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FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME II

EGAN Convention Center
ANCHORAGE, ALASKA

January 11, 2017
8:30 o'clock a.m.

MEMBERS PRESENT:

- Anthony Christianson, Chairman
- Charles Brower, Public Member
- Rhonda Pitka, Public Member
- Bud Cribley, Bureau of Land Management
- Karen Clark, U.S. Fish and Wildlife Service
- Mary McBurney, National Park Service
- Lynn Polacca, Bureau of Indian Affairs
- Beth Pendleton, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Anchorage, Alaska - 1/11/2017)

(On record)

CHAIRMAN CHRISTIANSON: I'll call the meeting to order this morning. Good morning everybody and thank you again for coming to join in the Federal Subsistence Board meeting. Again, if the operator is online, if she could please explain to the online participants how the process works.

OPERATOR: Thank you, sir. At this time all participants will be in a listen-only mode until the question and answer session conference. We will be taking questions throughout today's conference, so if you would like to ask a question at any point during the call, you may press star then one. You will be prompted to record your first and last name and to withdraw the question you may press star then two. Once again if you would like to ask a question at any time throughout today's conference, press star then one and record your first and last name.

Sir, you may continue.

CHAIRMAN CHRISTIANSON: Thank you. So first off every day on our agenda we will be accepting public comment on non-agenda items. So at this time we would open the floor to any public comment on non-agenda items.

It looks like we have first on the list Ivan Encelewski. Is Ivan here? He's not here yet. Then we have Ted Spraker and Nate Turner, Chair and Vice Chair. We appreciate them coming today.

MR. SPRAKER: Mr. Chairman and Members of the Federal Subsistence Board. First off, I really appreciate the opportunity to testify this morning. My name is Ted Spraker. I'm currently the Chairman of the Board of Game. We just recently finished a very interesting meeting in Bethel. I'm not really going to report on that, but I do want to share some comments and observations with the Board.

I've been on the Board of Game five terms now, so I've had a lot of really wonderful opportunities to visit every part of the state. I've

1 spent quite a bit of time in meetings in Barrow and
2 Kotzebue and Nome and Bethel a couple times we've had
3 Board meetings. Mr. Chairman, this time it was a
4 little different. There was a sense of division that
5 the Board felt and understood we heard in public
6 testimony and it came from the Unit 23. The decision
7 that was made to eliminate non-local people.

8

9 We had comments from people that lived
10 there in the past and had customary and traditional
11 history there that couldn't go back and hunt on Federal
12 public lands. That was one concern. Of course the
13 other concern was that we had issues where people were
14 crowding. I've also been on the Unit 23 conflict
15 resolution committee that meets in Kotzebue in the
16 spring for quite a few years and I've listened to
17 public testimony and worked with a lot of folks there
18 from the Board standpoint trying to help out. There's
19 a lot of conflicts up there.

20

21 As we reduce opportunities for non-
22 locals, then they're concentrated more on State land
23 and we really felt that. One of the issues that I want
24 to address just briefly is that we had a proposal from
25 Noatak/Kivalina Advisory Committee to extend the
26 controlled use area. Normally that would be pretty
27 easy for the Board to do because we understand
28 competition, we understand subsistence and food
29 security. You know, those are things we deal with and
30 we try to accommodate as much as we possible can.

31

32 What happened at that proposal was
33 Board members felt that because there's so little State
34 land left and we're crowding people on top of people
35 that we were reluctant to do that. At first we failed
36 the proposal. It was a 2 to 4 vote. It really upset a
37 lot of people that were there testifying.

38

39 So we brought the proposal back and
40 they offered a compromise. They offered to withdraw a
41 portion of the controlled use area on the southern end
42 for a portion on the upper end and we did that. We
43 finally did that and people were very satisfied because
44 now they'll have a chance. This is where the caribou
45 -- of course, you know caribou, they kind of go where
46 caribou want to go, but in the last few years they've
47 been going way north, higher up above the Sapun Creek
48 where the controlled use area stops. So we moved it up
49 the river about 40 miles or so and made people happy.

50

1 Anyway, the point I want to make is
2 we're here today with an olive branch. We want to work
3 with your Board. This issue in Unit 23 has really
4 caused a lot of angst with a lot of folks across the
5 country. I mean we realize your positions, but, again,
6 we want to work with you and try to come up with some
7 compromises, look at the biology and see where we can
8 work together.

9
10 With that, I'll stop. Mr. Turner.
11 Nate Turner is the Vice Chairman of the Board of Game.
12 Do you have any additional comments?

13
14 MR. TURNER: We have to apologize. We
15 just got done with a meeting, so we always defer to the
16 Chair for comments without questions. No, I think the
17 Chairman outlined the issues really well.

18
19 Another point that did come up to us in
20 our discussions on the effect in the Noatak area was
21 that through the Federal closure it didn't really close
22 all the land because there is State land access on
23 river corridors and navigability rights and stuff. So
24 what it really did in some of these regions is heavily
25 concentrated the use. The way it showed up in the
26 Noatak country is it actually concentrated the use
27 exactly where the local hunters were hunting on the
28 river.

29
30 Previously, the non-local hunters had
31 been up in the hills and even that was an issue of
32 concern to the Noatak people, believing that they might
33 be blocking caribou or turning them. That's really
34 been the issue that's been discussed for a number of
35 years now and the Department has been working to help
36 the Board better understand how much of an impact these
37 non-local users or uses or even non-resident uses might
38 be having on turning herds and stuff like that.

39
40 But that whole discussion ended when
41 the Federal closure happened. All those hunters on the
42 hills didn't go away. As many of them as could went to
43 the river corridor and it just absolutely filled every
44 river bend. So it actually magnified the problem for
45 the people of Noatak.

46
47 I think through an effort that we
48 worked more closely together on these issues we could
49 have come to a better solution for the people in that
50 area. As it stands today, that problem still is there.

1 We extended the controlled use area, but it didn't go
2 to the full length of the river, of course, because
3 there is opportunity for non-local uses farther up.
4 But we made a compromise between other uses and the
5 local uses. Sadly, the local uses, the Noatak people
6 have to travel many, many miles just to get to where
7 the caribou are traveling.

8

9 Another point that came up at the
10 meeting is we had some good data showing us the
11 movements of caribou and what they're doing. I don't
12 know what's going on, but there seems to be a caribou
13 repellent thing going on in the Noatak drainage. The
14 caribou really have been circling that whole area for
15 quite some time. I think that's the big picture of
16 what the problem is we're facing. The caribou just
17 aren't going where they used to go.

18

19 Thank you for welcoming us here.

20

21 CHAIRMAN CHRISTIANSON: Thank you guys
22 for your presentation. We hope too to find a common
23 solution for all the user groups. Is there any
24 questions here that the Board would like to ask.

25

26 Mr. Raymond. We have a chairman here
27 that would like to.

28

29 MR. STONEY: Thank you, Mr. Chairman.
30 I've got a question to Mr. Spraker. As we all know,
31 Mr. Spraker, the caribou season is closing in Game Unit
32 23. It's a very big situation for all of us in
33 Northwest Alaska. My question is, Mr. Spraker, the
34 State and the Federal are within two feet away. That
35 is a conflict between the State and the Federal hunters
36 in Game Unit 23. How would you work that to make those
37 people understand within either the State or Federal
38 land because the State has very little land in Game
39 Unit 23. How would you work that out, Mr. Spraker?

40

41 MR. SPRAKER: Mr. Stoney, my answer
42 would be we'd make more caribou. I say that in all
43 sincerity. You know, being on the Board and having to
44 work for Fish and Game, you know, a long career with
45 Fish and Game, I think we should really, as two bodies,
46 and the Department and U.S. Fish and Wildlife Service
47 and the National Park Service, we have some of the best
48 scientists in the world.

49

50 I think the answer to your question is

1 we need to work toward building this Western Arctic
2 Herd and the Teshekpuk Herd. We need to build these
3 caribou, get back to where we were. You recall in the
4 early 2000s we had almost a half a million caribou in
5 the Western Arctic. In 2003, 490,000 caribou
6 estimated. We're down to 201,000 now.

7

8 My only answer is make the pie bigger
9 instead of keep slicing the slices thinner. Again,
10 we're here with that olive branch. We're trying to
11 work together. We feel like if you didn't restrict
12 non-local people, it would just reduce the crowding
13 issue that our Board has to deal with. That's a huge
14 issue.

15

16 And we've heard from people that live
17 here in Anchorage that were born, raised and always
18 hunted up there that now live here and they can't go
19 back and hunt with their families legally. I mean they
20 can't legally go back to Kiana and hunt with you
21 because of this regulation.

22

23 So I think there's other ways to do it
24 and I think building the herd is the thing to look
25 forward to, the positive direction to go.

26

27 MR. STONEY: Thank you, Mr. Spraker.

28

29 MR. CRIBLEY: Mr. Chairman.

30

31 CHAIRMAN CHRISTIANSON: Yes.

32

33 MR. CRIBLEY: I have a question. The
34 Bureau of Land Management, this is not a new issue for
35 us. We've had conflicts
36 up in the Squirrel River area up in that country from
37 the standpoint of hunter use and trying to manage for
38 that. As a matter of fact, we're in the process right
39 now developing a plan for the management of that use.

40

41 I was just wondering if -- well, the
42 answer that you came up with was to have the pie bigger
43 and that's obviously a goal all of us are trying to
44 achieve. It's a bit of a mystery up there what we need
45 to be doing to make that happen up there just because
46 of how the population is fluctuating and such.

47

48 The other aspect of it is just the
49 sheer numbers of hunters that are going up there,
50 particularly guide and outfitters, and then also the

1 transporters. One of the things that we're facing in
2 trying to catch up with our sister agencies, the Fish
3 and Wildlife Service and the Park Service, is looking
4 at putting rules in place to better manage for the
5 numbers on public lands.

6

7 The challenge BLM has is our lands are
8 intermixed with State lands, so it's very difficult for
9 us to do something and effectively manage that unless
10 the State were in concert. I know that we want to have
11 those conversations and I know that's not under the
12 management of that and those permits and such is not
13 under your purview, it's under DNR's purview.

14

15 But do you see opportunities or do you
16 think there's situations or opportunities where we
17 could work together to try to look at that tool or
18 aspect of it to help with the situation and better
19 manage the use up there and maybe help to distribute
20 the use between State and BLM lands?

21

22 MR. SPRAKER: Mr. Cribley, I do. I
23 think there's a pretty straightforward and maybe not
24 simple, but certainly a good direction to go, a path to
25 go. As you pointed out, there's BLM and State land
26 that doesn't have guide concession programs.

27

28 MR. CRIBLEY: Uh-huh.

29

30 MR. SPRAKER: The Board of Game has
31 twice written letters supporting a guide concession
32 program on State land and to work with BLM to pull
33 everybody together. U.S. Fish and Wildlife Service and
34 National Park Service has had guide concession programs
35 for quite a few years. They work well. There's no
36 doubt about it. Reduces conflicts.

37

38 The issue I think in 23 is not so much
39 with the guides. It's probably with the transporters.
40 I think if a guide concession program can be developed
41 between the State and BLM, that would be a huge first
42 step. I think the next step would be to look at the
43 transporter activity and in some way make that
44 compatible with the resources and crowding and
45 conflicts and work some sort of system out with the
46 transporting industry as the Fish and Wildlife -- no,
47 maybe the National Park Service I think has done.
48 They've limited the number of transporters in some
49 areas.

50

1 So, to answer your question, guide
2 concession program between BLM and State land would be
3 monumental in changing the system and reduce conflicts
4 because then we would have more of a control on what's
5 going on.

6
7 MR. CRIBLEY: Would you be willing to
8 work with us to go and have meetings between the Board
9 of Game and the DNR and BLM to start those discussions
10 and see what those opportunities are? I know that we
11 have tried this. We've been on this path before and we
12 have not seen -- once we get to the point of actually
13 doing it, we don't -- at least on the State side
14 there's not support to do that.

15
16 Do you think we have an opportunity now
17 because of the problems that are surfacing in Unit 23?
18 I think the important thing to see here is this is a
19 message and I don't see this staying exclusive to Unit
20 23. I see this problem spreading to other parts of the
21 state and just creating more conflict. I guess we're
22 looking for solutions to avoid these conflicts because
23 we don't want to make -- at least from our perspective
24 and the Bureau of Land Management's perspective, we
25 don't want to get into a situation where there's
26 competition or animosity between Federal subsistence
27 use and just regular use of the wildlife resources in
28 Alaska.

29
30 I guess we've been talking since the
31 meeting up in Bethel and I appreciate your Board
32 inviting our representative Steve Cohen to come up and
33 sit in and have this discussion with you and our
34 subsequent discussion after that, wanting to try to
35 pull together meetings or discussions to start moving
36 forward on and looking for solutions on this, not only
37 for this area, but how we would apply this to other
38 parts of the State where we may have similar conflicts.

39
40 MR. SPRAKER: To answer your question,
41 yes, sir. I would be available anytime. I'm going to
42 volunteer Nate Turner. I'm going to volunteer the
43 entire Board. Because one of the things that I think
44 would be really difficult is if BLM went forward by
45 themselves and that left only State land. Then what
46 happens is guides are concentrated on just State land
47 and the fact that guides can now move around. They go
48 into an area -- and not all
49 guides. I mean most of them practice good stewardship,
50 but there are some guides that will go into an area

1 harvest quite a few of the animals.

2

3 With moose and bears it takes a long
4 time to produce a large trophy-size animal. Once those
5 animals are pretty much gone, they have the ability to
6 move to another area, whereas with this guide
7 concession program if they are required to register for
8 an area and lease it for a 10-year period, that
9 increases the stewardship in the area and it keeps
10 people from bouncing all over the country.

11

12 I know that's a longer answer than you
13 wanted, but the answer is, yes, we'd be more than
14 happy.

15

16 MR. CRIBLEY: I look forward to working
17 with you on this issue. Last year we were actually
18 invited down to Juneau to the State Legislature to give
19 a presentation on our land use planning and what we
20 were doing in our new land use plans to address this
21 type of issue in other parts of the state. I know
22 there was interest on the Senate Resources Committee on
23 what we're doing and a lot of dialogue.

24

25 I think it's one of those the agencies
26 get together, but we also need to bring the legislature
27 along and have them understand the value of this so
28 that they will also support it because, as we well
29 know, as Federal agencies we can't do anything unless
30 we have the legislative side to support us both from a
31 legal standpoint and also from a budgetary standpoint.

32

33 So I look forward to working with you
34 on that in the future and I appreciate you opening the
35 door and surfacing this issue because I think really
36 what we're talking about this is what the issue is up
37 in Unit 23. The Subsistence Board has taken action
38 within the tools that they have to manage for that and
39 I don't think that there's better ways to do it than
40 the way we're doing it right now.

41

42 Thank you.

43

44 CHAIRMAN CHRISTIANSON: Thank you, Bud.

45

46 Louis.

47

48 MR. GREEN: Thank you, Mr. Chair.
49 Through the Chair, Mr. Spraker. I'm the Chair of the
50 Seward Peninsula RAC. The resources shared by our

1 people also with the Western Caribou Herd so it is of
2 an interest to us. We were asked in Nome here in the
3 first or second of November when we had our last
4 meeting by the State to back off on that idea and share
5 the same opinion there, but when I asked for data and
6 information, how do I make a decision on this with the
7 limited information you have. I can't make that
8 decision.

9

10 So I heard somebody mention data up
11 here or information. I wanted to hear what you had as
12 of late because our consideration to do anything, the
13 lack of just the information left us unable to make
14 that decision one way or the other, so we just left it
15 status quo. Now it's going to run out in June and
16 possibly sunset there and we'd do something different.

17

18 One of the other questions I had is
19 what is the consideration for predation being a major
20 issue there?

21

22 Thank you, Mr. Chair.

23

24 MR. SPRAKER: Thank you for that
25 question. As far as any of the data, I wish Fish and
26 Game was here this morning. That's kind of their issue
27 more than the Board's issue. They present information
28 to us and we try to respond to that. All I can tell
29 you with the Western Arctic is that currently they're
30 estimating -- they did get a count last summer 201,000
31 caribou total.

32

33 The intensive management plan, the
34 objectives for that, is not to allow the population to
35 go below 200,000. We have an amount reasonably
36 necessary for subsistence is between 8-12,000 animals
37 harvested annually. We're reaching that, just barely.

38

39 As far as what's controlling the herd,
40 I'm sure that there's still some concern about what
41 exactly the triggers are, but we heard testimony about
42 increased numbers of bears, we heard testimony about
43 high numbers of wolves. The Board actually extended a
44 couple bear hunting opportunities, extended the
45 seasons.

46

47 We made one area a two-brown-bear
48 limit, so we changed it there. With the two bear limit
49 you're also allowed to sell a brown bear hide. We
50 thought that would be an incentive for people to take

1 additional bears because now they can make use of all
2 these -- I mean how many brown bear hides do you need
3 tacked to your woodshed. Anyway, you can sell brown
4 bear hides. We addressed it that way as well.

5
6 A couple meetings back there was a
7 proposal from Kotzebue requesting primarily for wolves
8 that you could position an animal for harvest. A lot
9 of controversy on that one. The Board stood strong,
10 realizing that we feel predation is an issue locally
11 and we adopted that one. That one now is in place so
12 people can use snowmachines to aggressively harvest
13 wolves in all of 18, 22, 23, 26A.

14
15 But let me give you my personal opinion
16 in talking to the biologist in the area and talking to
17 some of the people in the area. I think predation is a
18 huge impact now that this population has gone down so
19 much. It wasn't a factor when it was a half a million,
20 but now that it's 200,000 I think predation plays a
21 huge part.

22
23 The problem with it is there's so much
24 Federal land. If it was pretty much all State land,
25 the Department has shown they can put together a
26 scientifically-based predator control program. They've
27 been very successful. Some of the good examples are
28 the Southern Alaska Peninsula Herd where they reduced
29 wolves just on the calving grounds for a couple years.
30 That population recovered in a short period of time.

31
32 Across Cook Inlet in 16B we've had a
33 similar program. Moose numbers have come up
34 dramatically. We've opened up more opportunity as a
35 result of that. Unit 13 is another example. We've
36 been reducing predation impacts there and numbers have
37 come up as well.

38
39 I think that's going to be key. Again,
40 that's why we're here to work with this Board and the
41 Federal agencies to try to recover that population
42 because it is so critical to have healthy populations
43 in the Western Arctic. I mean those people depend on
44 caribou. We're at a crossroads right now, so we need
45 to move and we need to move quickly to get that
46 recovered.

47
48 MR. GREEN: Thank you, through the
49 Chair. Thank you, Mr. Spraker. Something else we
50 witnessed in 22 is concerns of transport. I could see

1 how it would affect the Northwest area up there. So
2 understanding when somebody could come in there with an
3 airplane and get set their hunters out in the sticks
4 somewhere, that's literally competition for the locals
5 and I'm one of the locals.

6

7 I've got C&T up in the Noatak and up in
8 the Kobuk because I've hunted up there also, but in our
9 area, in 22, we're seeing the same thing there. We've
10 got limited resources on the Seward Peninsula and the
11 competition is still in our face basically.

12

13 I too believe that the State and the
14 Feds need to shake hands and get to work together
15 because we've got fisheries issues, we've got game
16 issues all in the Seward Peninsula. I've heard it all
17 the way around the room in here. So I hope that we can
18 come to some kind of an agreement to work together.
19 That's the only way I see a positive result.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN CHRISTIANSON: Appreciate
24 that. Anybody else have questions, discussion.

25

26 (No comments)

27

28 CHAIRMAN CHRISTIANSON: I definitely
29 thank you guys for your time here today coming to share
30 the new things that have happened at your meeting and
31 something for us to consider as we look at the
32 proposals here, looking forward. Understanding it is a
33 very unique situation. Again, our Board made a
34 decision to try to stem the problem and, again, there
35 is byproducts of that and we felt that through the
36 letters and the effort of you guys to come here today.
37 So we'll see what we can do to try to work together and
38 find solutions to the problem on the land.

39

40 Thank you.

41

42 MR. SPRAKER: Thank you, sir. We
43 appreciate it. Appreciate the time.

44

45 MR. TURNER: Thank you.

46

47 CHAIRMAN CHRISTIANSON: Was there any
48 other public who would like to share discussions on
49 non-agenda items this morning. The floor is open at
50 this time.

1 (No comments)

2

3

CHAIRMAN CHRISTIANSON: All right. No
4 more public comment. We're going to go ahead and jump
5 right into the proposals. That's what it says here on
6 the agenda. With that we'll start with the tribal
7 consultation summary and ANCSA.

8

9

MR. LIND: Thank you, Mr. Chairman.
10 Board Members, good morning. My name is Orville Lind.
11 I'm the Native Liaison for the Office of Subsistence
12 Management. I'm here to give you a quick summary of
13 the tribal and ANCSA consultation we had yesterday
14 morning. Folks, if I've missed anything that you feel
15 that I need to say, please let me know. I'm here for
16 you.

17

18

We started off with Mr. Darrel Williams
19 from the Ninilchik Tribal Council addressing the
20 consensus items and asked that these items we need to
21 handle very carefully. He believed that the special
22 actions sometimes are being used. In the review data
23 and analysis there are many mistakes and things need to
24 be a little clearer. Census numbers and aggregations
25 are issues. There are conservation concerns on action
26 items. Subsistence process, conservation concerns are
27 also issues. It shouldn't have to carry all the weight
28 to solve conservation concerns.

29

30

Mr. Lord asked a few questions,
31 Williams responded, get some clarification on the
32 proposals and aggregation issues. Mr. Lee Wallace, the
33 president of the Organized Village of Saxman, clearly
34 defined Saxman East CDP so people understand. That was
35 his request. We'd like to add that the affected tribe
36 be notified immediately if there's a proposal comes to
37 change the rural status.

38

39

Liisia from the Kenaitze Council is
40 concerned that they haven't been able to attain rural
41 status and asked if the criteria has been changed. Mr.
42 Chairman indicated there hadn't been a huge change.
43 Liisia also explained that they were given educational
44 fisheries when they weren't defined as rural. She said
45 that the city of Kenai grew up around them and would
46 like to have a subsistence fishery and asked if that
47 could happen.

48

49

Our policy coordinator Amy clarified
50 that the criteria have been removed from rural

1 determination regulations. The change has been to
2 remove the framework so the Board can be more flexible
3 in decision making based on regional differences.

4

5 We next had Christopher from the Ahtna
6 Traditional Council state that we have staff here and
7 we'll plan to discuss the Ahtna agreement from the BIA
8 Providers Conference later this week. They changed to
9 use of subsistence terminology to customary and
10 traditional because of all the concerns about groups
11 that weren't really customary and traditional. This is
12 different from State terminology. They'd like
13 addressing predator control more and wants to see what
14 predators do to populations.

15

16 At that time we went to OSM Staff
17 introductions and RAC Chairs, BIA introductions, BLM,
18 Park Service, Fish and Wildlife Service and so forth.

19

20 We then had Ms. Gayla Hoseth from
21 Bristol Bay request possibly a new email addressing
22 like a site where we send newsletters or notifications
23 of consultations where they can receive them
24 automatically, which seems to be a great idea and
25 something we're going to look into.

26

27 Mr. Williams again stated are there
28 going to be any reference to stocks or management
29 authority relative to management of stocks. Mr. Lord
30 responded that the Secretaries wanted to keep
31 responsibility or extraterritorial jurisdiction at the
32 start of the program and that's how it would stay.

33

34 Bernadine from Kenaitze Tribal Council
35 also stated that subsistence has been very important to
36 their tribe over decades and they also would work out a
37 deal with the State and some of the issues. They
38 settled for the educational fishery because that's all
39 they could get and this caused some issues. Some of it
40 was imprisonment for people fishing was against
41 policies, getting jobs is affected after that. The
42 question is can we recognize Kenaitze Tribe for
43 subsistence.

44

45 We went on to listen to Mr. Lageson
46 also and he stated that they have 13 social and
47 economic criteria changed, et al. Of course Mr.
48 Chairman replied all the criteria have been removed.
49 The intent was to give more weight to the Regional
50 Advisory Councils. Mr. Lord replied the Board must

1 still adhere to court decisions.

2

3

4 Mr. Lageson also stated that there
5 needed to be clarification about a true census that
6 needs to be done of the Kenaitze people. There are
7 differences in some of the censuses done from the
8 Eklutna Village for example. We need to take a look at
9 more clarification for how to do census and where.

9

10 We heard from Bristol Bay RAC Chair
11 Molly Chythlook and discussing some of the issues
12 brought up during the RAC meetings. Didn't have much
13 after that.

14

15

16 We also heard from Karen Linnell about
17 tribal consultation doesn't mean sending out a mass
18 fax. It's actively looking for better solutions to do
19 outreach. Referred to the Department of Defense
20 wanting to set of flares near caribou calving grounds
21 and in this case there weren't any tribes in the
22 immediate area. There's less communication and
23 involvement in that process. Things are not being done
24 correctly, effectively.

24

25

26 If the elders speak one time, that is
27 enough. We also need to take into consideration how we
28 communicate. We can't be rude, interrupt or speak too
29 fast for example. Tribal consultation is a dialogue.
30 Other agencies need to look at the Federal Board as an
31 example of how to do this correctly.

31

32

33 We next listened to Martin Nicolai
34 about fish counting weir concerns at the Kwethluk
35 River.

35

36

37 We then heard from Roy Ashenfelter who
38 noted they have salmon run failures, low estimates.
39 The Board of Fish asked for them for proof, get better
40 numbers. The Board didn't appreciate the aerial counts
41 and wouldn't believe these numbers. In region they
42 wanted a better method, so they wanted to use weirs and
43 flash panels to count the fish to get a better count.
44 The fish do back up in the weirs. They have up to
45 possibly eight to nine rivers where they count fish.
46 This information is important to the managers, but they
47 do provide good numbers.

47

48

49 We did hear back from Martin [Chariton
50 Epchook] online that subsistence needs to get priority.
51 There's also a concern about many rafters on the river.

1 The discussion about Tier II subsistence fishing for
2 the Kuskokwim at the Board of Fish. He would like to
3 hear if there were any concerns about this.

4

5 Eva asked for clarification on the Tier
6 II question. Again, Martin requested some opinions
7 about the Tier II fisheries.

8

9 We heard back from Roy saying that
10 they've had the first Tier II fishery in Alaska and he
11 clarified the process is driven by the number of fish
12 available to the number of people that want to catch or
13 harvest the fish. They were unable to get a reduction
14 in chum interceptions. A Tier II is an Alaska process.
15 They've requested rod and reel as subsistence gear so
16 people could harvest up to three fish. The biggest
17 consequence to the subsistence fishers is the Tier II
18 fishery has serious consequences and a Tier II in
19 Norton Sound for fish doesn't exist anymore.

20

21 We did have some introductions after
22 that for folks that followed and that concludes the
23 summary of our tribal and ANCSA consultation. Please,
24 if anybody noticed that I've missed anything or
25 misinterpreted, please let me know.

26

27 Thank you, Mr. Chair. Board Members.

28

29 CHAIRMAN CHRISTIANSON: Thank you for
30 that update, Orville. Next we move into the
31 announcement of the consensus agenda, which starts on
32 Page 3.

33

34 MR. PELTOLA: Mr. Chair, if I may. The
35 following proposals have been included on the consensus
36 agenda. These are proposals for which there's
37 agreement among Federal Subsistence Regional Advisory
38 Councils, the Federal InterAgency Staff Committee, and
39 the Alaska Department of Fish and Game concerning Board
40 action. Anyone may request that the Board remove a
41 proposal from the consensus agenda and place it on the
42 regular agenda. The Board retains final authority for
43 removal of proposals from
44 the consensus agenda. The Board will take final action
45 on the consensus agenda after deliberation and
46 decisions on all other proposals.

47

48 There are a total of four proposals
49 included on the consensus agenda. The first is FP17-03
50 which requests to allow subsistence drift gillnet

1 fishing for chum salmon. The regions affected are
2 Yukon-Kuskokwim Delta, Western Interior, Seward
3 Peninsula, Eastern Interior/Subdistrict 4A. The
4 recommendation is support with modification and the
5 analysis can be found on Page 6.

6

7 Then we have FP17-11 which requests to
8 add the residents of Dry Creek to the customary and
9 traditional use determination for salmon. This affects
10 Southcentral, Eastern Interior/Glennallen subdistrict
11 of the Upper Copper River District. The recommendation
12 is to support. The analysis can be found on Page 26 of
13 your booklet.

14

15 FP17-13 which requests to clarify
16 regulation that prohibits the use of nets on the road
17 systems associated with the communities of Wrangell,
18 Petersburg and Sitka. The region affected is
19 Southeast. The recommendation is support with Council
20 modification. The analysis can be found on Page 43 of
21 your booklet.

22

23 Finally FP17-14 which requests to add a
24 sling bow with a barbed fishing arrow attached by a
25 line as a method of take for pink salmon. The region
26 which may be affected is Southeast. The recommendation
27 is oppose and the analysis can be found on Page 53 of
28 your booklet.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN CHRISTIANSON: Thank you. At
33 this time we'll move to public comment on the consensus
34 agenda items.

35

36 MR. PELTOLA: Mr. Chair, if I may. If
37 the public is interested in the consensus agenda, there
38 are copies of the analyses and such on the front table.

39

40 CHAIRMAN CHRISTIANSON: Just for the
41 public's information there are some sheets you need to
42 fill out with the Staff for public comment. So if you
43 want to testify here today, please find the Staff with
44 the testify sheet. There it is. If there is no public
45 testimony, then we will move on the agenda. Proposal
46 presentation and Board action. FP17-01.

47

48 MR. STONE: Good morning, Mr. Chairman.
49 Members of the Board. For the record, my name is
50 Jarred Stone and I'm a fisheries intern with the Office

1 of Subsistence Management. Today I'll be presenting
2 Fisheries Proposal FP17-01. This begins on Page 61 of
3 your books.

4

5 Proposal FP17-01, submitted by the
6 Eastern Interior Alaska Subsistence Regional Advisory
7 Council, requests a new regulation be made to
8 Subdistrict 5D to allow harvest of chinook salmon once
9 the mid-range of the Canadian Interim Management
10 Escapement Goal and the Total Allowable Catch Goal are
11 projected to be achieved in the Yukon River at the
12 Eagle sonar site.

13

14 If FP17-01 were adopted, Federally
15 qualified subsistence users would be allowed to harvest
16 salmon when the Federal in-season managers project that
17 the midrange of the Canadian Interim Management
18 Escapement Goal and the Total Allowable Catch Goal will
19 be achieved. The current midrange escapement is 48,750
20 chinook salmon at the Eagle sonar site.

21

22 Adoption of this proposal could result
23 in additional harvest opportunity for Federally
24 qualified subsistence users in Subdistrict 5D during
25 times of chinook salmon conservation. The Pilot
26 Station sonar, Lower Yukon test fishery, in-season
27 subsistence harvest and the Eagle sonar are currently
28 the only research tools that provide the in-season
29 managers the information they need for projections. So
30 until the chinook salmon reach the Eagle sonar there is
31 a great amount of uncertainty in making predictions of
32 escapement.

33

34 Due to the large amount of uncertainty
35 in making predictions of when the IMEG and TAC would be
36 met, the Federal in-season managers must ask themselves
37 to what degree of certainty they feel comfortable in
38 making predictions to open Subdistrict 5D. Careful
39 consideration is needed if total allowable catch can be
40 adequately projected in-season. The total allowable
41 catch is typically determined after the season is
42 finished, therefore it can negatively impact
43 Subdistrict 5D as an opportunity to harvest chinook
44 salmon.

45

46 OSM's conclusion is to support Proposal
47 FP17-01. Please note that on your executive summaries
48 in your meeting book there is a typo on the OSM
49 conclusion. The OSM conclusion should read support.
50 After speaking to the Federal in-season managers and

1 having heard the recommendations from the affected
2 Regional Advisory Councils, OSM's preliminary
3 conclusion was changed with the newly-added addendum.

4
5 OSM's preliminary conclusion to only
6 open the fishery once the IMEG and TAC were achieved
7 rather than predicted to be achieved was found to be
8 more restrictive due to the amount of time that it
9 takes the in-season managers to determine the IMEG and
10 TAC.

