conclusion is to modify  
11 Proposal 11 to the following, in the Yukon River drainage,  
12 chinook salmon are to be used primarily for human  
13 consumption and specifically targeted for dog food except  
14 for whole fish that are unfit for human consumption, that  
15 is, diseases, deteriorated or deformity, scraps and small  
16 fish, jack kings, 16 inches or less may be fed to dogs.

17

18 UNIDENTIFIED VOICE: Better get your  
19 hamburgers.

20

21 MR. SHERROD: The justification. That  
22 indicates that the role of.....

23

24 UNIDENTIFIED VOICE: Subsistence.

25

26 MR. SHERROD: .....dog -- in subsistence  
27 economy of rural Alaska has considerable time depth,  
28 additionally the use of salmon including chinook for dog  
29 food is documented or implied because of the timing of the  
30 harvest in the historic record. Nevertheless, there are  
31 problems with meeting human demand for salmon on the Yukon  
32 River and some action is in order.

33

34 The proposal provides dates after which  
35 chinook salmon could be incidentally harvested for dog  
36 food. These dates are not included in the modified  
37 proposed regulatory language for the following reasons:  
38 First the dates do not cover the enter river drainage.  
39 Secondly, the dates are based on the assumption that the  
40 majority of chinook runs will have passed, the timing and  
41 strength of salmon runs vary, potentially resulting in the  
42 harvest of late chinook or the loss of opportunity to take  
43 other fish. Lastly, the need to fixed dates is unnecessary  
44 given the prohibition on the use of chinook salmon for dog  
45 food in provided in the modified regulatory language.

46

47 CHAIRMAN GOOD: Go ahead, Polly. I think  
48 George is done.

49

50 MS. WHEELER: Okay, thank you, Mr. Chair.

00070

1 The State comments are on Page 86. The State is actually  
2 neutral on this proposal as it addresses allocation of king  
3 salmon. Research conducted by the Fish and Game indicates  
4 that it is rare for king salmon to be targeted for use of  
5 dog food. Currently there is a State policy, as George  
6 mentioned, that chinook salmon be used primarily for human  
7 consumption. The Board of fish will be considering a  
8 proposal to make this policy a regulation this winter. But  
9 as I said the State will go on record as being neutral to  
10 this proposal.

11

12 CHAIRMAN GOOD: Well, I'd kind of like to  
13 start this one with a comment. If I were in enforcement, I  
14 sure wouldn't want to be handed this thing to enforce. But  
15 anyways, I have a few more comments on that but let's get  
16 everybody else out here, who else would like to comment on  
17 this, Council members. Vince.

18

19 MR. MATHEWS: Yes, Mr. Chairman, this  
20 proposal did generate a lot of written comments. In  
21 respect to all the written comments that were submitted,  
22 they're on Pages 108, 109 through 112 and I'll try to  
23 summarize them but obviously I won't be able to do as well  
24 as the authors that wrote them.

25

26 So basically there were six comments in  
27 opposition. There's one advisory committee that submitted  
28 a comment on it. And then, of course, we'll give you  
29 Western Interior's actions.

30

31 Cynthia Gwins, I believe it is, of Eagle,  
32 wrote and said she opposes it. I do not believe there any  
33 families in the Eagle area that target kings for dog food.

34

35

36 Don Woodruff, who we talked about in the  
37 previous proposal, sent in a comment. He's been fishing  
38 for both chums and kings for 22 years between the Charley  
39 River and the Canadian border. He has always dried king  
40 salmon for his dogs, and again, he finds it offensive to  
41 have Fish and Game officers searching his fish take.

42

43 We have a letter from T.P. McLaughlin of  
44 Eagle, he believes this proposal is unnecessary and  
45 unwarranted. I believe it will make an unintentional  
46 effect of producing more waste instead of less. For  
47 example, many Native people I know will not eat female  
48 kings. Under this proposal they would be tossed back into  
49 the river and wasted, if not used for dog food.

50

00071

1                   We had several letters from Scarlett Hall  
2 of Eagle. She opposes the proposal. Today your proposal  
3 was put before us and it is such a slam at our family, just  
4 the wording alone is extremely negative especially when it  
5 is so far from the truth but no one bothered to come to us  
6 and check out the facts. The person or persons who push  
7 this issue in the proposal have never set foot in our fish  
8 camp nor spoken directly with us.

9  
10                   That pretty much captures that one letter.  
11 There's a lengthy letter from Wayne Hall and Scarlett Hall,  
12 I think I'll just leave it there for you, it's basically in  
13 opposition and they go through many facts as to why there's  
14 such an uproar over this issue.

15  
16                   The next comment is from Scarlett Hall and  
17 she, again, reiterates the concerns on this proposal, and  
18 that they consider this as an appropriate use of king  
19 salmon.

20  
21                   We received one comment from Ruby Advisory  
22 Committee -- excuse me, let me correct that, it was from  
23 the Ruby Advisory Committee Chair. I checked with the Ruby  
24 Advisory Committee, they had not met. The committee Chair  
25 shares that in Proposal 11 is a delicate subject on -- I  
26 have a hard time reading his letter but on Interior waters,  
27 but for the future of this fine natural stock we need to  
28 take measures to control the escapement for future natural  
29 salmon stock. There should be a controlled opening or  
30 closing and the use of the fishery for the next five years  
31 in commercial, subsistence and personal use, along with  
32 sportfish, we believe that at the peak of strong runs there  
33 should be controlled openings to allow for healthy  
34 escapements to the breeding grounds.

35  
36                   Western Interior took up this proposal in  
37 their meeting in Nulato. They supported with modification.  
38 Their modification was to support the proposal with the  
39 existing State policy on Page 91, which is essentially on  
40 Page 89, which meres almost exactly the Staff  
41 recommendation. So they support the proposal with the  
42 modification for the State policy.

43  
44                   And that is all the comments I believe have  
45 been submitted on this proposal.

46  
47                   MR. NICHOLIA: Mr. Chair, one of the  
48 reasons that this proposal came up that's proposed by Yukon  
49 River Drainage Fishermen's Association, it was to settle an  
50 upriver and down river disagreement. Down there they don't

00072

1 believe to use kings for dog food because when it reaches  
2 the mouth down there it's good, it may have a little messed  
3 up but it's still good to them. And what I believe, if  
4 we're going to restore something -- or put it back into  
5 what it was, we have to do something like this. We have to  
6 restrict people that's going to use good king salmon for  
7 dog foods. They could use chum or coho. It's just a hard  
8 time for these people to get fish now and to let this  
9 happen, I don't care what the Staff recommendation said  
10 back here but we could go with the modification. What  
11 we're trying to do here is to protect a subsistence  
12 resource for human consumption. There's other fish in this  
13 river that could be fed to dogs.

14

15                                 There may have been a traditional use, it  
16 may be proven, it may be proved that they did feed king  
17 salmon to dogs before, but I don't stand for it. If we're  
18 going to protect this resource, I believe we should support  
19 this proposal.

20

21                                 CHAIRMAN GOOD: Other comments.

22

23                                 MR. JAMES: Yeah. You know, after I read  
24 some comments there, reading and scanning through some of  
25 these comments there on this proposal here, it seems like  
26 there's miscommunication or something going on up there in  
27 Eagle there. I think this is due to people not respecting  
28 protocols, process, that any John Doe, as I've mentioned  
29 this before in years past, can present a proposal. And  
30 this is exactly what we did with the Birch Creek proposal.  
31 The Birch Creek proposal was presented by an individual  
32 from Fairbanks closing the subsistence use on the mouth of  
33 the Birch Creek, and we had to come around and realign that  
34 because the Birch Creek people weren't informed of that  
35 proposal. And it seems like that's exactly what happened  
36 up here in Eagle, somebody from Eagle presented the  
37 proposal and then it uproared a majority of the community  
38 because that person never had a protocol of going to the  
39 advisory council and then bringing it down through the rest  
40 of the other villages that's going to be affected by it.

41

42                                 We really need to watch how proposals are  
43 being presented. You know, I'd really like to -- I mean we  
44 really need to address this. I mean, really I would  
45 support this, but we really need to look at how proposals  
46 are being presented, if it's being presented through the  
47 right agencies and right advisory groups, you know, making  
48 sure that the communication is brought out.

49

50                                 Thank you.

00073

1 CHAIRMAN GOOD: Any other comments. Go  
2 ahead, Jim.

3  
4 MR. WILDE: These letters seem to be kind  
5 of loaded from the one side. I read the letter from the  
6 original writer that went to the Alaska Department of Fish  
7 and Game, I don't know why he didn't send one here, but he  
8 had some substantiated facts in that letter. I don't know  
9 if Kevin would like to comment on it, he knows the  
10 individuals and more than I do.

11  
12 Thank you.

13  
14 CHAIRMAN GOOD: Kevin.

15  
16 MR. FOX: Thank you, Mr. Chair. I'm Kevin  
17 Fox from Eagle. I'm also on the Eagle Advisory Board  
18 there, so I've been -- we've wrestled with this topic for a  
19 while and you can see that there's emotions on both sides  
20 that are very strong. Essentially, though, in general most  
21 people there in Eagle target kings just for human  
22 consumption. So it is -- I think it was unfortunate there  
23 was some miscommunication there initially from some folks  
24 that weren't aware of all the facts. So I think they're --  
25 like you can see here it was pretty emotional on each side.  
26 Some feelings got hurt and a lot of these letters resulted  
27 from that fact.

28  
29 But if you look at how the new regulation  
30 reads here in Proposal 11, that's essentially what's been  
31 going on from the get-go. In 1998 there were some folks  
32 that took a few more kings than they could use personally  
33 so they did put some of those up for dog food. But in  
34 general, some of -- at least lately, a lot of the kings  
35 that do get to Eagle seem to have a lot more fungus on them  
36 and are in pretty bad shape, so the people in Eagle feel  
37 that they really need the opportunity to feed those kings  
38 to dogs, and that's allowed for there in that new  
39 regulation.

40  
41 So I don't know exactly what to recommend  
42 on this situation. I think Eagle, in general, would agree  
43 with how that regulation reads there because that's what's  
44 going on. But there's a lot of folks there in Eagle that  
45 oppose any additional regulations that would essentially  
46 remove -- they view it as removing their right to choose  
47 how they're going to take care of their subsistence  
48 resources and how they're going to use them. Everybody  
49 there agrees that the king is a very important resource and  
50 we do have to take care of the resource first and

00074

1 escapement comes first and then subsistence should come  
2 second and then commercial third, essentially. So a lot of  
3 the things that I'm hearing from everybody here is also in  
4 Eagle, so I -- there's -- as far as I know there's very few  
5 really good kings going to dogs.

6

7 So that's about all I can add right now  
8 unless you have any questions.

9

10 CHAIRMAN GOOD: Questions.

11

12 MR. WILDE: What did Eagle Advisory  
13 Committee propose to the Alaska Department of Fish and  
14 Game?

15

16 MR. FOX: I don't remember exactly what --  
17 we're going to have a meeting here next week and kind of  
18 discuss more of this. So it's going to be a little bit  
19 behind the power curve on this one but we did have a  
20 meeting about a year and a half ago to discuss this and  
21 individuals that put this proposal in and the opposite side  
22 of the coin were both there and we discussed it and we came  
23 to an agreement at that meeting that essentially how this  
24 regulation reads here is what was going on. But people  
25 agreed that they did not want additional regulations. So  
26 that's kind of a roundabout way to say that they oppose any  
27 additional regulations so they oppose this regulation. But  
28 this is what's actually occurring.

29

30 MR. NICHOLIA: Yeah, why I really support  
31 this is that this regulation is not going to be imposed  
32 only on Eagle, it's going to be imposed on all Yukon  
33 people, Yukon residents. And I'd like to suggest that Dan  
34 Albrecht, if he wants to come up here and mention something  
35 to this effect, then he can come up.

36

37 MR. ALBRECHT: Yeah, I'll just make a few  
38 comments about the process and the evolution of all this.  
39 The first time that it was brought to our attention it was  
40 by one of -- a fisherman from Eagle, who at that time was  
41 an alternate board member in our association. And we met  
42 in Alakanuk in February of '99, and at that time, you know,  
43 we had a good turnout at the meeting and pretty much  
44 everybody was like, well, let's do this but, you know, it's  
45 the first -- this is kind of new and unusual, so let's just  
46 make it as a policy statement, you know, just sort of send  
47 a message that this should be discouraged. So we did that  
48 and the Fish Board did a policy, put the policy into  
49 regulation in 1999, same thing essentially happened. And  
50 so we met in Fort Yukon in March of 2000, and had a good

00075

1 showing of people up and down the river and pretty much  
2 everybody said, yeah, human consumption.

3

4                   Just to speak with regards to the dates for  
5 the other parts of the river. There was quite clear  
6 testimony from individuals and then voting board members  
7 and alternates at our annual meeting that in the Koyukuk  
8 River and in the Tanana River, people are mostly fishing  
9 for summer chum, you know, to get some dog food and then  
10 you get -- you know, you get a king, which in that case is  
11 a terminal area king, they're getting pretty close to their  
12 spawning grounds, it is quite red and will be cut and dried  
13 for dog food, it's a common longstanding use of a highly  
14 sexually mature king salmon and especially in the Tanana  
15 River where you heard testimony yesterday, the  
16 Tanana/Rampart/Manley Advisory Committee about that. So  
17 that's why that -- they approved our proposal, the  
18 companion proposal to the State as written with the idea,  
19 you know, these dates later in the chinook run.

20

21                   With regards to the comments by the  
22 potential affects of adopting this proposal, I mean there  
23 is -- or excuse me, the justification, these dates -- the  
24 proposal provides dates after which chinook salmon could be  
25 incidentally harvested for dog food. Yes, there's a reason  
26 those dates are there, which is, there's a general  
27 understanding, you know, that chums are used for dog food  
28 but occasionally you're going to pick up a king. In recent  
29 correspondence to Ms. Scarlett Hall, that I wrote back to  
30 her, I raised two points, one is I reemphasized, you'll  
31 notice that many of the public comments say, do you want us  
32 to waste this fish if it's in lousy shape and it seems  
33 like, you know, they reacted strongly to our proposal,  
34 which is understandable, and I respect their comments, I  
35 just reemphasize that, no, if it's unfit for human  
36 consumption, if it's a jack or like the guy from the  
37 advisory committee said, by and large, you know, our  
38 proposal covers those existing uses.

39

40                   The one comment I made to Ms. Hall was, she  
41 mentioned that sometimes kings and perhaps Mr. Cox can  
42 elaborate, but that sometimes king salmon are picked up in  
43 nets when people are fishing for their very early fall  
44 chums and I thought well, maybe there is -- in my  
45 correspondence to Ms. Hall, I said, perhaps there's a date  
46 in late July or August that we could apply to subdistrict  
47 5(D), so that people pick up what is most likely a highly  
48 sexually mature king salmon they want to cut and dry and  
49 give it to their dogs, that's understood to be incidental  
50 take, you know, but the main thing that we were trying to

00076

1 focus on was we did not want to see directed fishing effort  
2 to put up kings for dogs. That was the main emphasis on  
3 it. Which it is, by and large our proposal, covers what  
4 the traditional activity is. So that's the one item where  
5 we indicated to Ms. Hall, that, you know, over the winter  
6 we're prepared to -- not negotiate but for lack of a better  
7 phrase, I'll say negotiate about, well, maybe we could  
8 include a date in late July or early August, similar to the  
9 Koyukuk River and the Tanana River drainage.