11
12 Therefore the addendum has reversed
13 OSM's preliminary conclusion back to the original
14 intent and changing achieved to projected to be
15 achieved and specifies that the Federal in-season
16 manager is the person to determine when the midrange of
17 the Interim Management Escapement Goal and the Total
18 Allowable Catch Goals are projected to be achieved.

19
20 I would now like to thank you for your
21 time and would be happen to answer any questions.

22
23 CHAIRMAN CHRISTIANSON: Is there any
24 questions for Jarred on the proposal.

25
26 MS. MCBURNEY: Yes, Mr. Chair. For the
27 record, my name is Mary McBurney, representing the
28 National Park Service. Jarred, I was just wondering if
29 -- the addendum and what you just summarized. Is it
30 correct that by adopting the proposal as written that
31 there really is no net effect on the flexibility of the
32 in-season manager to manage this fishery?

33
34 MR. STONE: Mr. Chairman. Ms.
35 McBurney. If I understand you correctly, there would
36 not be -- this would be accepting of the original
37 intent and the original language that was submitted by
38 the Eastern Interior.

39
40 MS. MCBURNEY: And just for
41 clarification, as far as the in-season manager is
42 concerned, this really would not change their ability
43 and their flexibility to manage the fishery.

44
45 MS. HARDIN: Through the Chair. Ms.
46 McBurney. Thank you for that question. Jennifer
47 Hardin for the record, Acting Division Chief for OSM
48 Fisheries. You are correct. The in-season manager
49 currently has the flexibility to take this action. The
50 proponent would like this put into regulation to ensure

1 that the action is taken. There has been concern in
2 some years that due to the uncertainties of projection
3 that the fishery was not opened or was opened later
4 than people would have liked.

5

6 MS. MCBURNEY: Thank you.

7

8 MS. CLARK: I'd like to ask the in-
9 season manager Fred Bue to come up. Thanks, Fred. I
10 just want to see if you can talk a little bit about how
11 this proposal relates to how the fishery is currently
12 managed.

13

14 MR. BUE: Thank you, Ms. Clark.
15 Members of the Board. My name is Fred Bue, U.S. Fish
16 and Wildlife Service. I'm the Federal in-season
17 manager, like Karen said.

18

19 Yeah, this pulls into some elements
20 that we have to bring into consideration when we do
21 management. It's another element that we have to
22 specifically address when we're considering options. In
23 the last two years, the way this has been applied it
24 probably wouldn't have changed very much. I'm not sure
25 the testimony as it was presented and what's written in
26 the book is slightly different than what I was
27 thinking.

28

29 The last few years we haven't
30 completely had no fishing opportunity prior to this
31 goal. In fact, what we've done is allowed some
32 subsistence fishing prior to the first pulse of fish.
33 We've had intermittent short windows or opportunities
34 to fish prior to the midpoint in the run. All along
35 we're essentially trying to provide as much opportunity
36 as we feel comfortable we can allow based on the
37 strength of the run.

38

39 We hear from the public that they'd
40 like to fish as early as possible when the weather are
41 good, the fish are in better quality. From a
42 biological standpoint it also is a time when we have a
43 little bit higher male percentage in the run because
44 it's close to a terminal fishery at that point, so in
45 the lower river we have multiple stocks with quite a
46 mixture, but once you get up towards 5D it's close to
47 the border, the Canadian stocks. A lot of the Alaska
48 stocks will already split off, so we're dealing with
49 primarily a Canadian component there.

50

1 So we do provide as much opportunity as
2 we can early in the run. The question here is if you
3 put this into regulation then what happens with those
4 opportunities. Do we have to be confident that once we
5 meet some sort of magical number that that's when all
6 the harvest will come out. So rather than hedging
7 possible opportunities in the run we have to forego
8 those and delay them until we get later in the run and
9 we're more confident.

10
11 I see this as somewhat of a failsafe
12 and it doesn't say that we absolutely have to, but it
13 does bring in the element that we should be more
14 confident. We're thinking about this. This is the way
15 the Board wants us to stress and apportion our harvest
16 opportunity towards the second half of the run.

17
18 I think the other element in this
19 report was difficult for me to understand, but it did
20 say that the harvest in 5D was not very significant.
21 To me, it was really significant. On Page 76, the
22 first paragraph, about halfway down, it says the
23 harvest in 5D is shown to be relatively low. Earlier
24 in the report they say that 5D takes about 20 percent
25 of the drainage-wide harvest. People in that area
26 definitely do use chinook salmon. It's important to
27 them. So 20 percent to me as a manager is significant.
28 We take that into consideration when we're managing.

29
30 To go further, once you get above the
31 Tanana River drainage you're talking primarily a
32 Canadian origin stock. So when you start figuring that
33 out, you're actually harvesting 40 percent of the
34 Canadian. Alaska's harvest in the Yukon River 5D
35 harvest approximately 40 percent of the Canadian --
36 takes about 40 percent of the Canadian's harvest or
37 what's taken in Alaska 40 percent of it is harvested in
38 5D. So that is pretty significant. That's an element
39 that we do have to consider when we're managing and
40 think about.

41
42 So if we're passing fish from Lower
43 River to this area so that they can specifically catch
44 some fish, there's an allocative element that's kind of
45 beyond my authority and I should not be -- do I forego
46 harvest in one area so that these people can have that
47 harvest. That's a Board decision in my opinion.

48
49 I guess the other side of it is Ms.
50 McBurney's question about management flexibility. Like

1 I say, it's a consideration, so it certainly changes
2 how we manage. I think it's also fishing public's
3 flexibility. What we've had in the last few years is
4 that the Yukon River Panel is a joint panel, State of
5 Alaska, Federal. It's Alaska meeting with Canada and
6 they agreed to fund a preseason meeting each year.

7

8 This is so that the fishermen can get
9 together throughout the drainage and strategize on how
10 to deal with the water outlook, how to share the
11 harvest up and down the river, so that's really
12 important. It's not just options that I'm tied to, but
13 it may confine what the public's options are when
14 they're going to the table and talking about what they
15 can and can't do. What we've been doing in the last
16 few years.

17

18 The next proposal FP17-02 that's
19 something specifically that the public worked out. It
20 was a strategy that they came up with. Dipnets you'll
21 hear on the Yukon is another strategy that the public
22 came up with. So it's not only confining me but it's
23 confining the options that the public has.

24

25 I think that's it, Mr. Chairman.

26

27 CHAIRMAN CHRISTIANSON: Any other
28 questions for the Staff.

29

30 MS. PENDLETON: Through the Chair. I
31 do have a question for OSM. Could you please clarify
32 OSM's conclusion on this. It's confusing in our binder
33 and I just want to be crystal clear on what your
34 recommendations are.

35

36 MR. STONE: Mr. Chair. Members of the
37 Board. To clarify the intent of the proposal, the
38 language had specifically said projected to be achieved
39 and in OSM's preliminary conclusion we changed that
40 wording to achieved. It was only when the IMEG and TAC
41 midrange goals were achieved at the Eagle sonar site
42 that this fishery would then be opened.

43

44 It was later found that that was going
45 to be more restrictive than the original intent of the
46 proposal. After talking with in-season manager's
47 projections can be made, in fact that's how they manage
48 the fishery currently. I hope that answers your
49 question, Ms. Pendleton.

50

1 MS. PENDLETON: It does. Thank you.

2

3 MS. HARDIN: Jennifer Hardin, for the
4 record. Also if I might add, Ms. Pendleton, you can
5 find our corrected conclusion on Page 77 of your book
6 if you'd like to see the justification.

7

8 MR. STONE: Thank you, Mr. Chair.
9 Members of the Board. I'd also like to clarify too
10 that this proposal is looking at the end of the season
11 run. When Mr. Bue had commented on Subdistrict 5D
12 harvesting a large portion of the fish, 20 percent,
13 that's considered both pre-pulse harvest and post-pulse
14 harvest. I just wanted to clarify that this amount of
15 fish that could be potentially harvested would be after
16 the closures occur. So I think the amount of fish
17 we're talking about here would be much smaller than the
18 20 percent.

19

20 MS. PITKA: You mentioned 40 percent.
21 What does that number refer to? How many fish is that
22 approximately?

23

24 MR. BUE: Depends on the strength of
25 the run that year, but 5,000, I guess, if you're -- you
26 know, a normal run or harvest might be 50,000 drainage
27 wide. Fifty percent of that is Canadian origin. So
28 out of that 25,000 Canadian-origin fish, 5,000 might be
29 on a normal year.

30

31 Keep in mind that the last few years
32 we've really changed how we manage. The Lower River
33 we've tried to steer the fishermen in the Lower River
34 away from Canadian stocks and tried to target them on
35 local stocks more and push the Canadian surplus to the
36 upper river because that's what they have available.
37 So we've done a lot of tweaking with our management
38 timing, when we harvest in this big mixed-stock
39 fishery. So, yeah, we've been pushing that harvest
40 upriver.

41

42 MS. PITKA: Thank you.

43

44 MS. CLARK: Mr. Stone, can you clarify.
45 You mentioned that the impact would be less because
46 this is only related to the end of the run. I didn't
47 see that anywhere in here. Can you explain a little
48 bit more about that.

49

50 MR. STONE: Mr. Chairman. Ms. Clark,

1 thank you for that question. What I mean by that is
2 the pulse is -- they're mandated to protect the first
3 pulse of fish, so during that time chronologically
4 throughout the river upstream these fish are protected
5 and the fisheries are then therefore closed. So when
6 the fishery then is determined to be reopened, this is
7 towards the end of the season and being that
8 Subdistrict 5D is the last segment of river prior to
9 Canada, these are the last fish behind the pulse, the
10 main pulse. If that makes sense.

11
12 MS. CLARK: So, to be clear, the first
13 pulse is always protected, so we are always only
14 talking about the second part of it, right?

15
16 MR. STONE: Mr. Chairman. Ms. Clark.
17 Actually, I'd defer that question to Mr. Bue if that's
18 okay.

19
20 MS. CLARK: Yes.

21
22 MR. BUE: Thank you. By regulation,
23 it's only districts one and two that's required to be
24 closed during the pulse. The first pulse the other
25 districts three through six it's an option. If we see
26 a need, we can do it if it makes sense. What we've
27 been doing practically-wise is working with the public
28 and many people have decided to share foregoing that
29 first pulse as it goes upriver, so that's how we've
30 been applying it, but it's not in regulation that
31 that's what we have to do. So it's been a practical
32 application the last few years. Something that we've
33 worked with the public in strategizing.

34
35 Also it's -- yes, we have an estimate
36 in the Lower River, but we only build confidence as
37 those fish are starting to move across the border. So
38 in our marginal runs it does help buy us time in our
39 assessment if we let some fish go through like on that
40 first pulse and hold our bigger impact towards later in
41 the run if we can. As you'll see in the next proposal,
42 the fishing on the front end is really important for
43 people in that area so there is a significant harvest
44 taken prior to the first pulse also.

45
46 MR. BROWER: Mr. Chair. I'm trying to
47 figure out in order to lift the closure to the
48 Federally qualified users is Eagle where the last count
49 usually happens to achieve the run?
50

1 MR. STONE: Mr. Chairman. Mr. Brower.
2 Thank you. Yes, that's correct. The town of Eagle
3 where the sonar site is located is the last point of
4 harvest. There's some amount of stream above Eagle
5 where U.S. portions of harvest also occur, but it's
6 very small.

7
8 MR. BROWER: I'm just concerned how
9 good are the fish by then when they reach that last
10 part of their major run?

11
12 MR. BUE: Thank you. You'll have to
13 ask the people there. People up and down the river
14 value the fish differently depending on where they're
15 at. In terms of Yukon River chinook, they have another
16 800 miles to go. They can travel all the way to the
17 headwaters and right at the border of British Columbia.
18 Some of them are traveling quite far. They are still
19 in quite good condition and they're better than the
20 other salmon species.

21
22 I think your question about Eagle,
23 that's where the sonar count is. There is some
24 question about jurisdiction though. Part of your
25 question was also included there, but Circle and Eagle
26 are not within the Federal management units, is where
27 most of those fishermen are fishing. Even though it's
28 5D, this would be a divergence from the State
29 regulation, so it may or may not apply to them.

30
31 MR. BROWER: Thank you.

32
33 MS. CLARK: Mr. Bue, can you talk a
34 little bit more about the public process and how that
35 fits into the in-season management decisions that you
36 make.

37
38 MR. BUE: Yes. As you know, the Yukon
39 is a very big river. It's 1,200 miles just from the
40 mouth at the Bering Sea to the border and then it's
41 another 800 miles beyond that. So we have a treaty
42 with Canada. Ms. Rhonda Pitka is also on the Yukon
43 River Panel, so she represents our interests there. So
44 it is an international issue.

45
46 Jointly the Canadians and the U.S.
47 Panel members agreed that it is a big issue and they're
48 willing to put some of their grant money that they
49 receive towards a meeting that we've had the last five
50 or six years I guess where it's brought the meeting to

1 Alaska, bringing people up and down the Alaska portion
2 of the river to meet in one place prior to the season
3 once we have an outlook and formulate a management
4 strategy for the coming season based around that
5 outlook.

6

7 Every year is a little bit different.
8 Our expectations, the age classes we're expecting to
9 come back makes a big difference. Our production range
10 that we're expecting and maybe if there's thoughts of
11 rebuilding or hedging towards conservation, who is
12 willing to give up a little bit of what.

13

14 So what happens is the last few years
15 -- and you'll get into the next proposal. I apologize
16 for mentioning that, but there's a lot of give and
17 take. The Lower River are willing to forego some of
18 the harvest on the front end of the run and pass that
19 to the upriver fishermen is the way that it's been
20 happening. In return, what they're receiving is
21 support from Upper River fishermen for the Lower River
22 fishermen to start fishing chum salmon a little bit
23 earlier.

24

25 We know there is some interception on
26 those chum salmon in the commercial fishery and the
27 subsistence fisheries. The Lower River with 6-inch
28 gillnets. It does take the majority of male fish and
29 smaller chinook, but it does add up and it counts and
30 is taken out of the pie that everybody shares on the
31 river.

32

33 These meetings have really done quite a
34 bit in the last few years. They're where we've gotten
35 -- people are willing to try dipnets and beach seines
36 and gear that can release fish. We've tried adjusting
37 fishing windows, the length of fishing periods around
38 weather and conditions. There's a lot of give and take
39 up and down the river on this. So that's where the
40 public is involved. Ultimately it's the manager's
41 responsibility to manage the run, but we certainly do
42 listen to the fishermen throughout the season as they
43 give us feedback where we are.

44

45 What we do is try for the benefit of
46 the fishermen as much as possible. If there is
47 available surplus, we try to provide that. This
48 proposal doesn't make us fish. If we saw a surplus
49 available, that's what we're here to do is provide a
50 harvest, so this doesn't really make a lot of

1 difference one way or the other or force us to fish if
2 we feel uncomfortable.

3

4 CHAIRMAN CHRISTIANSON: Any other
5 questions for Staff or area biologists.

6

7 (No comments)

8

9 CHAIRMAN CHRISTIANSON: Thank you. No
10 further questions. Now we'll do the summary of written
11 public comment by the regional coordinator.

12

13 MS. WESSELS: Mr. Chairman. Members of
14 the Board. For the record, my name is Katya Wessels.
15 I'm the coordinator for the Eastern Interior RAC and
16 there's no written public comments.

17

18 Thank you.

19

20 CHAIRMAN CHRISTIANSON: Thank you. At
21 this time we'll open up the floor for public testimony.
22 That includes people online. Any public testimony for
23 17-01.

24

25 (No comments)

26

27 CHAIRMAN CHRISTIANSON: Hearing none.
28 We'll move on to the Regional Council recommendation.

29

30 MR. PELTOLA: We have a total of four
31 Regional Advisory Council Chairs provided comments
32 found on Page 82. The first being Yukon-Kuskokwim
33 Delta.

34

35 MR. WILDE: Mr. Chairman. Were you
36 asking for comments? I don't have any information on
37 that in my book on 17-01. My book starts with 17-03.

38

39 MR. PELTOLA: Page 82.

40

41 MR. WILDE: Okay. I've got it now.
42 The Yukon-Kuskokwim Delta Regional Advisory Council
43 supports FP17-01. The Council discussed at length the
44 sacrifices and efforts of communities along the Yukon
45 River and that people in the Council member villages
46 have forgone harvesting chinook salmon for many years
47 now. The Council noted that these efforts have helped
48 to meet escapement goals.

49

50 The Council received a briefing on

1 overview of management in 5D in comparison to the Yukon
2 River overall in terms of restricted fishing times and
3 no access to summer chum in the Upper River. The
4 Council supported this proposal noting that if the
5 Canadian Interim Escapement Goal was projected to be
6 met based on the Eagle River sonar count that it should
7 not pose a conservation concern and could support this
8 limited harvest opportunity.

9

10 Mr. Chair.

11

12 CHAIRMAN CHRISTIANSON: Thank you.

13 Western Interior. I think they are online.

14

15 MR. REAKOFF: Oh, I thought Ray Collins

16 was at the meeting. This is Jack Reakoff. The Western

17 Interior Regional Council supported Proposal FP17-01.

18 We did discuss many of the points made previously by

19 Fred Bue regarding the restrictions that may be

20 necessary in the back of the in-season manager's mind

21 when calculating what that harvest could be in 5D. We

22 do feel that the manager is already doing that and this

23 would give the managers a little more wiggle room if

24 they use the projected to be achieved definition rather

25 than achieved early escapement passage into Canada.

26

27 Thank you, Mr. Chair.

28

29 CHAIRMAN CHRISTIANSON: Thank you, Mr.

30 Reakoff. Seward Peninsula.

31

32 MR. GREEN: Thank you, Mr. Chair. Our

33 Council weighed in on this because we do have cultural

34 and traditional users in southeastern Norton Sound,

35 Stebbins, St. Michael. We support it and believe it

36 would allow in-season managers flexibility and we

37 wanted to make sure that the opportunity was there.

38

39 Thank you, Mr. Chair.

40

41 CHAIRMAN CHRISTIANSON: Thank you.

42

43 Eastern Interior.

44

45 MR. FIRMIN: Thank you. The Eastern

46 Interior, we were some of the proponents, and we came

47 up with this proposal with people of the public

48 suggesting it. To go from the book here, recently

49 users on the upper end of the river have borne the

50 brunt of the conservation concerns for chinook

1 escapement and, unlike other users, they don't have a
2 summer chum fishery to meet their subsistence needs.
3 Putting these provisions into regulation will remind
4 managers to take these considerations into account.

5
6 I believe the meat of this proposal
7 this will give people upriver more fishing time. I
8 also wanted to point out -- I think it was on Page 61,
9 the general description says -- I don't know how I
10 didn't catch this before, but it says, harvest of
11 salmon during recognized closures, and I think that's
12 not worded right. It's not a proposal to allow anybody
13 to fish during a closure. It's more of a triggered
14 open fishing when a goal has been reached.

15
16 I think like on Page 70 it shows the
17 cumulative escapement of 2015 was 84,000 chinook salmon
18 and our treaty obligation is 55,000 fish. In the upper
19 end, you're standing there all summer waiting to fish
20 and here's 55,000 at fishing time and a week later
21 you're still sitting at fish camp or go back home and
22 call Fred or call management team and see what's going
23 on here.

24
25 So when you see that kind of escapement
26 and in the other past years I think 2014, '15 and '16
27 the escapement goals were exceeded and it was kind of
28 the similar story every year. Why are we meeting our
29 treaty obligations and still sitting at home waiting
30 for an opening to fish.

31
32 I know many of the fish we catch after
33 escapement is made already we do understand the quality
34 of escapement and we don't have problems with allowing
35 overescapement for the betterment of the run as we're
36 trying to correct it, but I think, like I said, it's
37 more of a trigger for us. Why are we sitting home
38 waiting to fish when we're 30,000 salmon beyond the
39 escapement goals. That was the case in that one year.

40
41 That was where this proposal came from.
42 Like I said, we're not trying to tie anybody's hands.
43 We're not trying to take anything away from managers,
44 but it's more of a reminder. I know they're well aware
45 of the hardships that we have up there. It just seems
46 like why are we waiting to get the tail end of a run
47 that really isn't counted and if beyond that -- well,
48 it's counted, but our obligations to the treaty are
49 met. I think it was where it came from. A lot of it
50 came from the public in the last few years basically

1 because people were sitting home watching the numbers
2 and waiting for a chance to go fishing beyond the few
3 short openers that were given.

4

5 Mr. Chair.

6

7 CHAIRMAN CHRISTIANSON: Thank you. We
8 have a question.

9

10 MS. CLARK: Mr. Bue, I'd like to ask
11 you to come back up if you could. Maybe explain a
12 little bit about the 2015. I notice that the numbers
13 kind of jump over time and I want to hear a little bit
14 more about what went into that decision making.

15

16 MR. BUE: Thank you, Mr. Chair. So,
17 again, those of you that are not as intimately familiar
18 with the river as Mr. Firmin or Ms. Pitka, it's a big
19 area. It takes 10 days for the fish to get from the
20 lower portion of Subdistrict 5D to the border. Ten
21 days of swimming speed. In fact, in 2015, in reference
22 here is where we went well above our escapement goal
23 and some fish available for Canada to harvest in their
24 TAC.

25

26 The day that we opened upriver at Eagle
27 the sonar count was 57,000. It wasn't that was 80,000
28 and then we opened at the end of the season. That's
29 not the case. Again, like I said, prior to that we had
30 fishing on the tricklers, front end of the run. We had
31 three or four periods prior to this also in the middle
32 of it.

33

34 What Mr. Firmin is referring to is why
35 don't we just relax all this fishing. Part of that is
36 the uncertainty. So when we were -- because we have
37 been below the escapement goal a few years now and we
38 can get away with it sometimes, but we sure don't want
39 to do it very often. So, yeah, we hedge and be more
40 conservative. 2015 that's exactly what happened. We
41 saw things ramping up fairly fast, pulses of fish
42 coming in.

43

44 In fact, we're weighing what our
45 management actions in the Lower River affected the
46 harvest. We get the Pilot Station sonar count at the
47 mouth of the river 150 miles up from the river, but
48 there's a lot of harvesters in between there, so we
49 wait for some confirmation to understand what our
50 management actions down below how that impacted what's

1 making it through the fishery. So, again, when we open
2 it to 24/7 it was when the Eagle sonar passed 57,000
3 according to my records.

4

5 Thank you.

6

7 MS. CLARK: Thank you.

8

9 CHAIRMAN CHRISTIANSON: Anymore
10 questions.

11

12 MR. BUE: Thank you. So 57,000, that's
13 what's at the border. Andrew, again reference for
14 himself, Fort Yukon is five days away from the border,
15 so 57,000, those fish have already passed him. So if
16 you're looking at projecting five days ahead, and this
17 is after the fact, but we're closer to 70,000 is when
18 what would have the remaining fish available for Andrew
19 to fish on.

20

21 Thank you.

22

23 CHAIRMAN CHRISTIANSON: Thank you.
24 Anymore questions.

25

26 Andrew.

27

28 MR. FIRMIN: I don't have any
29 questions, but I was going to say 70,000 was what I
30 remember in my notes. The other thing I wanted to
31 point out is the amount of harvest, you know, the 18 or
32 20 percent, of that 5,000 fish there's also seven
33 villages along that stretch of the river. We do also
34 have Birch Creek, Chalkyitsik and Venetie and those are
35 on separate rivers, but those folks congregate at the
36 Yukon to fish in the summertime when there's
37 opportunity or at least they try to.

38

39 CHAIRMAN CHRISTIANSON: Any further
40 discussion.

41

42 (No comments)

43

44 CHAIRMAN CHRISTIANSON: Thank you,
45 Chairs. We'll move on to tribal Alaska Native corp
46 comments. Native liaison.

47

48 MR. LIND: Thank you, Mr. Chairman.
49 Board Members. We did conduct tribal consultation on
50 November 18th and we had two tribal officials from St.

1 Mary's. They basically requested a review of 17-01 and
2 Mr. Ayers and Pippa Kenner from OSM provided that
3 information. The request was some information on
4 midrange escapement numbers from Canada and also the
5 total allowable catch, which they provided.

6
7 That concludes the consultation.

8
9 CHAIRMAN CHRISTIANSON: Thank you. At
10 this time we'll provide Alaska Department of Fish and
11 Game State liaison.

12
13 MS. KLEIN: Good morning, Mr. Chairman.
14 Members of the Board and RAC members. My name is Jill
15 Klein with the Alaska Department of Fish and Game. If
16 I may, I'd like to introduce who is with us here today.
17 We have Lisa Olson who shared yesterday Board of Game
18 information. She's the Deputy Director for the
19 Division of Subsistence. We have John Linderman to her
20 left who is the Arctic/Yukon/Kuskokwim Regional
21 Supervisor. We also have Aaron Potter, who is the
22 Kuskokwim Area Manager. He's back here when we get to
23 the Kuskokwim proposal. We also have Carmen Daggett,
24 the regional coordinator with the Board support and
25 soon will start a position in the Division of Wildlife.

26
27 We have the following comments on
28 Fisheries Proposal 17-01. The State understands that
29 people in the Y5D fishing district can have a difficult
30 time harvesting salmon due to the braided nature of the
31 river and high water events in the area. Also being
32 that they're the last district on the river they have
33 access to mostly Canadian origin chinook salmon and
34 this has led to closures in this region in recent years
35 to ensure adequate escapement into Canada.

36
37 The State works in close coordination
38 with the Federal in-season manager and also the public,
39 as Fred mentioned, in those pre-season fisheries
40 meetings. People have been working together to try to
41 provide additional opportunity for Y5D in the past
42 couple of years, such as fishing on the early fish to
43 try to get chinook salmon into the community ahead of
44 the first pulse closures, and providing harvest
45 opportunity once Canadian border escapement is expected
46 to be achieved.

47
48 We would like to continue to work with
49 people in the region, but we do have concerns that
50 formalizing this in regulation could decrease

1 flexibility in management. Additionally, the modified
2 language suggested by the Office of Subsistence
3 Management, which would replace the words projected to
4 be achieved with the words are achieved, as you've
5 heard it creates two different scenarios. To be
6 achieved would be a post-season estimate and would not
7 work for in-season management.

8

9 For example, in 2015 more harvest could
10 have been supported with a post season estimate of the
11 achieved total allowable catch, but in-season the
12 projection was lower and management was more
13 restrictive. There was almost no directed chinook
14 subsistence opportunity as a result of the projections
15 in Districts Y1 through 5.

16

17 So should the proposal be adopted. We
18 also suggest the original proposal language, the intent
19 to be that in Subdistrict 5D salmon may be taken for
20 subsistence use once the mid point of the Interim
21 Management Escapement Goal and the Canadian harvest
22 share are projected to be achieved.

23

24 Overall the State is opposed to the
25 proposal as written and to the amendment. Through in-
26 season management the State and Federal manager work
27 together to provide subsistence opportunity for
28 District 5D, such as fishing on the early fish ahead of
29 the first pulse closure.

30

31 Thank you.

32

33 Those are our comments for now.

34

35 CHAIRMAN CHRISTIANSON: Thank you. Any
36 questions for the State.

37

38 (No comments)

39

40 CHAIRMAN CHRISTIANSON: We'll go on to
41 the InterAgency Staff Committee.

42

43 MS. HOWARD: Good morning, Mr. Chair.
44 Members of the Board. Everyone who is with us today.
45 My name is Anee Howard and I am the Acting Chair for
46 the InterAgency Staff Committee. For the purposes of
47 this meeting the ISC has a standard comment and it
48 reads as follows:

49

50 The InterAgency Staff Committee found

1 the staff analysis to be a thorough and accurate
2 evaluation of the proposal and that it provides
3 sufficient basis for the Regional Advisory Council
4 recommendation and Federal Subsistence Board action on
5 the proposal. As we move forward through the proposal,
6 if only the standard comment applies, for the record,
7 that is what I will state.

8

9 In addition to the standard comment on
10 FP17-01, the InterAgency Staff Committee said, while
11 the intent of the proposal is to provide more fishing
12 opportunity for chinook salmon in Subdistrict 5D, the
13 Board should consider how the proposed regulation would
14 affect in-season management of the
15 fishery. Placing more rigid management thresholds
16 based on the midrange of the Canadian Interim
17 Management Escapement Goal or IMEG and Total Allowable
18 Catch goals would reduce flexibility
19 of Federal in-season manager to provide harvest
20 opportunity.

21

22 Using the Total Allowable Catch as an
23 in-season decision
24 point poses additional complications because that value
25 is not known until after the season. The Board could
26 vote against the recommendation of the Eastern Interior
27 Alaska Subsistence Regional Advisory Council because
28 there is not substantial evidence that this change
29 would achieve the desired results. Further, reducing
30 flexibility for in-season managers to provide harvest
31 opportunity may negatively impact the satisfaction of
32 subsistence needs.

33

34 You can also find the ISC comments on
35 Page 83 of your materials.

36

37 Thank you, Mr. Chair.

38

39 CHAIRMAN CHRISTIANSON: Thank you. Any
40 questions for the Staff.

41

42 MS. MCBURNEY: Yes, Mr. Chair. Just
43 for clarification, does this InterAgency Staff
44 Committee comment address the original proposal and the
45 first preliminary conclusion of OSM or the second
46 amended conclusion?

47

48 MS. HOWARD: Through the Chair. Ms.
49 McBurney. This ISC comment actually encapsulates both.
50 The ISC saw that the projected to achieve may create

1 some kind of confusion and also was in discussion with
2 OSM Staff about their amendment to support it as
3 written, as achieved -- or projected. Swap those
4 please. The ISC comments encapsulates both in my
5 opinion.

6

7 MS. MCBURNEY: Thank you.

8

9 CHAIRMAN CHRISTIANSON: Any further
10 questions.

11

12 (No comments)

13

14 CHAIRMAN CHRISTIANSON: Board
15 discussion with Council Chairs and State Liaison.
16 Federal Board action.

17

18 MR. PELTOLA: Mr. Chair, if I may.
19 Since this will be the first proposal the Federal
20 Subsistence Board is acting upon, a reminder that if
21 your agency's position is contrary to a Council's
22 recommendation, you must support your position with
23 rationale that addresses at least one of the three
24 criteria.

25

26 From Section 805(c), those being you
27 may reject the Council's recommendation when it is (1)
28 not supported by substantial evidence, (2) violates
29 recognized principles of fish and wildlife
30 conservation, or (3) would be detrimental to the
31 satisfaction of subsistence needs.

32

33 I mention that not specifically in
34 addressing 17-01, but generally speaking as we go in
35 the process now of taking Board actions.

36

37 CHAIRMAN CHRISTIANSON: The floor is
38 open.

39

40 MS. CLARK: I make a motion -- oh,
41 sorry.

42

43 MR. FIRMIN: Oh, sorry. I just wanted
44 to include there was no written or public testimony
45 today. I wanted to point out that the Eastern Interior
46 Regional Advisory Council met in Fort Yukon in October
47 and there we did have public testimony from the tribe
48 and public in Fort Yukon and surrounding villages. The
49 people that attended in favor of this proposal also. I
50 just wanted to point that out before we move along.

1 CHAIRMAN CHRISTIANSON: Thank you,
2 Andrew.

3
4 MS. CLARK: I'll make a motion to
5 support FP17-01 and if I get a second will provide a
6 justification why I intend to vote
7 in opposition to the proposal.

8
9 MR. BROWER: Second.

10
11 CHAIRMAN CHRISTIANSON: There's a
12 motion been made and seconded. Discussion.

13
14 MS. CLARK: I'll provide my
15 justification. While the intent of the proposal is to
16 provide more fishing opportunity for chinook salmon in
17 Subdistrict 5D, the proposed regulation could reduce
18 flexibility for the in-season managers to provide
19 harvest opportunity. The four affected Councils
20 support it; however, the Board can vote against those
21 recommendations because there is not sufficient
22 evidence that the change would achieve the desired
23 results.

24
25 Further, reducing flexibility for in-
26 season managers to provide harvest opportunity may
27 negatively impact the satisfaction of subsistence
28 needs. At this time the managers have the authority to
29 open subsistence salmon fishing when assessments show
30 that a surplus is available above established goals.