10

11 CHAIRMAN GOOD: Any other comments.

12

13 MR. G. SAM: I've got one.

14

15 CHAIRMAN GOOD: Go ahead, Gabe, come on up.

16

17 MR. G. SAM: Hello, Polly. Mr. Chair, when  
18 this was brought up at the Western Interior meeting I got  
19 up and said what TCC's position -- we wrote a position  
20 letter to YR DFA supporting their position at what happened  
21 at Alakanuk. So I went back and looked for that letter but  
22 I never found a letter supporting this change in  
23 regulation. We do not have a position on this but we have  
24 a position on the concept of not using specifically kings  
25 for dogs, targeting kings for dogs.

26

27 You know, one particular statement that's  
28 in the letter of comments on Page 108 where it says on the  
29 last opposed, it says on the second sentence, for example,  
30 many of the Native people I know will not eat female kings.  
31 This person, T.P. McLaughlin from Eagle is not representing  
32 our Native people in the region to make that kind of  
33 statement. That's untrue, you know, we use all king  
34 salmons whether it's, you know, a male king or a female  
35 king, if it's a good king it's going to be dried for  
36 strips. But, you know, those kind of inaccuracies have to  
37 be looked at.

38

39 And you know, the king salmon that are  
40 caught on the Koyukuk River, for example, when my dad  
41 catches king salmon, my mom checks it to make sure if it's  
42 good enough to dry for human consumption, she will cut it  
43 up, if not it's cut up for dogs so it's not wasted. But we  
44 don't target king salmon for dogs, that's -- you know,  
45 especially if they're trying to make it to the spawning  
46 grounds.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN GOOD: Thank you, Gabe Are there

00077

1 any other comments.

2

3

MR. DARLAND: I've got a comment.

4

5

CHAIRMAN GOOD: Darell Darland.

6

7

MR. DARLAND: Mr. Chairman, just to -- I'm Darell Darland, Delta Junction. Just an observation, I think if you support this proposal you're kind of creating a credibility issue for yourself. Last night I went to the fisheries meeting and the Canadians were roundly criticized for commercial fishing or having an opening when the rest of the river was closed. So on one hand you're saying you Canadians can't fish but we're okay in taking king salmon for dog food. And I think I could make a pretty strong case where, you know, a lot of people would just not give you a lot of credibility in what you're trying to do.

18

19

Thanks.

20

21

CHAIRMAN GOOD: Other comments.

22

23

MR. JAMES: I have one more comment, Nat.

24

25

CHAIRMAN GOOD: Davey, go ahead.

26

27

MR. JAMES: I was reading through this letter from Eagle, there, Scarlett Hall, she wrote three of them, in fact. I noticed that the village of Eagle there catch more fish than the whole Yukon Flats in the last three years.

32

33

Thank you.

34

35

CHAIRMAN GOOD: Does that tell us who's a better fishermen or what, but jokes aside here. As I look at this and I think Dan may have hit it on the head when he said that he was really looking at policy rather than regulation initially and what they came up with is really more policy than regulation you want something you can enforce. And that's not here. If you want to take king salmon, no problem, you can do it under this. In fact, the original proposed regulation made it possible to target king salmon after specific dates, July 10th and July 20th and where -- it's kind of like opening a door, in my mind, and then on the other hand, always -- it says that, as long as you're putting in exceptions in here, whole fish unfit for human consumption, fish scraps, how long does it take to convert a fish to fish scraps or to make it unfit or to say it was unfit? You know I wouldn't want to be an

00078

1 enforcement person, you know, working with this particular  
2 regulation. But I think it is excellent policy in terms of  
3 saying we don't want people targeting fish for dog food.

4

5 So I don't have a real good answer here, I can only  
6 say that there are problems in both directions. You do  
7 need the policy but are we writing policy here or  
8 regulations?

9

10 MR. FLEENER: Mr. Chair, I sort of agree  
11 with that. I've been looking over this and thinking that I  
12 don't know if I'd want this to become a regulation either  
13 because what happens if and when the king salmon population  
14 is high enough and the chum salmon and other salmon  
15 populations are so low that people have to feed king salmon  
16 to dogs. You know, I think it sounds kind of weird, but I  
17 think of, what do they call female deer -- does, I think of  
18 doe hunting down in the Lower 48, you know, for so long it  
19 was illegal in all these states and now so many of these  
20 states are overpopulated with female deer because it was  
21 ingrained into them you can't touch these things and now  
22 they've got horrendous problems with lots of stuff. People  
23 running into them, eating crops, you know, way too many  
24 deer in all these states and hopefully we have that problem  
25 with king salmon, but I don't think we will, but I mean I  
26 just see us making a regulation, one, that is  
27 unenforceable, and two that, hopefully the population will  
28 be a lot higher some day and maybe we wouldn't want to see  
29 this thing. Maybe we do want to allow people to catch king  
30 salmon for dog food in this circumstance, where chums are  
31 not available and maybe when they are spawned out. You  
32 know, this keeps -- this prevents people from, like Nat was  
33 saying where they used to go and pick up carcasses to feed --  
34 you know, spawned out carcasses, the animals are already  
35 dead, they're floating down the river but if they don't  
36 fall within specific time periods -- well, I guess these  
37 would, these are unfit for human consumption, aren't they --  
38 never mind that then.

39

40 But there is a limitation that I'm kind of  
41 concerned about. But I agree with the policy, you know,  
42 when we're in trying fish population -- when we have low  
43 fish populations, we're in trying times, you know, we want  
44 to do what we can to protect those spawning fish. I don't  
45 even like the idea of targeting the ones after July, if  
46 we're trying to get salmon to the spawning grounds,  
47 especially if we're contending with people who disregard  
48 our laws and, say, have a commercial opening somewhere  
49 else. So what do we do, I don't know?

50

00079

1 I have another question, though, the  
2 Federal Staff recommendation here, I'm looking for a  
3 difference between that and the YRDFA proposal. It says in  
4 the Yukon River drainage.....

5  
6 MR. MATHEWS: Dates.

7  
8 MR. FLEENER: .....oh, the dates are the  
9 only difference, so they don't have any dates at all. Is  
10 that the only intended difference other than a little bit  
11 of verbiage?

12  
13 MR. SHERROD: Yes, Mr. Chair, that's the  
14 basic difference. And the only difference between the  
15 Federal recommendation, substantial difference than the  
16 State's current regulation is the State says it's a  
17 policy.....

18  
19 MR. FLEENER: Right.

20  
21 MR. SHERROD: .....and it is the State's  
22 language that the Western Interior Council opted to adopt  
23 which then puts our regulations in line with the State, at  
24 least at this moment in time.

25  
26 MR. FLEENER: But theirs isn't a  
27 regulation.....

28  
29 MR. SHERROD: It's a regulation but it says  
30 policy.

31  
32 MR. FLEENER: But it's intended to become a  
33 regulation next year, is that -- no?

34  
35 MS. WHEELER: It's being considered by the  
36 Board of -- it will be considered by -- there's a proposal  
37 before the Board of Fish for this January mega meeting that  
38 will be considered but at this point in time it is a  
39 proposal -- or a policy, I'm sorry.

40  
41 MR. FLEENER: And has the -- have you guys  
42 received the similar number of letters, more or less, on --  
43 with the same types of concerns?

44  
45 MS. WHEELER: I can't answer that question  
46 one way or the other but I will get back to you.

47  
48 MR. FLEENER: Thanks.

49  
50 CHAIRMAN GOOD: I'd like to ask Kevin Fox a

00080

1 question here. The whole question seems to revolve around  
2 Eagle and the people there are starting to feel pretty beat  
3 up, he's already indicated they really support this thing.  
4 I have problems with this in terms of it not being really  
5 regulation but more of a policy, and I really think it's an  
6 understood policy already in Eagle. Do we need to beat  
7 them up more with this?

8

9 MR. FOX: A year and a half ago when we met  
10 originally to discuss this, when it was thrown out as a  
11 policy, everybody agreed that it was good policy and  
12 everybody in the committee agreed that we could adopt a  
13 policy like that. When it moved up to regulation, a lot of  
14 people got cold feet and they didn't like to see that. And  
15 your point about being -- how enforceable is this, too,  
16 comes up, but that's another issue. People in Eagle do  
17 feel like they've gotten beat up pretty bad on this one,  
18 especially several families. They really wanted to point  
19 out, too, that once the kings get up there there's a lot of  
20 fish that aren't fit for human consumption. I've caught  
21 some of them up there that it's amazing that they've made  
22 it that far because they've got holes in their side or  
23 whatever and they're still swimming. But yeah, it's pretty  
24 impressive that some of those fish in that bad of shape can  
25 get up there.

26

27 Anything else?

28

29 CHAIRMAN GOOD: I think that -- Craig, did  
30 you have something?

31

32 MR. FLEENER: Yes, Mr. Chair. How do you  
33 think that the people in Eagle who have written these  
34 letters, why would they disagree with this when it says  
35 that they're allowed to use fish that's unfit for human  
36 consumption? Why would they -- just because it's another  
37 regulation?

38

39 MR. FOX: Yeah, primarily they don't want  
40 to see it regulated. And there are some real hurt  
41 feelings, too, so I'm sure that some of that was in  
42 response to hurt feelings.

43

44 MR. FLEENER: So they agree with the idea  
45 but they don't want the regulation?

46

47 MR. FOX: Exactly.

48

49 MR. FLEENER: So they don't agree with the  
50 idea.

00081

1 (Laughter)

2

3 MR. FLEENER: No, no, I'm saying that to  
4 make a point. I mean if you agree with the idea then you  
5 should agree to be regulated. If you don't agree with the  
6 idea then you don't want to be regulated. That's basically  
7 what I'm hearing.

8

9 MR. FOX: Right, they.....

10

11 MR. FLEENER: It's a mixed signal, what I'm  
12 receiving. Either they agree with it or they don't agree  
13 with it.

14

15 MR. FOX: They agree with the policy but  
16 they don't like the idea of additional regulations.

17

18 MR. FLEENER: So they don't mind a policy  
19 as long as nobody's going to enforce it.

20

21 (Laughter)

22

23 CHAIRMAN GOOD: You can't enforce.....

24

25 MR. FLEENER: I realize that but that's not  
26 the point. The point is -- I think everybody else  
27 understands the point but, okay, thank you.

28

29 MR. FOX: I understand the point, too, it's  
30 just I'm conveying what I hear from there.

31

32 MR. FLEENER: Okay, thank you.

33

34 CHAIRMAN GOOD: Please come forward to the  
35 microphone.

36

37 MR. FLIRIS: Bill Fliris from Tanana. I'm  
38 also on the YRDFA board. And this is controversial, I  
39 know, and it was for us, too. And it's going to continue  
40 to be, because like you say, it's not really enforceable.  
41 We had to leave loopholes in there to accommodate what's  
42 already going on.

43

44 But I think the main concern that we had  
45 was will this practice increase with the continuing poor  
46 fall chum runs and predictions for more poor fall chum  
47 runs. Will there be a tendency for people to think, I'll  
48 go out and get some kings early on for dog food. And the  
49 consensus in YRDFA and we have to have a consensus in order  
50 to pass anything, was that, everybody agreed king salmon

00082

1 for human consumption fish. So that was our intent, was to  
2 find out is it or is it not primarily human consumption  
3 fish. And what we're finding out as we delve into it  
4 further is there is evidence that people have been using  
5 them for dog food for quite a while. So what I think is  
6 important is that we identify that use, find out how many  
7 fish are required for that and make a determination based  
8 on that, you know. Where is it going? Is it going up or  
9 down, is it stable, has it been there for a long time? And  
10 maybe review it.

11

12 What we did -- what we recommended was to  
13 put a sunset on it, that's the easy way out for us every  
14 time something like this comes up. Let's look at it again  
15 and see if it's causing a lot of trouble or not, if we want  
16 to redo it. And so you might think a little bit along  
17 those lines.

18

19 Thank you.

20

21 MR. ALBRECHT: Just a last comment on this  
22 issue. I think Bill really hits the nail on the head, it  
23 really is an issue about, you know, trying to document the  
24 use of this and especially in light of the Department and  
25 Dave Andersen saying, yeah, in 1998 we told people upriver  
26 the fall chum run was going to be bad and they went out and  
27 caught more kings, I mean boom, it's cause and effect.  
28 It's pretty clear there.

29

30 And it even shows up in your discussion on  
31 the earlier proposal about the permit system where it's got  
32 the harvest permit data for those areas for that whole  
33 stretch from Twentytwo Mile Slough up to the border. The  
34 1998 fall chum harvest is negligible in that area, so in  
35 some ways the people did the right strategy if they were  
36 looking for dog food.

37

38 You know, with regards to the  
39 enforceability issue, I mean this is something the Board of  
40 Fish deals with all the time, there's not enough Troopers  
41 around out there, these are huge areas and there's  
42 loopholes here and loopholes there, and you know, that gets  
43 down to the Trooper level. But it is basically --  
44 especially given the situation right now, you send a clear  
45 message about what is -- and maybe it will take a court  
46 case if it ever came to that where people would get around,  
47 did somebody intentionally target kings for dogs, and  
48 stuff, if it ever came to that. And maybe then it will all  
49 get more defined. But the key point is really to send a  
50 clear message about these being primarily human consumption

00083

1 fish, it's the main goal of this.

2

3 CHAIRMAN GOOD: Gerald.

4

5 MR. NICHOLIA: Yeah, if we're going to  
6 establish good relations between the US and Canada on the  
7 Yukon River and if they see something like this from the  
8 Federal regime or the State is that this will be sending a  
9 clear message to them, too. Not only to the people along  
10 the Yukon, see there's this clause here, unfit for human  
11 consumption, scraps or less than jacks, if we just keep  
12 saying this is a policy and this keeps happening, what kind  
13 of message are we sending to the people downriver. It's  
14 just going to start another big squabble from downriver to  
15 upriver.

16

17 MR. FLEENER: Mr. Chair, maybe if I could  
18 be reminded again, what is the primary problem with the  
19 YR DFA, after July 10th and July 20th dates? What's the  
20 main reason for not going along with those?

21

22 MR. SHERROD: The dates were basically  
23 dropped because the language above already precludes the  
24 targeting in the fish that are unfit for human consumption  
25 can be used. So the establishment of fixed dates after  
26 which, open season on kings basically, it was felt it was  
27 unnecessary.

28

29 MR. FLEENER: But what they're -- so you're  
30 saying that you still don't want people to target them  
31 after July 10th on the Koyukuk and after July 20th?

32

33 MR. SHERROD: Well, if the intent is to  
34 keep people from targeting kings for dog food, then why  
35 have a window that allows it to happen.

36

37 MR. FLEENER: Okay, thank you.

38

39 CHAIRMAN GOOD: Any other comments.

40

41 MR. FLEENER: Mr. Chair, I think that -- I  
42 think -- I don't know what I think -- I think that we've  
43 made a motion to adopt Proposal 11, I think that I'd like  
44 to go with Staff recommendation. What do I need to do? Do  
45 I need to make another motion to.....

46

47 CHAIRMAN GOOD: Move to amend.

48

49 MR. FLEENER: Okay, I'll move to amend the  
50 proposal to go with Staff recommendation.

00084

1 MR. NICHOLIA: Second.

2

3 CHAIRMAN GOOD: Now, I happen to support  
4 this, by the way, but I do have a question that comes along  
5 with this

6 Vince, maybe you can answer it for us. But we do put these  
7 regulations into place and theoretically something gets  
8 done with them, I'm still, again, of the opinion that we're  
9 putting policy into place rather than regulation, but could  
10 you address the enforcement aspect and who we have out  
11 there in the field and what they do or how they do it or is  
12 there somebody that could? Perhaps later in the meeting.

13

14 MR. MATHEWS: Mr. Chairman, I have no idea  
15 what affect this will have on law enforcement and what  
16 levels they have out there. And since it's the whole  
17 river, that's a pretty large task. Maybe the State can and  
18 there's also, I think, enforcement officers for different  
19 other agencies, too.

20

21 CHAIRMAN GOOD: I guess, the question would  
22 be, Polly, are you talking about State or do you enforce  
23 Federal regulations?

24

25 MS. WHEELER: Well, to my understanding  
26 that State and Federal wildlife protection people are  
27 cross-deputized, so they can swing either way or whatever.

28

29 (Laughter)

30

31 MS. WHEELER: Go -- sorry, they can go both  
32 -- they can enforce each others regulations.

33

34 As far as this being enforced, I have  
35 spoken to one wildlife person and they indicated that they  
36 have problems enforcing the wanton waste regs that are on  
37 the books right now. You know, because you have to  
38 ascertain intent to waste and I guess just looking at this,  
39 if there's a problem with enforcing wanton waste laws,  
40 which as I read them as a citizen, not an enforcement  
41 person, they seem pretty clear to me, if they have problems  
42 regulating wanton waste regulations I think they might have  
43 some problems enforcing this as a regulation. Because  
44 what's unfit for human consumption is pretty relative. I  
45 mean it varies.

46

47 CHAIRMAN GOOD: A judgment call. Okay, so  
48 I guess we're just looking in terms of sending a message  
49 here and establishing a policy.

50

00085

1 MR. FLEENER: Question.

2

3 CHAIRMAN GOOD: Question has been called.  
4 Any further discussion. Hearing and seeing no indication  
5 of such, all those in favor, please signify by saying aye.

6

7 IN UNISON: Aye.

8

9 CHAIRMAN GOOD: Opposed same sign.

10

11 (No opposing votes)

12

13 CHAIRMAN GOOD: The motion passes.

14

15 MR. MATHEWS: Mr. Chairman, that was the  
16 amendment. Now, you have the full motion.

17

18 CHAIRMAN GOOD: That was the Staff  
19 recommendation as amended there.

20

21 MR. FLEENER: So now we go with Proposal  
22 11.

23

24 CHAIRMAN GOOD: Does that make sense?  
25 Vince, is that clear enough? We went with the Staff  
26 recommendation on Number 11.

27

28 MR. MATHEWS: Right but that was an  
29 amendment to the main motion which was to support the  
30 proposal. So the main motion as amended.....

31

32 CHAIRMAN GOOD: Is now on the floor.

33

34 MR. MATHEWS: Right.

35

36 MR. FLEENER: Question.

37

38 CHAIRMAN GOOD: Question has been called.  
39 All those in favor.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN GOOD: All those opposed.

44

45 (No opposing votes)

46

47 CHAIRMAN GOOD: And the main motion passes  
48 as well. I think we need a five minute break here, maybe  
49 even stretch it to 10.

50

00086

1 (Off record)

2 (On record)

3

4 CHAIRMAN GOOD: Eastern Interior will now  
5 come back to order. We're going to make an adjustment in  
6 the agenda to accommodate Dan Albrecht who will be leaving  
7 on the 5:00 o'clock plane. If there's anybody else  
8 attempting to leave on that plane, will they let us know  
9 right away.

10

11 All right, go ahead, Dan. We're doing this  
12 to get rid of Dan.

13

14 (Laughter)

15

16 MR. ALBRECHT: Fine, put me on my way.  
17 Yeah, there's an item on your agenda that refers to the  
18 Yukon River coordinating committee and Yukon River Drainage  
19 Fisheries Association. And kind of why I wanted to get  
20 this done now before I go is that I'd like some feedback on  
21 the conference calls that we organized this summer. And  
22 there's kind of two questions -- the main question I want  
23 answered in terms of trying to figure out for next summer  
24 is, do we go with always having like the meeting at a  
25 regularly scheduled time, every Monday at 12:00 noon or do  
26 we try to say, well, we always have a weekly conference  
27 call and we'll give you at least three days notice.  
28 Because sometimes, you know, the Department is often looked  
29 at like well, by Wednesday we will have reached the 25  
30 percent mark in the run and that's a good decision point,  
31 and then there's the 50- percent mark of the run and so on  
32 and so forth. So we've always had conference calls every  
33 week but they've kind of floated around a little bit. So  
34 that's one question I want answered.

35

36 The second one is kind of feedback on  
37 process. And it was really hard this summer, when the  
38 run's as bad as this, boy, all the shit hits the fan. And  
39 many of you heard on the conference calls, you know, and  
40 I've seen this with YRDFA, over the years, in the last 10  
41 years, when the runs are good people are kind of happy and  
42 everybody gets along with each other and when the runs are  
43 bad all the old animosities come out and you know, you got  
44 too many dogs, you guys -- you commercial guys are making  
45 lots of money or you're roe stripping or you're road-  
46 connected, you don't need the help and blah, blah, blah,  
47 and it goes back and forth. So you know, we just try to  
48 keep to our agenda and went over the staff reports. After  
49 the staff reports were done, every village that was on the  
50 line would kind of give an update on how subsistence

00087

1 fishing was going in their area, how full the racks are,  
2 not your RACs but fish racks, and you know in the interest  
3 of public participation we didn't sit there and say, hey,  
4 shut up buddy get off the line or that's an insult, how  
5 dare you say that and -- because we don't know quite how to  
6 regulate that. You know fishing is controversial and  
7 you're always going to have that.

8

9 So I'm not sure what to do about that kind of issue  
10 but I would like good feedback from you guys on how to  
11 organize the conference calls, whether we always go with a  
12 scheduled date and then if we have to move it, fine, you  
13 know, we move the date and say, okay, we're not going to  
14 meet Monday like we thought, we'll meet on Wednesday. So  
15 I'm all ears.

16

17 MR. NICHOLIA: Yeah, Dan, like most of --  
18 when we get on the conference calls, you know, mostly  
19 everybody really-- that calls in like that -- I'd like to  
20 see more people forewarned about the conference call.  
21 Because I work at the tribal council and I'm always  
22 forewarned, a lot of people always call me up and tell me,  
23 especially Vince.

24

25 MR. ALBRECHT: Would you like to see  
26 regularly scheduled meetings, like every Monday or every  
27 Tuesday or something?

28

29 MR. NICHOLIA: Yeah, I'd like to see a  
30 proposed date, but like you mentioned, if something comes  
31 up unexpectedly, like a regulation change or emergency  
32 order, I'd like to see a conference call before that  
33 happens to get the people along the river.

34

35 MR. FLEENER: Mr. Chair, I agree with that.  
36 I think that a regular scheduled meeting would be good for  
37 everybody involved. You know, we can post it up around  
38 town, if it's every Monday at 2:00 o'clock then you can  
39 post that up one time and if there's any changes to it you  
40 can try to get the word out. But if it's all over the  
41 place, I think you'll have lower attendance.

42

43 MR. JAMES: Yeah, Wednesday sounds good,  
44 the middle of the week. But, you know, we should try to  
45 keep that teleconference away from homes, there's kids in  
46 the background because there was a lot of interference the  
47 last two times.

48

49 MR. FLEENER: Mr. Chair, yeah, that was a  
50 pretty irritating thing to sit there and listen to people

00088

1 carrying on conversations with who knows who in the  
2 background, that was kind of irritating. But I do like the  
3 format of just letting people vent, that's pretty helpful,  
4 even if it is hurtful sometimes. It lets you know exactly  
5 where people are coming from. I don't think you can really  
6 stop that in an open forum like that unless you had one of  
7 these mics where you could control everything.

8

9 MR. ALBRECHT: I'll work on that one.

10

11 CHAIRMAN GOOD: Vince.

12

13 MR. MATHEWS: Mr. Chairman for those that  
14 do participate in the teleconferences, it would really help  
15 if you have time to get local people on the teleconference.  
16 During the beginning part of the season, to be honest with  
17 you, there wasn't that much participation from the Upper  
18 Yukon area, so I put in an extra effort to get extra  
19 participation. Those that are going to -- you know, RAC  
20 members who are going to participate, you know, if you can  
21 in your village get a couple of people there, I know it  
22 helped me and I believe it helped the in-season managers to  
23 hear those concerns from several people at that site, and  
24 again, if they're regular that might help. But it's hard  
25 for myself, I won't speak for Dan, to get people to go to  
26 listen in when we're hundreds of miles away, where if you  
27 could encourage different people to participate and then  
28 finally there may be young adult or youth that you could  
29 encourage them -- not the ones that are going to be noisy  
30 in the background, but to start listening in on these and  
31 go that route. Because we do need more input because then  
32 the manager knows what people in Fort Yukon might be  
33 thinking, the people in Beaver are thinking as well as the  
34 people in Mountain Village, because that lessens them  
35 having to call to find out what's going on in Fort Yukon.

36

37 But anyways, it's a little soapbox point to  
38 me but it would -- if you guys could get a few people in  
39 each of your sites, if you know it's going to be on a  
40 certain day, to come by and listen in and then encourage  
41 them to speak. And on that, all the Regional Councils were  
42 very active, you know, in voicing on all the  
43 teleconferences, because there's a lot of people on line.  
44 And I sense a lot of people don't share because there's so  
45 many people listening. And Dan can only do so much to get  
46 them to talk. But I think the next season, if it's going  
47 to be a repeat of last, people are going to have to talk  
48 and going to have to vent so you can get somewhere.

49

50 Anyways, that's all.

00089

1 MR. ALBRECHT: Mr. Chairman, I think the  
2 best model and many villages do do it, you know, is to have  
3 the Village Council office on the speaker phone with a mute  
4 button, ideally, and people can fill in. And with regard  
5 to Vince's point about, especially subsistence effort and  
6 kind of how many racks are full and how many people are  
7 done, how many people -- it's really good to hear from you  
8 know, more than one fisherman in a village because it can  
9 really kind of vary. Like especially with set net sites,  
10 is it a good set net site, or is it a marginal set net  
11 site. You talk to one fisherman and he goes, oh, yeah, I'm  
12 catching lots of fish, and the guy who doesn't have a great  
13 site might not, and then even in the lower Yukon, too there  
14 were things with the different water level or different  
15 areas, that they really varied depending on who you talked  
16 to and stuff.

17

18 And you know, Department and Staff and  
19 subsistence staff, they talk to certain individuals but,  
20 hey, there's 42 villages and 15,000 people, the more  
21 information the better.

22

23 MR. NICHOLIA: Yeah, I have a comment to  
24 Vince and Dan. I represent Tanana people most of the  
25 Eastern Interior, I go up there and tell them when I know  
26 there's going to be a teleconference, they give me their  
27 points. Because they don't want to sit there and listen to  
28 this upriver and downriver stuff, they already told me  
29 that. And I think I do pretty good -- well, representing  
30 them. And a lot of these times these fishermen are out  
31 there doing something, they don't have the time to come  
32 back 40 miles, 50 miles and just sit on a teleconference  
33 and find out what they don't want to hear and find out what  
34 they wanted to hear they can't hear.

35

36 CHAIRMAN GOOD: Gabe, you had comments.

37

38 MR. G. SAM: Yeah, I think it's a good.....

39

40 REPORTER: Gabe.

41

42 MR. G. SAM: I think it's a good idea to  
43 have a set time on when these teleconferences are going to  
44 be because a lot of people are working, there's a lot of  
45 people out there fishing. One thing that we found out  
46 about when you start doing the village reports, you start  
47 from down river and all the way up, and after you -- as  
48 soon as you get to about Y4, somewhere around there, you  
49 start hearing, click, click, click, click, you know,  
50 everybody downriver is signing off because they don't want

00090

1 to hear what the problems are going on with upriver, so  
2 they're all checking off. So maybe one way to kind of  
3 solve that is, you know, maybe alternate. Start from  
4 upriver and then work your way down river.

5

6 MR. ALBRECHT: Or bounce around?

7

8 MR. G. SAM: Yeah. Just, you know, that's  
9 one possibility. I know when we were having trouble  
10 getting a lot of our upriver villages on line, you know, to  
11 voice their concerns. Most of the teleconferences, as you  
12 know, a lot of the upriver villages were not on line. I  
13 don't know what the reasons for that were but I think we  
14 could work better to get them more on line and get them  
15 more involved. But, yeah, you know, I think, you know,  
16 just to keep it all fair, have it all -- yeah, bounce it  
17 around or start from one upriver and then work your way  
18 down.

19

20 So thank you, Mr. Chair.

21

22 MR. ALBRECHT: To follow-up on Gabe and  
23 Vince's comment, I've seen that phenomena over the last 10  
24 years, like, you know, when the fish are coming towards the  
25 village or when they're at the village, people are on the  
26 call, and when they're gone, they start dropping off. You  
27 know, we see that in September, the lower Yukon they're out  
28 moose hunting and there's no fall chum, they're all gone so  
29 they drop off and meanwhile upriver is on all the calls and  
30 vice versa, in June.

31

32 MR. JAMES: Vince, to refer your -- there's  
33 nobody up there on the Upper Yukon the first part of the  
34 season, the fish is 1500 miles away there, so I guess we  
35 weren't really concerned about it until they get up to the  
36 Yukon Flats and when it did get up to the Yukon Flats, you  
37 know, they shut us off again.

38

39 I voted against closing subsistence. And I  
40 told the Board and I should have made a motion to that, at  
41 least give us four hours, it wouldn't make no adverse  
42 difference. It would put food on the table for human  
43 consumption but they closed it anyway. Four hours out of  
44 one week, and I should have made a motion to have a vote on  
45 it, which I never did, but you learn as you go along I  
46 guess.

47

48 MR. ALBRECHT: Thank you, Mr. Chairman and  
49 Council members.

50

00091

1 CHAIRMAN GOOD: And that will take us back  
2 to our proposals, across region Proposal 14, I believe is  
3 next.

4  
5 MR. MATHEWS: Yes, Mr. Chairman. Proposal  
6 14 is on Page 113. This will be dealing with the southern  
7 part of your region. This was submitted by Joe Gale of  
8 Anchorage, it would restrict subsistence fishing in the  
9 Copper River to the estuary only.

10  
11 MR. FLEENER: Mr. Chair, I move to adopt  
12 Proposal 14.

13  
14 MR. NICHOLIA: Second.

15  
16 CHAIRMAN GOOD: It has been moved and  
17 seconded to adopt Proposal 14. George.

18  
19 MR. SHERROD: Okay. Proposal 14 was  
20 submitted by Joel Gale. It requests that subsistence  
21 salmon fishing be restricted to the estuary waters of the  
22 Copper River. The proposal also requests that fishing be  
23 conducted only during commercial fishing openings regulated  
24 by the State of Alaska. The proposal's author justifies  
25 changing the regulation based on the fact that it would  
26 improve regulatory enforcement, delivery a better fisheries  
27 project, allow salmon entering the river to return to  
28 spawning areas unmolested and provide for better management  
29 of the Copper River salmon resource. It's noted that if  
30 this proposal were adopted there would be no need to take  
31 action on Proposals 15, 16, 17, 18, 19 or 20.

32  
33 In essence, this proposal requests shutting  
34 down the existing subsistence fishery on the Copper River  
35 prior to any restriction to commercial fishing or any  
36 restrictions to State personal use, sports or subsistence  
37 fisheries.

38  
39 If adopted, the proposal would displace a  
40 large number of subsistence fishers and place nearly 500 to  
41 1,000 subsistence drift gill nets with associated fish  
42 camps working and operating on Copper River Delta during  
43 commercial fishing periods. A more likely scenario is that  
44 adopting this proposal  
45 would lead to a substantial reduction of subsistence  
46 fishing and harvest in the Copper River.