31
32 Managers would most likely open
33 subsistence salmon fishing once the midrange of the
34 Canadian Interim Management Escapement Goal and the
35 Total Allowable Catch goal for the chinook salmon are
36 projected to be achieved in the Yukon River at the
37 Eagle sonar site. However, managers may not open
38 subsistence fishing if they're uncertain or not
39 confident in the assessment. The proposal does not
40 force managers to manage below escapement goals but
41 could shift preferential harvest to Subunit 5D.

42
43 CHAIRMAN CHRISTIANSON: Any other
44 discussion. Rhonda.

45
46 MS. PITKA: I would vote to support
47 this particular proposal. Our RAC had a lot of
48 discussion about this from several fishermen also on
49 the river. It does seem as though 40 percent is a
50 large number for one area, but it's 5,000 fish for the

1 whole population of 5D. That starts from Rampart all
2 the way to the border. A lot of the families there
3 continue to traditionally fish and many of them rely
4 heavily on this resource. So I definitely would
5 support this.

6

7 Thank you.

8

9 CHAIRMAN CHRISTIANSON: Further Board
10 discussion.

11

12 (No comments)

13

14 CHAIRMAN CHRISTIANSON: Call for the
15 question.

16

17 MR. BROWER: Question.

18

19 CHAIRMAN CHRISTIANSON: We'll do roll
20 call.

21

22 MR. PELTOLA: Thank you, Mr. Chair.
23 Roll call vote on FP17-01.

24

25 Bureau of Land Management.

26

27 MR. CRIBLEY: I support.

28

29 MR. PELTOLA: National Park Service.

30

31 MS. MCBURNEY: I'm voting to support
32 this proposal based on the unanimous support of the
33 four affected RACs. From what I understood from Mr.
34 Bue's comments, it sounds as though there's a fair
35 amount of cooperation that is done preseason with the
36 advisory group along the Yukon and there are some
37 checks and balances there that can address these issues
38 early on.

39

40 Plus I think that it is important to
41 address the additional opportunity that this would
42 provide for subsistence users in 5D.

43

44 MR. PELTOLA: Fish and Wildlife
45 Service.

46

47 MS. CLARK: Oppose.

48

49 MR. PELTOLA: Public Member Brower.

50

1 MR. BROWER: Support.
2
3 MR. PELTOLA: Public Member Pitka.
4
5 MS. PITKA: Support.
6
7 MR. PELTOLA: Bureau of Indian Affairs.
8
9 MR. POLACCA: Support.
10
11 MR. PELTOLA: National Forest Service.
12
13 MS. PENDLETON: Support. Primarily the
14 justification is I think this proposal could result in
15 additional harvest opportunities for Federally
16 qualified subsistence users particularly in Subdistrict
17 5D and also in times of chinook salmon conservation.
18
19 Thank you.
20
21 MR. PELTOLA: Mr. Chair.
22
23 CHAIRMAN CHRISTIANSON: I support the
24 proposal.
25
26 MR. PELTOLA: FP17-01 passes 7 to 1.
27
28 CHAIRMAN CHRISTIANSON: Thank you for
29 that on that proposal.
30
31 MR. BROWER: Mr. Chair. Do you want to
32 take a five-minute break.
33
34 CHAIRMAN CHRISTIANSON: We have a
35 request to take a break. How about we come back at
36 10:30.
37
38 Thank you.
39
40 (Off record)
41
42 (On record)
43
44 CHAIRMAN CHRISTIANSON: If we can pull
45 everybody together here, we'll get started. Thank you.
46
47 (Pause)
48
49 CHAIRMAN CHRISTIANSON: When we start
50 here, we'll be starting with FP17-02. It starts on

1 Page 85, the executive summary.

2

3 (Pause)

4

5 CHAIRMAN CHRISTIANSON: We can go ahead
6 and have the analysis read.

7

8 MS. HYER: Mr. Chairman. Council
9 Members. My name is Karen Hyer and I'm a biologist
10 with OSM and I'm going to present 17-02 to you today.
11 17-02 can be found on Page 87 of your Board books.

12

13 Proposal FP17-02 was submitted by the
14 Eastern Interior Alaska Subsistence Regional Advisory
15 Council and they're requesting a regulation be
16 established that allows harvest of early arriving
17 chinook salmon in Subdistrict 5D. As you heard
18 earlier, few summer chum migrate upriver as far as
19 Subdistrict 5D; therefore, any subsistence opportunity
20 provided would likely target chinook salmon, the
21 majority of which are of Canadian-origin.

22

23 Because few alternative fish species
24 are available for subsistence harvest during the summer
25 season, District 5 often
26 experiences the most restrictive management measures.
27 In an effort to increase harvest opportunity for
28 Federally qualified subsistence users in Subdistrict
29 5D, the Council proposes allowing harvest of the early
30 arriving chinook salmon. Currently, any early harvest
31 is controlled by in-season management.

32

33 The proposal would put early openings
34 in regulation allowing Federally qualified subsistence
35 users to harvest the early arriving chinook salmon
36 until the first large pulse of chinook salmon arrives
37 in Subdistrict 5D. This pulse is often protected by
38 fishing closures. The regulation would allow Federally
39 qualified subsistence in the portion of Subdistrict 5D
40 to access a small number of chinook salmon while still
41 protecting the main run.

42

43 If FP17-02 were adopted, it would give
44 Federally qualified subsistence users in Subdistrict 5D
45 the ability to harvest early arriving chinook salmon,
46 migrating through portions Subdistrict 5D, without the
47 action from the Federal in-season manager, provided a
48 surplus is available for harvest. In times of low
49 chinook salmon abundance when conservation actions are
50 required, the in-season manager may still impose a

1 subsistence fishing schedule and/or gear restrictions
2 or closures through a Federal Special Action.

3

4 Since 2014, Federally qualified
5 subsistence users have been allowed to harvest the
6 early returning chinook salmon with gear restrictions.
7 Once the first pulse of chinook salmon arrived in the
8 subdistrict, the in-season manager issued a closure to
9 protect the salmon pulse. If this proposal were
10 adopted, the Federally qualified subsistence users in
11 Subdistrict 5D would have that same opportunity as they
12 have had in recent years without a Federal Special
13 Action.

14

15 In addition, adoption of this proposal
16 would provide a preference to Federally qualified
17 subsistence users to continue
18 harvesting the earliest chinook salmon arriving in
19 Subdistrict 5D without a Federal Special Action when
20 the State-managed waters not adjacent to Federal
21 Management Units are closed.

22

23 For these reasons, OSM's conclusion is
24 to support FP17-02. Thank you, Mr. Chairman.

25

26 CHAIRMAN CHRISTIANSON: Thank you.
27 Summary of written public comments.

28

29 MS. WESSELS: Mr. Chairman. Members of
30 the Board. My name is Katya Wessels for the record and
31 there's no written public comments for Proposal FP17-
32 02.

33

34 Thank you.

35

36 CHAIRMAN CHRISTIANSON: Thank you.
37 With that we open up the floor to public testimony or
38 anybody online who would like to testify to 17-02.

39

40 (No comments)

41

42 CHAIRMAN CHRISTIANSON: We do have one
43 request from Ray Collins if Ray Collins is here.

44

45 MR. COLLINS: Yes, I'm here. Thank
46 you, Mr. Chair. I just wanted to note that I arrived,
47 but I'm going to be in and out. I have some medical
48 issues and when I do, I'll swap the sign off and Jack
49 is available online for comments. We didn't take a
50 position on this. It doesn't affect us directly, so we

1 deferred to the local Eastern Interior RAC.

2

3 CHAIRMAN CHRISTIANSON: Thank you. Any
4 additional public testimony.

5

6 (No comments)

7

8 CHAIRMAN CHRISTIANSON: Hearing none.
9 We'll move on to Regional Council recommendations to
10 the Chair designee. We'll start with Eastern Interior.

11

12 MR. FIRMIN: Thank you, Mr. Chair. I
13 was waiting for a bunch of people to go first. Going
14 through, I was looking at the other SRC recommendations
15 and just looking at them here on Page 104 I see Y-K
16 Delta and their opposition there. I know I was
17 speaking with Mr. Wilde earlier.

18

19 I see in their summary there that it
20 almost seems that maybe they may have been
21 underinformed and just have to respectfully disagree
22 with their opposition to that because a lot of the
23 first pulse fish where it says we may be jeopardizing
24 making escapement goals those fish aren't counted, so a
25 lot of the fish that are going by those are not counted
26 by the sonar.

27

28 I don't know if Fred is available. I'm
29 not sure when the Eagle sonar starts fishing these fish
30 or starts counting them. I think they start in the
31 last week of June start counting these fish, like the
32 28th of June or even -- no, that's even early.
33 Regardless, these fish that we're talking about here
34 we're catching when we're targeting whitefish. A lot
35 of it was to keep these fish from -- well, to keep it
36 in our net and not be closed arbitrarily or to be
37 considered these are first pulse fish so we're just
38 closing you. If you look at the run timing, the first
39 pulse hasn't even reached the area yet.

40

41 The Eastern Interior, we're totally in
42 support of this proposal just to allow 5D fishers to
43 get some of these early fish that will still protect
44 the first pulse. In-season managers, as we discussed
45 previously, they have enough time to close the
46 fisheries. They have the flexibility to see when and
47 where the run is at using their different means of
48 reporting. They can open and close it at their
49 discretion.

50

1 A lot of this it just seems that -- I'm
2 trying to think of where the meat of this one came in
3 my notes here. I think we respect, you know, the first
4 pulse closures for conservation concerns, but as I said
5 earlier, the Subdistrict 5D has been bearing the brunt
6 of conversation for many years. This is another means
7 to continue to allow fishers to harvest small amounts
8 of king salmon because we're not talking about a whole
9 lot of fish.

10
11 And I think maybe in their other
12 subsistence surveys would start to put it out there
13 because in recent years during the closures we've been
14 forced to fish earlier because we're going to get
15 closed, so people are whitefishing or fishing with
16 different size nets or there's more people out there
17 fishing.

18
19 I think I started fishing -- you know,
20 normally I don't start fishing until the 4th of July,
21 to where in the last few years I've been fishing June
22 14th and it's a learning curve because you don't --
23 well, you're targeting whatever you can get, but there
24 is maybe due to the closures of other people and the
25 sacrifice of other people in the river that aren't
26 targeting kings or having those different closures, we
27 do see some tricklers in there that are good-eating
28 fish and that's basically the only fish we see until we
29 get an opener or we're waiting for the Eagle sonar to
30 hit their 55,000 mark or 85,000 mark, whatever you want
31 to say.

32
33 Yeah, those are just some early fish
34 and this was public input that put in there for us,
35 that we got from public input was where this proposal
36 came from. I think in regards to Western Interior,
37 they also opposed their proposal, but I think their
38 means of opposing it was unnecessary. I don't think
39 they got the gist of it too or it seemed like they were
40 divided during their deliberations.

41
42 I can comment further later on down.

43
44 Thank you.

45
46 CHAIRMAN CHRISTIANSON: So, for the
47 record, Eastern Interior supports the Proposal 17-02.

48
49 MR. FIRMIN: Yes. And we are the
50 proponent of it. Again, I'd like to point out that at

1 our meeting in Fort Yukon that we had just in October
2 that there was public and tribal support for it at that
3 meeting.

4

5 CHAIRMAN CHRISTIANSON: Thank you,
6 Andrew. We'll move on to the Yukon-Kuskokwim Delta.

7

8 MR. WILDE: Thank you, Mr. Chair. The
9 Yukon-Kuskokwim Delta Regional Advisory Council states
10 in the book that we oppose this, but what we opposed
11 was the taking of the first salmon from the first
12 pulse. We wanted to make sure that the first pulse is
13 protected all the way up the river.

14

15 But the tricklers are the ones that we
16 didn't mind having -- according to the book we stated
17 that the salmon, including the early tricklers, should
18 be closed uniformly along the entire Yukon River. What
19 we were saying is that the first pulse should be
20 closed, not the tricklers. The tricklers are the only
21 opportunity that our people get to utilize the chinook
22 salmon. Otherwise we don't get any king salmon.

23

24 If this proposal goes through, I think
25 I'm talking about the Y-K discussion at the time was
26 the tricklers should be allowed to be taken by
27 everybody along the river so that everybody along the
28 river has an opportunity to get some of those kings,
29 but to keep that first pulse closed uniformly all the
30 way up the river. That's what we were discussing.
31 That was the discussion I was talking about, not just
32 from the people that were from the Council villages but
33 also the other villages that are in there, including
34 Marshall on up. We felt that everybody should be able
35 to harvest those first tricklers.

36

37 I guess that's the end of my comment.

38

39 CHAIRMAN CHRISTIANSON: Thank you,
40 Lester.

41

42 MR. REAKOFF: Mr. Chair. This is Jack
43 Reakoff.

44

45 CHAIRMAN CHRISTIANSON: Hello, Jack.
46 We'll take Jack next.

47

48 MR. REAKOFF: I wanted to clarify the
49 record. Western Interior -- this is a very divided
50 proposal and our Council, when we came to vote, motion

1 to adopt, four members voted for the proposal, two
2 members opposed the proposal and two members abstained
3 from voting, so the adoption failed. That's what the
4 vote was. Basically we were split because we had eight
5 members present. So I just wanted to clarify that for
6 the Board's deliberation.

7

8 Thank you.

9

10 CHAIRMAN CHRISTIANSON: Thank you,
11 Jack.

12

13 MS. CLARK: Mr. Chairman. In response
14 to the Y-K Delta RAC comments, I'd like to ask Fred Bue
15 to come up as the in-season manager and talk a little
16 bit about the -- it sounds like you were talking about
17 the impact of two other folks on the river when opening
18 the tricklers to 5D, is that right?

19

20 CHAIRMAN CHRISTIANSON: Maybe we should
21 hold for all the questions until we hear from all the
22 RACs and then that way we can cover a blanket of
23 questions at the same time.

24

25 MS. CLARK: Okay.

26

27 CHAIRMAN CHRISTIANSON: Thank you. So
28 next we have -- did we hear from Seward Pen?

29

30 MR. GREEN: Thank you, Mr. Chair.
31 Interesting to hear what Chairman Firmin and Chairman
32 Wilde had to say about this. Our Council voted to take
33 no action. The Council supported the additional
34 subsistence opportunities that would be permitted under
35 this proposal. However, after hearing comments from
36 the Alaska Department of Fish and Game regarding
37 conservation concerns by placing this in regulation,
38 the Council decided to take no action.

39

40 But I do understand what it's like.
41 This is the first time I've heard the term tricklers,
42 but I do that in the marine waters from where I'm at.
43 I'm always targeting after herring and cisco run,
44 trying to get the early fish in early June, first week.
45 So I can see where you're coming from and that's news
46 to me.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN CHRISTIANSON: Thank you. Now

1 we'll take questions.

2

3 MS. CLARK: Mr. Bue, if you could come
4 up.

5

6 MR. BUE: Mr. Chair. Ms. Clark. What
7 were you trying to get at?

8

9 MS. CLARK: I'd like to hear if you
10 could talk a little bit about how specifically
11 allocating to 5D impacts other folks on the river and
12 if there are restrictions that would be related to
13 that.

14

15 MR. BUE: Thank you. I guess I'll
16 speak to the way we've been managing in recent years.
17 Again, in my view, this is a touchy position for me to
18 speak to because it is, in my mind, strictly an
19 allocative decision. We're providing an opportunity
20 for 5D that nobody else gets in the river.

21

22 The way we've been managing the last
23 few years with very conservative management is that
24 once we see the first fish enter the mouth of the river
25 we close fishing. It's not just the first pulse of
26 fish. We close subsistence salmon fishing in the
27 river. We allow other fishing gear 4" gillnets to
28 harvest whitefish and other things that may be going on
29 down there.

30

31 So we're not -- there's been different
32 people thinking about the fish differently, but that's
33 what we really try to do. We don't want to close prior
34 to that because there's sheefish, there's whitefish and
35 other things that are coming out of the marine waters.
36 There's freshwater fish, pike moving from sloughs in
37 through the river channel to other lakes and things.

38

39 So there's some movement of other fish,
40 so we don't want to close prior to that, but once we
41 see the first fish enter the mouth of the river we
42 close that and that's down at the mouth of the river
43 where there's a lot of uncertainty. We don't know when
44 those fish are going to come. The weather drives the
45 onshore movement. So that is closed.

46

47 What we've been doing in the last few
48 years is that there's a lot of uncertainty but the
49 Lower River also has other species of fish.
50 Recognizing that they may incidentally harvest some

1 chinook late in the run when they're pursuing their
2 alternative species, chum, is that they provide some
3 opportunity on the tricklers upriver in Subdistrict 5D
4 specifically.

5
6 As it goes, nobody else has fished on
7 the tricklers. Those fish between the very first fish
8 to the first pulse that's the segment of the run that
9 we're calling the tricklers. If everybody on the river
10 had their opportunity, like Mr. Wilde says, those are
11 the fish they'd love to catch. Those are the
12 brightest, freshest fish that come out of the ocean and
13 they're highly sought after, but there's not enough for
14 everybody in the drainage to take a few.

15
16 So the way the fishermen have worked it
17 out the last two years was the Lower River would forego
18 that segment of the run and 5D would be allowed access
19 to that portion. So that's where the allocative nature
20 comes into this. If you were to provide on marginal
21 runs, make sure that 5D gets some fish, that means that
22 definitely Lower River will have to forego opportunity
23 on those fish.

24
25 Does that help?

26
27 CHAIRMAN CHRISTIANSON: I think Andrew
28 has a response.

29
30 MR. FIRMIN: I just actually have
31 another question for Fred. When does Eagle sonar
32 normally start counting fish?

33
34 MR. BUE: It's around July 1. The
35 counts there are pretty low, around 100 to 200 a day
36 right then. Then they start ramping up after that, but
37 they certainly count before the first pulse arrives.
38 Maybe Mr. Linderman with Fish and Game has a better
39 idea, but I do have their daily passage for the last
40 two years in front of me and that's how it's been.

41
42 Partly due to budgets, but weather
43 conditions and certainly the timing of the fish itself
44 dictates to some extent when that sonar starts up that
45 there can be a three-week difference in when the fish
46 come to the mouth of the river easily from one year to
47 the next. So the sonar is kind of dictated by the
48 timing of the run as an early run or a late run.

49
50 MR. FIRMIN: I just wanted to kind of

1 point out that there's no actual time attached to this
2 proposal. It's not saying we will fish from this day
3 to that day. I think normally the sonar is up in Eagle
4 by the 28th of June or the last week of June is
5 normally when they're up and running. This proposal
6 came maybe from frustrations of fishermen on the river
7 going through three different State management teams in
8 the past three years and having to constantly, you
9 know, can we go fishing, can we go fishing.

10

11 As Fred said, when the fish step into
12 the river and the river gets closed, they're not even
13 counting fish upriver, but we can't fish and we know
14 there's king salmon swimming by and maybe you catch one
15 a day. Then why are we closed if you're not even
16 counting them. I mean that's the whole reason for the
17 closure is when there's a conservation concern, but if
18 you're not counting the fish that are going by, then at
19 the end of the run you're overcounting them and we're
20 still sitting there not fishing.

21

22 I think this is more of a, like I say,
23 a trigger point for -- you know, we're not asking for
24 an allocation. I guess it is somewhat of an
25 allocation, but it's more of a reminder to management
26 that we should be allowed to fish until there's right
27 there, okay, now you're seeing good numbers come
28 through your counting programs and your sonars. So
29 then, okay, now you guys go start fishing because we
30 know our run timing and our projections are meeting up
31 there. So we're going to close you guys down until we
32 see that treaty obligation mark.

33

34 So that's kind of where some of this
35 came from. I think some of it came from the changes in
36 the State's management team over the past three years
37 to where it seems like we have to fight for it every
38 year instead of, you know, just kindly ask or it's okay
39 this is when it's going to happen kind of thing, so I
40 think that was where this proposal was also kind of
41 borne out of, out of the public portion.

42

43 Thank you.

44

45 CHAIRMAN CHRISTIANSON: Thank you. I
46 have a question I guess. So does the river close the
47 day they figure the pulse hits the first sonar reading?
48 I heard a 10-day swim time to get up to their fishing
49 area. Is it closed in the subsequent days that follow
50 as it reaches those points in the river?

1 MR. BUE: Mr. Chairman. I apologize.
2 Nothing is very simple on the Yukon. And a lot of the
3 perspectives that you hear are based on what the fish
4 are doing in front of that user. For your information,
5 it takes approximately 30 days for a fish to swim from
6 the mouth of the river to the border, which is quite a
7 while and certainly we don't start Eagle sonar once the
8 first fish hits the mouth of the river. That's pretty
9 ridiculous.

10
11 Our management is based on travel time,
12 swimming speed of the fish and it is really pretty
13 accurate. Sometimes the high water will slow the fish
14 down and sometimes low water will speed them up, but
15 not always because the water temperature plays an
16 effect also.

17
18 So what we key on is actually the first
19 -- it's the subsistence fishermen indicating to us.
20 Sometimes the Department has a test net at the mouth of
21 the river. Sometimes they'll catch the first fish, but
22 often it's the subsistence fishermen that catches the
23 first fish and that's the key to when to start to
24 initiate the closures. So we're using the local
25 fishermen that are really out there looking. Whichever
26 way the wind is blowing, that's where they're fishing.
27 Whereas the Department's nets are in specific locations
28 to try and standardize the passage rates and the other
29 indicator is timing.

30
31 So our assessment tools maybe miss some
32 fish, but we're keying off of the local fishermen, what
33 they're seeing. As the fish move upriver it's the same
34 thing. Again, Subdistrict 5D it takes 10 days for the
35 fish to swim through that area, so the middle 50
36 percent of the run is only 10 days long. So five and
37 ten days is a pretty significant amount of days in run
38 timing.

39
40 Once a fish is at Stevens Village at
41 the lower end of Subdistrict 5D the sonar may not be
42 operating yet even though a fish is there, but a fish
43 certainly isn't at the border yet because that's 10
44 days out still. So we try to adjust those projects to
45 be consistent with the timing of the fish and be the
46 most effective with the budgets we have.

47
48 I don't know if the State has anything
49 else for their assessment tools, but that's essentially
50 how we're tracking the fish based on swimming speed.

1 CHAIRMAN CHRISTIANSON: Thank you. Any
2 other questions.

3
4 Mary.

5
6 MS. MCBURNEY: Thank you, Mr. Chair. I
7 would just like to know a little bit more about these
8 early fish. Are they considered to be the vanguard of
9 the first pulse or is there something genetically
10 unique about them that make them particularly early?

11
12 MR. BUE: I can't speak for a fish. I
13 don't know what drives them, but on the Yukon River
14 it's a large mixed-stock fishery. There's a lot of
15 different fish from the mouth of the river to the
16 border. There's many fish that turn off into
17 tributaries before they get there. Some tricklers may
18 never make it to 5D. Well, essentially half the run
19 doesn't make it to 5D.

20
21 Typically it's more common to see male
22 component of the run on the early portions. There's
23 always some fish leading the way, but the strength of
24 the main school will be confined to a bigger
25 concentration, but there's always going to be tails of
26 the run. If you look at any run, maybe it goes up and
27 down, but usually when you mesh it together it's kind
28 of a curve. So the front tail is what we're calling
29 tricklers before the first big group of fish get in
30 there. So frontrunners, tricklers, whatever you might
31 call it, but whoever gets there first is going, but the
32
33 main group is going to follow. I don't know what you'd
34 call.

35
36 MS. MCBURNEY: So essentially they're
37 basically the same fish then as those that will be
38 coming later in the first pulse, is that correct?

39
40 MR. BUE: In Subdistrict 5D, yes. Like
41 I say, in the other portions of the river lower down,
42 it's a mixed-stock fishery, so
43 there's a lot of different segments and different
44 populations mixed together. Those tricklers -- what is
45 it roughly, 60 percent in that first third of the run
46 is Canadian-origin fish, so at the mouth of the river
47 some of those early fish are going to end up in Canada.
48 The earliest fish tend to go towards Canada, but it is
49 still a mixture as they come in the mouth of the river.
50 As they get up to 5D, then it's primarily a Canadian

1 stock.

2

3 MS. MCBURNEY: During those years when
4 there is an allowed fishery on those tricklers, what's
5 the general catch that's reported on those?

6

7 MR. BUE: It's really difficult to get
8 subsistence harvest information by date. Well, it's
9 nearly impossible unless you speak with every single
10 fishermen and they keep good track on their catch
11 calendars. The State does issue catch calendars, but
12 we don't get a very good return rate. Portions of 5D
13 does require a permit because of the road access to
14 keep track of the catch. It's not a limit or anything,
15 but it's required so we can track the subsistence
16 harvest on people that may come and go from the region.

17

18 So, yeah, we don't have a good catch by
19 date. We have really good estimates for the season,
20 but it's after the fact. You're trying to line up the
21 seasonal catch with fishing opportunities, but it is
22 really difficult to say what fishermen were available
23 at those different fishing opportunities throughout the
24 season.

25

26 MS. MCBURNEY: Mr. Firmin, can I just
27 ask your perspective on that. On the years when the
28 fishery has been open to the tricklers, how many fish
29 are generally taken or how many communities are
30 utilizing those fish?

31

32 MR. FIRMIN: I would say for the most
33 part it's probably just Fort Yukon is the only
34 community that's fishing them. Possibly Eagle and
35 Circle, but I know Eagle has always been real
36 conservation-minded and they do a lot of harvest
37 sharing when they do fish for king salmon in the recent
38 years. I'd just have to look at my old calendars, but
39 I don't think I've caught more than 10 or 15 fish and a
40 lot of people don't fish early because of those
41 closures over the past few years.

42

43 I would think last year was probably
44 the first year where a lot of people were actually
45 fishing because people were asking when -- we were
46 trying to tell people early. Go fish now because
47 whenever it's closed you're probably going to be closed
48 for two to three weeks depending on the run. So that
49 was kind of the word we put out early.

50

1 So this year there was actually some
2 people out there on the river early, but in past years
3 there might be just three, four, five different people
4 -- different sites that are active. Like I said, most
5 people don't catch maybe more than 10 or 20 fish. When
6 you haven't seen a king salmon for 12 months, they all
7 look good and they get shared amongst the community, so
8 it's not like people are hoarding them anyway.

9

10 MS. MCBURNEY: Thank you. And thank
11 you, Mr. Chair.

12

13 CHAIRMAN CHRISTIANSON: Thank you for
14 the questions. Any further questions for the Regional
15 Advisories.

16

17 (No comments)

18

19 CHAIRMAN CHRISTIANSON: Okay, no more
20 questions. We are at tribal, Alaska Native corp
21 comment. Native Liaison.

22

23 MR. LIND: Thank you, Mr. Chair. Board
24 Members. During the consultation period on fishery
25 proposals, including 17-02, we did not get any
26 comments.

27

28 CHAIRMAN CHRISTIANSON: Thank you.
29 That brings us to Alaska Department of Fish and Game
30 comments. State Liaison.

31

32 MS. KLEIN: Thank you, Mr. Chair. The
33 Alaska Department of Fish and Game has the following
34 comments on Fisheries Proposal 17-02. In practice the
35 fishery is already being managed to allow an
36 opportunity to harvest early arriving chinook salmon in
37 Subdistrict 5D. This fishing opportunity was provided
38 2015 and 2016 to offset the lack of opportunity for
39 chinook salmon later in the season, when you've heard
40 management does take more conservative measures in this
41 district because there are fewer summer chum and the
42 majority of chinook salmon caught in this subdistrict
43 are of Canadian origin.

44

45 Formalizing this management approach in
46 regulation might reduce flexibility, which the
47 Department does like to have in managing the salmon
48 resource. We understand that the timing of when the
49 tricklers arrive in Y5D plays a role in the success of
50 the subsistence users having access to these early

1 fish.

2

3

4 The State is opposed to this proposal
5 to put this practice in regulation. The State and
6 Federal managers do work closely together and, as
7 mentioned, this area has been opened to fishing on
8 these early fish to enable fishermen to have a limited
9 subsistence harvest before the closure of the first
10 pulse.

10

11 Thank you.

12

13 CHAIRMAN CHRISTIANSON: Thank you,
14 State. InterAgency Staff Committee comments.

15

16 MS. HOWARD: Thank you, Mr. Chair.
17 Members of the Board. The InterAgency Staff Committee
18 comments for FP17-02 can be found in full on Page 105.

19

20

21 In addition to the standard comments,
22 the InterAgency Staff Committee noted the Subsistence
23 Regional Advisory Councils were mixed in their
24 recommendations on FP17-02.

25

26 The proposal is seeking to allow the
27 harvest of early-timed chinook salmon that enter
28 Subdistrict 5D prior to the main pulse of Canadian-
29 bound chinook salmon arriving. The intent of the
30 proposal is to provide for additional harvest
31 opportunity in Subdistrict 5D under an open until
32 closed regulatory scenario.

33

34 The Board may want to consider whether
35 this regulation is necessary to meet the intent of the
36 proponent. Currently in regulation, the season begins
37 open to fishing, unless in-season managers impose
38 restrictions for conservation reasons. Since 2014,
39 Federally qualified subsistence users have been allowed
40 to harvest these earliest running chinook salmon,
41 albeit with gear restrictions.

42

43 Adoption of the proposal would likely
44 provide similar harvest opportunity compared to recent
45 years; however, the more rigid regulation would reduce
46 manager flexibility and discretion regarding these
47 early running fish.

48

49 While these early running fish provide
50 some important, limited harvest opportunities in the

1 drainage, the InterAgency Staff Committee also
2 recognizes that a pulse protection strategy on the
3 Yukon has the best chance of protecting the greatest
4 number of chinook salmon from harvest. Thus, the Board
5 should carefully consider the importance these earliest
6 timed chinook salmon may have to the overall health and
7 resiliency of Yukon River chinook salmon stocks.

8
9 Conservation biology would dictate that
10 these few early-timed fish may be deserving of more
11 protection from harvest rather than less, as their
12 unique timing may provide a buffer to future
13 environmental changes and challenges. Management
14 strategies that preserve natural genetic variation are
15 necessary for long-term sustainable populations. This
16 tenet is especially important when considering the
17 ability and perhaps the necessity of salmon stocks
18 having to respond and adapt to climate change in the
19 future.

20
21 Variations in run timings are one of
22 the genetic adaptations salmon have developed to assure
23 their sustainability. Liberalizing harvest on
24 primarily the earliest timed fish would serve to reduce
25 this important component of Yukon River chinook salmon
26 stocks. The Board could oppose this proposal based on
27 inconsistency with recognized principles of sound
28 fisheries management and conservation.

29
30 That concludes the ISC comments on
31 FP17-02.

32
33 CHAIRMAN CHRISTIANSON: Thank you.
34 That moves us on to Board discussion with Council
35 Chairs and the State Liaison.

36
37 MS. CLARK: For Mr. Bue I just have a
38 question about the flexibility. Would this regulation
39 impact your flexibility as an in-season manager. Can
40 you see any way that would do that?

41
42 MR. BUE: Through the Chair, Ms. Clark.
43 Yes, it's another sideboard that we would have to go
44 by, another consideration. Again it's a formal
45 position. We have to think about it and on marginal
46 runs the question will be how much opportunity to other
47 fishermen do we do because this is giving a priority to
48 the Subdistrict 5D over other users. It says they get
49 this preference over other Federally qualified users.
50 So that becomes an element in my decision how much do I

1 restrict the other users based on that.

2

3

4 It's also a consideration in how we
5 work with the State of Alaska. Again the Yukon River
6 is a patchwork of water State and Federal all the way
7 up the river. There's seven refuges and it's a
8 patchwork as it goes up, so this affects some bodies of
9 water and some not, yet it's a shared resource as the
10 fish move through the area. It's discontinuous.

11

12 So there are considerations how to get
13 this group of fish to that area is a challenge that we
14 have to address every year individually as the run
15 comes in and weather conditions and such. So it's one
16 more element that we have to think about and consider
17 and it's not a cut and dried thing for us to deal with.

18

19 I don't know if that helps.

20

21 MS. CLARK: Thank you.

22

23 CHAIRMAN CHRISTIANSON: Mary.

24

25 MS. MCBURNEY: Thank you, Mr. Chair. I
26 have a question for Mr. Wilde just to get clear on a
27 comment that I heard you made or at least I think I
28 heard you made. You were clarifying the Y-K RAC's
29 position to oppose. You had said something to the
30 effect that if the tricklers were to be open, they
31 should be open to all. Was that correct?