47  
48 Lastly, I guess if this were adopted it  
49 would also eliminate or would potentially impact the Court  
50 ordered subsistence fishery in the vicinity of the former

00092

1 Native Village of Batzulnetas. If the fishery were  
2 eliminated, qualified rural residents may not be able to  
3 provide for their subsistence needs.

4

5 In short the Staff recommendation is to  
6 oppose Proposal 14. Without question, adopting the  
7 regulatory changes promoted in Proposal 14 would restrict  
8 or eliminate the upriver subsistence fishery including the  
9 Federally court ordered Batzulnetas fishery. This action  
10 would proceed any restriction on non-subsistence or State  
11 dip net subsistence or personal use fisheries of Copper  
12 River salmon.

13

14 The end.

15

16 CHAIRMAN GOOD: And Polly.

17

18 MS. WHEELER: Thank you, Mr. Chair. The  
19 State would go on record as opposing this proposal. I  
20 could go on but that's the gist of it.

21

22 CHAIRMAN GOOD: And that's understandable.  
23 As I'm probably most familiar with this, I'm going to go  
24 ahead and address it. This proposal, very simply, needs to  
25 be voted down. We need to oppose this. This would  
26 eliminate subsistence fishing all the way up the entire  
27 Copper River and specify that it be at the mouth of the  
28 Copper River. I think we need to vote this down. Are  
29 there any other comments. Vince.

30

31 MR. MATHEWS: Yes, Mr. Chairman. There was  
32 no written comments on this, but the Southcentral Regional  
33 Advisory Committee at their recent meeting brought up  
34 Proposal 14 and, they, too opposed the proposal. The  
35 Council found no justification for eliminating an  
36 established customary and traditional fishery in the Copper  
37 River.

38

39 CHAIRMAN GOOD: And I would suggest that as  
40 we vote it down we might indicate that we agree with the  
41 position of Southcentral.

42

43 MR. NICHOLIA: Question.

44

45 CHAIRMAN GOOD: Polly.

46

47 MS. WHEELER: Just a clarification, too,  
48 Mr. Chair, if you read the preliminary comments by the  
49 State, that's exactly what the State says. Is that,  
50 adoption of this proposal would needlessly eliminate the

00093

1 long established subsistence fishery in the Glennallen  
2 subdistrict of the Copper River, for which there is a  
3 positive C&T determination.  
4 zero for and five against.

5

6 MR. NICHOLIA: Question.

7

8 CHAIRMAN GOOD: Thank you. Question has  
9 been in called. All of those in favor, please signify by  
10 saying aye.

11

12 MR. WILDE: Aye.

13

14 CHAIRMAN GOOD: All those opposed, please  
15 signify by saying aye.

16

17 IN UNISON: Aye.

18

19 MR. MATHEWS: Mr. Chairman, for the record  
20 then there was zero for and five against.

21

22 MR. WILDE: Sorry, I voted no.

23

24 CHAIRMAN GOOD: Yes. That's what you wish  
25 this to reflect?

26

27 MR. WILDE: Yes.

28

29 CHAIRMAN GOOD: Yes, that would be zero for  
30 and five against.

31

32 MR. MATHEWS: Thank you, Mr. Chairman.  
33 Okay, that brings us up to Proposal 15 on Page 125 which  
34 was submitted by the Copper River Native Association, it  
35 would establish a customary and traditional use  
36 determination for salmon in the Chitna subdistrict.

37

38 MR. SHERROD: Proposal 15 submitted by the  
39 Copper River Native Association.

40

41 CHAIRMAN GOOD: Just a second.

42

43 MR. SHERROD: I'm sorry.

44

45 MR. NICHOLIA: Adopt Proposal 15 for  
46 discussion.

47

48 MR. FLEENER: Second.

49

50 CHAIRMAN GOOD: It has been moved and

00094

1 seconded to adopt Proposal 15. Go ahead George.

2

3 MR. SHERROD: Thanks. Proposal 15,  
4 submitted by Copper River Native Association requests a  
5 positive and customary and traditional use determination  
6 for salmon in the Chitna subdistrict of the Upper Copper  
7 River district of the Prince William Sound management area  
8 for the communities of Chitna, Cantwell, Chistochina,  
9 Copper Center, Gakona, Gulkana, Mentasta and Tazlina.

10

11 Currently the customary and use  
12 determination for the entirety of the Copper River is the  
13 residents of the Prince William Sound area. There is no  
14 subsistence fishery however in the Chitna district, so by  
15 default there is no C&T determination for the Chitna  
16 district.

17

18 If you look on 15, it depicts the Prince  
19 William Sound management area. There is a mistake there,  
20 Nabesna is outside of the area -- I'm sorry, it's Page 129,  
21 here we go. So we have the communities from Chenega Bay  
22 all the way up to Mentasta Lake. And as I say, Nabesna  
23 falls out because it's actually in the Upper Tanana  
24 drainage, this is functionally the drainage of the Copper  
25 River and Prince William Sound area. This analysis was  
26 prepared by Pat Petrivelli and she did an excellent job of  
27 documenting the number of communities and their history of  
28 fishing within the area. She focused on the communities  
29 that are within the Copper River management area and with  
30 the exception of Valdez, which is considered a non-rural  
31 community, the other communities have demonstrated some use  
32 of the resource, I believe with the possible exception of  
33 Chenega.

34

35 I'm going to diverge from the normal  
36 presentation and give a background of what the Southcentral  
37 Regional Council did. The Southcentral Regional Councils  
38 found difficulty with the existing C&T that was adopted in  
39 the initial Federal regulations, particularly the inclusion  
40 of certain Prince William Sound communities in the Copper  
41 River C&T determination. After a lengthy debate and I  
42 shall say, despite evidence of use, the final action on the  
43 part of the Southcentral Regional Councils was to adopt the  
44 proposal as written, rather than based on some of the  
45 information that was provided.

46

47 If we turn -- in saying that if we turn to  
48 Page 145, we will see the preliminary conclusion as  
49 provided by Ms. Petrivelli in her analysis, and that is to  
50 support the proposal with modification for a positive

00095

1 customary and traditional use determination for salmon in  
2 the Chitna subdistrict of the Upper Copper River district  
3 for all rural residents of the Prince William Sound area.  
4 And for the Chitna district of the Upper Copper River  
5 District salmon rural residents of the Prince William Sound  
6 area -- no, that's the old -- excuse me, I'm -- oh, excuse  
7 me, no Federal season, I'm sorry.

8

9 So in essence, her conclusion was to adopt  
10 the C&T determination that exists for the rest of the area  
11 for the Chitna district as well.

12

13 It's important to note in here that  
14 currently there are no seasons, there are no bag limits,  
15 there are no methods and means for the Chitna district. So  
16 whatever action is taken on this proposal, by you and by  
17 the Board, will have no real impact next year because there  
18 will not be an opportunity to fish.

19

20 And with that, I'd say you guys have had a  
21 long history of dealing with Southcentral on C&T issues so  
22 I would turn it over to you and answer whatever questions  
23 you might have.

24

25 CHAIRMAN GOOD: I note in one of these, I  
26 had to skim these because I haven't -- it's been a little  
27 difficult getting this at the last moment, but I believe  
28 Gloria said in there, for example, the State has, for at  
29 least the last three years, managed this population for  
30 abundance, I believe were her words. And there are  
31 abundant fish in the Copper River, correct?

32

33 MR. SHERROD: I think we're dealing with a  
34 stock capable of sustaining a subsistence fishery. I can  
35 say that.

36

37 CHAIRMAN GOOD: Yeah, okay, now, what we're  
38 looking at here, if we do enact something and then we do  
39 come up with rules and regulations, what we're looking at  
40 is eliminating people from the fishery; is that correct?

41

42 MR. SHERROD: Currently there is no  
43 fishery.

44

45 CHAIRMAN GOOD: Right. But if we do -- I  
46 guess the question here might be ultimately, where do you  
47 see this leading? Are they looking to establishing a  
48 fishery here or are they just looking to establish a C&T?

49

50 MR. SHERROD: They were looking at

00096

1 establishing both. And based -- I brought the transcripts  
2 but I don't want to read the 30 or 40 pages of transcripts  
3 related to these actions, it was again, voiced, and you've  
4 heard this before, that it was their intent to provide for  
5 the Copper River Native communities and not to exclude  
6 other people. As I say, the Council had some problems with  
7 the Prince William Sound communities, however, it's  
8 worthwhile mentioning that these were in the proposed rule.  
9 There has not been a proposal to remove any of these  
10 communities from the existing C&T, and that actions taken  
11 on this would not remove them from the other -- the Gulkana  
12 district, for example, and so on. They thought they were  
13 proposing a season. They thought they would be able to  
14 fish next year but because there was no companion proposal  
15 placed in concerning methods, means, harvest limits,  
16 seasons and so on, all this does is establish a C&T for  
17 these communities as proposed.

18

19 Part of their justification for limiting it  
20 to these communities was that fact. They felt that if  
21 other communities wanted to come forward next year when  
22 there would also be a proposal providing a fishery that  
23 they were free to do so but that this was Copper River  
24 Native Association proposal and that the Council was going  
25 to honor that.

26

27 Does that answer your question, Mr. Chair.

28

29 CHAIRMAN GOOD: Yes, it does. I think  
30 Gloria's comment about not wanting to eliminate anybody is  
31 rather confusing by virtue of the fact that if this did  
32 take effect and there were regulations, they would  
33 eliminate a great number of rural subsistence users.

34

35 I have problems with this one but I think  
36 that there are others in here that relate to this, at  
37 least, one other. Isn't there another one that does relate  
38 to this one?

39

40 MR. SHERROD: There's another C&T --  
41 actually 19 and 20 are both C&T proposals. They are not  
42 for this district, but rather for the Gulkona district and  
43 of particular interest for this body is that it deals  
44 with Upper Tanana communities and the use of the resource  
45 in that part of the Copper River.

46

47 CHAIRMAN GOOD: Now, for the other Council  
48 members edification here, all of these people, as written  
49 up in this proposal do have, in my point of view, C&T. But  
50 what's happening here is that this fishery is now coming

00097

1 under our ages here and they have moved quickly to protect  
2 themselves or whatever but there's no working together, for  
3 certain on this one, others would be able to get into it by  
4 making their own proposals. Now, this does leave out  
5 people like Glennallen, on the Copper River in the middle  
6 of the area, Chickaloon, Delta, this proposal would  
7 eliminate Tok, Dot Lake, Healy Lake, Northway, quite a  
8 number of other communities that I believe would also be  
9 eligible. I guess the question would be, what should we do  
10 with it? We could pass it, because they do deserve C&T but  
11 we could add with it the notation that all other eligible  
12 communities should be in place at the time these  
13 regulations get enforced.

14

15 MR. FLEENER: Mr. Chairman, have we heard  
16 from Polly yet?

17

18 CHAIRMAN GOOD: Oh, no, I'm sorry Polly.

19

20 MS. WHEELER: No problem. Mr. Chair, the  
21 State supports the preliminary Staff recommendation to  
22 support this proposal and to add McCarthy, Gakona Junction,  
23 Lower Tonsina, Glennallen, Kenny Lake, Slana, Tonsina,  
24 Nabesna, Shishana and Tok.

25

26 MR. FLEENER: Mr. Chair, I have another  
27 question.

28

29 CHAIRMAN GOOD: Craig.

30

31 MR. FLEENER: There's a State season to  
32 fish down there but there's not a Federal season; is that  
33 correct?

34

35 MR. SHERROD: There's a personal dip net  
36 fishery which now I guess is a subsistence fishery but  
37 there -- it was adopted or enacted after Federal -- the  
38 initial Federal regulations were adopted.

39

40 MR. FLEENER: And what sort of a fishery,  
41 if you have any idea, what sort of fishery is the Copper  
42 River Native Association looking at proposing for the  
43 following year; have you talked to people about that?

44

45 MR. SHERROD: There is a -- the proposal  
46 following this is also from Copper River Native Association  
47 and basically it is requesting a year-round, no limit-type  
48 of season. So they're shooting for as much as they can get  
49 but because of testimony provided at the Southcentral  
50 meeting they were interested in being able to use fish

00098

1 wheels at some of the traditional camp sites that residents  
2 from these communities had. It was their assumption that  
3 if they had C&T that they would be able to use the same  
4 type of gear with the same limits and same seasons as  
5 applied to the rest of the Copper River or the Gulkana  
6 district.

7

8 CHAIRMAN GOOD: Polly, would you tell us  
9 what the seasons are at Chitna above and below the bridge,  
10 do you know those?

11

12 MS. WHEELER: Not off the top of my head,  
13 but if Bonnie has a reg book then I could tell you that.

14

15 MR. SHERROD: I think if you look on Page  
16 149, that's the Proposal 16.

17

18 MR. BERG: Yeah, I can probably address  
19 that.

20

21 MR. SHERROD: Jerry can help you out.

22

23 MR. BERG: Yes, Mr. Chair. The subdistrict  
24 just upstream of the Chitna subdistrict is the Glennallen  
25 subdistrict, and it has season dates of June 1st to  
26 September 30th, with harvest limits of 30 salmon for a  
27 household of one or 60 for a household of two or you can  
28 also get permits that will allow for 200 salmon for a  
29 household of one or 500 for a household of two or more, if  
30 you request such a permit. And then the other subsistence  
31 fishery that occurs upstream even further is the  
32 Batzulnetas fishery, which is operated under court order  
33 which issues a permit for up to thousand fish per season.

34

35 So those are the only other two fisheries  
36 upstream of -- and those are the only three subsistence  
37 fisheries on the Copper River.

38

39 CHAIRMAN GOOD: And below the bridge at  
40 Chitna?

41

42 MR. BERG: The bridge is the dividing line  
43 between the Chitna subdistrict and the Glennallen  
44 subdistrict, so below the bridge is the Chitna subdistrict  
45 and above the bridge is the Glennallen subdistrict.

46

47 CHAIRMAN GOOD: And the State has  
48 considered below the bridge a subsistence fishery and what  
49 are the limits there?

50

00099

1 MR. BERG: That was just changed to be a  
2 subsistence fishery last year and it's 15 fish for a  
3 household of one or 30 fish for a household of two or more.

4  
5 CHAIRMAN GOOD: I guess the question then  
6 becomes, if this is enacted and we do have a Federal  
7 subsistence fishery there, what impact will that have on  
8 what's going on presently?

9  
10 MR. SHERROD: It wouldn't have any impact  
11 until next year until there was actually a proposal  
12 establishing seasons, bag limits, et cetera. It'd be --  
13 you know, you have also dealt with this where you granted  
14 C&T for brown bear but there wasn't a proposal for a season  
15 so you wind up getting C&T and then the next year a  
16 proposal has to go in to establish a season and bag limit  
17 for brown bear; this is a fish example of that.

18  
19 MR. FLEENER: Mr. Chair. I think that's  
20 what he's getting at, I think he wants to know down the  
21 road, we know that there's no season so we know there's not  
22 going to be immediate impact, I think he wants to know what  
23 the impact will be after a season is opened.

24  
25 MR. SHERROD: Well, we don't have crystal  
26 balls, Mr. Chair. I mean anything from proposals to shut  
27 down the Copper River or no effect at all. And it is  
28 important to note that the entirety of the Copper River is  
29 within Federal management.

30  
31 CHAIRMAN GOOD: Yeah, I guess that's what  
32 I'm getting at here, if this all was in Federal management,  
33 there is a potential to eliminate the State fishery?

34  
35 MR. SHERROD: That would be a possibility.

36  
37 CHAIRMAN GOOD: But then as you pointed  
38 out, we're looking at regulation and that would occur  
39 another year from now. So it's something that we have to  
40 keep in mind here, however, on the other hand we're looking  
41 at C&T, a C&T determination here. Those people that have  
42 applied for it are eligible for the C&T determination,  
43 correct?

44  
45 MR. SHERROD: Well, that's true. They have  
46 a history of harvesting in that area. They are for all  
47 practical purposes subsistence communities meeting the  
48 other seven factors of sharing and transmission of  
49 knowledge and so on.

50

00100

1 CHAIRMAN GOOD: And because there is no  
2 fisheries season in place, we're not eliminating anybody at  
3 this point.

4  
5 MR. SHERROD: At this point this would  
6 simply establish a C&T as proposed for these units. If you  
7 adopted the Staff recommendation, it would establish a C&T  
8 for these communities plus communities that have  
9 demonstrated harvesting the resource in the Copper River.

10  
11 CHAIRMAN GOOD: Vince.

12  
13 MR. MATHEWS: Mr. Chairman, you asked  
14 earlier of possibly a suggestion how to respond to this  
15 proposal. We do have a letter from Ralph Lohse supporting  
16 your last Council request, through Chuck Miller, to  
17 establish a coordinating, I'd say fisheries committee, but  
18 for that area that term doesn't apply very well, but let's  
19 just say a coordinating committee. One way to deal with  
20 this would be to -- and it's just a suggestion, would be to  
21 support the Staff or support the Staff conclusion or  
22 support the proposal and in your justification say that  
23 you'll be submitting a proposal next year to add the other  
24 communities that you so desire and that you appreciate the  
25 Southcentral getting this C&T moving along to address the  
26 customary and traditional use of the communities closer by.

27  
28 Does that seem to make sense? Basically  
29 you're doing a cumulative effect, that they've started the  
30 ball rolling, you're acknowledging that and that you're  
31 going to support that but then next year you're going to  
32 submit a proposal to add in the other communities. That's  
33 one option. The other option is to oppose it directly,  
34 which would force the Board to decide between the resident  
35 Regional Councils and the neighboring Regional Councils.  
36 And the Board could go with the home one or defer for the  
37 two Councils to get together but it may be a little bit  
38 more hard to do that if you went with straight opposition.  
39 So those are the ways I would see that you could address  
40 this proposal.

41  
42 CHAIRMAN GOOD: Are there other comments, I  
43 don't want to hog the floor here.

44  
45 MR. FLEENER: Too late.

46  
47 CHAIRMAN GOOD: My suggestion, you know,  
48 would be to support this and carry with it, the  
49 recommendation that we believe prior to promulgation of  
50 regulations, that we find all villages or communities that

00101

1 we can that are eligible for C&T here and put them in at  
2 the same time so we don't wind up with regulations that  
3 apply only to a small group. Does that make sense?

4

5 MR. MATHEWS: You mean before they would  
6 establish a season?

7

8 CHAIRMAN GOOD: Right. Before regulations  
9 governing the season were put in place.

10

11 MR. NICHOLIA: For this proposal too, I  
12 feel I'm going to have to support these people that do fish  
13 there traditionally and in the other villages -- I move  
14 that we support this proposal, those villages that are  
15 mentioned and those other villages can prove their  
16 eligibility be included in the C&T determination for salmon  
17 in this district.

18

19 CHAIRMAN GOOD: That's what we're doing  
20 here, the same thing.

21

22 MR. FLEENER: Second.

23

24 CHAIRMAN GOOD: There's a currently a  
25 motion on the floor to support the C&T determination of all  
26 of the villages listed here because they all are eligible  
27 for C&T, but then we're putting a recommendation with it  
28 that they identify the other communities eligible for C&T  
29 and put them in place as well.

30

31 MR. FLEENER: I'll second it.

32

33 CHAIRMAN GOOD: Okay.

34

35 MR. FLEENER: Question.

36

37 CHAIRMAN GOOD: Are you willing to accept  
38 -- does the Council accept that recommendation going along  
39 with it, if so, we can just pass the first motion.

40

41 (Nods affirmatively)

42

43 CHAIRMAN GOOD: There's acquiescence. Do  
44 you need more than that, Vince, that this would be passed  
45 with that recommendation from the Council?

46

47 MR. MATHEWS: Well, I'll defer to George on  
48 that.

49

50 MR. SHERROD: I think that will accomplish

00102

1 it, what it will do, operationally will support the  
2 proposal. It will align you with Southcentral. It also  
3 tells you Coordinator that when we meet again there's  
4 supposed to be a fish proposal asking for C&T -- or revisit  
5 the C&T for the Copper River Basin and include potential  
6 other neighboring communities, road systems, whatever, and  
7 I can assist in drafting that up and have it before you in  
8 the spring.

9

10 MR. FLEENER: Question.

11

12 CHAIRMAN GOOD: Question has been called.  
13 Not hearing or seeing any indication of further discussion,  
14 all of those in favor, please indicate by saying aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN GOOD: Those opposed same sign.

19

20 (No opposing votes)

21

22 CHAIRMAN GOOD: The motion passes as  
23 amended.

24

25 MR. MATHEWS: Okay, Mr. Chairman, that  
26 brings us up to Proposal 16 and I'm having a hard time  
27 finding it, Page 149 which is submitted by the Copper River  
28 Native Association and it deals with seasons and harvest  
29 limits for the Glennallen subdistrict.

30

31 MR. FLEENER: Mr. Chair, I move to adopt  
32 Proposal 16.

33

34 MR. NICHOLIA: Second.

35

36 CHAIRMAN GOOD: It has been moved and  
37 seconded to adopt Proposal 16. Go ahead, Jerry.

38

39 MR. BERG: Thank you, Mr. Chair. Proposal  
40 16 was submitted by the Copper River Native Association and  
41 requests to have a subsistence salmon season open  
42 throughout the year in the Glennallen subdistrict. The  
43 proponent states that the Ahtna people did traditionally --  
44 did not traditionally have a set season to harvest salmon  
45 and should have access to the salmon any time during the  
46 run.

47

48 Federal jurisdiction does extend throughout  
49 the entire Glennallen subdistrict as it's bordered on one  
50 side by the Wrangell-St.Elias National Park and Preserve.

00103

1 The current customary and traditional use determination for  
2 salmon in the Glennallen subdistrict includes all residents  
3 of the Prince William Sound area, season dates are June 1st  
4 to September 30th.

5

6 Historically the Ahtna people began their  
7 harvest seasons with the harvest of salmon in late May or  
8 early June. There's been documentation that they did  
9 start their harvest in late May with an early run of king  
10 salmon that used to go through the Glennallen subdistrict  
11 in late May and early June.

12

13 If you look at some of the regulatory  
14 history, I tried to find out where the season dates of June  
15 1st to September 30th came from and those were adopted at  
16 statehood and so I wasn't able to verify but I think that  
17 those season dates were probably in place during Federal  
18 jurisdiction prior to statehood. But anyway, they've been  
19 in place since the '60s at least. And I would like to  
20 point out there's quite a bit of history that's gone on  
21 between who qualified as a rural resident or who qualified  
22 for subsistence on the Copper River and who didn't, and I  
23 won't go into a lot of the details but I would like to  
24 point out some of the actions taken by the Board of Fish in  
25 '96 and '99 that pertain to this fishery and that is that  
26 they did reduce the harvest of chinook salmon by five  
27 percent through their Copper River Chinook Salmon  
28 Management Plan. And that was to reduce the harvest by  
29 five percent in the commercial, personal use and non-  
30 subsistence fisheries, basically sport use as well. And so  
31 they took action both in '96 and '99 to do that.

32

33 The different Copper River fisheries  
34 include, of course, the Batzulnetas fishery which is the  
35 upper most -- the upstream most fishery that occurs near  
36 the headwaters of the Copper River. The Glennallen  
37 subdistrict is down stream of that. I'm not sure, maybe  
38 about 10 or 15 miles below is where the Glennallen  
39 district, subdistrict starts. The Glennallen subdistrict  
40 extends for a distance of about 100 miles and it goes from  
41 the mouth of the Slana River down to the Chitna/McCarthy  
42 bridge. Now, the season there is June 1st to September  
43 30th, and as I stated earlier, the harvest ranges from 30  
44 to 60. You can get a smaller permit or you can ever  
45 request a permit for up to 200 or up to 500 depending on  
46 your needs.

47

48 The average harvest from the 10-year  
49 average harvest from '88 to '99 was at about 50 percent of  
50 the participants in that fishery were from the Copper River

00104

1 Basin, but that those people from the Copper River Basin  
2 actually harvest about 60 percent of the fish so that  
3 they're being -- obviously a little bit more efficient,  
4 they're using more fish wheels and they're obviously there  
5 more often instead of harvesting the majority of the fish.

6  
7                   Based on the fishing reports that are  
8 returned, about 90 percent of the fish harvested are  
9 completed by mid-August, even though the fishery does  
10 extend through the end of September. If you'll look on the  
11 bottom of Page 156, there's a table that kind of summarizes  
12 some of the harvest levels that occur throughout the Copper  
13 River area for non-Prince William Sound area residents. Of  
14 course, anybody can come and get a subsistence permit under  
15 the State system so you get a lot of participation from  
16 Fairbanks and Anchorage that come over and then of course  
17 the Copper River Basin residents, as I mentioned before,  
18 harvest about 30,000 salmon. And then there's the personal  
19 use which is now called the subsistence fishery in the  
20 Chitna area is close to 100,000 fish that they're  
21 harvesting. And most of that harvest is chinook salmon --  
22 or I mean sockeye salmon with some chinook harvest.

23  
24                   There was an educational fishery in the  
25 Copper River. There's an educational fishing permit issued  
26 to the Ahtna Heritage Foundation in 1996 and 1997. They  
27 requested a permit so that they could harvest earlier in  
28 the season. And they were issued a permit to harvest  
29 sockeye salmon from May 20th to May 31st in 1996, and then  
30 again the same dates in 1997. They were allowed only 50  
31 fish during the educational permit and then that permit  
32 limit was increased to 270 salmon and 20 of those could be  
33 king salmon during the second year that that permit was  
34 issued.

35  
36                   There's basically three different fishery  
37 management plans that are in place on the Copper River that  
38 really help guide harvest management similar to -- as they  
39 do on the Yukon. Escapement goals are identified in these  
40 plans and basically used by managers so that they can make  
41 in-season decisions, and I've gone over some of those in  
42 the text, I won't go into the details of those unless you  
43 have questions.

44  
45                   Under the potential impacts to the fish  
46 stocks on the Copper River, under this proposal there's  
47 about 350 households that will qualify under the Federal  
48 program to participate in this fishery. If the season  
49 dates are extended, basically prior to June 1st, we would  
50 be looking at primarily harvesting early run chinook salmon

00105

1 and then if the season was extended after September 30th,  
2 then you're looking at later run coho salmon of course.

3

4 One thing to keep in mind is that some of  
5 the early run stocks that come up the Copper River,  
6 generally make up smaller, more discreet stocks, going up  
7 to spawning areas and so that is a little bit of a concern,  
8 I guess, to start harvesting earlier in the season, is that  
9 you might be impacting smaller more discreet populations  
10 going up to their spawning areas.

11

12 Another aspect to keep in mind is the coho  
13 salmon primarily migrate up as far as the Tonsina River,  
14 with the majority of the coho going up the Chitna drainage  
15 which is actually a river that turns off before you even  
16 get into the Glennallen Subdistrict, so there aren't as  
17 many coho salmon that actually go through the Glennallen  
18 subdistrict. The majority would actually turn off in  
19 drainages prior to the Glennallen subdistrict.

20

21 And then one last concern is that there  
22 could be some potential impacts to the rainbow trout and  
23 steelhead stocks that pass through the Glennallen  
24 subdistrict and there would be some increased mortality  
25 most likely with the extended season dates.

26

27 So the preliminary conclusion is to modify  
28 the proposal for season dates -- to extend the season dates  
29 from May 15th to September 30th, so in a sense, that's  
30 extending the season dates by two weeks in the last two  
31 weeks of May. There was considerable discussion at the  
32 Southcentral Council meeting and as a result of the  
33 discussion and new information that came out there, you'll  
34 see in the preliminary conclusion that I was recommending a  
35 live box be attached to fish wheels operating prior to June  
36 1st because of those steelhead and the concern for the very  
37 small population there but after the new information and  
38 the recommendation from the Southcentral Council, I'm no  
39 longer recommending that a live box be required on fish  
40 wheels. So my recommendation at this point to you would be  
41 to allow a season to extend from May 15th to September 30th  
42 in the Glennallen subdistrict.

43

44 And that's all I have unless you have  
45 further questions and I'd be happy to try and answer them.

46

47 CHAIRMAN GOOD: Go ahead, Gerald.

48

49 MR. NICHOLIA: I move to support Proposal  
50 16 with the Staff recommendation.

00106

1 MR. JAMES: Second.

2

3 CHAIRMAN GOOD: It's moved and seconded to  
4 support Proposal 16 with the Staff recommendation.  
5 Discussion.

6

7 MR. FLEENER: Well, I was going to ask if  
8 the State had any comment before we said anything more.

9

10 CHAIRMAN GOOD: Polly.

11

12 MS. BORBA: Yes, Mr. Chairman. I'm Bonnie  
13 Borba for the Alaska Department of Fish and Game, acting  
14 Polly, at the moment. The State has not seen the revised  
15 analysis and the recommendations and will defer comments  
16 until after reviewing this analysis.

17

18 CHAIRMAN GOOD: Thank you, Bonnie. Vince.

19

20 MR. MATHEWS: Yes, Mr. Chairman, the South  
21 -- we have no written comments that I am aware of unless  
22 other Staff have seen some. The Southcentral Regional  
23 Advisory Council supports with modification. They support  
24 the Staff recommendation except to delete Section C of the  
25 Staff recommendation which is a requirement of a live box.  
26 There justification, this proposal would satisfy  
27 subsistence needs while addressing conservation concerns.  
28 The amendment to eliminate the requirement of a live box  
29 was made because the people have never used live boxes and  
30 because live boxes would have little impact on steelhead  
31 stocks.

32

33 Thank you.

34

35 MR. FLEENER: Mr. Chair, I was looking at  
36 part of the proposal as it was written by CRNA, and in here  
37 it says that -- oh, it said it somewhere, well, it says, on  
38 number 4 on Page 151, it says how will this change affect  
39 subsistence users? It says it will ensure that Ahtna  
40 people will have the greatest chance to obtain subsistence  
41 fish. Qualified subsistence users will be able to dry, jar  
42 or can fish, smoke strips, ferment fish and eat fish during  
43 the spring and late fall months. My question is, is  
44 September 30th late enough to meet their late fall needs?  
45 Because it seems like we're early enough if traditionally  
46 it's been documented that they started fishing in late May,  
47 that part of it, or early June, that part of it seems to be  
48 met at least by May 15th because that's certainly before  
49 late May. But late fall, I don't know what freeze-up is  
50 like down there, I don't know if they even have it, it's so

00107

1 close to Hawaii down there.

2

3 (Laughter)

4

5 MR. FLEENER: But I'm wondering if  
6 September 30th is a late enough date to meet the needs of  
7 their late fall fishing needs.