32

33 MR. WILDE: That is correct, ma'am.

34

35 MS. MCBURNEY: Thank you.

36

37 CHAIRMAN CHRISTIANSON: I had a similar
38 question, why the tricklers wouldn't be open to the
39 entire river if that is the practice to allow those
40 fish that aren't being accounted for to be harvested by
41 the subsistence users all along or is it to offset the
42 fact that 5D has been sitting waiting to fish for
43 multiple years and this is to try to give them early
44 opportunity because in the event there is a lack of a
45 return, they'll probably be the odd man out. Is that
46 correct?

47

48 MR. FIRMIN: Well, yes, and also the
49 preference is also stemming from we don't have a
50 fallback species to say, here, we'll have summer chum
51 and coho and pinks and sockeye to go fish for. Instead

1 we have only fall chums.

2

3 CHAIRMAN CHRISTIANSON: Thank you.

4

5 MR. BUE: So, yeah, I appreciate that.
6 I wanted Andrew to answer first. You mentioned that
7 these fish are not accounted for. They are definitely
8 accounted for and we do count them, estimate them as
9 they're going up. Like I said, it's that segment of
10 the run from the first fish to the first pulse. We're
11 definitely counting that. We have the gear in the
12 water. The assessment tools are monitoring them, so
13 they are definitely considered. It is a big component
14 of the run and it's not always clear when the tricklers
15 end and the first pulse begins. It's a pretty gray-
16 shaded area there.

17

18 Yes, everybody would like those
19 tricklers. In recent years, again going back to the
20 previous proposal, is that prior to the season we've
21 met with the public and talked about a strategy.
22 Normally managers will try to spread as much similar
23 opportunity throughout the drainage as we can. So
24 chinook we would try to give everybody similar
25 opportunity, but what is a little bit different is that
26 we're not only talking about chinook we're talking
27 about overlapping other chum salmon runs that may be
28 coming in later, pink salmon runs, coho and fall chum
29 and such.

30

31 What the fishermen themselves have
32 decided the last couple years was because Lower River
33 has other alternative species available to them that
34 they're willing to forego some of their harvest on
35 those early fish and pass those on to 5D where they
36 don't have very many opportunities.

37

38 Again, we probably wouldn't have done
39 that as a manager without public support. It was a
40 public process that they brought forward, their choice,
41 their willingness to do that because you are
42 recognizing what's happening, is somebody's foregoing
43 some fish to provide them to somebody else. As
44 managers we would not try to do that, but because of
45 the public support we have practically done that the
46 last two years.

47

48 CHAIRMAN CHRISTIANSON: Thank you. Any
49 other additional questions.

50

1 MR. BROWER: I have one, Mr. Chair.
2
3 CHAIRMAN CHRISTIANSON: Charlie.
4
5 MR. BROWER: Thank you. This goes to
6 the Y-K Delta. So you're standing on your
7 recommendation to oppose 17-02, is that right, but you
8 still want tricklers to be able to fish?
9
10 MR. WILDE: The discussion at the time
11 that this proposal was presented to us we stressed the
12 fact that, you know, since we do get those tricklers as
13 our first fish coming in, the first kings coming in, we
14 felt that everybody along the river, since we all share
15 the responsibility of conservation of the salmon, that
16 we should at least all get an opportunity to get a
17 taste of that salmon that we're conserving is the
18 feeling that we got from discussion of this proposal at
19 the time.
20
21 MR. BROWER: Thank you.
22
23 MR. WILDE: You're welcome.
24
25 MR. BROWER: Also, Mr. Chair, with the
26 Western Interior Advisory person up there.
27
28 CHAIRMAN CHRISTIANSON: Jack.
29
30 MR. BROWER: Jack, are you still on?
31
32 MR. REAKOFF: I'm still on the phone
33 here. Go ahead.
34
35 MR. BROWER: Happy new year, Jack.
36 It's Charlie.
37
38 MR. REAKOFF: Thank you, Charlie.
39
40 MR. BROWER: A question. So even
41 though you guys had an even split between your voting
42 on your Council, the opposition was stronger, so the
43 intent from the Western Interior was to oppose 17-02?
44
45 MR. REAKOFF: No, the split was four
46 members were in favor of the proposal, two members were
47 opposed and two members abstained. So that split the
48 vote. The motion to adopt the proposal failed. I
49 called for a reconsideration and the Council didn't
50 want to reconsider the vote.

1 MR. BROWER: Thank you, Jack.
2
3 CHAIRMAN CHRISTIANSON: Thank you. Any
4 additional questions.
5
6 (No comments)
7
8 CHAIRMAN CHRISTIANSON: Hearing no
9 additional actions, we move for Board action.
10
11 MS. CLARK: Mr. Chair. I'd like to
12 make a motion.
13
14 CHAIRMAN CHRISTIANSON: Okay.
15
16 MS. CLARK: I make a motion to support
17 FP17-02 and if I get a second will provide
18 justification for why I intend to vote in opposition to
19 the proposal.
20
21 MR. BROWER: Second.
22
23 MS. PITKA: Second.
24
25 CHAIRMAN CHRISTIANSON: We have a
26 motion and been seconded. Open for discussion.
27
28 MS. CLARK: I'll provide my
29 justification. The intent of the proposal is to
30 provide more harvest opportunity for chinook salmon in
31 Subdistrict 5D. However, we need to consider whether
32 this regulatory action is necessary to meet the intent
33 and if the action would be detrimental to the
34 satisfaction of subsistence needs of other users on the
35 river.
36
37 Current regulations already provide
38 opportunity to harvest these fish unless in-season
39 managers impose restrictions for conservation reasons.
40 Since 2014 Federally qualified subsistence users have
41 been allowed to harvest these early run chinook salmon
42 with gear restrictions.
43
44 Overall, this proposal would provide
45 similar harvest opportunity to these recent years;
46 however, the more rigid regulation would reduce manager
47 flexibility and discretion regarding these fish and
48 could impact subsistence opportunities for downstream
49 users.
50

1 Voting in opposition to this proposal
2 is consistent with the recommendations of the Y-K Delta
3 and Western Interior Councils.

4
5 CHAIRMAN CHRISTIANSON: Thank you. Any
6 further discussion on this topic.

7
8 (No comments)

9
10 CHAIRMAN CHRISTIANSON: Hearing none.
11 I'll call for a roll call vote on this.

12
13 MR. PELTOLA: Thank you, Mr. Chair.
14 Roll call vote. This time we'll start on the west end
15 of the table working eastward.

16
17 National Forest Service.

18
19 MS. PENDLETON: Oppose. The primary
20 justification as I listened and contemplated this
21 discussion is that I think currently the in-season
22 manager does have that flexibility to open fishing and
23 when possible for the early run chinook salmon. As
24 we've heard, since 2014 Federally qualified subsistence
25 users have been allowed to harvest, with gear
26 restriction, these earliest running chinook salmon.

27
28 Also a concern that by adding a more
29 rigid regulation here that this may reduce manager
30 flexibility and discretion regarding these early
31 running fish.

32
33 I think the final thing for me really
34 is these earliest time chinook salmon some uncertainty
35 here in the science, but certainly may play an
36 important role in the overall health and resiliency and
37 I think that word resiliency is important of Yukon
38 River chinook salmon stocks.

39
40 So we still have a lot to learn. It
41 seems that the system is working fairly well and good
42 coordination with the State on this. So that's my
43 justification.

44
45 Thank you.

46
47 MR. PELTOLA: Thank you.

48
49 Bureau of Indian Affairs.

50

1 MR. POLACCA: At this time I oppose
2 FP17-02 as recommended by Y-K Delta and then also by
3 Western Interior RAC. My justification basically is
4 currently right now there is that opportunity that does
5 exist and all that and due to conservation concerns and
6 all, by allowing subsistence harvest of early Yukon
7 chinook before managers know how well the run actually
8 will proceed could create conservation issues,
9 especially if the latter part of the run diminishes and
10 treaty obligations are not met.

11
12 So those are my concerns.

13
14 MR. PELTOLA: Thank you.

15
16 Public Member Pitka.

17
18 MS. PITKA: I vote to support this.
19 The Eastern Interior had a lot of discussion about this
20 proposal also at our last RAC meeting and there was a
21 lot of support for it. It will help meet the needs of
22 5D, which starts -- I'm sorry, I said Rampart earlier.
23 It starts in Stevens Village and it goes to the border.
24 So those are very small communities along the way.
25 It's really not that many fish and it helps people in
26 the area who depend primarily on those resources.

27
28 MR. PELTOLA: Thank you.

29
30 Public Member Brower.

31
32 MR. BROWER: I support this because
33 even though the work that was done by the Advisory
34 Council making their recommendation, I believe it would
35 be detrimental to the satisfaction of subsistence
36 needs, so I support it.

37
38 Thank you.

39
40 MR. PELTOLA: Thank you.

41
42 Fish and Wildlife Service.

43
44 MS. CLARK: Oppose.

45
46 MR. PELTOLA: National Park Service.

47
48 MS. MCBURNEY: I'm going to vote to
49 oppose this proposal, but I'd also like to add that I'm
50 sympathetic to the situation that the subsistence users

1 in 5D find themselves, which is one of the reasons why
2 I voted to support the previous proposal.

3
4 It's very obvious from the wide range
5 of opinions that we see expressed within the four
6 affected Councils that there's a great deal of
7 variability in how people are looking at this and
8 approaching it. In my experience, which has been not
9 as intensive in recent years with the Yukon fisheries,
10 but from what I do know about them is that they're
11 contentious and emotional and people are very, very,
12 very concerned about the long-term conservation of
13 these very important chinook.

14
15 I feel that this proposal would present
16 potential detriments to the satisfaction of subsistence
17 needs, but I'm also very conscious of the fact that
18 right now there are mechanisms for providing fishing on
19 those early tricklers as we've been calling them. But
20 that has been based on a river-wide consensus and
21 agreement on doing that.

22
23 I think that's really where we need to
24 be dealing with this issue, is having all of the users
25 at the table and making that decision with the give and
26 take and the understanding that each community along
27 the river does find themselves in a different situation
28 with respect to those fish and the opportunity that's
29 afforded them.

30
31 Thank you.

32
33 MR. PELTOLA: Thank you.

34
35 Bureau of Land Management.

36
37 MR. CRIBLEY: I also vote to oppose
38 this proposal. I think primarily we don't have the
39 consensus of the affected RACs. Also by opposing it
40 we're not denying it. We still have the in-season
41 managers that have the flexibility and the entire
42 affected users have the ability to come together and
43 provide for this opportunity based on what the current
44 conditions are rather than it being mandatory.

45
46 I think it's important to have that
47 flexibility to make that decision based on what the
48 current circumstances are rather than being
49 prescriptive and not having that management
50 flexibility. I think we need to be careful about not

1 being too prescriptive on this and losing our
2 management flexibility.

3

4 So I'm opposed to this proposal.

5

6 MR. PELTOLA: Thank you.

7

8 Mr. Chair.

9

10 CHAIRMAN CHRISTIANSON: I support this
11 proposal.

12

13 MR. PELTOLA: Mr. Chair. Fishery
14 Proposal 17-02 is not adopted by the Federal
15 Subsistence Board based on a 3-5 vote, three in favor,
16 five in opposition.

17

18 CHAIRMAN CHRISTIANSON: Thank you.
19 Thanks everybody on that one. It looks like we have
20 time to go into the next proposal, which will be FP17-
21 04.

22

23 MR. HARRIS: Good morning. Mr. Chair.
24 Members of the Board. For the record, I am Frank
25 Harris, fisheries biologist at the Office of
26 Subsistence Management. I will be presenting the Staff
27 analysis of FP17-04. This analysis can be found on
28 Page 108 of your Board book.

29

30 Proposal FP17-04 was submitted by the
31 Western Interior Alaska Subsistence Regional Advisory
32 Council and requests that regulations be changed to
33 allow gillnets to obstruct more than one-half the width
34 of Racetrack Slough on the Koyukuk River and sloughs of
35 the Huslia River drainage in order to provide more
36 subsistence harvest opportunity for northern pike
37 between ice out and June 15. Current Federal
38 subsistence regulations allow for a fishery at this
39 time, but gillnets may not obstruct more than one-half
40 of the width of a stream.

41

42 This proposal would allow gillnets to
43 cover all but 20 feet of the distance across the
44 slough, which would match State subsistence regulation
45 changes that were made at the January 2016 Board of
46 Fisheries meeting. However, it was noted at the
47 Western Interior Alaska Subsistence Regional Advisory
48 Council meeting that the proposal as written would not
49 allow any fishing in sloughs that were 20 feet or less
50 in width and they suggested modifying the language.

1 As such there was an addendum created
2 and OSM's final conclusion is to support FP17-04 as
3 modified by the Western Interior Alaska Subsistence
4 Regional Advisory Council to allow gillnets to cover
5 all but 20 feet of Racetrack Slough of the Koyukuk
6 River and sloughs of the Huslia Drainage between ice
7 out and June 15th except that sloughs 40 feet or less
8 in width may have three-quarter width coverage.

9
10 This would likely increase the harvest
11 of northern pike and other local fish species during
12 this time period and the season for this gear change
13 would end prior to the arrival of salmon into these
14 systems. However, this would mean that Federal and
15 State regulations in this area would not be the same.

16
17 Thank you, Mr. Chair. I'll be happy to
18 answer any questions you may have.

19
20 CHAIRMAN CHRISTIANSON: Thank you. Any
21 questions for the analysis.

22
23 (No comments)

24
25 CHAIRMAN CHRISTIANSON: Hearing none.
26 We'll move on to the summary of written public comment
27 with Regional Council Coordinator.

28
29 MR. STEVENSON: Thank you, Mr. Chair.
30 Members of the Board. My name is Zach Stevenson. I
31 serve as the Subsistence Council Coordinator with OSM
32 for both Western Interior and Northwest Arctic Regions.
33 There were no written public comments on FP17-04.

34
35 Thank you.

36
37 CHAIRMAN CHRISTIANSON: Thank you.
38 With that we'll open the floor to public testimony or
39 anybody online who would like to speak to the proposal.

40
41 (No comments)

42
43 CHAIRMAN CHRISTIANSON: Hearing no
44 public testimony and having received no cards, we'll
45 move on to the Regional Council recommendation.

46
47 MR. COLLINS: Mr. Chairman. Are you
48 calling in order?

49
50 CHAIRMAN CHRISTIANSON: Yes, we'll go

1 with the Yukon-Kuskokwim Delta at the top of the page.

2

3 MR. WILDE: Thank you, Mr. Chair. The
4 Y-K Delta supported FP17-04 as modified by the Western
5 Interior Subsistence Regional Advisory Council. The
6 Council confirmed that this proposal made sense based
7 on our experiences and that pike is an important
8 subsistence food. The Council referenced the OSM
9 justification that the proposed use of gillnets on the
10 Koyukuk River would increase subsistence opportunity
11 for people in that region and the harvest would take
12 place prior to the arrival of salmon, so it did not
13 pose a conservation concern.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN CHRISTIANSON: Thank you.

18

19 Western Interior.

20

21 MR. COLLINS: Yes, Ray Collins, Vice
22 Chair of Western Interior. As noted, this was our
23 proposal on there and because of the nature of the
24 river there's a lot of those small sloughs up there and
25 the current regulations don't allow fishing in there,
26 so that was the reason for initiating this. It does
27 leave a space for some movement of boats and fish as
28 written. It doesn't block entirely. There's also the
29 comment in there that it could be closed by a Federal
30 action if it was needed for some reason.

31

32 So we are in favor as modified by OSM.

33

34 CHAIRMAN CHRISTIANSON: Thank you, Mr.
35 Collins.

36

37 We'll move on to the Seward Peninsula.

38

39 MR. GREEN: Thank you, Mr. Chair. The
40 Council did not feel this was a resource used by
41 qualified users in the Seward Peninsula region and we
42 voted to take no action.

43

44 Thank you.

45

46 CHAIRMAN CHRISTIANSON: Thank you.

47

48 Eastern Interior.

49

50 MR. FIRMIN: Thank you, Mr. Chair. I

1 believe that we didn't have a lot of information at the
2 time or the Western Interior didn't meet yet, but we
3 took no action and just preferred to defer to the home
4 region as that was their proposal and they're the
5 experts on it. So we took no action.

6

7 CHAIRMAN CHRISTIANSON: Thank you.

8

9 And North Slope Subsistence.

10

11 MS. PATTON: Mr. Chair and Council.
12 Eva Patton, Council Coordinator for the North Slope
13 Subsistence Regional Advisory Council. We don't have
14 our Chair online this morning. I will provide the
15 comments for the Council.

16

17 North Slope Subsistence Regional
18 Advisory Council supported FP17-04 as modified by the
19 Western Interior Alaska Subsistence Regional Advisory
20 Council. The Council discussed that they support the
21 home region Council that submitted the proposal and it
22 had a thorough analysis and it seemed that the Western
23 Interior Council had done their homework and was
24 working to support the subsistence users in the region.

25

26 While the North Slope Region does have
27 C&T in this area, the Council noted that there is
28 little fishing by North Slope region residents that
29 occurs and they don't want to interfere with the
30 fisheries management that local people know well. So
31 they support the Western Interior Council action and
32 their work on behalf of people in the region.

33

34 Thank you.

35

36 CHAIRMAN CHRISTIANSON: Thank you. At
37 this time we would open up the floor to questions for
38 Regional Chairs from the Board.

39

40 (No comments)

41

42 CHAIRMAN CHRISTIANSON: Hearing no
43 questions, we'll move on to tribal, Alaska Native corp.
44 comments. Native Liaison.

45

46 MR. LIND: Thank you, Mr. Chair. Board
47 Members. During the consultation session we did not
48 receive any comments on FP17-04.

49

50 Thank you.

1 CHAIRMAN CHRISTIANSON: Thank you.
2 We'll move on to Department of Fish and Game comments,
3 State Liaison.

4
5 MS. KLEIN: Thank you, Mr. Chair. We
6 have the following comments on Fishery Proposal 17-04.
7 The original proposal request would align Federal
8 regulations with State regulations allowing subsistence
9 users more harvest opportunity for northern pike in
10 Racetrack Slough on the Koyukuk River and sloughs of
11 the Huslia River drainage.

12
13 The State supports the proposal as
14 written as it would simplify enforcement by providing
15 consistency between Federal and State regulations, but
16 the State is opposed to the modification to allow
17 three-quarters width coverage by net of sloughs that
18 are 40 feet or less in width. The proposed
19 modification would then bring Federal and State
20 regulations out of alignment and may increase
21 complexity for subsistence users and also law
22 enforcement.

23
24 The State regulation was recently
25 adopted at the Board of Fisheries meeting in January
26 2016 and the Board of Fisheries members, Department
27 staff and enforcement discussed this extensively at
28 that time.

29
30 We could provide more information on
31 any background that took place at the meeting if you do
32 have any questions. I'd just like to turn it over to
33 John Linderman.

34
35 MR. LINDERMAN: Thank you, Mr.
36 Chairman. Board Members. For the record, my name is
37 John Linderman. I'm the Arctic/Yukon Kuskokwim
38 Regional Supervisor for the Division of Commercial
39 Fisheries, Department of Fish and Game.

40
41 Just to clarify what the inconsistency
42 would be between State and Federal regulations if this
43 proposal were to pass as amended, that if it's less
44 than -- if there's not 20 feet width of channel
45 available to be consistent with State regulations, it
46 would then revert back to the statewide regulations of
47 not blocking more than half the width of the flowing
48 water body. So with the amended proposal of a three-
49 quarter width that would be the difference of a three-
50 quarter width compared to half-width in those examples.

1 So just to make that clarification.

2

3 CHAIRMAN CHRISTIANSON: Thank you. Any
4 questions for the State.

5

6 (No comments)

7

8 CHAIRMAN CHRISTIANSON: InterAgency
9 Staff Committee.

10

11 MS. HOWARD: Thank you, Mr. Chair.
12 Board Members. The InterAgency Staff Committee had
13 standard comments for FP17-04.

14

15 Thank you.

16

17 CHAIRMAN CHRISTIANSON: That moves us
18 to Board discussion with Council Chairs.

19

20 MS. CLARK: Mr. Bue, if you could come
21 forward. With the increase of gillnet obstruction,
22 would you expect impacts on pike or other fish in the
23 area?

24

25 MR. BUE: Mr. Chairman. Ms. Clark.
26 Certainly that's the intent of the proposal is to
27 increase their harvest. So, yes, it would increase the
28 harvest. I don't know that there would be long-term
29 effects. There may be seasonal local depletion of
30 stocks and sloughs, but that's kind of the nature of
31 sloughs is that fish move in and out of them throughout
32 the year and relocate.

33

34 So I don't think -- yes, you may
35 harvest a pretty substantial number of fish in an
36 isolated slough during that event that season, but
37 speaking with the other biologists in the area and the
38 State gone through this process this past year and
39 that's why we're going through this ourselves. It was
40 felt that it wasn't a big impact or a significant
41 impact on those stocks for a long-term effect. It may
42 be a local depletion but not a long-term effect.

43

44 Pike specifically have a pretty good
45 tolerance for a lot of harvest and cycling. They may
46 get knocked down, but they come back also, so I don't
47 think we're jeopardizing something. If there was a
48 long-term effect, we'd be able to see it and adjust our
49 management.

50

1 MS. CLARK: Thank you.
2
3 CHAIRMAN CHRISTIANSON: Any other
4 questions from the Board.
5
6 MR. REAKOFF: Mr. Chairman. This is
7 Jack Reakoff.
8
9 CHAIRMAN CHRISTIANSON: Go ahead, Jack.
10
11 MR. REAKOFF: This proposal was
12 originally submitted to the State Board of Fish by the
13 Koyukuk River Advisory Committee and I'm the chair of
14 that also. The people of Huslia felt that the pike
15 resource was underharvested and I thought that we
16 should have additional opportunity to harvest pike and
17 whitefish in sloughs that had non-salmon.
18
19 Not a lot of people have dog teams
20 anymore and so they felt this proposal was worthwhile.
21 The Board of Fish adopted the proposal for 40 feet and
22 last would revert to the half-width preclusion, but
23 these are really small sloughs and there's only
24 specific times when those fish actually move in and out
25 of there. The local people didn't feel that precluding
26 -- the original proposal was to close the sloughs off,
27 but the Board of Fish pulled it back to the 20 feet on
28 the end of 40 feet and wider.
29
30 The resource can support additional
31 harvest and it's an underharvested resource. Thank
32 you, Mr. Chair.
33
34 CHAIRMAN CHRISTIANSON: Thank you,
35 Jack. Any other questions from the Board for Regional
36 Chairs.
37
38 MR. COLLINS: Mr. Chair. I have a
39 comment too. I think we shouldn't overlook the fact
40 that the buildup of pike population has an impact on
41 salmon because outmigrating salmon, fingerlings and so
42 on, is one of the foods that they feed on. So it's a
43 resource that's underutilized right now and actually by
44 utilizing it more we may actually have a positive
45 effect on salmon. Nobody has mentioned that. That's
46 why I wanted to make the comment.
47
48 CHAIRMAN CHRISTIANSON: Thank you, Ray.
49 Any additional questions or comments.
50

1 (No comments)

2

3 CHAIRMAN CHRISTIANSON: Okay. I'll
4 open the floor for Board action.

5

6 MS. CLARK: I'd like to make a motion.
7 I make a motion to adopt FP17-04 with the modified
8 language provided by OSM on Page 117 of the meeting
9 book.

10

11 MR. POLACCA: Second.

12

13 CHAIRMAN CHRISTIANSON: There's been a
14 motion to support and seconded.

15

16 MS. CLARK: I will provide my
17 justification. The proposal will provide additional
18 harvest opportunity for Federally qualified subsistence
19 users in Racetrack Slough and other sloughs in the
20 Huslia River drainage. The change is consistent with
21 recommendations of the Councils and provides a similar
22 opportunity as recently changed State regulations.
23 Finally, the OSM modification addresses concerns with
24 how gillnets could be used in smaller sloughs.

25

26 CHAIRMAN CHRISTIANSON: Thank you. Any
27 further discussion.

28

29 (No comments)

30

31 CHAIRMAN CHRISTIANSON: Hearing none.
32 I'll call for the question.

33

34 MR. BROWER: Question.

35

36 CHAIRMAN CHRISTIANSON: The question
37 has been called. Roll call.

38

39 MR. PELTOLA: Thank you, Mr. Chair.
40 We'll start off on the east end of the table this time.
41 Bureau of Land Management.

42

43 MR. CRIBLEY: I support the proposal
44 and the adoption would provide additional subsistence
45 opportunities for qualified users. The modified
46 language addresses contingencies of small waterways not
47 foreseen when they were originally proposed. I believe
48 the modified regulation is not being in precise
49 alignment with the State but can nevertheless be
50 reasonably accommodated in the field and there will be

1 opportunities for the State to correct this
2 misalignment in the future.

3

4 Thank you.

5

6 MR. PELTOLA: Thank you.

7

8 National Park Service.

9

10 MS. MCBURNEY: I'm also voting to
11 support this proposal consistent with the
12 recommendations made by the Yukon Delta, Western
13 Interior and North Slope RACs. I too also believe that
14 it will provide an additional subsistence opportunity
15 to harvest pike and it appears with the modification
16 that there will be no conservation issues concerned
17 with this.

18

19 MR. PELTOLA: Thank you.

20

21 Fish and Wildlife Service.

22

23 MS. CLARK: Support.

24

25 MR. PELTOLA: Public Member Brower.

26

27 MR. BROWER: Support with the
28 recommendations by OSM and the RACs.

29

30 Thank you.

31

32 MR. PELTOLA: Thank you.

33

34 Public Member Pitka.

35

36 MS. PITKA: I support this proposal.
37 There are no conservation issues with the northern pike
38 and also the Regional Advisory Council supports it and
39 it meets subsistence needs of the people.

40

41 MR. PELTOLA: Thank you.

42

43 Bureau of Indian Affairs.

44

45 MR. POLACCA: I'm going to support the
46 action with modifications. My rationale is that it's
47 going to be pretty much aligning the Federal and State
48 regulations and also that I just want to commend the
49 Western Interior RAC members with their work on this
50 one as far as for providing that information and how

1 things can be managed for the betterment of both the
2 Federal subsistence users and also the conservation of
3 salmon.

4
5 I liked Jack's comment also too that it
6 does focus more on pike while also conserving salmon.

7
8 Thank you.

9
10 MR. PELTOLA: Thank you.

11
12 National Forest Service.

13
14 MS. PENDLETON: I also vote to support
15 consistent with the rationale given with the North
16 Slope and Western Interior RACs as well as the
17 recognition that the proposal supports the utilization
18 of northern pike. As we've heard, it's generally
19 underutilized as an important subsistence resource.

20
21 MR. PELTOLA: Thank you.

22
23 Mr. Chair.

24
25 CHAIRMAN CHRISTIANSON: I support the
26 proposal.

27
28 MR. PELTOLA: FP17-04 is adopted by the
29 Federal program based on the vote of 8-0, 8 in support,
30 0 in opposition.

31
32 CHAIRMAN CHRISTIANSON: Thank you.
33 Thank you everybody for their vote on that. At this
34 time we'll go ahead and recess for lunch. We'll be
35 back here at 1:30. Enjoy your lunch and we'll come
36 back and address some proposals.

37
38 MR. LIND: Mr. Chair. Just a reminder
39 that we are going to have the dancers beginning at 1:30
40 this afternoon.

41
42 CHAIRMAN CHRISTIANSON: We will have
43 dancers at 1:30. Thank you, Orville.

44
45 (Off record)

46
47 (On record)

48
49 (Dance presentation)

50

1 CHAIRMAN CHRISTIANSON: If we could get
2 everybody to sit down and we'll get this afternoon
3 started.

4
5 Thank you.

6
7 (Pause)

8
9 CHAIRMAN CHRISTIANSON: If we could
10 have the Staff go ahead and present FP17-05, the
11 analysis.

12
13 MR. DECOSSAS: Good afternoon. Hope
14 everybody had a good lunch that filled your stomach and
15 the good music filled your spirit.
16 Mr. Chair. Members of the Board. My name is Gary
17 Decossas. I'm the fisheries statistician within OSM.

18
19 Proposal FP17-05 was submitted by
20 LaMont E. Albertson and requests that Federal
21 subsistence management plans, strategies, fishing
22 schedules, openings, closings and fishing methods for
23 the Kuskokwim Area be issued independently by the
24 Federal Subsistence Management Program in consultation
25 with appropriate agencies and entities. The analysis
26 for this proposal starts on Page 123 of your Board
27 books.

28
29 The proponent clarified the proposal is
30 seeking to remove language stating that Federal
31 subsistence fishing regulations for the Kuskokwim Area
32 are the same as issued for the subsistence taking of
33 fish under Alaska Statutes unless superseded by Federal
34 Special Action.

35
36 The proponent requests the Federal
37 Subsistence Management Program, including the Federal
38 In-season Manager, to work with the Alaska Department
39 of Fish and Game, the Kuskokwim River Salmon Management
40 Working Group and the Kuskokwim River Inter-Tribal Fish
41 Commission to determine a management strategy for
42 Kuskokwim Area fisheries. The proponent clarified that
43 he is supportive of the Regional Advisory Council and
44 Federal Subsistence Board process.

45
46 The Federal Subsistence Board delegated
47 in-season management responsibility for the Kuskokwim
48 area to the Yukon Delta National Wildlife Refuge
49 Manager in 2002.

50

1 In 2016, an MOU was signed between the
2 U.S. Department of Interior, Fish and Wildlife Service
3 and the Kuskokwim River Inter-Tribal Fish Commission as
4 a part of a Kuskokwim River Partnership Project. The
5 Kuskokwim River Tribes established
6 the Inter-Tribal Fish Commission for the purpose of
7 engagement in the management of Kuskokwim River
8 fisheries, which includes collaboratively making
9 fisheries management decisions, including in-season
10 management actions. This process integrates the
11 Inter-Tribal Fish Commission, their knowledge and
12 information into the management strategies.

13
14 A second portion of the Partnership
15 Project is the development of a joint subcommittee
16 comprised of members of the Western Interior Alaska and
17 Yukon-Kuskokwim Delta Subsistence Regional Advisory
18 Councils. This is still in development and requires
19 Board action for implementation.

20
21 There are certain effects this proposal
22 may have on the management in the Kuskokwim area. The
23 removal of the language,
24 are the same as those issued for the subsistence taking
25 of fish under Alaska Statutes unless superseded by a
26 Federal Special Action, before all aspects of the
27 Partnership Project could result in ambiguity regarding
28 how in-season management would proceed in years during
29 which no concerns about resource conservation or the
30 continuation of subsistence uses have been identified.
31 It is also interesting to note that this language only
32 appears in three of the 13 Federal fishery management
33 areas.

34
35 As written, the proposal does not
36 specifically acknowledge the role of the Regional
37 Advisory Councils, the Board or the delegation of
38 authority letters directly to the Board. The proponent
39 does support these aspects of the Subsistence
40 Management Program, including the collaborative process
41 described earlier. However, based on a review of
42 discussions, the proposed regulatory change may not
43 fully reflect the intended collaborative process.

44
45 Furthermore, the proposed regulatory
46 language does not provide sufficient detail about the
47 structure, content or scope of proposed Federal
48 subsistence management plans and strategies to fully
49 assess the effects of mandating that these be issued
50 independently by the Federal Subsistence

1 Management Program.

2

3

4 Given this, OSM's conclusion is to
5 defer FP17-05 and revise Delegation of Authority letter
6 for the Kuskokwim Area to address the proponent's
7 concerns regarding collaborative development of in-
8 season management plans and strategies on an annual
9 basis, in accordance with the goals and objectives of
10 the Kuskokwim River Partnership Project.

11

12 The Kuskokwim River Partnership Project
13 is intended to provide a mechanism to meaningfully
14 integrate Kuskokwim tribes and Federally qualified
15 subsistence users into the decision making process for
16 fisheries management on Federal public waters of the
17 Kuskokwim River drainage.