8

9 MR. BERG: Yes, Mr. Chair. There was -- I  
10 believe there was a couple of public comments presented at  
11 the Southcentral meeting stating that they felt like there  
12 would be some people that would take advantage of a season  
13 extending beyond September 30th but it would be fairly  
14 minimal. And as I did state earlier, you know, 90 percent  
15 of the harvest does occur by mid-August, so very few people  
16 area even fishing in September, in fact, we did go down and  
17 take a look at that area when we were there a couple weeks  
18 ago and there was one fish wheel still operating. So it  
19 would -- you know, there's a few people that would probably  
20 take advantage of fishing into October but most people, as  
21 you know, are busy with hunting and other activities so I  
22 think it would be quite minimal at this point. And the  
23 Southcentral Council did feel like that September 30th date  
24 was fine as it stands. But you know there was some  
25 testimony that a few people would probably take advantage  
26 of that extra time past September 30th.

27

28 MR. FLEENER: Mr. Chair, the rainbow and  
29 steelhead problem, is there anyone here that can elaborate  
30 more on whether or not having a live box will benefit the  
31 steelhead, trout population.

32

33 MR. BERG: Yes, Mr. Chair, and that's really  
34 the issue that drew the most attention at the Southcentral  
35 meeting. And it really came out that there weren't that  
36 many steelhead moving through the system in May, most of  
37 the fish will arrive, you know, start arriving in July and  
38 they catch a very few fish in July and August but mostly in  
39 September, so there would be more of a concern, I think, to  
40 extend the season into October because you'll have more  
41 steelhead moving through at that time more so than you do  
42 in May.

43

44 You know, people there aren't familiar with  
45 live boxes, and so I think it -- you know, it certainly  
46 would be an undo hardship on them, certainly for that early  
47 May extension if we were to discuss extending the season  
48 into October, I think there might be a little more concern  
49 over that steelhead population. I'm certainly no expert on  
50 the steelhead population there, but there were some

00108

1 testimony that the population is as low as 100 fish in some  
2 of those areas there. So it is a very small population of  
3 fish.

4

5 CHAIRMAN GOOD: I have a question and I'm  
6 probably going to guess that Bonnie is going to have to  
7 answer this. How late does the salmon counter, the sonar  
8 counter at Miles Lake, you know, how long does that run,  
9 early and late, let's say?

10

11 MS. BORBA: Mr. Chairman, I don't have that  
12 information. Possibly Fred Anderson, or somebody who  
13 worked Chitna at one time might know it.

14

15 MR. FLEENER: Mr. Chairman, while he's  
16 getting ready to take the stand, I was just going to ask if  
17 anyone knows the approximate number of steelhead that might  
18 be impacted by 15 additional days of fishing?

19

20 MR. ANDERSON: Mr. Chairman, I can't answer  
21 that question about steelhead, I really don't know.  
22 Relative to the sonar, though, they try to get that in the  
23 water as soon after ice out as they can and some years  
24 that's early June -- most years it's early June when the  
25 ice stops flowing there. And if I'm not mistaken, I think  
26 they shut it down in mid- to late August, the 15th to the  
27 20th of August it's no longer in operation.

28

29 MR. FLEENER: Mr. Chair, the Staff that  
30 wrote this part for -- this Section C here, then if we're  
31 not sure what the numbers are, is this just a precautionary  
32 thing since nobody seems to have any numbers?

33

34 MR. BERG: You're referring to the live box  
35 provision?

36

37 MR. FLEENER: Yes, that's correct.

38

39 MR. BERG: Yeah, Mr. Chair, basically there  
40 is some -- and basically the only steelhead information  
41 that we had is coming from a few studies that had been done  
42 and then the harvest reports on the subsistence harvest.  
43 So there is very little information but we do know that the  
44 population is small, just how small we're not sure. But  
45 you know, the subsistence harvest, you know, has been at  
46 the most a hundred fish in some years and more -- normally  
47 about 30 to 40 fish and most of those were taken in August  
48 and September with a few in July and even fewer in June.  
49 And so there really wasn't too much of a concern in May  
50 which is why we got rid of that portion of the

00109

1 recommendation. But think there really would be some  
2 concern with extending the season into October. More  
3 concern over the steelhead population than there is in  
4 May.

5

6 MR. FLEENER: Thank you. Mr. Chair, if --  
7 I don't know if it'd be all right with Gerald and the  
8 seconder of his motion, but I think I would be more prone  
9 to supporting Southcentral Regional Councils  
10 recommendations for this proposal than Staff  
11 recommendation. I don't know if Gerald is willing to  
12 withdraw his motion or not.

13

14 MR. NICHOLIA: Yeah, I'm willing.

15

16 CHAIRMAN GOOD: First could we have Vince  
17 repeat the Southcentral recommendations?

18

19 MR. MATHEWS: Yes, Mr. Chairman. On  
20 Proposal 16, support with modification. They support the  
21 Staff recommendation except to delete the live box. It's a  
22 little bit more wordy here but they did not want the live  
23 box. They felt that this proposal, with modification will  
24 satisfy subsistence needs while addressing conservation  
25 issues. The amendment to eliminate the requirement of a  
26 live box was made because the people have never used live  
27 boxes and because live boxes have little impact on  
28 steelhead stocks.

29

30 CHAIRMAN GOOD: Is the Council in general  
31 agreement? Are there any objections?

32

33 MR. FLEENER: Actually I think mine was in  
34 the form of a motion to adopt this if they were willing to  
35 withdraw, and he's withdrawn his motion but the seconder,  
36 whoever that was would need to withdraw the motion.

37

38 MR. JAMES: Okay.

39

40 MR. FLEENER: Okay. Then I make a motion  
41 to adopt Southcentral Regional Council's recommendation for  
42 Proposal 16.

43

44 CHAIRMAN GOOD: Is there a second.

45

46 MR. NICHOLIA: Second.

47

48 CHAIRMAN GOOD: It has been moved and  
49 seconded to adopt the Southcentral position on this  
50 proposal, No. 16.

00110

1 MR. FLEENER: Question.

2

3 CHAIRMAN GOOD: And hearing no further  
4 discussion, question has been called. All those in favor  
5 of the motion signify by saying aye.

6

7 IN UNISON: Aye.

8

9 CHAIRMAN GOOD: Opposed same sign.

10

11 (No opposing votes)

12

13 CHAIRMAN GOOD: The motion passes.

14

15 MR. MATHEWS: Mr. Chairman, before we go on  
16 to Proposal 17, we may want to do a reality check.  
17 Obviously food is arriving for dinner. We can wait on that  
18 but I'm getting people who are asking me, are you thinking  
19 about meeting after dinner or into the evening. So I think  
20 it might be a good time to see if you want to have an  
21 evening session.

22

23 CHAIRMAN GOOD: We'll take an hour for  
24 dinner and meet again after dinner.

25

26 MR. FLEENER: A Tanana hour.

27

28 CHAIRMAN GOOD: A Tanana hour.

29

30 MR. FLEENER: Yee-hoo.

31

32 CHAIRMAN GOOD: All right, we're still  
33 waiting for -- we're not quite ready for it -- we need some  
34 utensils in order to be able to eat.

35

36 MR. FLEENER: Let's do 17 then.

37

38 CHAIRMAN GOOD: So perhaps 17 might go by.

39

40 MR. MATHEWS: Okay, Mr. Chairman, Proposal  
41 17 was submitted by the Native American Rights Fund. It's  
42 sockeye salmon limits, methods and means of harvest and  
43 seasons in the Glennallen subdistrict in the vicinity of  
44 the former Native Village of Batzulnetas.

45

46 MR. FLEENER: Mr. Chair, I move to adopt  
47 Proposal 17.

48

49 MR. NICHOLIA: Second.

50

00111

1                   CHAIRMAN GOOD:  It's been moved and  
2 seconded to adopt Proposal 17.  Is there any discussion,  
3 well, wait a minute here, let's -- okay, Jerry, you're  
4 going to handle this one?

5  
6                   MR. BERG:  Yes, Mr. Chair.  Well, as you  
7 all most likely know this is a fishery that has brought  
8 fisheries before the Federal program.  Proposal 17 was  
9 submitted by the Native American Rights Fund and requested  
10 five changes to the Batzulnetas fishery that's occurring  
11 this year.  I've tried to outline those five changes that  
12 they're requesting on Page 169.

13  
14                   Basically they're requesting that the  
15 season be open seven days a week without harvest limits,  
16 that they be allowed to harvest chinook salmon, that they  
17 be allowed to use rod and reel and that the subsistence  
18 permits be administered by the Park Service, and that the  
19 Park Service install and maintain regulatory markers for  
20 this fishery.

21  
22                   The fishery is currently operating under  
23 the guides of a court order issued on February 14th,  
24 outlined on the top of Page 170, which briefly summarized,  
25 does not allow the harvest of chinook.  The season is open  
26 from June 1st to September 1st.  No more than 250 sockeye  
27 salmon can be taken weekly.  The seasonal limit is 1,000  
28 sockeye.  The permit is issued by Fish and Game.  Fish  
29 wheels and dip nets are allowed in the Copper River portion  
30 of the fishery and dip nets and spears are allowed in the  
31 Tanada Creek portion of the fishery.  Fish wheels are  
32 required to be equipped with a live box or monitored at all  
33 times and that chinook salmon are to be released to the  
34 water unharmed and then the permit is required to be  
35 returned by September 30th.

36  
37                   The Batzulnetas fishery is located upstream  
38 of the Upper Copper River district, as I mentioned before,  
39 near the confluence of Tanada Creek.  And as you can see  
40 there is a map on Page 171 that shows you where the  
41 Batzulnetas fishery is at.  Access to the Batzulnetas  
42 fishery does require that you cross private land to get  
43 there or you would have to go up there by boat, which would  
44 be fairly difficult.  You'd have to have some experience to  
45 get there by jet boat.

46  
47                   The current customary and traditional use  
48 determination for salmon in the Batzulnetas fishery  
49 currently includes all Prince William Sound area residents.  
50 And briefly, just to explain why that occurs, because this

00112

1 is a fairly limited fishery. The original C&T  
2 determination is a result of a general provision adopted by  
3 the Federal Subsistence Board for all rural residents of  
4 each area within each fishing area established under the  
5 Federal program. So that's how we ended up with the  
6 current C&T determination. However, because this fishery  
7 does occur within the boundaries of Wrangell St. Elias  
8 National Park, not the Preserve, it's actually in the Park,  
9 because of that, the location of it, inside the Park then  
10 Park Service regulations limit the eligibility of who is  
11 eligible to participate in that fishery to resident zone  
12 communities or those who have 1344 permits, as you guys  
13 have dealt with many times before. So currently the  
14 communities are listed there that have resident zone status  
15 for Wrangell St. Elias, and there's 17 communities that are  
16 listed there.

17

18 And this -- the C&T issue will also be  
19 addressed in the next proposal, so you'll be hearing more  
20 about that, but just to give you some background as to how  
21 we got to it and where we are today.

22

23 The regulatory history, you know, the  
24 Batzulnetas fishery has been used as a traditional camp by  
25 the Ahtna people for, you know, hundreds, thousands of  
26 years. It's a well documented fishery. In 1964, all  
27 tributaries to the Copper River, including Tanada Creek and  
28 the Copper River above Slana were closed to subsistence  
29 fishing. It wasn't until 1985, when Katie John filed civil  
30 suit in U.S. Court to reestablish their traditional fishing  
31 rights. There was no action taken in '85 and '86 there was  
32 no action taken, no court action, and it was in 1987 when  
33 there was a court ordered fishery established and basically  
34 that fishery has occurred under court order for every year  
35 since.

36

37 Some of the biological background  
38 information on the Tanada Creek sockeye salmon, there's  
39 over 124 sockeye salmon stocks identified in the Copper  
40 River and two of those stocks enter Tanada Creek. One  
41 stock spawns around the perimeter and the other one spawns  
42 around the outlet of the lake.

43

44 The data that we do have on those fish come  
45 from weir and aerial escapement estimates. ADF&G conducted  
46 aerial surveys at Tanada Creek from 1962 to 1992. And we  
47 have that data and then Park Service continued those aerial  
48 surveys in '97 and '98, and basically, you know, the aerial  
49 surveys are really just a one snapshot picture during the  
50 run of what the size of the run is and really are only used

00113

1 as a relative index of run strength, they're not used to  
2 give an estimate of the run size. So it's good to have  
3 another form to -- another method to evaluate the run size  
4 and so there has been a weir operated on Tanada Creek by  
5 ADF&G. They operated a weir in '75, 1978 ad 1979, and then  
6 the Park Service operated the weir in 1997 and '98. The  
7 tried to operate the weir again this summer but the water  
8 level got too high and they got blown out.

9

10 But as you can see, from the weir  
11 estimates, the run size is highly variable from a low of  
12 128 fish in 1975, of course, it's hard to say what the  
13 conditions were for that year but then there was the two  
14 high years, 1997 and '98, when Park Service operated the  
15 weir where you had over 25,000 fish moving through the  
16 system.

17

18 So based on that limited weir data, you  
19 know, the average sockeye salmon returns to Tanada Creek  
20 seems to be fairly strong, assuming that those early  
21 records -- but assuming that those early records in the  
22 '70s are accurate, obviously the abundance can be highly  
23 variable.

24

25 There's very few chinook salmon that appear  
26 to return to Tanada Creek. The weir data that's available  
27 only recorded five chinook in 1979, two in 1997 and two in  
28 1998. So there don't appear to be very many chinook salmon  
29 moving through the creek even though it is possible that  
30 there are chinook salmon moving through prior to getting  
31 the weir installed into the river.

32

33 Again, for the Copper River, there's three  
34 management plans in place for the Copper River. As I  
35 mentioned earlier, there's escapement goals identified  
36 within those management plans. Some of the harvest data  
37 that exists for the Batzulnetas subsistence fishery that's  
38 occurred under court order is identified for you on Page  
39 179, and that harvest level has varied, according to  
40 different kinds of conditions that have occurred throughout  
41 those years, a low of 16 fish were harvested in 1995 and  
42 then the year just prior to that was 1994, and they  
43 harvested just below their harvest limit of a thousand  
44 fish.

45

46 And then there's some background  
47 information similar to the previous proposal on other  
48 subsistence fisheries that are occurring in the Copper  
49 River Basin for subsistence for Copper River Basin  
50 residents as well as the previously personal use fishery.

00114

1                   So basically the bottom line and the  
2 preliminary conclusion would be to support the proposal  
3 with the modification to issue a State fishing permit and  
4 establish harvest limits similar to the Glennallen  
5 subdistrict. However, again, after hearing testimony at  
6 the Southcentral Council meeting, Park Service actually  
7 testified that they would prefer to issue the permit, so I  
8 guess we would change the Staff recommendation to support  
9 issuing a Federal subsistence permit because there is --  
10 the Slana Ranger Station is right next to the Batzulnetas  
11 fishing area, and so it does seem like it would be fairly  
12 convenient for those people to have to be able to get their  
13 permit right there from the Slana Ranger Station. And then  
14 also there was the recommendation that the Park Service was  
15 willing to take on setting up regulatory markers in the  
16 Batzulnetas fishing area. So that's another change not  
17 listed in your book here, is that, we would recommend a  
18 Federal permit and National Park Service regulatory markers  
19 in that fishing area. We would recommend allowing the use  
20 of rod and reel in this fishery. And that chinook may not  
21 be harvested, however, I'd like to add another provision in  
22 that section that based on the information we got at the  
23 Southcentral meeting, that chinook may not be harvested by  
24 any other method other than a fish wheel because there was  
25 good testimony at the meeting that they would -- it seems  
26 like it would work out for all parties, if they were able  
27 to retain chinook harvest in a fish wheel but to release  
28 those fish if they were harvested by any other method,  
29 basically a dip net or rod and reel. And that the harvest  
30 limit be similar to the Glennallen subdistrict, which is  
31 basically 200 salmon for a household of one or 500 salmon  
32 for a household of two or more. Currently there is no  
33 harvest limit set.