18

19 Deferring Fisheries Proposal FP17-05
20 will provide time for full implementation of all
21 aspects of the Kuskokwim River Partnership Project
22 before decisions are made about the necessity of
23 regulatory changes to the Federal subsistence
24 regulations.

25

26 It is OSM's recommendation that the
27 delegation of authority letter could be the mechanism
28 utilized to address any immediate concerns until the
29 full implementation of the Partnership Project is
30 complete. The delegation of authority letter for the
31 Kuskokwim is more than 14 years old and OSM is
32 currently in the process of revising delegation of
33 authority letters in Alaska for Board consideration.

34

35 Some revisions to the letter could
36 include specific guidance about annual expectations for
37 collaboration among identified stakeholders, carrying
38 out fishery management decision making processes and
39 requirements for issuing special actions.

40

41 One final note. Should the Board adopt
42 the proposed regulation, OSM recommends that the
43 regulatory language be amended to clearly state that --
44 so I'm going to read the proposed regulation then
45 change the wording a little bit at the end -- for the
46 Kuskokwim area, Federal subsistence management plans,
47 strategies, fishing schedules, openings, closings, and
48 fishing methods are issued independently by the Federal
49 Subsistence Management Program, which includes the
50 Federal In-Season Manager in consultation with
51 appropriate agencies and entities.

1 The two words added to this would be
2 Federal Subsistence Management Program, program being
3 one word, and then comma which would be the second
4 word.

5
6 Other than that, Mr. Chair, Members of
7 the Board, I would be happy to answer any questions
8 that you may have.

9
10 CHAIRMAN CHRISTIANSON: Thank you. Is
11 there any questions by the Board.

12
13 (No comments)

14
15 CHAIRMAN CHRISTIANSON: Thank you for
16 that analysis. Move on to summary of written public
17 comment. Regional Coordinator.

18
19 MS. PATTON: Mr. Chair and Members of
20 the Board. There were no written public comments that
21 were submitted to the Board during that comment period.

22
23 Thank you.

24
25 CHAIRMAN CHRISTIANSON: Thank you. Now
26 the floor is open to public testimony or anybody who
27 may be online. We do have one here. LaMont Albertson
28 from Bethel. You're up.

29
30 MR. ALBERTSON: Thank you. My name is
31 LaMont Albertson. I'm a 50-year resident of the Yukon-
32 Kuskokwim Delta, primarily on the Kuskokwim River. I
33 came up in 1967 on a Ford Foundation Grant and a State
34 of Alaska Grant. They took us up to the University of
35 Alaska and we worked with Alaska Department of Fish and
36 Game, U.S. Fish and Wildlife Service at that time, as
37 well as several anthropologists, as well as several
38 people who lived in the state, indigenous folks with
39 the State of Alaska, preparing us for what we hoped
40 would be a successful educational career in rural
41 Alaska.

42
43 It worked with me and I was able to
44 stay out there in Aniak primarily and raise my family.
45 I think it's something that we can still do. We can
46 still accomplish by preparing our professionals who go
47 out and work in our rural areas if we prepare them
48 sufficiently. I think they are willing to commit and
49 make their career in those areas.

50

1 I would encourage the Fish and Wildlife
2 Service and the Alaska Department of Fish and Game to
3 think in terms of when you hire professionals to come
4 out there and work with us that you think in terms of
5 them being long term so that they can get a real feel
6 for the culture and a feel for the way things are done
7 in rural Alaska, which believe you me is much different
8 than what we do here in Anchorage.

9

10 Having said that I need to take time to
11 thank the many people and the many different
12 institutions who helped me get to this point with my
13 Federal Proposal 17-05. I want to thank the half dozen
14 or so employees who work here in Anchorage. The people
15 that I worked with in Bethel that helped me understand
16 the process.

17

18 I have to say that the process -- I'm
19 educated in Western institutions, Western university
20 systems, just like many of you, and I have to say that
21 that process is a real challenge, but I also have to
22 say very quickly, having said that, that I had a great
23 deal of help at OSM. Not just at OSM, but Alaska
24 Department of Fish and Game Division. While they may
25 have disagreed somewhat with my intent in trying to put
26 this proposal forward, they were very honest with their
27 disagreement and they helped me understand how this
28 process works also, so I thank them.

29

30 I also want to thank the Subsistence
31 Division for the Alaska Department of Fish and Game up
32 in Fairbanks for their help in illuminating some of the
33 long-term meanings of the proposal right here. I want
34 to thank the many biometricians and biologists from
35 Auburn University, from Michigan State University and
36 the various personnel at the Inter-Tribal Fisheries
37 Commissions in both the Columbia River, the Great Lakes
38 and in the Northwest also because they certainly
39 broadened my insight into the challenges that I think
40 we, as an Inter-Tribal Fisheries Commission, are up
41 against here in trying to establish a meaningful role
42 for being involved in the decision-making process which
43 allowed the subsistence use of our fishery out there.

44

45 I also want to thank the people at
46 University of British Columbia and the Simon Fraser
47 University also. The Canadians have a different take
48 on this and it is interesting to look at things the way
49 they look at them.

50

1 I want to thank you folks also for this
2 opportunity to come forward before you. As I said, I
3 was educated in different universities throughout the
4 United States and here at UAA and UAF in the state of
5 Alaska. One, I was a social science major and one of
6 the things I learned was how the democratic
7 institutions are on University campuses. In the
8 process of getting my teaching certificate and my
9 training for working at university it was imprinted
10 upon me the importance of the democratic process.
11

12 That's one of the reasons that I'm here
13 today is to encourage you as a Board to think of ways
14 that you can make this process more fair. If you make
15 it fair, it will be a more democratic process. If you
16 want those of us who live in rural Alaska and want to
17 be residents of rural Alaska if you want us to be
18 responsible for the decisions that we make out there,
19 make us a part of the process. Give us a meaningful
20 role. Not just a role that you can pass off at the end
21 of your cycle, but a role where we have something to
22 say. We have a stake and we have something to lose if
23 our decision is wrong anyhow.
24

25 We don't in any way, shape or form want
26 to take over this process. We have the greatest of
27 admiration for the Federal Wildlife Service or the
28 Alaska Department of Fish and Game. We just think the
29 bottom line is that all of us ought to be coming to the
30 table together in a very meaningful way. It shouldn't
31 be a Father Knows Best situation where the
32 administrators take us and make us sit down and tell us
33 the way it's going to be.
34

35 We want them to do as Dr. Lewis
36 Coggins, who works for you folks, and Ben Staton, a
37 Ph.D. student at Auburn University, did this summer.
38 We hope that that process will be followed not just
39 with the Feds but with the State also as we go forward.
40 Where we are brought to the table and you educate us
41 about what our salmon
42 need.
43

44 You know the two reasons why you exist.
45 Number one, they are to help protect the resource to
46 make sure that resource is there for future
47 generations. It is also, as it's written into ANILCA,
48 to protect our Federal subsistence users out there.
49 And we want to be a part of that process. We want to
50 help in that decision-making process.

1 The best way I think for you to do that
2 with us is to give us a part of the responsibility. We
3 don't want to be the managers in our own right. Make
4 no mistake about that, but we do want to be involved in
5 the educational part of the process where you tell us
6 why you're making the decisions that you're making. We
7 would like to have some honest input into that process
8 also.

9

10 As noted in the discussion by Gary here
11 on Page 124 of your book, this proposal seeks to
12 address problems with implementing the twin goals of
13 the Federal Subsistence Management Program. Number
14 one, and I'm iterating here, but it's important we
15 implement sustainable fisheries management that protect
16 biodiversity and fish species on Federal land.

17

18 Number two, the implementation of
19 provisions of ANILCA to protect Federally qualified
20 subsistence users. Again, this is an iteration for
21 sure and you're going to hear me iterate this several
22 times and not maybe just here but if you listened to me
23 in other meetings. The aim of this proposal is not to
24 change or disrupt Federal/State relations. We hope
25 this will strengthen those relations. The aim of this
26 proposal is to improve the
27 implementation of the Federal Subsistence Management
28 Program on the Kuskokwim River so the subsistence users
29 of the Kuskokwim are honored as they should be honored
30 as long-term residents out there.

31

32 Those of you who have taken time to --
33 or have had the time, I know you're all very busy, but
34 those of you who have taken the time to study this
35 issue I address, and these are the talking points that
36 I would like to bring up for you and if you have any
37 questions for me after the fact, be sure and ask me
38 about them.

39

40 The provisions of ANILCA and the
41 Federal land management mandates differ in certain
42 critically important way from the State of Alaska that
43 guide the Alaska Department of Fisheries Commercial
44 Division in the management of our salmon on our Federal
45 lands. They have different mandates and they do things
46 differently.

47

48 Simply put, it is not the job nor has
49 it ever been the job of the Alaska Department of Fish
50 and Game to ensure that the provisions of ANILCA are

1 implemented to protect Federally qualified subsistence
2 users. What this means is that the current regulatory
3 language provides no incentive for the Federal
4 Subsistence Management Program to undertake an
5 independent analysis to ensure that the Federal
6 Subsistence Management Program goals are met. As it
7 exists right now, the regulations put the burden of
8 proof on subsistence users and communities approve that
9 Federal management is necessary.

10
11 Now I want you to think about the
12 difference in the way you manage things here in
13 Anchorage and the way we have to manage things say in a
14 village on the Kuskokwim River that has 100 or 150
15 people. Do we have the expertise to challenge you or
16 to challenge the status quo? Do we have somebody in
17 that village to speak for us who understands the way
18 this process works? No, we do not. We need that. We
19 need to make this process simple where it's easy for us
20 to go forward. Where it's easy for us to challenge
21 regulations or rules which inhibit our ability to
22 exercise our subsistence rights as we see them.

23
24 I think that by providing regulatory
25 language that will force the Federal government or will
26 encourage the Federal government to undertake
27 independent analyses is what we need to do. That's the
28 way that we need to go right now. I don't think that
29 the analysis the State has done has always been to our
30 best interest, to subsistence users best interest out
31 there. We need to encourage you to encourage your
32 managers to come up with an independent analysis of the
33 challenges that we face being able to meet our
34 subsistence needs out there.

35
36 An example of what I'm talking about is
37 that in 2013 with our Kuskokwim king management the
38 Federal Subsistence Management Program took no action
39 while the State system of management allowed harvest on
40 severely declined stocks resulting in a failure to meet
41 critical escapement goals on Federal lands as well as
42 other tributaries throughout the watershed.

43
44 We wanted to take action then. We
45 encouraged our Federal managers to take action and
46 personally I think I understand some of the reasons why
47 actions were not taken, but actions should have been
48 taken at that time. Subsequent to that summer the
49 Alaska Department of Fish and Game offered an apology
50 to us for the mistakes they had made in managing the

1 chinook fishery that summer, which we certainly
2 appreciated, but that apology did not fill our salmon
3 larders or fill our smokehouses out there. That did us
4 no good. Apologies are cheap. Again, I applaud the
5 State for doing that, but it was a mistake that should
6 not have been made with a population that was as low as
7 it should have been then.

8

9 I think changing this regulation is
10 necessary for ensuring the Federal Subsistence
11 Management practices align with Federal mandates in the
12 Kuskokwim Region. For me, as a 50-year resident out
13 there and realizing and recognizing what subsistence
14 means to my neighbors and my relatives in the
15 community, this is a no-brainer. This is something
16 that's absolutely got to happen and we really want you
17 to help us make this happen. It needs to happen now.
18 If it's not going to happen now, when is it going to
19 happen? That's the question that I pose to you. We
20 need to take action on this.

21

22 I think a Federal independent analysis
23 right now is probably the first priority that I would
24 suggest you take on. We need for you to be looking at
25 our subsistence needs out there in addition to what the
26 State does. We need for you to be making your own
27 predictions about what our returns are going to be,
28 what our escapements are going to be.

29

30 I think this will bring honest
31 discourse to the table. It will allow people on one
32 hand who are dedicated to protecting those resources,
33 meaning the State and other entities, you, who are
34 dedicated to protecting these resources also, it will
35 allow you to bring your conclusions to the table and we
36 can sit there and evaluate these conclusions and follow
37 you as you go through the process of reaching your
38 conclusions. But just involve us in this process so
39 that we understand what's going on.

40

41 I think the more involvement there is
42 between the biologists on the State of Alaska side, and
43 there's some very talented people over there and I have
44 the greatest respect for them, with your biologists and
45 your biometricians, and, again, you have some great
46 people working with us out there and we certainly
47 appreciate the Federal government's guidance.

48

49 But by bringing all of us to the table
50 we will reach better conclusions. We will be able to

1 balance what one side thinks off the other side and
2 people will have to present the evidence and their
3 defense of the positions that they have taken.

4

5 In democratic institutions, the way we
6 do things in the United States -- again, that's a no-
7 brainer. That's the way it should have been happening
8 all along. I'm challenging you right now to start
9 taking steps so that this might happen and help us in
10 meeting our subsistence goals out there.

11

12 So I urge you as a Board to provide
13 transparent assurance that the Federal Subsistence
14 Program has made a best science-based assessment of the
15 need to assume management of the Kuskokwim River salmon
16 management runs.

17

18 Directly related to the problem that
19 I'm addressing right now is the need to develop a
20 transparent pre-season management strategy with trigger
21 points that identify for users and managers when State
22 and Federal management is needed. The way it's going
23 right now or the way it has gone with the State calling
24 most of the shots is that decisions are not made until
25 late in the season. Information is not even made
26 available until too late in the season.

27

28 We find ourselves in our villages out
29 there trying to decide who is going to come up with a
30 special action request to the Federal government. This
31 creates some internal problems for us, internal
32 decisions. We should know well ahead of time. We
33 should know by February, January or February, if
34 there's going to -- what the population predictions or
35 returns are going to be for the following summer.

36

37 There shouldn't be any mystery to this.
38 We're collecting information all summer long. If that
39 information is available in this computer age, we
40 should be able to reach conclusions. We shouldn't be
41 waiting until April or May. Oft times the Alaska
42 Department of Fish and Game, probably for good reasons
43 that I'm unaware of, doesn't make that information
44 available to us. We've heard that it's a lack of staff
45 or whatever the reasons are for them not making the
46 information available to us, but we think that time has
47 passed.

48

49 We think in this day and age that
50 information should be made available well ahead of time

1 and you should not put the onus, put the weight on us
2 to make those sort of conclusions so we have to decide
3 which village or which groups thinks that we ought to
4 come up with a special action request. Let's be
5 proactive and let's do that early in the season.
6

7 It's a critical need, as I've said, to
8 have a pre-season management strategy in place which
9 clearly identifies the condition under which the
10 Federal Subsistence Management Program will assume
11 management of the king salmon runs or of other
12 declining fish stocks in the future.
13

14 The current special action request
15 approach is not working efficiently and we need to move
16 away from it. Again, as I've said, waiting until May
17 to determine how that management program is going to be
18 executed in the summer is just way too late.
19

20 That's basically addressing my talking
21 points, the things that I think we need to address
22 immediately. And I want to share some heartfelt
23 thoughts with you.
24

25 I've been out there 50 years. I've
26 raised all six of my children who all graduated from
27 Aniak High School where I lived. My grandchildren enjoy
28 the bounty of the land out there. I enjoy the bounty
29 of the land out there. It's a great place to live. I
30 can't think of any other place that I'd ever want to
31 live. I'm always going to be visiting my relatives and
32 stuff because I have family elsewhere, but it's where
33 I'm going to be buried, right there along with my
34 children.
35

36 I just would like to do a mind meld
37 with you right now. I'd like for you to forget that
38 within striking distance you have 100 grocery stores
39 where you can go and shop. Just imagine that you don't
40 have that opportunity. And imagine that of late, you
41 know, your children are bombarded with all these
42 advertisements on the television and in the major media
43 about eating foods which you know are not good for
44 them. Sugar-based foods and foods which are absolutely
45 not healthy.
46

47 But going right by your front door,
48 right in the very village that you live in, is the
49 healthiest food that God has ever put on the earth and
50 that's been established by the public health service,

1 by the Yukon-Kuskokwim health corporations and by
2 health corporations all around this state. Those
3 subsistence resources are life-sustaining and life-
4 prolonging foods and it's what our people out there
5 should be allowed to eat.

6
7 What subsistence means to the people
8 that live in Aniak and that live in the villages that
9 I've been exposed to in the time that I've been up in
10 Aniak is not one of those things that you can
11 articulate. I've tried to articulate this to the
12 Alaska Department of Fish and Game, to the leadership
13 of the Alaska Department of Fish and Game, and I
14 failed. Probably in part because I'm not that good of
15 a communicator, but probably in part because of the
16 lack of common experience.

17
18 You know, there are experiences growing
19 up in urban areas and there are experiences in managing
20 from urban areas where food is always available to you
21 are just entirely different than my neighbors who live
22 in the rural villages out there.

23
24 To tell you what subsistence means,
25 subsistence is not -- the way it's become to me is kind
26 of an antiseptic term, an academic term. We talk about
27 subsistence just blythly, like it's just another thing.
28 It's not. We talk about it without giving the due
29 importance to subsistence resources to our village
30 people.

31
32 An elderly gentleman yesterday in his
33 presentation suggested that customary and traditional
34 usage are the terms that we ought to be using. I
35 couldn't agree with that more because I think that says
36 far better what those subsistence resources mean to my
37 neighbors and to the Kuskokwim River Inter-Tribal
38 Fisheries Commission. Subsistence or those customary
39 and traditional foods are things that we need to keep
40 us healthy.

41
42 This final little bit of personal
43 information I share with you, I've been arguing with
44 myself for some time here when I knew that I was going
45 to make this presentation whether I should share it
46 with you because it's very personal, but I am going to
47 share it with you because I'm trying to get across to
48 you how important our subsistence resources are and how
49 important it is that you be very careful in how you
50 ensure that we're able to meet our subsistence needs.

1 As I said earlier I raised my children
2 in Aniak. One of my daughters, a beautiful Yup'ik
3 girl, absolutely drop-dead gorgeous, beautiful Yup'ik
4 girl, contracted leukemia when she was 11 years old and
5 it was early in the '70s when we had to go down to
6 Seattle to find treatment. You couldn't get the
7 treatment in Anchorage that you needed.

8
9 It put a serious burden on our family
10 and actually put a serious burden on the community of
11 Aniak, but the Yup'ik people there and the fine people
12 of Aniak stood behind us and supported us and both my
13 wife and I were school teachers, so we went back and
14 forth to Seattle. Eventually she succumbed to the
15 disease or probably more likely to the deleterious
16 effects of the treatment of leukemia at that time.

17
18 Anyhow, we were going back and forth
19 down there and we took turns staying down there and
20 family came up from the Lower 48 to support us also in
21 Seattle. Towards the last part of her life, maybe the
22 last two weeks, she was in and out of ICU and they were
23 keeping her alive and we really appreciated that very
24 much.

25
26 But we had a great fortune to run
27 across this most beautiful human being. It was Bella
28 Hammond, Governor Jay Hammond's wife's sister, and she
29 worked down there in the ICU with the critically ill
30 children who had leukemia or had different cancers like
31 that. I was a young parent at the time and didn't
32 really understand all I needed to understand about
33 parenting and certainly didn't understand the absolute
34 importance of subsistence food to my neighbors.

35
36 What she started doing for us, maybe
37 the last 10 days or two weeks of her life, is that she
38 brought in subsistence foods. She brought in agooduk,
39 aquataq, I think as we say up in Inupiat country. She
40 brought in salmon. She brought in all sorts of foods
41 that were subsistence foods. While my daughter's body
42 was in the process of dying, for a few hours every day
43 she was alive, she was herself, she was the girl that I
44 remembered, that my wife and I and my family had grown
45 up to love.

46
47 That is what subsistence food means.
48 Subsistence food keeps us as a culture and a rural
49 people living in the state of Alaska alive. It keeps
50 us alive with class. That's what you're doing as a

1 Board, is you're making sure that we are able to
2 continue using our subsistence foods.

3
4 I would just ask you whatever your
5 background is that you try really hard just to realize
6 how important it is that you protect these subsistence
7 food for us and that you help us get involved in the
8 process of protecting those subsistence foods
9 ourselves.

10
11 I know those of you that I'm talking to
12 right now are subsistence users. I know that I'm
13 talking to the choir, but I know a lot of you who are
14 not subsistence users I'm just asking you to kind of
15 remove yourself from your background, your situation,
16 and try to identify with just how important subsistence
17 is all about.

18
19 All these academic terms and all these
20 things I've said here to you today, that's the way we
21 communicate. That's the way we get business done. But
22 the way we live and the way we live with a quality of
23 life in rural Alaska is by depending upon our
24 resources. It's a tremendous burden that you bear in
25 helping us manage those resources.

26
27 We ask again that you'll help us,
28 you'll involve us in using those resources, you'll
29 involve us in making decisions which will determine how
30 those resources are utilized.

31
32 Without belaboring the points that I'm
33 making any longer that's basically what I have to say
34 and I thank you so very much for providing this forum
35 where the Inter-Tribal Fisheries Commission and myself
36 as a parent and a resident of rural Alaska can come
37 share my thinking with you.

38
39 Thank you very much and I'd be glad to
40 answer any questions that you may have for me.

41
42 CHAIRMAN CHRISTIANSON: Thank you, Mr.
43 Albertson and definitely appreciate your view on
44 subsistence. I know for myself I live in rural Alaska
45 and can relate to exactly what it is you're talking to
46 and providing that for my extended family who find
47 themselves in that place too and it does lead to a
48 level of comfort that they can enjoy the things that we
49 get from the land and it does instill life in people,
50 especially during those trying times.

1 So I definitely appreciate your story
2 today and look forward to trying to help you and the
3 Yukon-Kuskokwim Inter-Tribal Fish Commission meet the
4 needs of those Kuskokwim people as we know the resource
5 is very important to rural Alaskans and how it is more
6 than just a food source.

7
8 So definitely appreciate that and look
9 forward to trying to help the people in the Kuskokwim
10 meet their subsistence needs over time. I know it's
11 something here this Board takes very seriously in
12 trying to meet the needs of the people of the land and
13 providing access to resources. So definitely
14 appreciate your presentation and commitment to the
15 cause.

16
17 Thank you.

18
19 MR. ALBERTSON: Thank you for the
20 forum.

21
22 CHAIRMAN CHRISTIANSON: Is there any
23 additional questions for Mr. Albertson.

24
25 Mary.

26
27 MS. MCBURNEY: Thank you, Mr. Chair.
28 Thank you for that very moving and heartfelt testimony,
29 Mr. Albertson. My question is you presented a great
30 deal of information in your testimony and I'm wondering
31 how you perceive or visualize the system you have in
32 mind working with or alongside or is it completely
33 separate from the Kuskokwim River Partnership Project?
34 I'm not quite clear if there's a nexus there or if
35 you're envisioning something entirely different.

36
37 MR. ALBERTSON: Good question. Let me
38 share with you what Gary Decossas read earlier. The
39 proponent, of course, is me. The proponent requests
40 the Federal Subsistence Management Program, including
41 the Federal In-season Manager, to work with the Alaska
42 Department of Fish and Game, the Kuskokwim River Salmon
43 Management Working Group and the Kuskokwim River
44 Inter-Tribal Fisheries Commission, whom I represent, to
45 determine a management strategy for the Kuskokwim Area
46 fisheries.

47
48 The proponent, me, clarified that I am
49 supportive of the Regional Advisory Councils, the RACs,
50 I've made my presentation to my RACs, both of which

1 have influence or represent our area there. I had
2 unanimous support with them bringing this forward to
3 you. I also have the greatest respect for the Federal
4 Subsistence Board, the process that you folks have got
5 in place here.

6
7 So all I'm saying is that we all come
8 to the table with just a little bit more equality and
9 that you treat us just a little bit more respectfully.
10 Again, I've worked as an educator out there for umpteen
11 years and some of the brightest people I've ever dealt
12 with in my life are not only university campuses that I
13 represented earlier but the students sitting in my
14 classroom. We're plenty smart. Just involve us in
15 this process.

16
17 I think bring all these parties
18 together, to directly answer your question, to a table
19 and let us sit down. Don't turn this over just to the
20 Alaska Department of Fish and Game to make those
21 determinations. Let us make this a collaborative
22 process.

23
24 It worked well last summer what you
25 folks were doing. Ken Stahlnecker is here in the group
26 and he can tell you a little bit about it. We came to
27 the table with Dr. Lewis Coggins and Ben Staton, as I
28 mentioned earlier, from Auburn University, and we sat
29 down and we made collaborative decisions. And we made
30 the situation flex. The Alaska Department of Fish and
31 Game, to their credit, and I certainly appreciate it,
32 changed some of our regulations for Kalskag, our
33 community there. By coming together and having this
34 collaborative effort, we were able to make last summer
35 work.

36
37 But I think that's the main thing right
38 there is just getting all of us to the table and let's
39 make this a fair process. Again, as I said in my
40 presentation, not a Father Knows Best, but we're a
41 family. We come together as a family. We make the
42 decisions that are in the best interests of our
43 subsistence users out there.

44
45 The decisions that are in the best
46 interests of our subsistence users are the decisions
47 that are in the best interests of the Alaska Department
48 of Fish and Game and the U.S. Fish and Wildlife
49 Service. We're all in this together. We really are
50 all in this together. I know it's very different out

1 there when you fly out there, those of you who live in
2 urban areas, but we're truly just all one big family up
3 here.

4

5 If we can come together and make this a
6 very collaborative process, I would be a very happy
7 camper. I don't know if I answered your question or
8 not, but that's where I'm coming from.

9

10 MS. MCBURNEY: Thank you, Mr.
11 Albertson. Actually you prompted another question if
12 that's okay.

13

14 MR. ALBERTSON: Go for it.

15

16 MS. MCBURNEY: Okay. One of the
17 recommendations that was laid out in the analysis was
18 that we have a rather elderly Letter of Delegation of
19 Authority. It's about 14 years old. I'm wondering if
20 many of the things that you have outlined might be
21 addressed within the Letter of Delegation to the in-
22 season manager and whether that might be a way that we
23 could get to where you're headed.

24

25 MR. ALBERTSON: I would like to believe
26 that. I personally would rather that you not defer my
27 recommendations here. I would prefer that you adopted
28 them as the RACs have, as they've supported me
29 unanimously. And it's not that there's not a person
30 out there that I don't have the utmost professional
31 respect for. I have worked with some great
32 professionals, not just with the U.S. Fish and Wildlife
33 Service but with Alaska Department of Fish and Game and
34 some of those gentlemen are right here today and I just
35 have the utmost respect for them.

36

37 But there's such a turnover. When
38 somebody comes along, they bring their philosophy, they
39 bring their thinking. I, of course, at the tender
40 young age of 73, I'd like to see something that's
41 fairly structured, that's not going to allow a lot of
42 deviation, that's going to guarantee that the
43 subsistence users out there have a meaningful place at
44 this table.

45

46 I'm afraid with the changes in
47 management -- and we're certainly exposed to a lot out
48 there, much more often than you are I think in your
49 positions here in town. I'm afraid with that turnover
50 that the mandate will change. There will be different

1 interpretations and we'll be going through this process
2 over and over again. So I would like to see something
3 that's more structured that clearly states that we
4 should all be coming to the table in meaningful ways.

5
6 Again, let me emphasize to everyone --
7 and I've heard what I'm trying to do here
8 mischaracterizes and that's why I'd like to clarify
9 this. We don't want to manage things. We just want to
10 be a part of a management process. We're not trying to
11 take away any of the authority the State of Alaska has,
12 the U.S. Fish and Wildlife Service has. We just want
13 to meld that authority together and kind of go forward
14 from there. But I would like to see a little bit of
15 structure that mandates that changes be made that will
16 involve local people in the decision making regarding
17 the utilization of subsistence resources.

18
19 I hope that answered your question.

20
21 MS. MCBURNEY: Yes. Thank you.

22
23 MR. ALBERTSON: You bet.

24
25 CHAIRMAN CHRISTIANSON: Is there any
26 other questions for Mr. Albertson. Beth.

27
28 MS. PENDLETON: Beth Pendleton. I'm
29 Regional Forester for the Forest Service and thank you
30 for your testimony.

31
32 MR. ALBERTSON: Yes, ma'am. Nice to
33 meet you.

34
35 MS. PENDLETON: Thank you. Yeah. I
36 just wanted to maybe restate Mary's question so that
37 maybe it makes sense to me.....

38
39 MR. ALBERTSON: Sure.

40
41 MS. PENDLETON:and just ask you
42 for a little bit more thought on it. And recognizing
43 that the Kuskokwim River Partnership Project is fairly
44 new and maybe not fully developed. So what I wanted to
45 hear your thoughts about, could the Kuskokwim River
46 Partnership Project meet the intent of this proposal?
47 And if it's currently not headed in that direction,
48 what might be some of the opportunities to either
49 structure or provide input to that Partnership Project
50 to attain some of the objectives that you're seeking in

1 your proposal.

2

3

4 MR. ALBERTSON: To make sure I
5 understand your question, you're asking me if my
6 proposal meets the partnership expectations for that
7 proposal there. You know, I think that it does. This
8 is the pass pass in the process and I think you heard
9 Gary reference some fine tuning that may need to take
10 place in the process.

11

12 Again, as a layman, despite the great
13 help I had from the Fish and Wildlife Service and the
14 Alaska Department of Fish and Game, there's probably
15 some gaps in my proposal here that need to be
16 addressed. But I think that it will meet what -- the
17 direction that we got in trying to establish a
18 demonstration project out there, I think this will help
19 us meet that and maybe they can be embellished and that
20 would make it better. But from my point of view this
21 right here would go a long ways towards meeting what
22 needs to happen out there.

23

24

25 I'm just asking for respect on the
26 Alaska Department of Fish and Game and U.S. Fish and
27 Wildlife Service for the subsistence users out there
28 and to make sure that they're meaningfully involved in
29 the process. You know what meaningful means from your
30 perspective and I know what meaningful means from my
31 perspective also. We just want to play a part in the
32 whole process out there.

33

34

35 I don't know if I answered your
36 question, so feel free to go further if I haven't.

37

38

39 MS. PENDLETON: That helps maybe just
40 for my understanding too. Do you feel that currently
41 the stakeholders who need to be represented in the
42 partnership are currently at the table?

43

44

45 MR. ALBERTSON: Well, we're just
46 starting out, so as much as is practical under those
47 circumstances, yes. I mean I think they are at the
48 table and I think the way the Fish and Wildlife Service
49 in Bethel handled things this past summer that they did
50 everything they could do, getting people to the table
51 to be involved in this process.

52

53

54 With funding and stuff like that,
55 speaking literally, getting all those people to the
56 table while we have to make those real-time decisions

1 in the summertime can be just a little bit of a
2 challenge. But as much as is practical under the
3 circumstances I think those people were at the table
4 last summer.

5

6 I need to be honest here, that's
7 clearly my reference point, is the way things were
8 handled last summer and I was involved in every single
9 one of those meetings there. I think we were treated
10 with respect from the U.S. Fish and Wildlife Service in
11 that process. Again, I think this process can probably
12 be improved, broadened, made more democratic in time.

13

14 MS. PENDLETON: Thank you.

15

16 MR. ALBERTSON: Thank you. And I
17 appreciate your concern.

18

19 CHAIRMAN CHRISTIANSON: Any other Board
20 discussion, questions.

21

22 (No comments)

23

24 CHAIRMAN CHRISTIANSON: We definitely
25 appreciate your time.

26

27 MR. ALBERTSON: If I could make one
28 concluding comment. If you do decide to defer -- and I
29 hope that you won't. If you do decide to defer on
30 this, keep in mind that we don't want to be left
31 hanging until the last minute with the decision being
32 made and us having to make a decision in April or May
33 again and us having to go through with the internal
34 stuff that we have to go through to come up with a
35 special action request.

36

37 So if you're going to defer, defer, but
38 go ahead and let's get to work on this thing so that
39 we're not faced with what we've been faced with in past
40 years.

41

42 And thank you very much. I appreciate
43 the forum here. I appreciate the respect that you've
44 accorded me.

45

46 Thank you.

47

48 CHAIRMAN CHRISTIANSON: Thank you, Mr.
49 Albertson. And I can assure you the Board is very
50 adamant on trying to meet the needs of subsistence

1 users in Alaska.

2

3 MR. ALBERTSON: All right. Thank you,
4 sir.

5

6 CHAIRMAN CHRISTIANSON: Any other
7 questions.

8

9 MS. CLARK: I do. I have a question.
10 Actually I'm going to ask for a suspension of the rules
11 and ask if Ken Stahlnecker, the Refuge Manager, can
12 come up and testify during public testimony.

13

14 CHAIRMAN CHRISTIANSON: I don't see a
15 problem. I think this is an issue that merits special
16 attention here today as it's trying to seek additional
17 involvement and making everybody feel like they're
18 involved in the process and that it's meaningful. So
19 whatever we can do today to make that happen.

20

21 MR. PELTOLA: Mr. Chair. If I may
22 clarify that Mr. Stahlnecker is not only the Refuge
23 Manager of Yukon Delta National Wildlife Refuge, he
24 also has delegation of authority for in-season
25 management on the Kuskokwim.

26

27 CHAIRMAN CHRISTIANSON: You have the
28 floor.

29

30 MR. STAHLNECKER: Thank you, Mr. Chair.
31 Members of the Board. For the record, my name is Ken
32 Stahlnecker. I'm the Refuge Manager for the Yukon
33 Delta National Wildlife Refuge.

34

35 I want to start my comments by
36 expressing that Yukon Delta National Wildlife Refuge as
37 well as the Fish and Wildlife Service
38 concur wholeheartedly with Mr. Albertson's stated
39 desire to achieve a coordinated management of Kuskokwim
40 River salmon fishery. I think as he put it, to try to
41 bring all of the relevant members together at the
42 table. We are very much supportive of a coordinated
43 State and Federal management structure augmented by
44 robust input and advice from tribal and rural
45 subsistence users along the Kuskokwim.

46

47 The Kuskokwim River salmon fishery is
48 by necessity a dual-managed fishery with State and
49 Federal governments, each playing significant
50 collaborative roles in its management. As written,

1 Proposal 17-05 could confuse this current management
2 structure by placing the Federal government in charge
3 of independently issuing management plans and
4 strategies. We feel again that the collaborative role
5 between State and Federal is absolutely necessary.
6

7 As Deputy Regional Director Clark
8 mentioned yesterday in her opening remarks and as OSM
9 mentioned in their analysis of the proposal, Fish and
10 Wildlife Service recently initiated development of
11 Phase II of the Kuskokwim River Partnership Program.
12 You'll recall again that Phase I was implementation of
13 a Memorandum of Understanding between the U.S. Fish and
14 Wildlife Service and the Kuskokwim River Inter-Tribal
15 Fish Commission formalizing a consultation and advisory
16 relationship between those two bodies to guide
17 management of the fishery.
18

19 Phase II is intended to add to this
20 relationship by formalizing an advisory structure that
21 incorporates rural non-tribal residents, the Regional
22 Advisory Councils, as well as the State of Alaska to
23 ensure a more comprehensive management of the Kuskokwim
24 River salmon fishery that I believe would go a long way
25 towards addressing Mr. Albertson's concerns.
26

27 Again, I'll simply reiterate that we
28 agree entirely with the intent of Proposal 17-05.
29 However, in light of these recent actions to design,
30 develop and implement Phase II of the Kuskokwim River
31 Partnership Program, we support OSM's recommendation to
32 defer FP17-05 until we can assess the results of these
33 activities toward meeting the intentions of
34 Mr. Albertson.
35

36 Thank you.
37

38 CHAIRMAN CHRISTIANSON: Thank you for
39 that. Is there any questions.
40

41 Mary.
42

43 MS. MCBURNEY: Thank you, Mr. Chair.
44 I'm going to just pose the same question I did to Mr.
45 Albertson, which is do you see that updating that
46 letter of delegation would that provide a vehicle where
47 we might be able to accomplish many of those things in
48 terms of providing that meaningful opportunity to bring
49 people
50 together to collaboratively work on the Kuskokwim

1 fishery issues?

2

3

MR. STAHLNECKER: Through the Chair. I am certainly supportive of updating the letter of authority. I'm not sure if it would address all of Mr. Albertson's concerns. I do think that there could be a lot built into the letter of authority that could go part way. I actually think that putting together the rest of the advisory capacity that we're talking about through Phase II in a more formal manner may go a little bit more towards addressing his concerns than an updated letter of authority.

13

14

MS. MCBURNEY: Thank you.

15

16

CHAIRMAN CHRISTIANSON: Any other questions, comments, concerns.

18

19

MS. PITKA: I have a question. When you talk about deferring, is there a date attached to it? Like would we defer it to our next meeting or would it be deferred indefinitely?

22

23

24

MR. STAHLNECKER: Through the Chair. Again, in my mind it would be nice to see results from Phase II of this Partnership Program. I'm not sure exactly what schedule that may be on. But whatever period of time it takes to be able to begin to see results there. So I'm certainly not talking about indefinitely, but perhaps -- I'm not sure when your next meeting is. Perhaps a meeting a year from now we might be able to have some results from that.

32

33

34

I feel like it's worth giving it a fair shake I guess is what I'd like to say, but my intent is not to just kick this can down the road forever and never address Mr. Albertson's concerns.

37

38

39

40

41

42

43

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45

46

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49

50

MR. STAHLNECKER: Mr. Chair. I don't

1 believe it would hinder the implementation of Phase II.
2 What I do think would become difficult is it's unclear,
3 there have not been much conversation that I'm aware of
4 anyway as to exactly what some of this language means
5 in terms of management plans, strategies, et cetera.
6 So it's difficult for me to ascertain what kind of
7 effect that may have on my job as in-season manager.

8

9 CHAIRMAN CHRISTIANSON: I guess the
10 gist of what I'm seeing here, my question is I think
11 the rural users in the area are asking for a little
12 more headway in the season as to have an idea of what
13 it looks like for fishing and meeting their needs that
14 summer. It was stated that it seems like it comes out
15 late April, early May. Is there a way that that
16 information could be shared maybe locally sooner than
17 later or is it just part of the analysis process?

18

19 MR. STAHLNECKER: Mr. Chair. I'm going
20 to have to look to our partners in the State to address
21 that question. The numbers that we're referring to
22 actually come from some of the State analysis and then
23 we look at those together.

24

25 MR. LINDERMAN: Through the Chairman.
26 Board Members. Again for the record my name is John
27 Linderman, Department of Fish and Game.

28

29 I maybe want to get some more
30 clarification just to make sure I'm not making too many
31 assumptions here, but in general I believe the process
32 that Mr. Albertson was referring to was we're able to
33 determine through run reconstruction specific to
34 chinook salmon fairly early in the process. I think
35 the earliest that
36 we would really be able to say what the escapement
37 component of total annual run is in October, so fairly
38 early. The piece of the puzzle that's missing from
39 that is the harvest component.

40

41 Harvest for subsistence is being done
42 post-season during house-to-house survey process that
43 starts in September and goes through early November.
44 There's time that's necessary to then collate and enter
45 all that data and information from those surveys as
46 well as conducting the actual analysis to produce
47 preliminary estimates of what that subsistence harvest
48 was.

49

50 The earliest that we typically have

1 confidence in this preliminary estimate is late January
2 to early February. Then we're able to get the entire
3 picture of the total return or total annual run was
4 once we have that subsistence harvest number. From
5 that we can then start producing and evaluating a
6 forecast of expected returns for the coming season.
7

8 So roughly in the March timeframe is
9 when we are prepared and have all that information and
10 those analyses complete to then be able to develop
11 management strategies based upon those annual run
12 reconstructions.
13

14 So the biggest time lag in that is the
15 subsistence harvest component of that equation and
16 primarily because it's conducted post-season once
17 fishing is complete, all the way through the coho
18 fishery into September and then conducting the data
19 entry, the quality control analyses as well as the data
20 analyses themselves, then producing the forecast and
21 then developing management strategies based on that.
22

23 CHAIRMAN CHRISTIANSON: Thank you. So
24 I guess I would have to put back on what is the feeling
25 from the subsistence users in wanting to help with the
26 process and trying to speed up their reporting
27 requirement so they can have information sooner.
28

29 Again I think that's where this
30 partnership could gain strength is by educating the
31 residents on maybe the importance of reporting so that
32 we can get them information sooner, make management
33 decisions in a timely manner that can give people a
34 little more foresight into what's going to happen in
35 the coming season. Thank you for that.
36

37 Any additional questions. Rhonda.
38

39 MS. PITKA: I was just wondering why it
40 takes so long to update a letter of delegation. Is
41 that what it's called, the delegation letter? Because
42 this is actually -- it says 2002 and it's signed by
43 Mitch Demientieff, who passed away in 2009. I mean is
44 this -- it's kind of confusing.
45

46 MR. PELTOLA: Mr. Chair, if I may.
47 Yes, correct, the Yukon Delta Delegation Letter was in
48 2002. We've gone through four Refuge Managers at the
49 Yukon Delta since that time. There is an internal
50 review process regarding the delegation letter and

1 programmatically, if the program needs are being
2 addressed, then it's not modified.

3

4 At times we do go through and modify
5 some of the delegations based on circumstance. Not all
6 of them as a package. We recently went through the
7 wildlife delegation of authority letters here in the
8 last year or so and we're in the process of starting to
9 review the delegation for the fisheries throughout the
10 state.

11

12 CHAIRMAN CHRISTIANSON: Thank you. Any
13 additional questions or comments.

14

15 (No comments)

16

17 CHAIRMAN CHRISTIANSON: Thank you for
18 your time in-season manager. Now I'm going to remind
19 myself where I'm at because we went from written public
20 comment. We opened the floor to any public testimony
21 or online at this time. Anyone online that would like
22 to testify.

23

24 (No comments)

25

26 CHAIRMAN CHRISTIANSON: Hearing or
27 seeing no public, we will move on to Regional Council
28 recommendation from the Chair designee. Page 134 is
29 where it's at.

30

31 (No comments)

32

33 CHAIRMAN CHRISTIANSON: We'll call on
34 the Yukon Kuskokwim.

35

36 MR. WILDE: Thank you, Mr. Chair. The
37 Yukon Kuskokwim RAC supports FP17-05. The Council
38 emphasized the importance of everyone on the Kuskokwim
39 having a seat at the table in the salmon management
40 decision making process. They stressed that Tribal
41 consultation and input from subsistence fishers that
42 inhabit fish camps is essential in informing management
43 decisions including when conditions are conducive to
44 successfully drying fish.

45

46 The Council noted the proposal would
47 provide a stronger framework for much needed
48 coordination between the Federal and State managers and
49 Tribal communities along the Kuskokwim River. The
50 Council was very pleased with the involvement of the

1 Federal In-season Managers with the Kuskokwim River
2 Intertribal Fish Commission this past summer and felt
3 scientific and local and traditional knowledge were
4 brought to the table and considered in a collaborative
5 decision-making process.

6

7 The Council feels that this proposal
8 would further these efforts by formalizing the working
9 relationship with the Federal managers and Kuskokwim
10 Tribes and subsistence fishers and ensure the State
11 participation through the establishment of this
12 regulatory framework.

13

14 The Council stressed the need to engage
15 all stakeholders in the decision-making process and
16 affirmed the proposal will be a tool to ensure all
17 entities on the Kuskokwim River are working in
18 collaboration on in-season fisheries management.

19

20 Mr. Chairman.

21

22 CHAIRMAN CHRISTIANSON: Thank you.

23

24 Next, Western Interior.

25

26 Jack, are you online.

27

28 MR. REAKOFF: Mr. Chair, can you hear
29 me. I had some problems with the operator on this
30 call. The Council emphasized the Kuskokwim Area is a
31 major subsistence fishery. The Council noted the
32 proposal would provide a forum for much needed
33 coordination, though it unclear how implementation
34 would be conducted. The Council stressed the need to
35 engage all stakeholders in the decision-making process.
36 The Council affirmed the proposal will bring together
37 all entities on the Kuskokwim River to establish
38 coordinated fisheries management.

39

40 Ray Collins, who was before you today,
41 had to go to a medical appointment. He felt that this
42 proposal had merit and supported the proposal. The
43 Western Interior Council looks heavily to our
44 representatives who are on the Kuskokwim River. So
45 that is the primary reason that the Council supported
46 the proposal from the testimony and that Ray felt that
47 the proposal had merit.

48

49 Thank you, Mr. Chair.

50

1 CHAIRMAN CHRISTIANSON: Thank you,
2 Jack. We will hear from the Tribal and Alaska Native
3 corp comments. Native Liaison.

4
5 MR. LIND: Yes, Mr. Chairman and Board
6 Members. We had consultation November 18th and we
7 heard from the -- forgive me if I pronounce this wrong,
8 the Nunakauyarmiut Tribe on just getting an overview of
9 17-05 and Mr. Tom Kron from our Office of Subsistence
10 Management filled them in.

11
12 The only thing I would like to add
13 other than what Mr. Albertson has mentioned is again
14 the Yukon-Kuskokwim Delta and Western Interior Regional
15 Advisory Councils met and supported Proposal 17-05 as
16 written. Also the Councils appointed Mr. Robert Walker
17 and Western Interior RAC Council appointed Ray Collins
18 who both have decades of experience and are members of
19 the Kuskokwim River Salmon Management Working Group.

20
21 That's all I have, Mr. Chairman.

22
23 CHAIRMAN CHRISTIANSON: Thank you.
24 Alaska Department of Fish and Game comments, State
25 Liaison.

26
27 MS. KLEIN: Thank you, Mr. Chair. We
28 have the following comments on Fishery Proposal 17-05.
29 The State supports increased collaboration and
30 fisheries management along the Kuskokwim River. We
31 have worked with the Kuskokwim River Salmon Management
32 Working Group since 1999 as part of an effort to
33 include the public into the decision-making process of
34 fisheries management along the Kuskokwim River.

35
36 We have recently entered into a
37 discussion process with the U.S. Fish and Wildlife
38 Service and the Kuskokwim River Inter-Tribal Fish
39 Commission. This effort includes members of the
40 Regional Advisory Councils and the Kuskokwim River
41 Salmon Management Working Group to discuss part two or
42 Phase II as you've heard of the partnership project.
43 This effort is specifically working towards increased
44 collaboration among all these entities and user groups.

45
46 We would like to see this Partnership
47 Project continue to develop and see this effort already
48 addressing the intent of the proposal.

49
50 The State opposes the proposal as

1 written, but again we are supportive of the clarified
2 intent of the proposal to increase collaboration among
3 State and Federal fisheries management authorities so
4 that subsistence uses continue to be the priority use
5 for Kuskokwim River fish stocks.

6

7 The State is also supportive of
8 clarifying the delegation of authority letter and
9 updating it to the Federal in-season manager. Thank
10 you. Oh, one correction. The working group has been
11 around since 1989, not '99.

12

13 CHAIRMAN CHRISTIANSON: Thank you. Now
14 we move to the InterAgency Staff Committee.

15

16 MS. HOWARD: Thank you, Mr. Chair.
17 Board Members. Again, Anee Howard, Acting ISC Chair.
18 So in addition to the standard comments, while the
19 InterAgency Staff Committee supports the intent of the
20 proposal to work toward a unified management strategy
21 for Kuskokwim River fisheries, the Board may want to
22 consider deferring action until the collaborative
23 management aspects of the Kuskokwim River Partnership
24 Project are more
25 established.

26

27 Further, there are aspects of the
28 proposed regulatory language that may need additional
29 vetting. The regulatory requirement for Federal
30 subsistence management plans and strategies would be
31 unique to the Kuskokwim River Area; however, there have
32 not been any substantive discussion with public
33 involvement about how the proposed management plans and
34 strategies would be developed.

35

36 The Board may want to consider which
37 aspects of the proposal could be included in an updated
38 Delegation of Authority Letter, which directs how the
39 Federal in-season manager issues emergency
40 special actions. The letter includes guidelines on
41 notification and consultation with affected agencies
42 and entities. Delegation of authority letters can be
43 updated at the discretion of the Board.

44

45 That concludes the ISC comments for
46 FP17-05.

47

48 CHAIRMAN CHRISTIANSON: Thank you.
49 Move on to Board discussion with Council Chairs, State
50 Liaison.

1 (No comments)
2
3 CHAIRMAN CHRISTIANSON: Hearing none
4 we'll move to Board action.
5
6 MS. CLARK: I'd like to make a motion.
7 I'll make a motion to defer FP17-05 until
8 collaborative management aspects of the Kuskokwim River
9 Partnership Project are more established.
10
11 CHAIRMAN CHRISTIANSON: There is a
12 motion on the floor.
13
14 MS. MCBURNEY: Second.
15
16 MR. LORD: Mr. Chair. Point of order.
17 I just want to clarify. Defer until when, please. My
18 suggestion would be the next regulatory cycle.
19
20 MS. CLARK: The next regulatory cycle
21 at the most.
22
23 CHAIRMAN CHRISTIANSON: So we have that
24 until the next regulatory cycle. Did we get a second
25 on that?
26
27 MS. MCBURNEY: I would second that.
28
29 CHAIRMAN CHRISTIANSON: Under
30 discussion for myself, when is the Inter-Tribal Fish
31 Commission supposed to complete its work?
32 Ongoing? Okay. That's an ongoing process.
33
34 MS. PITKA: I have a quick question.
35 So the next regulatory cycle that will be in two years.
36 Am I right?
37
38 (Board nods affirmatively)
39
40 MS. PITKA: Okay. That seems like a
41 long time to keep people waiting.
42
43 CHAIRMAN CHRISTIANSON: So we have a
44 motion and seconded and we're now under discussion. I
45 think it still leaves room again for some of the
46 recommendations within the ISC that at any point we can
47 come back as a Board and update the delegation letter
48 and probably emphasize some of the points that may be
49 of question here for some of the Board members.
50

1 So we're still under discussion at this
2 time. We have a motion to defer with a second.

3
4 MS. MCBURNEY: Mr. Chair. I just
5 wanted to clarify. Is it Mr. Stahlnecker? I believe I
6 heard you say that after perhaps this next season there
7 may be enough results that we would have a sense of
8 where we might be able to go from here in terms of how
9 this process is working and how it might be tweaked to
10 improve and better meet the needs of the folks on the
11 Kuskokwim. Is that correct?

12
13 MR. STAHLNECKER: Through the Chair.
14 I'm going to have to defer again to Deputy Regional
15 Director Clark on how quickly we anticipate the Phase
16 II coming together and being able to actually begin to
17 see results on that.

18
19 MS. MCBURNEY: Thank you. I just
20 wanted to ground truth that.

21
22 MS. CLARK: I think I'd like to amend
23 my motion if I can do that.

24
25 CHAIRMAN CHRISTIANSON: Any opposition
26 to the amendment.

27
28 MS. CLARK: Well, I'll tell you what it
29 is.

30
31 (Laughter)

32
33 CHAIRMAN CHRISTIANSON: Oh, I mean to
34 her amending her motion. Sorry. That's what we've got
35 Ken for.

36
37 MS. CLARK: So I'll restate the full
38 motion. To defer FP17-05 until the next regulatory
39 cycle or as requested by an involved entity, so until
40 the collaborative management aspects of the Kuskokwim
41 River Partnership Project are more established.

42
43 Do you understand what I'm saying?

44
45 CHAIRMAN CHRISTIANSON: Yeah, I think
46 she's amending the original motion to that if something
47 comes up prior to the next regulatory cycle that we can
48 incorporate it into the management of the Kuskokwim.

49
50 MS. CLARK: Can I do that?

1 MR. LORD: I have been asked silently
2 if she can do that. Yes, you can amend your motion
3 with the permission of the second. My question though,
4 if you don't mind, is who is an involved entity? Who
5 do you mean by that?

6
7 MS. CLARK: The members of the
8 Partnership Project.

9
10 CHAIRMAN CHRISTIANSON: We have a
11 motion to amend. Did we have a second.

12
13 MS. MCBURNEY: Since it was my second,
14 I think I'm the one that needs to agree, but, yes, I'll
15 agree to the amendment.

16
17 CHAIRMAN CHRISTIANSON: So we have a
18 motion and then we have a motion to amend with a second
19 to include the language as stated. So it's my
20 understanding we're going to have one vote. She's just
21 amending her motion to read until the affected
22 entities, which is the Partnership Program, comes to
23 some finite conclusion.

24
25 MS. MCBURNEY: May I have a point of
26 clarification, Mr. Chair.

27
28 CHAIRMAN CHRISTIANSON: Sure.

29
30 MS. MCBURNEY: Just on the amended
31 motion now. So am I correct to understand that if
32 there is a member of the Partnership Project that
33 wishes to bring this before the Board before the next
34 fisheries cycle that that is an open option. So that
35 would be say our next meeting, which would be a year
36 from now?

37
38 MS. CLARK: Yes.

39
40 MS. MCBURNEY: Thank you.

41
42 MR. PELTOLA: Mr. Chair. Based on the
43 discussion with our record specialist, not only do we
44 have a meeting that's a year from now, we also have an
45 April work session where the Board could address it and
46 a July work session where the Board could address it,
47 in addition to this entity has at times met during the
48 October work session.

49
50 CHAIRMAN CHRISTIANSON: So we have a

1 few opportunities to
2 come back and address this. I think as well as a
3 letter of delegation if something does come up that we
4 can as a Board look at that as well.

5
6 So we do have on the table an amended
7 motion. We will do one vote. Any further discussion.

8
9 (No comments)

10
11 CHAIRMAN CHRISTIANSON: Call for the
12 question.

13
14 MR. BROWER: Question.

15
16 CHAIRMAN CHRISTIANSON: Roll call.

17
18 MR. PELTOLA: Starting on the west end
19 of the table going eastward, Unites States Forest
20 Service.

21
22 MS. PENDLETON: I support the deferral
23 and I want to state for the record my rationale. I
24 think it's important that it be deferred until the
25 collaborative management aspects of the Kuskokwim River
26 Partnership Project are more established. I'd like to
27 see the implementation of the Phase II of the
28 partnership and see how that plays out over the next
29 one or two years. Not to exceed two years. I think
30 that's important that we keep those bounds on that.

31
32 I also think it's important that we
33 ensure that all of the stakeholders that need to be
34 involved are involved in the development of future
35 management plans and strategies on the Kuskokwim. So
36 that is why I think we need to support deferral or why
37 I'm supporting deferral. Also to quickly formalize
38 that letter of delegation to the in-season manager I
39 think will be very important as well.

40
41 That's it.

42
43 Thank you.

44
45 MR. PELTOLA: Thank you.

46
47 Bureau of Indian Affairs.

48
49 MR. POLACCA: Yes. I am going to go
50 ahead and vote to support the deferral. My rationale

1 is going to be that it's very critical that we have all
2 the working partners try to work together in trying to
3 resolve this issue. It's going to become very critical
4 that we do get at least a revision of the delegation of
5 authority so it is clearly addressed what is
6 expected down the road.

7

8 The Chair did bring up or it was
9 brought up that there is a second opportunity or
10 several different opportunities there, our April
11 meeting and then July, in the event that this doesn't
12 move forward, then it can be entertained again at that
13 time. So definitely keep us on tap.

14

15 MR. PELTOLA: Thank you.

16

17 Public Member Pitka.

18

19 MS. PITKA: I oppose the deferral. I
20 think that we need to come to a decision today. We can
21 take an action today. It would support the public
22 interest to take an action.

23

24 Thank you.

25

26 MR. PELTOLA: Thank you.

27

28 Public Member Brower.

29

30 MR. BROWER: Nay for the same reason.

31

32 MR. PELTOLA: Fish and Wildlife
33 Service.

34

35 MS. CLARK: I support the deferral with
36 the following rationale. The Fish and Wildlife Service
37 supports the intent of the proposal, which is to
38 continue to define the collaborative strategy for
39 fisheries on the Kuskokwim River. However, there are
40 still some issues that need to be resolved. For
41 example, some of the aspects of the proposal may be
42 more appropriate for an updated delegation of authority
43 letter for the Federal in-season manager given that the
44 current letter was signed in 2002. Updating this
45 letter is an important next step and should be a
46 priority moving forward.

47

48 Additionally, we should also consider
49 the Partnership Project and the work that continues
50 there, which recognizes the importance of everyone on

1 the Kuskokwim having a seat at the table in the salmon
2 management decision-making process.

3

4 Currently the Kuskokwim River Inter-
5 Tribal Fish Commission, the affected Regional Advisory
6 Councils, the State of Alaska, the Office of
7 Subsistence Management and the Fish and Wildlife
8 Service have formed a team and are working to define a
9 mutual strategy for the fishery. I would really like
10 to give that an opportunity to be successful without
11 further complications that could arise from a new
12 regulation on the river.

13

14 The Y-K Delta and Western Interior
15 Councils both supported the proposal and, if deferred,
16 their recommendations would be considered when the
17 Board takes action in the future.

18

19 MR. PELTOLA: Thank you.

20

21 National Park Service.

22

23 MS. MCBURNEY: Thank you, Mr. Chair. I
24 am voting in favor of the deferral. My rationale is
25 primarily to provide an opportunity, a little bit of
26 time so that we can see how the second portion of the
27 Kuskokwim River Partnership Project develops and is
28 implemented.

29

30 I feel that the proposal that we have
31 before us could easily become a good tool for making
32 necessary tweaks later on, for example after we have a
33 season's worth of information or at some time when one
34 of the Partnership Project entities feels that they
35 have a reason to come back to the table and to request
36 further action by the Board.

37

38 I also just want to make it very clear
39 that I am very supportive of the purpose of this
40 particular proposal as it was originally presented to
41 the Board and really do appreciate the fact that there
42 needs to be a good solid structure to bring all the
43 interested entities to the table and to give folks
44 living in those communities that rely on the Kuskokwim
45 fisheries a meaningful opportunity to participate in
46 the fisheries management.

47

48 Thank you, Mr. Chair.

49

50 MR. PELTOLA: Bureau of Land

1 Management.

2

3

MR. CRIBLEY: I support the deferral
4 due to the fact that I think it is a little bit
5 premature to make any regulation changes right now
6 until we see whether the collaborative work that's
7 going on is continued. With the idea that we always
8 have the opportunity to come back and make regulatory
9 changes if that is not successful and it's necessary to
10 meet subsistence needs.

11

12

But I think it's beholden on all of
13 those cooperators to do their due diligence in making
14 this successful. There really shouldn't be a reason
15 that it shouldn't be successful. And it shouldn't be
16 the goal of the Board to force issues such as this or
17 to take actions outside of what should be a
18 collaborative process.

19

20

So I hope that all the entities can
21 come together and come to the conclusion of something
22 that is workable for the subsistence users and all the
23 users of that river.

24

25

MR. PELTOLA: Thank you.

26

27

And Mr. Chair.

28

29

CHAIRMAN CHRISTIANSON: I oppose it
30 based on the support by the Regional Advisory Councils.
31 Again, they're the eyes and ears for us here at the
32 Board Member level and I will consistently try to take
33 that position. Seeing the process, where it's at and
34 wanting to give them the confidence that they do have
35 eyes and ears here and want to see what the rural
36 members want to see. So I oppose the deferral.

37

38

MR. PELTOLA: Mr. Chair. Fishery
39 Proposal 17-05 is deferred based on a 5-3 vote, five in
40 support, three in opposition.

41

42

CHAIRMAN CHRISTIANSON: Thank you. I
43 think at this time we'll take a five-minute break and
44 we will come back for our last one.

45

46

(Off record)

47

48

(On record)

49

50

CHAIRMAN CHRISTIANSON: So it looks

1 like we will begin here this afternoon, again, after
2 the recess, with FP17-09.

3

4 You can find that at Page 143 of your
5 book.

6

7 Begin with the Staff analysis.

8

9 MR. AYERS:: Mr. Chair. Members of the
10 Board. My name is Scott Ayers and I am a biologist
11 with the Office of Subsistence Management. I'll be
12 presenting Staff analysis of FP17-09, which deals with
13 the Kasilof River experimental community gillnet.
14 Again, this can be found on Page 143 of your Board
15 books.

16

17 Proposal FP17-09 was submitted by the
18 Ninilchik Traditional Council, hereafter, referred to
19 as NTC. The proponent is seeking a number of changes
20 to the Kasilof River experimental community gillnet
21 fishery regulations that they believe would provide
22 security for a continued fishery, regulatory clarity
23 and meaningful subsistence fishing opportunity for
24 Federally-qualified subsistence users from Ninilchik.
25 The proposal contains seven separate requested changes
26 to the Kasilof River experimental community gillnet
27 fishery.

28

- 29 1. To remove the experimental
30 condition of the fishery.
- 31
- 32 2. To increase the annual duration
33 of the fishery.
- 34
- 35 3. To make the Office of
36 Subsistence Management the
37 issuer of a registration permit
38 for the fishery rather than the
39 in-season manager.
- 40
- 41 4. To replace the operational plan
42 with specific permit
43 conditions.
- 44
- 45 5. To name NTC in regulation as
46 the coordinator of the fishery.
- 47
- 48 6. To remove the post-season
49 reporting requirement.
- 50

1 7. To establish a collaborative
2 process through which NTC and
3 the Southcentral Alaska
4 Subsistence Regional Advisory
5 Council are informed and
6 consulted prior to any
7 potential closures or other
8 actions by the Federal in-
9 season manager.

10
11 This would result in a wholesale
12 replacement of all current regulatory language for the
13 fishery, if adopted as written.

14
15 A customary and traditional use
16 determination was made in 2006 for all fish in the
17 Kasilof River by residents of Ninilchik. In 2007 the
18 dipnet and rod and reel salmon fisheries were
19 established in the Kasilof River as well as a household
20 and annual total harvest limits for salmon.
21 Additionally, a winter fishery on Tustumena Lake was
22 established.

23
24 Proposals submitted in 2007 to classify
25 gillnet as a gear type for the Kasilof River were not
26 adopted.

27
28 In 2008 fishwheel was classified as a
29 gear type for the Kasilof River.

30
31 In 2015 the Board adopted Proposal
32 FP15-11 to establish a five year experimental community
33 gillnet for the river.

34
35 A request for reconsideration was
36 submitted to the Board related to adoption of FP15-11
37 but the Board found that none of the claims met the
38 threshold for reconsideration.

39
40 Various runs of salmon and other fish
41 species are in the Kasilof River during the time of
42 year in question under Proposal FP17-09, however, there
43 are three species that Federal and State managers have
44 raised concerns with related to this proposal.

45
46 A small fall run of steelhead exists in
47 the Kasilof River in the fall for overwintering, much
48 of which takes place just down stream of Tustumena
49 Lake. They spawn in the spring in the mainstem
50 Kasilof, Kasilof tributaries and tributaries to

1 Tustumena Lake. Finally, they return to the marine
2 environment between May and late June. This run was
3 greatly enhanced through hatchery reproduction for many
4 years but it has since returned to a much smaller
5 population. Estimates of harvest in the State's
6 sportfishery between 2005 and 2014 have ranged between
7 zero and 111.

8
9 Coho salmon are likely the second most
10 abundant species in the Kasilof River drainage. The
11 primary spawning location in the drainage is in the
12 mainstem of the river from Tustumena Lake boat ramp at
13 approximately River Mile 18 downstream to River Mile
14 15. There's additional spawning that occurs between
15 the boat ramp and the outlet of Tustumena Lake within
16 the boundaries of the experimental community gillnet
17 fishery.

18
19 Lastly, there are two runs of chinook
20 salmon in the Kasilof River drainage. The early run,
21 which includes a hatchery produced component spawns
22 primarily in the headwaters of Crooked Creek and is
23 thus not available for harvest -- generally available
24 for harvest in Federal public waters. The small or
25 late run spawns in the upper mainstem of the Kasilof
26 River during August and September and is available for
27 harvest in Federal public waters. Chinook salmon use
28 the same are of the river that coho salmon use for
29 spawning from River Mile 18 down stream to River Mile
30 15. Spawning chinook salmon have also been captured
31 upstream of this area within the boundaries of the
32 experimental community gillnet fishery. Estimates of
33 harvest of late run chinook salmon in the State
34 sportfishery between 2003 and 2012 range between 55 and
35 2,164. Escapement estimates generated for the run
36 between 2006 and 2008 were all in the 8,000 fish range.

37
38 In 2015 the experimental community
39 gillnet fishery was conducted during 15 days between
40 July 13th and 31st. A total of 15 Federally-qualified
41 users signed up and 223 sockeye salmon and one
42 incidentally caught lake trout were distributed.
43 Additionally, 22 sockeye salmon, 15 pink salmon and one
44 Dolly Varden were released.