34

35                   That's all I have unless you have further  
36 questions. Thank you.

37

38                   CHAIRMAN GOOD: Well, I have a quick  
39 question. Does this meet all of the requirements of the  
40 court order?

41

42                   MR. BERG: Does my recommendation meet all  
43 the requirements?

44

45                   CHAIRMAN GOOD: Right.

46

47                   MR. BERG: It does, partially, meet all of  
48 the requirements.

49

50                   (Laughter)

00115

1 MR. BERG: So it does not meet all of the  
2 requirements I guess I should say. It does allow the  
3 harvest of chinook salmon with the use of a fish wheel but  
4 it does not allow the harvest of chinook salmon by any  
5 other method. And that was from testimony given by one of  
6 the participants in the Batzulnetas fishery at the  
7 Southcentral meeting, came up with that suggestion. They  
8 felt like they would be willing to release chinook salmon  
9 if they caught them in a dip net or rod and reel, but if  
10 they caught them in a fish wheel and caught them in their  
11 box, they didn't feel like that fish was going to survive,  
12 so they would just as soon keep it. And so I thought that  
13 was a good suggestion and a good compromise for that  
14 fishery.

15  
16 The only other provision that does not  
17 agree with the proposal is that they do not suggest a  
18 harvest limit. And I feel like there does need to be some  
19 sort of a harvest limit established, just to regulate that  
20 fishery in some way and the harvest limit established in  
21 the Glennallen subdistrict seems to be reasonable, to me,  
22 200 sockeye for a household of one or 500 for a household  
23 of two, could potentially -- because I feel like that  
24 population could sustain a harvest greater than the current  
25 1,000 fish seasonal limit, and with that kind of a harvest  
26 limit, you know, if you had more than two permits then you  
27 would be able to get more than the thousand fish that's  
28 currently allowed.

29  
30 CHAIRMAN GOOD: Bonnie, would you like to  
31 take a shot at this?

32  
33 MS. BORBA: For Staff comments?

34  
35 (Laughter)

36  
37 MS. BORBA: The same as before. The State  
38 hasn't looked over the revised analysis and the  
39 recommendations and will defer comments until after  
40 reviewing the analysis.

41  
42 CHAIRMAN GOOD: Vince, you have something  
43 for us.

44  
45 MR. MATHEWS: Yes, Mr. Chairman. There was  
46 no written comments that I'm aware of. But Southcentral  
47 did take this up and they support the proposal. Their  
48 justification was the Council found there is overwhelming  
49 evidence to support this proposal as submitted. And then  
50 there's a note here, recognizing that the intent of the

00116

1 proposal was to preserve the fishery for the traditional  
2 participants and that the proposal, as adopted, will open  
3 this fishery to all Prince William Sound residents who meet  
4 National Park Service eligibility until a specific  
5 customary and traditional analysis specific to the  
6 Batzulnetas fishery can be presented to the Federal  
7 Subsistence Board in 2002. The Council voted to modify  
8 Proposal 19 to provide a specific C&T determination for the  
9 Batzulnetas fishery.

10

11 And Mr. Chairman, I read it, I don't  
12 understand it but Jerry and George were at that meeting to  
13 explain the note and its significance.

14

15 MR. FLEENER: Mr. Chair, I got a question  
16 here. The proposed regulation and the highlighted area, it  
17 -- on Page 165, it says salmon may be taken in the vicinity  
18 of the former Native Village of Batzulnetas seven days per  
19 week from June 1, 2001 to September 1, 2001; is this only  
20 a.....

21

22 CHAIRMAN GOOD: One year?

23

24 MR. FLEENER: Yeah, is this only a one year  
25 proposal, it's going to stop after the end of the September  
26 1st fishing season is over? If we adopt it this way  
27 they'll have a one year season and that's it or was this a  
28 mistake with the scribe?

29

30 MR. BERG: Excuse me, Mr. Chair. That was  
31 the way the proposal was submitted by the proponent, and I  
32 believe that they were trying to address the issue that  
33 this has been a year to year court ordered fishery and so  
34 this was their suggestion to implement a fishery for --  
35 under Federal regulation during the following year. I  
36 haven't actually spoke with them as to why they put the  
37 year 2001 in there. But, you're correct, it would only be  
38 in place for one year and then we would have to readdress  
39 the fishery again next year, if adopted as proposed.

40

41 MR. FLEENER: Mr. Chair, would -- why would  
42 we want to do that, is it because we're concerned of  
43 overharvest or is it just because it's been done by court  
44 order? I mean why would we want to do something year after  
45 year, the exact same thing?

46

47 MR. BERG: Yes, Mr. Chair, I certainly  
48 understand that the -- I think it would be better to just  
49 adopt a regulation that seems like it would address the  
50 fishery so we wouldn't have to address it every year. I'm

00117

1 not sure why the proponent put those years in there. But  
2 as the Staff recommendation, I would not recommend putting  
3 the year dates in there. I would guess that they were just  
4 writing down the season dates of June 1st to September 1st  
5 and inadvertently put down the year at the same time while  
6 they were typing that in, is my guess. I don't think that  
7 their intent was for it to be just for a one year proposal.

8

9 MR. FLEENER: Mr. Chair, I was willing to  
10 support the Southcentral Regional Council recommendation  
11 which is to support it as submitted, but I don't like the  
12 idea of the 2001 date myself. I would like to -- since I  
13 made the motion maybe I can just amend my own motion to  
14 adopt Proposal 17, but not have the 2001 date in there,  
15 just go June 1 to September 1.

16

17 MR. NICHOLIA: Second.

18

19 CHAIRMAN GOOD: Were you withdrawing the  
20 original motion here?

21

22 MR. FLEENER: That's correct.

23

24 CHAIRMAN GOOD: And the second has -- okay.  
25 All right, we now have a new motion on the floor and this  
26 one goes with -- let me see if I've got this correct here,  
27 we're going to support the original proposal and we're  
28 going to do away with the annual -- single date -- single  
29 year approach.

30

31 MR. NICHOLIA: The 2001 date, and just  
32 leave June 1 and September in.

33

34 CHAIRMAN GOOD: Well, one question, before  
35 this goes to the Board, legal Council will be checking this  
36 out to make sure everything does meet the regs?

37

38 MR. BERG: (Nods affirmatively)

39

40 MR. FLEENER: Yeah, Mr. Chairman, that is a  
41 good question. If your recommendation was not 100 percent  
42 in accord with the court order, is NARF going to come back  
43 and say something's wrong here or before that even, has  
44 this been sent to NARF for their perusal?

45

46 MR. BERG: They have seen the Staff  
47 recommendation and they did not agree with the chinook  
48 provision which is why I adjusted my Staff recommendation  
49 to allow a chinook harvest with the fish wheel but not  
50 allow it with other methods as suggested by the

00118

1 participants in the fishery.

2

3 MR. FLEENER: Well, Mr. Chair, and did you  
4 go back to them with that and how did they respond?

5

6 MR. BERG: No, that's still -- I'm still --  
7 that was just revisions that I've made within the last week  
8 and so they've not had a chance to react to that change.  
9 But I'm also suggesting that we set harvest limits for the  
10 permit and that was some -- that was addressed by the  
11 Southcentral Council. They were under the understanding  
12 that the existing harvest limit issued in the court order  
13 would still be in place for next year but actually we did  
14 check and it will not be in place, it does expire this  
15 year.

16

17 So if adopted as proposed there would be no  
18 harvest limit for the permit.

19

20 CHAIRMAN GOOD: The original proposal here  
21 does specifically state that you may not take chinook  
22 salmon, you don't take kings, so that's what we're  
23 supporting at this point. And it says that this will be,  
24 you know it is precisely in line with the court order,  
25 which also stated that chinook salmon could not be taken.

26

27 MR. BERG: Mr. Chair.

28

29 CHAIRMAN GOOD: Jerry.

30

31 MR. BERG: Actually the proposal just says  
32 that they may take salmon, they actually strike the portion  
33 that says you may not take chinook salmon. So they want to  
34 take any salmon entering the fishery.

35

36 CHAIRMAN GOOD: I guess I'm getting it  
37 backwards here, I was looking at the strike from the other  
38 point of view. The court order says no chinook salmon may  
39 be taken?

40

41 MR. BERG: That's correct.

42

43 CHAIRMAN GOOD: But they're asking to take  
44 chinook salmon?

45

46 MR. BERG: That's correct.

47

48 CHAIRMAN GOOD: Any other comments. Well,  
49 my concern there, of course, is that litigation leads to  
50 litigation, and anytime you go beyond a court order you're

00119

1 asking for future litigation. George.

2

3 MR. SHERROD: I think the question as to  
4 whether this meets it is something the judge will have to  
5 decide. We can look at this as moving one step closer to  
6 what he wants. And I'm sure he'll have to look at the  
7 biology and other things, so that was basically the answer  
8 Southcentral Council was given and they were comfortable  
9 with recognizing -- they were moving closer to what the  
10 judge had issued and let him then review it and see if the  
11 plaintiffs were satisfied with it. Most of the testimony,  
12 I mean there were disagreements but the testimony towards  
13 at Southcentral, I think that the Ahtna were, particularly  
14 the people from Mentasta Lake and there were no  
15 representation from Dot Lake, but were feeling pretty good  
16 about what was being proposed.

17

18 CHAIRMAN GOOD: I think that helps it quite  
19 a bit if we know that this is going to a judge, it's not  
20 just going to have legal counsel, for our part looking at  
21 it, it will be reviewed by the judge in the case then?

22

23 MR. SHERROD: That's my understanding, Mr.  
24 Chair.

25

26 CHAIRMAN GOOD: Thank you.

27

28 MR. FLEENER: Mr. Chair, George you said  
29 that the Ahtna was satisfied with the proposal, do you mean  
30 that they were satisfied with Staff recommendations?

31

32 MR. SHERROD: The villagers from Mentasta  
33 Lake were basically satisfied with the recommendations that  
34 were put forth by the Regional Council and Vince has the  
35 full details on that.

36

37 CHAIRMAN GOOD: A suggestion might be to  
38 defer this to Southcentral, it's in their area with the  
39 recommendation that they strike the annual approach to this  
40 and simply leave an open season. What impact would that  
41 have, none, right?

42

43 MR. NICHOLIA: Second.

44

45 CHAIRMAN GOOD: Are there any comments.  
46 George, do you have any?

47

48 MR. SHERROD: I think that's a good idea.

49

50 CHAIRMAN GOOD: Okay.

00120

1 MR. NICHOLIA: Question.

2

3 CHAIRMAN GOOD: It has been moved and  
4 seconded to defer to Southcentral on this issue, pointing  
5 out to them that there is a problem with the annual  
6 expiration date as we see it. We don't see having to have  
7 it -- to treat this every year and let it go at that.

8

9 MR. FLEENER: Aye.

10

11 MR. NICHOLIA: Aye.

12

13 MR. JAMES: Aye.

14

15 CHAIRMAN GOOD: All those in favor please  
16 signify by saying aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN GOOD: Opposed.

21

22 (No opposing votes)

23

24 CHAIRMAN GOOD: And I think that means,  
25 let's eat.

26

27 (Off record)

28 (On record)

29

30 CHAIRMAN GOOD: We'll call the meeting back  
31 to order. We're short one person, so we're going to go  
32 ahead to  
33 Part IX, an update on the Federal Subsistence Fisheries  
34 Management. I believe Don's going to do that and, boy,  
35 he's already to go.

36

37 MR. RIVARD: Thank you, Mr. Chair. Don  
38 Rivard, U.S. Fish and Wildlife Service, Office of  
39 Subsistence Management. This is an update on what's going  
40 on with the Fisheries Information Service Division that we  
41 have within our office. This is under Tab D. There's a  
42 lot of numbers in this and I'll try to summarize this as  
43 much as possible. The first part of it is an introductory  
44 section.

45

46 The resource monitoring program is a  
47 unified interagency effort led by the U.S. Fish and  
48 Wildlife Service to enhance Federal capability to manage  
49 subsistence fisheries and for the capacity building and  
50 integration of rural communities and Alaska Native

00121

1 organizations into fisheries management. Specific areas of  
2 focus include enhancing our knowledge of fisheries,  
3 subsistence harvest and traditional ecological knowledge by  
4 supplementing rather than duplicating ongoing State  
5 monitoring efforts. An annual program of study includes  
6 identification of statewide management issues and  
7 information needs, planning, design and coordination of  
8 field projects, data analysis and formulating  
9 recommendations for improving fisheries management.

10

11 The Federal Subsistence Resource Monitoring  
12 Program is consistent with the Secretary's of Interior and  
13 Agriculture's continued commitment to maximize reliance on  
14 non-Federal partners and provide broad, direct and  
15 meaningful roles for rural Alaska Natives. Implementation  
16 of the resource monitoring program is being accomplished  
17 primarily through agreements with the Alaska Department of  
18 Fish and Game and Alaska Native and other organizations.

19

20 This past fiscal year, 2000, there were 160  
21 project proposals that were received, 45 projects were  
22 funded and 5.6 million dollars were invested in new  
23 information on fisheries, subsistence harvest and  
24 traditional ecological knowledge. And you can see some of  
25 the criteria there.

26

27 In the Yukon and Kuskokwim River drainages  
28 they received almost 33 percent of the funds that were  
29 available, about 1.8 million dollars for this year, and  
30 they're broken down on the next page a little bit as well  
31 as summaries in the Yukon River area are towards the back  
32 of this section -- I guess in the middle of this Tab D.  
33 And at some point if you want to find out more specific  
34 information on the projects that started this past fiscal  
35 year, this past summer, you can read them.

36

37 And right now the Fisheries Information  
38 Service is in the process of evaluating the over 200 pre-  
39 proposals that they received, I think the deadline was  
40 September 15th, and they're paring them down to -- I forget  
41 how many they want to do this year, but they can't possibly  
42 do all 200 and some projects. On October 16th they'll be  
43 announcing, I believe, this pared down list and then asking  
44 for full blown proposals from the organizations that have  
45 submitted them.

46

47 These will then be presented January 23rd,  
48 2001 during the Phase III fisheries training to RAC  
49 members. And I believe Helga's going to talk a little bit  
50 later about the Phase III training that's going to take

00122

1 place. But a full day is going to be dedicated just to  
2 this, to presenting these proposals to RAC members for  
3 their input and let them know what's going on. It's on  
4 Page 3 there, at the special fisheries training January  
5 22nd through the 26th in Anchorage, the draft study plans  
6 for each region will be reviewed by Regional Councils. One  
7 day at the training session will be devoted to this  
8 important task. RACs will be asked to review the study  
9 plans for their region and provide advice concerning  
10 whether the plan addresses key issues and information needs  
11 for their region. Their comments will then be submitted to  
12 the Federal Subsistence Board. And we anticipate that in  
13 late February of next year, the Federal Subsistence Board  
14 will make the decisions on the draft plan.

15

16 I want to back up a little bit. Of the  
17 projects that were funded this past year and Helga  
18 mentioned it a little earlier today, that there were 83  
19 local hires to work on these projects this year and 69 of  
20 them were Alaska Natives. So we are getting participation  
21 with Alaska Native organizations.