45
46 In 2016 the experimental community
47 gillnet fishery was conducted during 17 days, between
48 July 1st and 27th. 94 sockeye salmon were distributed
49 to Federally-qualified users. Additionally, two
50 sockeye salmon, one chinook salmon and two lake trout

1 were released.

2

3 Again, FP17-09 includes seven specific
4 requests.

5

6 Request 1.

7

8 This request proposes to remove the
9 experimental condition of the fishery and make it
10 permanent. The following are points to consider for
11 request one.

12

13 The Board specifically adopted a five
14 year timeframe for this fishery. The removal of the
15 experimental condition of this community fishery would
16 preclude the review timeline that the Board had already
17 agreed upon. Currently, only one partial and one full
18 season for this new fishery have been implemented.

19

20 Request 2.

21

22 This request proposes to alter the
23 dates of the community gillnet fishery from the current
24 July 1 through 31 season to an expanded May 1 through
25 November 15 season. The following are points to
26 consider for request two.

27

28 The requested timeframe of May 1
29 through November 15th would create a higher probability
30 of capturing the small stock of steelhead during their
31 spawning period in the spring, during their immigration
32 period in the spring and during their immigration
33 period in the fall. The requested expanded timeframe
34 of May 1 through November 15 would increase the
35 probability of fishing a gillnet in a known spawning
36 area for coho salmon. The requested expanded timeframe
37 would increase the probability of establishing a
38 fishery that conflicts with existing Federal
39 subsistence regulations. The harvest of steelhead is
40 prohibited after August 15th and this fishery is linked
41 with salmon harvest seasons from the Kasilof River
42 dipnet/rod and reel fishery, all of which occur during
43 time periods within this date range.

44

45 Request 3.

46

47 This request proposes to replace the
48 operational plan requirement of the fishery with
49 specific permit conditions. The following are points
50 to consider for request three.

1 The Council and the Board both
2 unanimously supported Proposal 15-11 to add this
3 fishery with the understanding that conservation
4 concerns could be addressed through an annual operation
5 plan. Replacing this requirement with static permit
6 conditions would reduce the burden on the proponent
7 prior to, during and following the fishery each year.
8 This change may decrease the opportunity for the
9 Federal in-season manager and community gillnet fishery
10 operating organization to collaborate and make
11 adjustments to the fishery as necessary based on the
12 prior year's harvest and any other issues that may
13 arise. This change may limit the ability to address
14 issues with distribution of fish in the community and
15 safety concerns, should any arise.

16

17 Request 4.

18

19 This request proposes to make OSM the
20 issuer of a registration permit for the fishery rather
21 than the in-season manager. The following are points
22 to consider for request four.

23

24 Moving issuance of permits and
25 management of the fishery to OSM would substantially
26 slow the process as OSM does not currently have
27 delegated authority over the fishery or the
28 infrastructure to conduct in-season management of
29 fisheries. Absent the in-season manager, management of
30 the fishery would be conducted through the Federal
31 Subsistence Program special action request process.
32 Fishery management in Alaska may require a more
33 immediate response than the special action request
34 process to protect continued viability of fish
35 populations, continuation of subsistence uses or for
36 issues of public safety.

37

38 Request 5.

39

40 This request proposes to name NTC as
41 the coordinator of the fishery in regulation. The
42 following are points to consider for request five.

43

44 Designating NTC in regulation as
45 coordinator of the community gillnet fishery may
46 discourage Federally-qualified subsistence users in the
47 community not associated with this organization from
48 participating in the fishery. However, this is
49 effectively how NTC has conducted the fishery for the
50 past two seasons.

1 Request 6.

2

3

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Request 6.

This request proposes to remove the annual report requirement. The following are points to consider for request six.

The current regulation requires that after the season the organizer of the fishery will provide written documentation of required evaluation information to the Federal fishery manager, including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released. Removal would mean that information provided to the Federal in-season manager at the end of each season and used to assess the fishery would not longer be required of the proponent. This would decrease the burden on the proponent during and following the fishery each year. This would make the task of assessing the fishery and its impacts to non-target species more challenging for the Federal in-season manager and the Board each year. Information provided in these types of reports helps to identify data gaps and set priority information needs for future research.

Request 7.

This request proposes to establish a collective process through which NTC and the Southcentral Council are informed and consulted prior to any potential closures or other actions by the Federal in-season manager. The following are points to consider for request seven.

The creation of a collaborative decisionmaking process prior to initiating actions on the fishery would give the proponent a greater influence over management than they currently have. Statutory constraints outlined in the Federal Advisory Committee Act dictate the necessity for convening a publicly noticed Council meeting for the Council to make a recommendation regarding the fishery. The current structure of Title VIII only provides that Councils may make a recommendation to the Board, not to persons with delegated authority. However, consultation with Council Chairs, not the Council as a whole, is part of the regulatory process in place for special action requests. If consultation with the entire Council was desired the timeframe required to convening a Council meeting would likely render the

1 Council's involvement ineffective for in-season
2 management decisions. The intent of the delegation of
3 authority is that subsistence management by Federal
4 officials be coordinated with the Alaska Department of
5 Fish and Game and involve Regional Advisory Council
6 representatives. While operating under delegated
7 authority from the Board, the Federal in-season manager
8 is obligated to engage in tribal consultation
9 consistent with the Board's government to government
10 tribal consultation policy. However, an exemption from
11 this policy for in-season management decisions may
12 prevent consultation during the fishery season.

13

14 OSM's conclusion is to support FP17-09
15 with modification to only expand the fishery dates to
16 match the current dates allowed for chinook and sockeye
17 salmon under the Kasilof River dipnet/fishwheel/rod and
18 reel fishery and to name NTC as the coordinator of the
19 community gillnet fishery for the duration of the
20 experimental period. The expansion of the season would
21 provide additional harvest opportunity without creating
22 regulatory conflict or additional conservation
23 concerns. Naming NTC as the coordinator for the
24 duration of the experimental period would allow time
25 for community input on NTC's role prior to a decision
26 by the Board on whether to make this fishery permanent.

27

28 You can find the modified regulatory
29 language on Page 166 of your Board book.

30

31 OSM is opposing all other requests in
32 this proposal.

33

34 The quantity of information provided
35 to-date does not provide enough data as a basis to
36 remove the experimental nature of the gillnet fishery.
37 This requirement for an operational plan should remain
38 for the duration of the experimental time period for
39 this fishery to address conservation concerns and
40 logistical issues prior to the start of this fishery
41 each year. Having OSM issue a registration permit and
42 administering the fishery through OSM and the Board
43 would not likely provide for responses during the
44 fishery that are as timely as possible through the in-
45 season management structure. Given the biological
46 concerns that have been raised for this fishery, OSM
47 believes that any additional information provided in an
48 annual post-season report would be important for
49 assessing the fishery and helping direct future
50 research. The creation of additional regulatory

1 language to establish a collective process through
2 which NTC and the Southcentral Council are informed and
3 consulted prior to any actions by the in-season manager
4 is unnecessary. The Federal in-season manager, via
5 delegated authority from the Board, is already required
6 to perform notification/consultation with affected
7 Regional Advisory Council members and engage in
8 government to government consultation with affected
9 tribes. Additionally, current regulations dictate that
10 fishing for each salmon species will be closed by
11 Federal special action prior to the operational plan
12 end dates if annual total harvest limits for any salmon
13 species is reached or suspended. These closures by
14 Federal special action would not be retained in the
15 newly proposed regulatory language.

16
17 At this point, unless there are any
18 further questions, we turn this over to you.

19
20 CHAIRMAN CHRISTIANSON: Thank you for
21 that presentation.

22
23 Is there any questions for the
24 proposal.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: It's a big one.

29
30 (Laughter)

31
32 CHAIRMAN CHRISTIANSON: Thank you for
33 that.

34
35 Hearing no questions here, we'll move
36 on to the summary of public written comment from the
37 Regional Council coordinator.

38
39 MR. MIKE: Thank you, Mr. Chair.
40 Donald Mike, Council coordinator. You will find your
41 public comments beginning on Page 181 of your Board
42 book materials.

43
44 Mr. Mike Loudon of Cooper Landing
45 opposed FP17-09 stating that the fishery will result in
46 an increased steelhead mortality. These are species of
47 very low abundance and that is currently very
48 conservatively managed. It will also result in an
49 increased harvest of all river species, including an
50 increased catch of spawning king salmon, a species of

1 declining abundance.

2

3 Chris Degernes from Cooper Landing
4 opposes Proposal FP17-09 stating I believe that
5 conservation and sustainable management of our
6 anadromous and resident fish is paramount to providing
7 for the long-term sustainability of our fisheries
8 thereby supporting our continued quality of life. And
9 additionally states to delete permanently any
10 provisions authorizing gillnets on the Kenai River.

11

12 The Kenai River Sportsfishing
13 Association opposes FP17-09. Do not support the
14 proposed expansion of the timeframe due to fishery
15 conservation concerns relating to the retention of
16 chinook salmon and trout during the expanded timeframe.

17

18 Mr. George Heim of Cooper Landing
19 opposes FP17-09 stating that we are concerned about
20 bycatch of non-target species in both waters including
21 rainbow trout, Dolly Varden and king salmon in the
22 Kenai and steelhead and king salmon in the Kasilof
23 Rivers.

24

25 Kathryn Recken of Cooper Landing
26 opposes FP17-09 stating that it violates the
27 requirements of ANILCA, Section .802.

28

29 And, finally, Ms. Joyce Koppert of
30 Cooper Landing opposes FP17-09, the proposals go
31 against conservation efforts to maintain a healthy
32 number of salmon for future generations on the river.

33

34 That concludes the written public
35 comments, Mr. Chair.

36

37 Thank you.

38

39 CHAIRMAN CHRISTIANSON: Thank you,
40 Donald.

41

42 At this time we'll open the floor to
43 public testimony or anybody on line, and I have two
44 forms here. First I would call Darrel Williams.

45

46 MR. WILLIAMS: Mr. Chairman. Members
47 of the Board. My name is Darrel Williams. I am a
48 Federally-qualified subsistence user and I work for the
49 Ninilchik Traditional Council. I'm also the one who
50 has fished this fishery for the last two years.

1 We'd like to ask for your support for
2 Fisheries Proposal 17-09. And to really summarize
3 things right up front, there's really no new
4 information. There is no substantial evidence that
5 this fishery doesn't work. There's no conservation
6 concern based on the actual efforts of the fishery
7 itself. It's been fished successfully.
8

9 In the two years we've fished the
10 fishery, we actually caught one non-targeted king
11 salmon and we caught two lake trout. The king salmon
12 was released successfully. We showed a video of that
13 at the RAC meeting. And one lake trout died and the
14 other one was released successfully. We used the
15 recovery wells on site to be able to -- for any
16 incidental species. And incidentally in 2016 we had
17 individual wells for each individual non-targeted
18 species that may have been caught in the net. I think
19 that we've gone really above and beyond being able to
20 demonstrate that we can fish the fishery, we can target
21 fish and that the actual way the fishery is designed
22 and fished, that it is truly selective.
23

24 The anecdotal information that was
25 presented in this whole process, what, it started in --
26 well, it started a long time ago, but, let's go back to
27 2014, the users in the community identified gillnets as
28 the type of practice that would be successful.
29 Previous efforts to that we were denied use of a
30 gillnet in the fishery and we were authorized to fish a
31 fishwheel. We fished that fishwheel for three
32 consecutive years with zero harvest. So we knew that
33 that fishwheel wouldn't work because it's just simply
34 the wrong kind of river. But we also knew how to be
35 able to fish a gillnet in the river and target specific
36 species.
37

38 When compared to other fisheries, the
39 Kasilof is not necessarily the most productive fishery
40 but I believe it's a very important fishery for the
41 residents of Ninilchik. The season has been different
42 than previous seasons and the fish that are caught are
43 substantially different than what you would catch in
44 other subsistence fisheries.
45

46 In 2015 we caught our 223 fish and last
47 year we didn't catch as many. And I think when we look
48 at the number of subsistence users, the information has
49 been presented before, the actual number of permits
50 that are provided to the fishery is really a key

1 indicator about how this fishery works. And I think
2 everybody has to understand, just because there's a
3 threshold that's been established on how many fish may
4 or may not be caught, there's also the issue of fishing
5 -- this is a community fishery, so what happens in this
6 fishery is that people, individuals who are Federally-
7 qualified subsistence users bring us their permit and
8 so when I go out to fish for somebody I have their
9 permit in my hand. That makes sure that we know how
10 many fish we can catch for that person, and that those
11 fish are going to be given to that person and that that
12 person is not fishing additionally to their harvest
13 allocation so there's no chance of overharvesting. So
14 that's how that works.

15
16 So I think it's kind of confusing for
17 everyone when we start talking about having this
18 threshold of how many fish can be caught in the fishery
19 because really for the people fishing the fishery it
20 doesn't matter. What only matters to us is the actual
21 number of permits that are handed to us, that we have
22 in our hand, in our possession, because the in-season
23 manager is the one who manages whether the fishery is
24 open or closed.

25
26 We did 24 hour reporting for the
27 fishery. And the way the reporting works, because the
28 reporting has been one of the issues that's been
29 discussed here, every day when we get done fishing,
30 generally what happens is I'll go back and I'll write
31 an email to the in-season manager and say, this is what
32 happened today, here's our catch. And we actually have
33 a spreadsheet that we fill out and we turn in every
34 day, and the spreadsheet has date, time, species, how
35 many were retained, how many were released.
36 Incidentally sometimes a fish gets away, it does
37 happen, and a total of what the catch was. So we're
38 able to communicate that on a daily basis. And this is
39 what brought up some of the issues about the final
40 report, because, when we're reporting every day, what
41 purpose does the final report have. For example, when
42 it's referenced in this particular proposal in your
43 book in front of you, it is a non-published report.
44 Well, what good is a non-published report when we've
45 already reported it every day and it's one more
46 additional step. And I'm not sure what that would be,
47 but I think it's a relative question to ask where we're
48 trying to frame what purpose this has, how valuable
49 this is. I'm not aware that this information is
50 actually really published anywhere, it may be

1 distributed with different agencies and what not as a
2 management tool but I'm not sure how that works.

3

4 There has also been discussions about
5 the history and the organizations and how this is being
6 run. It seemed like there were some concerns about
7 Ninilchik Traditional Council running this fishery.
8 And this really goes to the date and the effort that's
9 been put into the fishery for Ninilchik, the 16 year
10 timeframe. So for those of us who haven't been here
11 that long, it was probably 2007, maybe 2006 when we had
12 two meetings a year, like we talked about earlier, we
13 actually told everybody in the community, if you would
14 like to come and testify at the Federal Subsistence
15 Board we'll help you get there, we'll share rides,
16 we'll get hotel rooms, we're going to make this happen.
17 And actually it was here at the Egan Center. So it was
18 interesting because when we got here and we had all
19 these people from the community who wanted to come and
20 testify, it was a meeting very much like this and we
21 were supposed to testify about our stuff on Monday, if
22 I remember right it was a Monday, and then when we got
23 here it was like, no, we're not going to talk about
24 your stuff until Thursday. So it disheartened a lot of
25 people. And this is actually what happened. And some
26 of those people went home. Not all of them stayed. So
27 there's that issue. Since then, really the community,
28 and you can go back and do your history, it's fine,
29 it's all public record, but since then the community
30 has been pretty comfortable having NTC spearhead this
31 stuff for them, representing the community, being able
32 to put these things together and from the evidence and
33 stuff that we've shown we've shared with everybody, we
34 share with the larger community. And as of this date
35 we're not aware of any other organization that has ever
36 come forward that said that they wanted to run this
37 fishery or take care of this fishery and we're also not
38 aware of any complaints that have come forward from it.

39

40 The seasonal permits that each
41 individual person is issued, right, has caused some
42 confusion, too, and this was part of this discussion
43 here, where it comes to the overall threshold of a
44 fishery compared to the actual fishing for an
45 individual person that has a Federal permit issued to
46 them. I think a lot of people have this idea that if
47 you have an allocation of 4,000 fish you go throw a net
48 in the water and catch 4,000 fish. That's not how this
49 works. If we had one permit in our possession and the
50 way it works, for example, for sockeye, we're allowed

1 to catch 25 fish for the head of household and five
2 fish for each additional family member. So if it was
3 the head of household and their spouse, we would be
4 able to catch 30 fish for that particular individual.
5 And I think that some people have this idea that we're
6 going to go out and catch 4,000 fish and throw them in
7 the freezer and call it good. But that is not how this
8 works. We actually deliver the fish to the individual,
9 with the permit every day. The fish are delivered
10 whole. We mark the fish by trimming the atopost fin
11 off the back of the fish so we can transport them back
12 to the boat launch.

13

14 I don't think I should really beat up a
15 lot of stuff. There's more on this.

16

17 I think this representation to the
18 public on how this fishery works is very, very
19 important. The idea of going out and harvesting fish
20 at will is not how this happens. And I think we also
21 need to be aware that even with the season that's in
22 place, the number of hours that the fish, the net is
23 actually fishing in the water is very slim. So this
24 fishery is fished for 30 minutes at a time and the net
25 is removed from the water. And so we track that, we
26 communicate that to the in-season manager, and we could
27 actually look at how much time that is, actual true
28 fishing time that the net's in the water.

29

30 So we hope that's clear.

31

32 If there's questions, please ask.

33

34 I'm not going to testify on anything
35 else about the Kasilof fishery because I think it's
36 already been pretty much hashed out. If there's any
37 questions or you'd like to have a discussion, I'd be
38 more than happy to entertain that.

39

40 Thank you.

41

42 CHAIRMAN CHRISTIANSON: Thank you.
43 And, Darrel, when you're talking about the history and
44 Ninilchik people coming here to testify or was that for
45 this Board meeting?

46

47 MR. WILLIAMS: Mr. Chairman, yes. I
48 was talking about previous Federal Subsistence Board
49 meetings.

50

1 CHAIRMAN CHRISTIANSON: Oh, okay. I
2 was just going to say we did.....

3
4 MR. WILLIAMS: Yeah, I'm sorry.

5
6 CHAIRMAN CHRISTIANSON:we did try
7 to accommodate this one because we had a director who
8 was sick who we thought was pertinent to the
9 information.

10
11 MR. WILLIAMS: Right.

12
13 CHAIRMAN CHRISTIANSON: So I was going
14 to extend an apology but at the time I thought, I was
15 like, I think that was historical.

16
17 MR. WILLIAMS: It certainly was. And
18 we certainly appreciate everyone's efforts here. But I
19 think that there's been some -- we've actually been
20 asked questions about it. For example, one of the
21 discussions that we had at the Southcentral Regional
22 Advisory Council meeting, is, the topic of other
23 organizations and is there other organizations who
24 would like to be able to run this. You know, there's a
25 threshold on this, I think that doesn't get discussed
26 either. When we have to get a special use permit from
27 the Kenai National Wildlife Refuge that includes
28 getting an insurance policy. There are 36 additional
29 regulatory conditions that come with that permit. So
30 we all have to realize that the decisions that we make
31 here, at the Federal Subsistence Board, is one set of
32 criteria and then there's additional sets of criteria,
33 including the purchase of an insurance policy that has
34 to go out in order to go fishing, and that detours some
35 of the other organizations, let alone other independent
36 subsistence users; they simply can't afford it.

37
38 CHAIRMAN CHRISTIANSON: Is there any
39 other questions for Darrel.

40
41 (No comments)

42
43 MR. WILLIAMS: Mr. Chairman. Members
44 of the Board. Thank you very much.

45
46 CHAIRMAN CHRISTIANSON: Thank you for
47 your testimony, appreciate it.

48
49 Next we have Ivan Encelewski.

50

1 MR. I. ENCELEWSKI: Thank you, Mr.
2 Chairman. Members of the Board. Appreciate the
3 opportunity to testify here today. For the record, my
4 name is Ivan Encelewski, and I'm the Executive Director
5 for the Ninilchik Traditional Council and I'm also a
6 Federally-qualified subsistence user from Ninilchik.
7 I've been, obviously involved in this process for many,
8 many years.

9

10 I speak in favor of FP17-09.

11

12 Obviously this proposal was unanimously
13 supported by the Regional Advisory Council and we
14 believe that it should be given deference and that the
15 Federal Subsistence Board should approve it. They did
16 amend the season dates, as you're aware, to June 16th
17 to August 15th, I think that coincides with regulatory
18 requirements for certain fish species and I think
19 that's a good thing.

20

21 As you're aware and I won't get into
22 the history and I'll try and be short on this. You
23 know, we started our subsistence process in about 2001
24 for C&T on the Kenai and Kasilof, so this is an
25 obviously a long and arduous process for us and so we
26 really see this as the culmination of an opportunity to
27 provide a permanent fishery, not an experimental major
28 fishery. I know the OSM analysis is opposed to
29 removing the experimental nature of the fishery but I
30 think we've proven pretty consistently that this is a
31 fishery that has absolutely no harm to conservation or
32 any of the resident species or chinook. As you're
33 aware on the Kasilof chinook salmon are not even --
34 there's not even a sonar counter for escapement in the
35 Kenai [sic], so they don't even have data on chinook
36 escapement.

37

38 As you're aware, just to reiterate,
39 2015 we harvested 223 sockeye and there was one Dolly
40 Varden that was released. And then in 2016 things were
41 slower on the Kasilof and we harvested only 94 sockeye.
42 So when you're talking about an escapement of sockeye
43 in the hundreds of thousands in the Kasilof, this
44 fishery is really just a drop in the bucket.

45

46 And so the proof is in the pudding, so
47 to speak, after two years of fishing this fishery we
48 believe there's ample evidence to show that this
49 doesn't need to be an experimental fishery, that it
50 should be an opportunity to provide subsistence harvest

1 for Federally-qualified subsistence users.

2

3 One of the things that we're asking for
4 is the removal of the operational plan requirement,
5 obviously we believe in conservation. I think we've
6 proved that we're conservation-minded people in
7 Ninilchik Traditional. And not that we don't want
8 conservation, further measures but it's a little bit
9 too arduous. Just for the record we did submit the
10 operational plan on September 12, 2006 [sic] for 2017
11 and we have not received an official word back from US
12 fish and Wildlife Service on that operational plan so
13 that's obviously concerning with, you know, having that
14 process in the regulation. I think that, you know,
15 like I say, we can do this with ample effort. As
16 you're aware and you know there's a lot of fisheries
17 around the state of Alaska, the Yukon, and the
18 Kuskokwim and we're talking about a single gillnet, a
19 single 10 fathom gillnet in a long river.

20

21 You know, there's 72 hour reporting, as
22 Darrel mentioned, generally what he does is he reports
23 daily. When he gets back from the fishery he reports
24 to the in-season manager and it's a very detailed
25 report. So there's, you know, no less than three day
26 reporting on the fish that are being caught and so I
27 think that's kind of ample opportunity for, you know,
28 people to see what's going on in the fishery.

29

30 There was some discussion at the
31 Regional Advisory Council about the annual report and
32 Darrel mentioned that a little bit, you know, we're not
33 opposed to providing all the information that we can
34 and I think we've done our due diligence, and that the
35 Federal Subsistence Board has seen some of the reports
36 that we've put together, they're in the 50, 60 page
37 annual reports. So it is a lot more arduous. It's
38 frustrating to see when subsistence users have higher
39 burdens for their efforts and their reporting
40 requirements than sportsfishermen who go get a license
41 and maybe record or don't have to. You know, you get a
42 king salmon license under the State of Alaska, you get
43 five kings in the water and you don't have to report,
44 you know, you just put it on the back of your license,
45 but subsistence users have to report daily, they have
46 to call it in, each individual subsistence user, not
47 only calls it in on their own individual permit, but
48 then we have to call it in, or report it in as well.
49 So just a lot of arduous processes that seems like
50 subsistence users have to go through and we're hoping

1 through this process and through this proposal to
2 eliminate this and provide the ample opportunity.

3

4 I mentioned the dates that are
5 agreeable to us.

6

7 Talked about the operational plan.

8

9 As far as the, you know, a permit, one
10 of the things we asked that OSM issue the permit to us,
11 it doesn't matter whether it's OSM, US Fish and
12 Wildlife Service or what not, I guess, at this point.
13 But we're trying to eliminate that requirement for the
14 operational plan, don't feel that that's necessary.

15

16 Darrel already mentioned the issue of
17 NTC named as a permittee. We've done the fishwheel for
18 years before this gillnet, and we were the only
19 applicant that applied and implemented the fishwheel,
20 we've been the only applicant that has applied and
21 implemented a gillnet. And people have come around,
22 they've come to know us and appreciate the work and
23 effort and the time that goes into this, so I don't
24 think there's any reason not to name NTC as a permittee
25 holder for this plan. And, again, the annual report is
26 something that, you know, that's something that we
27 discussed something heavily at the RAC, if that's
28 something that's really required or something we're
29 more than willing to provide that, if necessary, even
30 though we don't feel it's 100 percent, with the 72 hour
31 reporting and the daily reporting, but we're willing to
32 move forward and make those things work.

33

34 So, again, I think, you know, with the
35 culmination of over 15, 16 years of fighting for our
36 subsistence rights and we're talking about a couple
37 hundred sockeye salmon, I think that it's incumbent
38 upon those responsible to assist us out and help make
39 this fishery continue in a lasting measure. If we have
40 to go back and -- this is listed as experimental, we
41 have to go back and apply in the next couple of months,
42 we have to submit a new proposal to make this permanent
43 and then go through another two year process by the
44 time this thing is going to come back when we're
45 talking about a couple hundred fish, it's really an
46 unnecessary burden on the subsistence user, at least
47 that's how we feel.

48

49 So, again, thank you for all the time
50 and effort and the opportunity to testify here today

1 and if there's any questions I'd be happy to answer
2 them.
3
4 CHAIRMAN CHRISTIANSON: Thank you for
5 your testimony, Ivan. Is there any questions for Ivan.
6
7 (No comments)
8
9 CHAIRMAN CHRISTIANSON: Thank you,
10 Ivan.
11
12 MR. I. ENCELEWSKI: Thank you, Mr.
13 Chairman. Thank you Members of the Board.
14
15 CHAIRMAN CHRISTIANSON: Oh.
16
17 MR. LORD: Yeah, if you don't mind.
18
19 CHAIRMAN CHRISTIANSON: Oh, okay.
20
21 MR. LORD: No, no, it's not a question.
22 Ivan, I was just going to say, I appreciate getting
23 those end of year reports, I enjoy reading them and
24 follow what's going on but I understand it's a burden
25 on you guys, I get it. I get your point.
26
27 MR. I. ENCELEWSKI: Thank you, Mr.
28 Lord. And like I said, you know, we want to do all we
29 can and be good stewards and, you know, again, I
30 mentioned the thing about having more burden than
31 sportfishermen and we kind of feel that's unfortunate,
32 but in the end we want to provide everyone as much
33 information as possible and we're glad to provide those
34 reports. And I'm glad you're -- you might be the only
35 one that reads them, but I appreciate it.
36
37 (Laughter)
38
39 CHAIRMAN CHRISTIANSON: Well, we
40 appreciated the video too.
41
42 MR. LORD: Yes.
43
44 CHAIRMAN CHRISTIANSON: Thank you. Is
45 there any other public testimony at this time on line
46 or here in the building.
47
48 (No comments)
49
50 CHAIRMAN CHRISTIANSON: Hearing no

1 other public testimony we'll move on to Regional
2 Council recommendation, from the Chair or designee.

3

4 MR. G. ENCELEWSKI: Through the Chair
5 -- is that me -- yes. Okay, I'm allowed to talk on
6 this one Tina says. This is Greg Encelewski, through
7 the Chair. I'm going to make it short and sweet.

8

9 The Southcentral RAC Advisory Council
10 supported with modifications. The two modifications we
11 agreed to was the dates June 16 through August 15, and
12 we also agreed to make and submit an annual report at
13 the end of the season.

14

15 The justification is on Page 176 and
16 I'm not going to belabor you with reading it, but it's
17 spelled out in there and I'll be glad to answer any
18 questions.

19

20 We've supported this. And you've heard
21 Ivan's testimony, and I don't need to go into any more,
22 I don't believe.

23

24 So any questions for me, the Regional
25 Advisory Council has always supported this fishery, and
26 they supported making it permanent.

27

28 Thank you.

29

30 CHAIRMAN CHRISTIANSON: Thank you,
31 Greg. Any questions for Greg.

32

33 (No comments)

34

35 CHAIRMAN CHRISTIANSON: Hearing none,
36 we'll move on to tribal, Alaska Native Corp comments.
37 Native Liaison.

38

39 MR. LIND: Thank you, Mr. Chairman.
40 Board members.

41

42 During the tribal consultation with NTC
43 there was nothing brought up on Proposal 17-09,
44 however, there were other proposals commented on.

45

46 Thank you.

47

48 CHAIRMAN CHRISTIANSON: Thank you.
49 We'll move on to Alaska Department of Fish and Game
50 comments. State Liaison.

1 MS. KLEIN: Thank you, Mr. Chair. Our
2 comments on Fisheries Proposal 17-09 are that we
3 support it with modification to expand the fishery to
4 -- well, it's the OSM modification, to expand the
5 fishery to match the current dates allowed for chinook
6 and sockeye salmon under the Kasilof River
7 dipnet/fishwheel/rod and reel fishery and to name NTC
8 as the coordinator of the community gillnet fishery for
9 the five year period, and the remaining duration of the
10 experimental period.

11
12 Thank you.

13
14 CHAIRMAN CHRISTIANSON: Thank you. Any
15 questions.

16
17 (No comments)

18
19 CHAIRMAN CHRISTIANSON: Hearing none,
20 Inter-Agency Staff Committee comments.

21
22 MS. HOWARD: Thank you, Mr. Chair.

23
24 In addition to the standard comments,
25 the majority of the Inter-Agency Staff Committee agreed
26 the fishery should remain experimental until the five
27 year temporary period ends, thus major changes to the
28 regulations would be more appropriate at that time.

29
30 One exception is the current season's
31 duration which
32 could be extended to examine if more fishing
33 opportunity may be provided without impacting species
34 or stocks of concern. A season extension from the
35 current July 1 to July 31 season to June 16 to August
36 15 is consistent with a portion of the Southcentral
37 Regional Advisory Council's recommendation and fits
38 within the existing dipnet/rod and reel season for
39 sockeye and chinook salmon in the Kasilof River.

40
41 The Board could choose to vote against
42 the other aspects of the Southcentral Regional Advisory
43 Council's recommendation because; doing so would
44 maintain the experimental status of the fishery, there
45 is not substantial evidence at this time to suggest the
46 changes are necessary, and the operational plan
47 requirement is currently being used to ensure
48 conservation concerns are addressed and all rural
49 residents of Ninilchik have equal access to fish
50 harvested in the community gillnet. Eliminating the

extended may negatively impact principles of
3 fish and wildlife management and the satisfaction of
4 subsistence needs.

5

6 If the Board chooses to vote only in
7 favor of a season extension, the other aspects of the
8 Southcentral Regional Advisory Council's recommendation
9 could be reassessed during the next fishery regulatory
10 cycle when the Board determines the future status of
11 the current experimental fishery.

12

13 That concludes the ISC comments on
14 FP17-09.

15

16 CHAIRMAN CHRISTIANSON: Thank you,
17 Amee.

18

19 Moves us to Board discussion with
20 Council Chairs and the State Liaison.

21

22 MS. CLARK: I'd like to ask Andy
23 Loranger, the Refuge Manager, a quick question about
24 the insurance requirement. If you could -- I think
25 there might be some clarification on that at this
26 point.