22

23 The next page, Page 4, basically shows what  
24 the schedule was and is for these projects that are going  
25 to start in the summer of 2001. And then the FIS division,  
26 they're going to be speeding up this time table for fiscal  
27 year 2002 and beyond to get it in line with the RAC  
28 meetings so that they can be presented at the RAC meetings  
29 as well. And you can see on Page 5, this new schedule that  
30 will be coming up. So this coming November, November  
31 through February is the pre-proposal development period and  
32 these pre-proposals have to be submitted by the 1st of  
33 February. This will allow organizations that didn't make  
34 it for 2001 to possibly resubmit their proposals and if  
35 need be, strengthen them and get them in for 2002. So it's  
36 a quick turnaround time between the decisions that are  
37 going to be made for the 2001 projects and then asking for  
38 pre-proposals for fiscal year 2002.

39

40 Again, a couple pages after that it  
41 summarizes what's gone on with the Yukon River region and  
42 there's several projects and descriptions. The last one is  
43 Project No. 26, and then there's a summary of that in kind  
44 of a spreadsheet form. That's all I have. If you have any  
45 questions I'll try to answer them.

46

47 MR. NICHOLIA: Mr. Chair.

48

49 CHAIRMAN GOOD: Go ahead, Gerald.

50

00123

1 MR. NICHOLIA: Were these proposals that we  
2 discussed in that last -- last spring? They were  
3 introduced and then they got approved and stuff and then  
4 this is what happened this summer, and how about all those  
5 other proposals that got rejected, they're just dead or  
6 could they -- they could be resubmitted?

7  
8 MR. MATHEWS: No. You reviewed two  
9 packages last year, one that was to deal with the early  
10 part of the fishing season and one was to deal with  
11 afterwards. All those projects, I believe you approved in  
12 that January meeting of the three councils, that were in  
13 front of you, and I don't have a record of what you agreed  
14 to or supported for the second one, but I don't know if any  
15 were rejected out of that package because that was an  
16 accelerated package.

17  
18 The way that Don laid it out is that,  
19 remember when you met in Fairbanks in February, you had an  
20 evening session with Taylor Brelsford and others and that's  
21 in there, which Don pointed out, where you addressed issues  
22 and concerns. My understanding is those issues and  
23 concerns that the Councils come up with, that is what is  
24 used to go out and solicit projects for. An Example that's  
25 really well, which I know the Tetlin Staff will probably be  
26 talking about during their agency report, if you remember  
27 correctly, Chuck Miller requested non-salmon species be  
28 looked at and particularly look at whitefish population  
29 concerns that he had there and others had. Well, then that  
30 project, I believe, was funded through here and there's  
31 some data in the back on how that is going on with that.  
32 So originally the issue was brought up, non-salmon species  
33 and the change in patterns or whatever it was for the Upper  
34 Tanana area and then that was put out, people submitted  
35 proposals on it and they were approved and then funded and  
36 you should get a report back when it's finalized.

37  
38 So that's pretty much it. So to get you in  
39 the cycle, next time, 2002, right, Don, I believe it is.

40  
41 MR. RIVARD: (Nods affirmatively)

42  
43 MR. MATHEWS: Is that at this meeting you  
44 would be looking at the plans to decide if you agree with  
45 your -- that you pass recommendations to the Federal  
46 Subsistence Board on those plans. So you have input  
47 throughout the whole process, issue development and then  
48 when the actual proposals come before you.

49  
50 CHAIRMAN GOOD: During this February

00124

1 meeting, will we be reviewing any proposals or projects?

2

3 MR. RIVARD: Are you talking about the  
4 January training?

5

6 CHAIRMAN GOOD: Right.

7

8 MR. RIVARD: Yeah. That's the idea, to --  
9 the ones that they're deciding on now for 2001, during this  
10 Phase III fisheries training, the RAC members will -- a  
11 whole day is going to be spent just going over the process  
12 again, but also presenting these proposals to the RAC  
13 members. There'll probably be breakout sessions per region  
14 and giving you a heads up on what they're all about,  
15 informing you of those and getting your input as well.

16

17 CHAIRMAN GOOD: Any other questions. Thank  
18 you, Don.

19

20 MR. RIVARD: Thank you.

21

22 CHAIRMAN GOOD: The idea was to go ahead  
23 with the last proposal but we are short a quorum at this  
24 point which means we can't vote.

25

26 MR. MATHEWS: You have a quorum of a  
27 quorum.

28

29 MR. FLEENER: We have three out of five.

30

31 CHAIRMAN GOOD: So a quorum of a quorum, so  
32 we're legitimate to start.

33

34 MR. NICHOLIA: What if two is for or two is  
35 against?

36

37 MR. MATHEWS: Well, if you ended up in that  
38 situation then obviously no.

39

40 CHAIRMAN GOOD: A quorum to start the  
41 meeting was all we needed and now we need a.....

42

43 MR. FLEENER: Majority.

44

45 CHAIRMAN GOOD: .....majority of the people  
46 in the meeting.

47

48 MR. MATHEWS: So you have four of the five  
49 that started the meeting so you can move ahead with  
50 Proposals 19 and 20 because it's clear on the record that

00125

1 you took an hour break so it's not unknown.

2

3 CHAIRMAN GOOD: Then let's begin with 19  
4 and 20.

5

6 MR. MATHEWS: Mr. Chairman, Proposal 19 and  
7 20 is on Page 186 in your book under Tab C. And this is to  
8 change customary and traditional use determinations for the  
9 Upper Copper River portion of the Prince William Sound area  
10 to include the residents of Dot Lake, Northway, Tanacross,  
11 Tetlin, Tok and those living along the Alaskan Highway from  
12 the Canadian border to Dot Lake and along the Tok cut off  
13 from Tok to Mentasta Pass. This is a combined proposal  
14 from Douglas Hosken and Dot Lake Village Council. There's  
15 two proposals being presented under one analysis.

16

17 CHAIRMAN GOOD: A motion is a question  
18 mark, I don't know if we're prepared to make a motion to  
19 support both, and we don't have a clear alternative at this  
20 point, maybe we need more information.

21

22 MR. MATHEWS: In the past what you have  
23 done is you've either -- one way you've done it is you move  
24 to adopt the Staff recommendation, which you may not agree  
25 with at the end but that would be one way to go forward  
26 with it or you can take up each proposal individually but  
27 it's going to be presented as one.

28

29 CHAIRMAN GOOD: We'll take a second here  
30 looking things over.

31

32 (Pause)

33

34 MR. FLEENER: Mr. Chair, I move to adopt  
35 Staff recommendations for Proposal 19 and Proposal 20.

36

37 MR. NICHOLIA: Second.

38

39 CHAIRMAN GOOD: It's been moved and  
40 seconded to adopt the Staff recommendations for Proposals  
41 19 and 20. Go ahead, George.

42

43 MR. SHERROD: Thank you, Mr. Chair.  
44 Proposal 19 was submitted by Douglas Hosken of Tok. The  
45 proposal requests that the customary and traditional use  
46 determination for salmon for the Upper Copper River  
47 district of the Prince William Sound Management area and  
48 the Copper River near the mouth of and in Tanada Creek be  
49 changed to include residents of Dot Lake, Northway,  
50 Tanacross, Tetlin, Tok and individuals residing along the

00126

1 Alaska Highway from the Canadian border to Dot Lake and  
2 along the Tok cut off from Tok to Mentasta Pass, thereby  
3 picking up these individual isolated households that are  
4 not within the boundaries of communities.

5

6 Proposal 20 is basically the same with a  
7 couple exceptions. One of which the proposal only  
8 addresses the Glennallen subdistrict of the Upper Copper  
9 River and not the portion around Tanada Creek, which, in  
10 effect, is the Batzulnetas fishery. Additionally, Proposal  
11 20 asks to add Healy Lake, which is not included in  
12 Proposal 19 but does not include those households living  
13 along the Alaska Highway and the Tok cut off road.

14

15 All of these communities have C&T for some  
16 species within their areas and within the Copper River  
17 drainage. So rather than going into any great details over  
18 the eight set of criteria, I'll just say that, you know,  
19 they have been granted C&T, so they have met most of the  
20 requirements. They have been granted C&T for species  
21 within the Copper River drainage so the assumption is that  
22 is not an unreasonable distance to travel and harvest  
23 resources and that there is a historic pattern of doing so.  
24 And perhaps more importantly, they were granted C&T for  
25 salmon in the Copper River area prior -- by a State action  
26 that was later revoked because of judicial proceedings.

27

28 Now, is in the last one you need some  
29 history as to what your friends to the south did. I will  
30 read the preliminary conclusions that is found on Page 199.  
31 And the conclusion was to modify the proposed salmon  
32 customary and traditional regulatory language in Proposal  
33 19 and 20 and change it to the following determination.  
34 Prince William Sound area, and again we dealt with the  
35 entire area, Glennallen subdistrict of the Copper River  
36 district and the waters in the Copper River between ADF&G  
37 regulatory markers located near the mouth of Tanada Creek  
38 and approximately one and a half miles downstream from the  
39 mouth of Tanada Creek between ADF&G regulatory markers  
40 identifying the open areas of the creek. Again, that is  
41 the Batzulnetas fishery. Salmon, residents of Prince  
42 William Sound, that's the existing determination, and  
43 residents of Dot Lake, Northway, Tanacross, Tetlin, Tok,  
44 and those individuals living along the Alaska Highway from  
45 the Canadian border to Dot Lake along the Tok cut off from  
46 Tok to Mentasta Pass. The pass is basically the divide  
47 between the Copper River water shed and the Tanana River  
48 water shed, and along Nabesna Road. Nabesna Road was  
49 excluded from either one of the original proposals.  
50 Nabesna Road is in a unique situation that it is culturally

00127

1 and geographically linked to the Copper River Basin but it  
2 is, in fact, in the Tanana River drainage and therefore  
3 cannot fish in the Copper River fishing district. The  
4 Copper River remainder would be salmon, residents of Prince  
5 William Sound area.

6

7 In the course of going through this, when  
8 we just dealt with the proposal for Batzulnetas, at that  
9 time, we did not do a customary and use determination  
10 because that was not put before the Council as a proposal.  
11 However, this proposal places the issue in front of it.  
12 After considerable debate and deliberation at the Southeast  
13 [sic] Council, it was felt that a modified proposal should  
14 be -- a modified conclusion should be put forward. This is  
15 both the conclusion -- or this is the conclusion that  
16 Southcentral Council put forward and that is waters between  
17 the regulatory markers, da, da, da, da, or the Batzulnetas  
18 fishery, the customary and use determination would be for  
19 residents of Dot Lake and Mentasta Lake. These are the two  
20 communities that are currently eligible under the court  
21 ordered fishery. These are the people that basically have  
22 the long-term established fishing -- or history at that  
23 particular site, For the remainder of the Glennallen  
24 subdistrict, it was decided that it would be -- and this is  
25 the Southcentral's recommendation, residents of Prince  
26 William Sound area, that is the existing C&T that's on the  
27 books, Dot Lake, Northway, Tanacross, Tetlin, Tok and  
28 individuals living along the Tok cut off from Tok to  
29 Mentasta Pass. What was excluded in the Southcentral's  
30 suggestion or recommendation and what was included in the  
31 Staff recommendation were those individuals living along  
32 the road from Dot Lake to the Alaska Highway, therefore,  
33 picking up, you know, the poor guys that are halfway  
34 between Tanacross and Tok, you know, where do they fall  
35 out. And Healy Lake was also excluded from the  
36 Southcentral's recommendation.

37

38 And the exclusion was based, not so much --  
39 well, I'll tell you what the exclusion was based on, it was  
40 the feeling of members of that Council that Healy Lake was  
41 too far away and that the residents along the highway were  
42 not part of established communities and should not be  
43 included.

44

45 To provide you with an updated Staff  
46 recommendation, it would be to provide the Batzulnetas  
47 fishery to Dot Lake and Mentasta Lake, the two communities  
48 that have a court order and to provide the Glennallen  
49 subdistrict to the residents of Prince William Sound, Dot  
50 Lake, Northway, Tanacross, Tetlin, Tok, Healy Lake, and

00128

1 individuals living along the Alaska Highway from Dot Lake  
2 to the Canadian border and from the Tok cut off to Mentasta  
3 Pass and residents living along the Nabesna Road.

4

5 MR. NICHOLIA: Mr. Chairman, that's the  
6 Staff recommendation?

7

8 MR. SHERROD: That's the modified Staff  
9 recommendation, yes, which is in opposition to what the  
10 Staff Committee -- or Southcentral went for but does  
11 include in breaking off the Batzulnetas fishery and making  
12 it a separate determination.

13

14 MR. NICHOLIA: I like it.

15

16 MR. FLEENER: Mr. Chair, I have a question.

17

18 CHAIRMAN GOOD: Go ahead, Craig.

19

20 MR. FLEENER: You said Healy Lake was  
21 included but it's not written here, are we to assume that  
22 it was inadvertently left out?

23

24 MR. SHERROD: Yes, that is correct. It was  
25 in an earlier draft and was dropped from the original,  
26 thank you for catching that.

27

28 MR. FLEENER: So Healy Lake is in?

29

30 MR. SHERROD: Healy Lake, the original  
31 analysis had it in there and then in changing staff, a  
32 typo, and I dropped it out but no it's included, and it's  
33 justification is included in the analysis.

34

35 MR. FLEENER: Thank you.

36

37 CHAIRMAN GOOD: Bonnie, do you have  
38 anything from the State?

39

40 MS. BORBA: Yes, Mr. Chairman. Bonnie  
41 Borba from the Alaska Department of Fish and Game. These  
42 proposals request a positive C&T finding for salmon for  
43 select communities in the Upper Copper River drainage, the  
44 State supports the preliminary Staff recommendations to  
45 support this proposal with the minor modifications of the  
46 separation of the Batzulnetas area.

47

48 Thank you.

49

50 CHAIRMAN GOOD: Connie, did you want to

00129

1 address this, too.

2

3 MS. FRIEND: No, you guys are doing fine.

4

5 CHAIRMAN GOOD: Vince.

6

7 MR. MATHEWS: Mr. Chairman, there was no  
8 written public comments, and George covered the pretty  
9 complex Southcentral recommendation so I'm not going to  
10 attempt to re-cover that.

11

12 MR. FLEENER: Question.

13

14 CHAIRMAN GOOD: Any further discussion.  
15 Hearing and seeing none, all those in favor of the Staff  
16 recommendations, please signify by saying aye.

17

18 IN UNISON: Aye.

19

20 MR. SHERROD: That was the modified Staff  
21 recommendation?

22

23 CHAIRMAN GOOD: That was the modified Staff  
24 recommendation.

25

26 MR. SHERROD: As presented to you -- thank  
27 you.

28

29 CHAIRMAN GOOD: As discussed here at this  
30 -- including Healy Lake. Opposed same sign.

31

32 (No opposing votes)

33

34 CHAIRMAN GOOD: I think at this point we'll  
35 call it a night and we'll hit this thing fresh in the  
36 morning. I think everybody else -- it just might drag  
37 everybody else down. The time at this point is 7:15. We  
38 will start tomorrow at 9:00 o'clock.

39

40 MR. MATHEWS: We had it down in the agenda  
41 as 8:30.

42

43 CHAIRMAN GOOD: 8:30, we'll be tough.

44

45 MR. FLEENER: What?

46

47 MR. NICHOLIA: I think it'd be better at  
48 9:00 o'clock because the staff, my co-workers worked pretty  
49 hard today and they have to do other things at home and if  
50 you start them off at like 7:30 and I'd rather start them

00130

1 off at 8:00 and let us start at 9:00. That way it'd give  
2 them a chance to get started.

3

4 CHAIRMAN GOOD: In deference to the people  
5 that work so hard for us here at Tanana, I would agree,  
6 we'll start at 9:00 o'clock.

7

8 (END OF PROCEEDINGS)

9

\* \* \* \* \*