27

28 CHAIRMAN CHRISTIANSON: Okay.

29

30 MR. LORANGER: Thank you. Through the
31 Chair and Ms. Clark.

32

33 In order to answer the question I think
34 it takes a little bit of background. So when the
35 fishwheel fishery in the Kasilof was first authorized
36 by the Board, there was, in that regulation a
37 requirement for a permit through US Fish and Wildlife
38 Service, Kenai National Wildlife Refuge, it is standard
39 practice for Refuge special use permits to include --
40 that involve organizations or entities conducting
41 research, conducting commercial activities to include a
42 stipulation involving a requirement for liability
43 insurance. Similarly, when the experimental fishery
44 was established, basically the conditions that were in
45 that original special use permit issued by the Refuge
46 to include that condition, liability insurance, were
47 rolled into the current special use permit issued which
48 was issued for a five year period, and that was based
49 on legal advice and counsel, the issue of consistency
50 in terms of dealing with organizations that we permit,

1 various activities on the Refuge. In more recent
2 conversations with Regional Council, that stipulation,
3 that requirement can be waived, based on the advice of
4 counsel and it's not an issue from our standpoint at
5 the Refuge, to waive that requirement.

6

7 Thank you.

8

9 MS. CLARK: Thank you.

10

11 CHAIRMAN CHRISTIANSON: Mary.

12

13 MS. MCBURNEY: Thank you, Mr. Chair.
14 And with respect to the annual reporting requirement.
15 Could you just describe how you use that information
16 and how that is valuable to you.

17

18 MR. LORANGER: Through the Chair, I'd
19 like to ask the in-season manager, Jeffrey Anderson, US
20 Fish and Wildlife Service Fisheries Office, in this
21 particular case the in-season manager is the Mr.
22 Anderson, not the Refuge manager at the Refuge.

23

24 But certainly from our standpoint there
25 is a lot of information included in that year-end
26 report that isn't in the daily reports, or the 72 hour
27 reports and so it's very valuable from the standpoint
28 of the Refuge as a one stop shop, you know, sort of
29 summary document that includes information of how the
30 fishery was prosecuted and it's, you know, very
31 valuable to us, akin to the comments that Mr. Lord
32 made.

33

34 Thank you.

35

36 MS. MCBURNEY: Thank you.

37

38 MR. ANDERSON: Through the Chair. Ms.
39 McBurney. For the record my name is Jeff Anderson, I'm
40 the Federal in-season manager for Cook Inlet Federal
41 subsistence fisheries.

42

43 And to address the comment about the
44 annual report, you know, like Andy said I think it's a
45 very valuable one stop shop, so to speak, for a lot of
46 information, you know. Ninilchik Traditional Council
47 does a very good job with the report, they bring
48 together, not just the harvest information, but also
49 discuss, you know, how the harvest was allocated to the
50 different permits, looking at the permits over time

1 that actually applied for the fishery is information I
2 don't have until after the season in this annual
3 report. So in essence, that's where I can see what the
4 total actually, I guess, harvest limit for the fishery
5 was based on the number of permits that actually were
6 delivered to NTC for fishing. I think it -- also for
7 this fishery there are actually other methods besides
8 the set gillnet that are authorized for use. They
9 could use a drift gillnet and also a pole net, and, you
10 know, an annual report would be a way to summarize the
11 success or the catch per unit effort of the different
12 gear types if they are used.

13

14 In the future here as well, I think as
15 a way to look at catch and effort over time. Like it's
16 been mentioned, there's one partial year fishery and
17 one almost full year fishery to-date, so there's not a
18 huge amount of information to compare trends but, you
19 know, as I think Darrel alluded to, you know, the
20 escapement numbers in 2015 during the first year of the
21 fishery were a lot higher overall for the Kasilof River
22 than in 2016 with the second year of the fishery so
23 harvest numbers were lower and maybe over time we might
24 see a relationship and, you know, the report is an easy
25 access point to get that information.

26

27 I won't speak for others but I think
28 the RAC members all found it interesting and
29 informative as well and, you know, I believe the Office
30 of Subsistence Management used the reports as they were
31 developing these analysis as well. So it is a very
32 good source of information for a good summary of the
33 fishery.

34

35 MS. MCBURNEY: Thank you.

36

37 CHAIRMAN CHRISTIANSON: Any additional
38 questions or comments.

39

40 (No comments)

41

42 CHAIRMAN CHRISTIANSON: Thank you. All
43 right, hearing no other Board discussion or questions,
44 we'll move for Board action.

45

46 MS. CLARK: I'd like to make a motion.
47 I make a motion to support FP17-09, with modification,
48 to only change the season date from July 1st to the
49 31st to June 16th to August 15th.

50

1 CHAIRMAN CHRISTIANSON: There is a
2 motion.

3
4 MR. BROWER: Second.

5
6 CHAIRMAN CHRISTIANSON: It's been
7 seconded.

8
9 MS. CLARK: I'll provide my
10 justification.

11
12 The Kasilof River gillnet fishery is
13 still within the experimental period adopted by the
14 Board during the cycle, thus, we should limit the
15 amount of changes until we assess all aspects of the
16 fishery at the end of the period, which would be the
17 next regulatory cycle. The season length looks to be
18 one area that could be addressed currently to provide
19 more harvest opportunity. The June 16th to August 15th
20 season would be consistent with opportunities to
21 harvest sockeye and chinook salmon in the dipnet and
22 rod and reel fishery and is consistent with the season
23 recommended by the Southcentral Council. The ending
24 date of August 16th is also consistent with the period
25 when rainbow and steelhead must be released.

26
27 As for the other aspects of the
28 proposal and the Council recommendation, they could be
29 deliberated when the experimental period ends.

30
31 CHAIRMAN CHRISTIANSON: Any further
32 discussion.

33
34 Mary.

35
36 MS. MCBURNEY: Thank you, Mr. Chair. I
37 would just like to make a comment that these proposals
38 that come before us with numerous issues make it so
39 difficult to deliberate and tease out and trying to
40 figure out how to best approach these. And I just
41 wanted to make that as a comment, is we seem to be
42 seeing kind of a trend toward more of these with
43 different cycles. And I know that it must be for
44 nightmare for the analyst but also sitting here trying
45 to figure out -- it's almost like going to a Chinese
46 restaurant and picking the things on the menu that you
47 want to have for dinner, but the ones that you don't
48 have -- but that's my comment.

49
50 Thank you.

1 CHAIRMAN CHRISTIANSON: Any additional
2 comments or questions.

3
4 (No comments)

5
6 CHAIRMAN CHRISTIANSON: Now, when I
7 look at it, I'm wondering with the modification, does
8 that still include the annual report?

9
10 MS. CLARK: Yes.

11
12 CHAIRMAN CHRISTIANSON: Okay. I'm just
13 making sure because in the book it says to require the
14 annual report so I'm just making sure it's noted on the
15 record that we are supporting it with the language in
16 the book.

17
18 Thank you.

19
20 Call for the question.

21
22 MS. PENDLETON: Question.

23
24 CHAIRMAN CHRISTIANSON: Roll call.

25
26 MR. PELTOLA: Okay, Mr. Chair, roll
27 call on Fisheries Proposal 17-09 as modified to include
28 season dates. Starting off the east end and working
29 westward.

30
31 Bureau of Land Management.

32
33 MR. CRIBLEY: Support as modified based
34 on the justification expressed by the Fish and Wildlife
35 Service.

36
37 MR. PELTOLA: Thank you.

38
39 National Park Service.

40
41 MS. MCBURNEY: I'm voting to support as
42 modified as well. This one is kind of difficult in the
43 sense that I support the modifications that were put
44 forward by the Southcentral RAC, it just makes it a
45 little bit confusing, again, as I said earlier I don't
46 feel as comfortable with the other aspects of the
47 original proposal. So I guess that sort of leaves me
48 supporting the RAC to a certain degree, up to a point,
49 but then other aspects, I think that we can just go
50 ahead and let those play out and address those in

1 future fisheries cycles.

2

3 MR. PELTOLA: Thank you.

4

5 Fish and Wildlife Service.

6

7 MS. CLARK: Support as modified.

8

9 MR. PELTOLA: Public Member Brower.

10

11 MR. BROWER: Support.

12

13 MR. PELTOLA: Public Member Pitka.

14

15 MS. PITKA: Support as modified.

16

17 MR. PELTOLA: Bureau of Indian Affairs.

18

19 MR. POLACCA: You know, I'm kind of
20 stuck in a hard position and all that. With all the
21 information that's being generated by Ninilchik
22 Traditional Council, you know, it makes it a tough
23 decision because I know what they're doing out there is
24 in the best interest for the management of salmon that
25 are -- what they're doing and, you know, it makes me
26 feel that, you know, the approach that they're taking
27 is the correct approach. So at this time I'm going to
28 oppose the Fish and Wildlife Service's recommendation
29 for modification. But, you know, I want to go back to,
30 I think what the RAC's position and all that, what they
31 proposed and all that would give a lot more support to
32 Ninilchik Traditional Council, so that's going to be my
33 fallback.

34

35 MR. PELTOLA: Thank you.

36

37 Forest Service.

38

39 MS. PENDLETON: Support with the
40 modification presented by Fish and Wildlife Service and
41 concur with the justification given.

42

43 MR. PELTOLA: Thank you.

44

45 Mr. Chair.

46

47 CHAIRMAN CHRISTIANSON: I support.

48

49 MR. PELTOLA: Mr. Chair. Fisheries
50 Proposal 17-09 is adopted based on a 7-1 vote, seven in

1 support, one in opposition.

2

3 CHAIRMAN CHRISTIANSON: Thank you. And
4 that brings us to 5:30 today.

5

6 (Pause)

7

8 CHAIRMAN CHRISTIANSON: If everyone
9 wants to hold, I think we're going to try to address
10 one more item on the agenda. We did have some
11 entertainment this afternoon and I think that took a
12 little longer than we anticipated. There is one thing
13 on the agenda, I know somebody in the crowd is here for
14 today, who may be leaving tomorrow who would like to
15 see that. So without any opposition, I would like to
16 go ahead and move forward with addressing the rural
17 item on the agenda, if there is no opposition.

18

19 I think tomorrow we're going to have a
20 full day with what we have on our agenda so if we can
21 get a presentation and action on the draft policy for
22 the nonrural determination.

23

24 (No objection)

25

26 (Pause)

27

28 CHAIRMAN CHRISTIANSON: Thank you. So
29 if we could have Staff, who's going to present on that
30 please.

31

32 A mee, thank you.

33

34 MR. PELTOLA: Mr. Chair.

35

36 CHAIRMAN CHRISTIANSON: Gene, yes, go
37 ahead.

38

39 MR. PELTOLA: As a reminder, the
40 Federal Subsistence Board still has remaining Proposals
41 17-6/7, 17-08, 17-10, which will be addressed when we
42 do the Kenai package, so to speak, quote/unquote Kenai
43 Package, and in addition to we have the consensus
44 agenda items, which will be taken up once those
45 proposals are addressed.

46

47 CHAIRMAN CHRISTIANSON: Thank you.

48

49 A mee.

50

1 MS. HOWARD: Thank you, Mr. Chair.
2 Members of the Board. The draft policy for nonrural
3 determinations is located on Page 497 of your
4 materials.

5
6 So as most of you will remember, last
7 summer, in July, so July 2016, OSM Staff presented a
8 draft policy to the Federal Subsistence Board. We got
9 some feedback and some edits from you and an approval
10 to then take that draft back to the Regional Advisory
11 Councils, so that we could get feedback and comments
12 and concerns from each of the Regional Advisory
13 Councils.

14
15 So starting in August, that's when the
16 fall cycle kicked off, we started getting feedback.

17
18 So I'm just going to briefly go through
19 a quick summary of what each of the Councils said and
20 I'll do that in order by region number. But if you
21 turn to Page 518, we have supplied you with a table and
22 we populated the table utilizing the transcripts from
23 each of the Council meetings during the fall cycle,
24 with the conversations and comments that we had on
25 nonrural. So that is here for everyone's reference.

26
27 So beginning with the Southeast
28 Regional Advisory Council, and their comments start on
29 Page 518, they had two large concerns. First was
30 deference to the Councils, and the second was concerns
31 with proposal submission. That's also further
32 explained by the letter in your supplemental materials.
33 I apologize that there aren't page numbers. But there
34 is a letter that was sent to the Board dated December
35 21st from the Southeast Regional Advisory Council and
36 it looks like this in your supplemental materials. And
37 this just goes into greater detail on those summary
38 points.

39
40 And once I kind of go through and
41 summarize the -- very generally for each Council, then
42 we can -- I'll let you know what changes we made.

43
44 So moving on to the Southcentral
45 Regional Advisory Council, and their comments start on
46 Page 520, again, the two main points for the
47 Southcentral Council were deference to the Councils and
48 concerns with proposal submissions.

49
50 Moving to Kodiak/Aleutians Regional

1 Advisory Council, beginning on Page 522, their summary
2 of concerns was deference to the Councils, concerns
3 with proposals being submitted from outside the region.
4 They wanted a clarification to the limitation of
5 proposals seeking nonrural determinations, which is a
6 section within the draft policy. They were concerned
7 with arbitrary proposals being sent in. And they
8 wanted to know what kind of baseline information would
9 be used to substantiate a demonstrated change. So that
10 rounds out that.

11
12 You also all heard Chairman Simienoff
13 read a letter during information sharing, and I do have
14 this available. Donald, would you mind passing this
15 out to the Chairs and the Board. That didn't quite
16 make it into your supplemental materials yet, but it is
17 available, so Donald Mike is passing that out. And,
18 again, that letter is from the Kodiak/Aleutians
19 Regional Advisory Council and it goes into a little bit
20 further detail than my summary that I'm giving here.

21
22 The next Council was the Bristol Bay
23 Regional Advisory Council. Their information -- or
24 from the transcripts begins on Page 525. And their
25 concerns, summarized, were concerns about balancing
26 high populations. They discussed how there may be an
27 occurrence where populations may exceed the carrying
28 capacity of subsistence uses in the area. They talked
29 about increases in human populations and what that
30 would mean. They talked also about semantic
31 differences and what the -- and I heard that discussed
32 here today, part of the communication barriers, people
33 calling things different things, so they discussed
34 that, and what rural means to them and to their area,
35 what carrying capacity means; those types of examples.
36 They talked about the need for resource monitoring.
37 There was some discussion of whether or not the
38 criteria still existed in regulation and our OSM Staff
39 had a nice exchange with them and explained that the
40 criteria that used to be in regulation are now removed
41 or were removed as of November 4th, 2015. During the
42 rural process that led up to that final rule in
43 November of 2015, Bristol Bay was one of the RACs that
44 indicated -- they said more criteria may be needed for
45 the rural process. And one comment from a Council
46 member, it looks like we are managing people, not
47 resources. And then there was discussion concerning
48 people who have moved from rural areas to nonrural
49 areas who wanted to be identified with the same
50 services as the rural people.

1 So those were some of the topics from
2 Bristol Bay.

3
4 The YK-Delta Regional Advisory Council
5 comments start on Page 533. First and foremost they
6 wanted to know what the population cap was and so the
7 OSM Staff let them know that there is no longer a
8 population criteria set in regulation. What do the
9 changes mean for a community that is in proximity to a
10 larger community, and, again, I think this was speaking
11 to previously how smaller communities were aggregated
12 with larger communities, and, again, that was a very
13 big concern during the rulemaking process. That is a
14 mouthful, so I apologize. And folks really wanted that
15 to be addressed. Wanted that aggregation issue to be
16 addressed, which is, why, too, at least my
17 understanding, a more flexible process for the Board
18 was needed and desired.

19
20 So moving on to the Western Interior
21 Regional Advisory Council, their comments also start on
22 Page 533. Deference to the Council was a concern.
23 Concern regarding the ability for any non-local,
24 individual or group, to submit proposals. They think
25 that nonrural proposals should only be accepted every 5
26 to 10 years. And then there was discussion about
27 whether or not the criteria still existed in
28 regulation.

29
30 For the Seward Peninsula Regional
31 Advisory Council, their comments begin on Page 535.
32 Chairman Green expressed his happiness.....

33
34 (Laughter)

35
36 MS. HOWARD:happiness that it's
37 been long worked, that getting to this point, four
38 years to change the regulations and the Council felt
39 somewhat relieved that the process has carried this far
40 and that we're essentially creating a tool for the
41 program, a tool for the Board to use.

42
43 The Northwest Arctic Regional Advisory
44 Council also begins on Page 535. They discussed
45 population levels or caps. The discussion of the
46 process. A summary was provided by OSM regarding the
47 rural process and the outcomes so a summary of the
48 rulemaking that led to the changes in regulations and
49 the final rule that was published in November of 2015.
50 And talked -- it was clarified again that the removal

1 of the criteria and also the decennial review was
2 removed.

3

4 The Eastern Interior Regional Advisory
5 Council comments begin on Page 541. They had deference
6 to the Councils. They wanted to clarify what the term,
7 validate by Staff, intended. They also made language
8 recommendations, which can be found in your
9 supplemental materials as well, or they should be found
10 in your supplemental materials, but they made a few
11 language suggestions that we have largely incorporated
12 into this final draft and I'll go over those. And one
13 of the large ones, too, was making a language
14 difference between consultation between tribes, which
15 is government to government, and consultation with
16 ANCSA corporations.

17

18 And then the North Slope Regional
19 Advisory Council, their comments begin on Page 542.
20 The North Slope Regional Advisory Council had a very
21 in-depth discussion with our OSM Staff regarding
22 Prudhoe Bay. They took a different type of approach
23 with their comments than what I saw in the comments
24 from the other transcripts for the other Regional
25 Advisory Councils and they talked a lot about
26 scenarios, future scenarios, what would happen, a lot
27 of what-ifs, and so it was great that the OSM Staff,
28 who attended and was leading that discussion, was able
29 to kind of walk them through, so you'll see that it's
30 pretty lengthy comments. We thought it was important
31 that the Board have access to those concerns that they
32 have about Prudhoe Bay, the concerns about what the
33 list -- the nonrural list from pre-2007 means, that
34 removed Saxman, but it also removed Prudhoe Bay from
35 the nonrural list. So there are some things that came
36 up. Process-wise, they did also express deference to
37 the Councils, as a main concern, and then there were
38 also discussions about population caps.

39

40 So now if I can turn everyone back to
41 the beginning of the draft policy, most of the changes
42 or updates that we made in response to going out to the
43 Regional Advisory Councils begin, I would say on Page
44 498. As you heard in tribal consultation yesterday
45 morning, Mr. Wallace, from the Organized Village of
46 Saxman was here, and provided his two suggestions to
47 add a footnote regarding census designated places or
48 CDPs, and also his suggestion that affected tribes,
49 potentially affected tribes to proposals be contacted
50 immediately. We also had tribal consultation with the

1 Saxman Tribe, I believe on December 16th, and so we had
2 a great discussion, too, and a few of you attended that
3 as well.

4

5 So on Page 498 you'll see the footnote
6 that does define what a census designated place is. We
7 thought this would add some clarity and some
8 distinction between these different types of, I guess,
9 uses, most of the areas that have kind of been
10 questioned or organized since the inception of the
11 Federal Subsistence Program, the use of CDPs have been
12 crucial for those areas that aren't otherwise, I hate
13 to say, incorporated, legally incorporated, so that was
14 a tool that was in place and able for the Board to use.
15 So that's the distinction. We have communities and
16 areas that are incorporated and those that aren't, are
17 unincorporated, and so the CDPs have been utilized for
18 those means. So we did put that definition in here so
19 that anyone trying to utilize the policy, including
20 Board members, would have it available.

21

22 The other thing that we did in regard
23 to Mr. Wallace's suggested recommendation -- or
24 recommendations, if you turn to the table, or timeline
25 on Page 505 -- 504 and 505, Step 2 is kind of the
26 proposal verification area. It generally would be from
27 April to July even years. Here, we added another
28 opportunity for tribal consultation. Tribal
29 consultation on the proposals. So tribal consultation
30 would then occur before the Board were to make their
31 threshold determinations. Ultimately, at threshold
32 determinations the Board would have information from
33 tribal consultation, they would have initial
34 recommendations from affected Councils and they would
35 also have initial recommendations from the Inter-Agency
36 Staff Committee when making their determination on
37 whether or not proposals fit the threshold and would
38 warrant going further to a full analysis.

39

40 Another change that we tried to do to
41 make the policy a little more usable was we reorganized
42 it a bit. We put in sections, so if you'll turn back
43 to Page 499, on Section A, submitting a proposal,
44 there's just a brief paragraph talking about written
45 proposals in accordance with the guidance provided in
46 the same Federal Register Notice that includes a call
47 for proposals to revise subsistence taking of fish and
48 shellfish regulations and nonrural determinations. So
49 we're reiterating that we're aligning the Board's
50 acceptance of nonrural proposals with the fish

1 regulatory cycle. Section B talks about the
2 requirements for proposals. So these are the
3 requirements that all proposals would have to have. So
4 making a nonrural determination, there's a list there
5 of the basic requirements. And, again, this is
6 information that was there in the previous version that
7 you say, it's just we've, again, reiterated it here.
8 Then you move down to threshold requirements and made
9 that just a little more outlined.

10
11 And, because the Councils, in
12 consultation with the Solicitor's Office, we
13 doublechecked on the deference issue, and the Board
14 values the Regional Advisory Council recommendations on
15 rural, but can't give deference as set forth in .805(c)
16 such as it's set forth for the take of fish and
17 wildlife. However, we did strengthen the language to
18 show how the Board will heavily rely on the Councils,
19 which is consistent with a response from the Board
20 during the rural process that shows up in the final
21 rule. And so, rely heavily. So the Board shall
22 carefully weigh the initial recommendation from the
23 affected Regional Advisory Councils when determining
24 whether the proposal satisfies the threshold
25 requirements outlined above. This is also in response
26 to some Councils expressing their concern that there
27 will be an entire, kind of analysis done before they
28 even have a chance to see the proposals, there was some
29 comments about that taking up a lot of time and
30 resources, and that since we can't limit who can submit
31 proposals, being that this is a Federal program and it
32 would perhaps violate APA, and I may be wrong there,
33 but, in general, we can't limit who can submit
34 proposals. This will allow the Councils to have a
35 first look, they'll have a first look at the proposals
36 and be able to make strong initial recommendations to
37 the Board for the Board to consider when they're making
38 the threshold determinations.

39
40 Another question, especially from the
41 Kodiak/Aleutians RAC, if we move down the page on Page
42 500, under limitations on submissions of proposals
43 seeking nonrural determinations; if you remember, this
44 was put in or added so arbitrary proposals could not be
45 resubmitted and resubmitted. So the baseline, they
46 wanted to know well what baseline data, so what we
47 added was if you look down to the third bullet, the
48 Board's most recent decision on the nonrural status of
49 a community or area will be the baseline for any future
50 proposals for that community or area, thus a

1 demonstrated change as referred to in this portion of
2 the process must occur after the Board's most recent
3 decision. So I know it sounds wordy but this is, in
4 effect, limiting -- if somebody puts in a nonrural
5 determination proposal and the Board does not change
6 that community or area to nonrural, they, in fact, they
7 maintain their rural status, an identical proposal
8 can't come in during the next cycle. There would have
9 to be a demonstrated change, and that demonstrated
10 change would have had to happen since the Board's most
11 recent decision. And so that way we're trying to
12 satisfy when and where the baseline data would happen
13 for this portion of the policy.

14

15 So then if you move over to Page 501
16 you'll see rescinding a nonrural determination. And
17 this section looks very similar to making a nonrural
18 determination, just there are -- the word changes in
19 reverse. And the reason we wanted to essentially make
20 it so when someone is reading the policy and they say,
21 okay, what do I need -- what's the information I need
22 to know when I want to make -- when I want the Board to
23 make a nonrural determination. We wanted all the
24 information to be contained in one section, without
25 anybody having to search or refer to other paragraphs
26 or other pages. So then when we -- we thought the same
27 thing for rescinding a nonrural determination, we
28 listed the basic requirements, the threshold
29 requirements. So, again, if somebody is utilizing the
30 policy, they can come and look, okay, what do I need
31 when I want the Board to rescind a nonrural
32 determination. So that's some of the reorganization.
33 Because in some discussions it was the threshold
34 requirements and those measures in there, those
35 requirements that the Board is going to require from a
36 proponent to fulfill was getting lost in the mix, and
37 so we wanted to make it clear that it applied to making
38 a nonrural determination and also to rescinding a
39 nonrural determination.

40

41 Section C, we also updated language for
42 decisionmaking, and that's Page 502. So I'm just going
43 to read through these bullet points again, and then
44 also added the paragraph about the Regional Advisory
45 Councils. So when acting on proposals to change the
46 nonrural status of a community or area, the Board
47 shall:

48

49 Proceed on a case by case basis to
50 address each proposals regarding

1 nonrural determinations;
2
3 Base its decision on nonrural status of
4 community or area on information of a
5 reasonable and defensible nature
6 contained within the Administrative
7 Record;
8
9 Make nonrural determinations based on a
10 comprehensive application of evidence
11 and considerations presented in the
12 proposal that have been verified by the
13 Board as accurate;
14
15 Rely heavily on the recommendations
16 from the affected Regional Advisory
17 Councils;
18
19 Consider comments from government to
20 government consultation with affected
21 tribes;
22
23 Consider comments from the public;
24
25 Consider comments from the State of
26 Alaska;
27
28 Engage in consultation with affected
29 ANCSA corporations;
30
31 The Board shall have the discretion to
32 clarify the geographical extent of the
33 area relevant to the nonrural
34 determination;
35
36 And then, of course, implement a final
37 decision on nonrural determination in
38 compliance with the APA.
39
40 So, again, to -- and the APA, is the
41 Administrative Procedures Act. So, again, we added
42 this Regional Advisory Council paragraph within the
43 decisionmaking that says, the Board intends to rely
44 heavily on the recommendations of the Councils and
45 recognizes that Council input will be critical in
46 addressing regional differences in the nonrural
47 determination process. The Board will look to the
48 Regional Advisory Councils for confirmation that any
49 relevant information brought forth during the nonrural
50 determination process accurately describes the unique

1 characteristics of the affected community or region.
2 And that can encapsulate -- can be very flexible, and
3 so we wanted to give the Councils latitude to make
4 those initial recommendations to the Board.

5
6 We updated the process timeline which
7 you can read through on Page 504, and it's also
8 reflected a little more visually on Page 505.

9
10 So at this time that concludes my
11 presentation for you and I'm open to your questions.

12
13 CHAIRMAN CHRISTIANSON: Thank you,
14 Ameer, for your thorough presentation. We appreciate
15 that and all the work and review that went in and the
16 comments by the Chairs and Regional Advisory Councils
17 taking their time to look at it and add in their
18 comment, definitely appreciated.

19
20 So if there is no questions for Ameer
21 from the Board.

22
23 (No comments)

24
25 CHAIRMAN CHRISTIANSON: At this time
26 I'm going to go ahead and open the floor for public
27 testimony. And so if there's anyone -- if Clinton
28 Legasun is still here.

29
30 (No comments)

31
32 CHAIRMAN CHRISTIANSON: Is Clinton --
33 make the announcement out there, maybe.

34
35 (No comments)

36
37 CHAIRMAN CHRISTIANSON: Before Clinton
38 comes, if he is out there, I would also offer the
39 opportunity to the State, if they would like to make a
40 comment.

41
42 OPERATOR: All lines are currently
43 open.

44
45 MS. KLEIN: Thank you, Mr. Chair. I
46 think the State is neutral on this topic.

47
48 Thank you.

49
50 CHAIRMAN CHRISTIANSON: Thank you.

1 We'll give Clinton one second.
2
3 (Pause)
4
5 CHAIRMAN CHRISTIANSON: There is no
6 Clinton in the house.
7
8 (Laughter)
9
10 CHAIRMAN CHRISTIANSON: Everyone take a
11 deep breath.
12
13 (Laughter)
14
15 CHAIRMAN CHRISTIANSON: With that, I
16 think we bring ourselves to entertaining a motion on
17 this long awaited policy.
18
19 MS. CLARK: Can I finish up the day
20 with a motion.
21
22 CHAIRMAN CHRISTIANSON: You got it,
23 you've been the busy one all day.
24
25 MS. CLARK: I make a motion to approve
26 the nonrural policy.
27
28 MS. PENDLETON: Second that.
29
30 CHAIRMAN CHRISTIANSON: We have a
31 motion to adopt the policy as presented by Staff,
32 seconded.
33
34 Any discussion.
35
36 MS. CLARK: I'll provide my
37 justification.
38
39 The policy provides the framework
40 necessary to address requests for changing the rural
41 status of areas or communities using the comprehensive
42 approach described in the November 2015 final rule.
43
44 CHAIRMAN CHRISTIANSON: Thank you. Any
45 further discussion.
46
47 (No comments)
48
49 CHAIRMAN CHRISTIANSON: Call for the
50 question.

1 MS. PENDLETON: Question.

2

3 CHAIRMAN CHRISTIANSON: Roll call,
4 please.

5

6 MR. COGSWELL: Roll call. In keeping
7 with the tradition of this meeting we're going to start
8 with the Forest Service.

9

10 MS. PENDLETON: I vote to support the
11 motion and will just add that this has been a very
12 lengthy process with considerable public input, RAC
13 input, tribal input, and just want to also say that the
14 process that has been put together I think is extremely
15 well done and in consideration of all the comment and
16 input that has been received, I am fully supportive of
17 moving this forward and I think the one, you know,
18 caveat will be to monitor this process and if there is
19 opportunity for improvement, make that as we go
20 forward, but fully support moving forward.

21

22 MR. COGSWELL: Thank you.

23

24 Bureau of Indian Affairs.

25

26 MR. POLACCA: Well, right now I'm
27 opposed to it because I do want to request for a
28 modification to it for the proposal and that's for
29 nonrural -- underneath Subsection A, submitting a
30 proposal, nonrural determination proposals will be
31 accepted every other fish and shellfish review cycle.
32 So that would be every four years.

33

34 CHAIRMAN CHRISTIANSON: Well, yeah, I
35 think we'd have to propose an amendment to the original
36 motion to get that incorporated into that to get it
37 changed. And the way I understood it it would be every
38 two years according to the fish and wildlife cycle, was
39 what I thought I read, but what he's reading is, is
40 that it would be every four years, but my
41 interpretation was every two years when we come
42 together for regulatory cycles.

43

44 MS. HOWARD: Mr. Chair. I believe what
45 Mr. Polacca is saying is they would like it to be every
46 other fish regulat -- to make it longer in between; is
47 that correct?

48

49 MR. POLACCA: One of the things that we
50 don't want is to have it overlapping.

1 Let me go ahead and pull Pat up here to
2 help explain.

3
4 MS. PETRIVELLI: It's just so that one
5 -- well, do you want me to.....

6
7 MR. POLACCA: Go ahead.

8
9 MS. PETRIVELLI: It's just to allow one
10 cycle -- one review cycle to finish before another one
11 starts. And it doesn't make sense to accept proposals
12 for new determinations when you haven't been finished
13 your first cycle. So it would just eliminate -- when
14 you look at Page 505, you could see how they overlap,
15 that there could be a possibility of overlapping
16 cycles.

17
18 CHAIRMAN CHRISTIANSON: Okay, we thank
19 you for that notification there. I think what we're
20 going to do at this time is finish the vote, get down,
21 and see where we are with it and if there's recommended
22 changes we could come back and revisit the policy and
23 make some amendments.

24
25 MR. POLACCA: So I already did my
26 oppose.

27
28 MR. COGSWELL: Public Member Pitka.

29
30 MS. PITKA: I support. And I'd like to
31 thank Staff for incorporating comments from the
32 Regional Advisory Councils. Good job, thank you.

33
34 MR. COGSWELL: Public Member Brower.

35
36 MR. BROWER: I support and I.....

37
38 REPORTER: Charlie.

39
40 MR. BROWER: Okay. As I stated
41 earlier, I support. I think the Advisory Councils did
42 a lot of work and a lot of questioning so I'm in favor.

43
44 Thank you.

45
46 MR. COGSWELL: US Fish and Wildlife
47 Service.

48
49 MS. CLARK: I support and I echo
50 everyone's comments about the work that's gone into

1 this, thanks to everybody for everything that you've
2 done.

3

4 MR. COGSWELL: National Park Service.

5

6 MS. MCBURNEY: I support. This has
7 just been a tremendous collaborative effort between
8 agencies, between the RACs and it's really very
9 gratifying to finally come to a point where we can vote
10 on it. I also believe that this policy provides a
11 framework that will address requests for changing rural
12 status of areas and communities and it's consistent
13 with the November 2015 Final Rule.

14

15 Thank you.

16

17 MR. COGSWELL: Bureau of Land
18 Management.

19

20 MR. CRIBLEY: I support. And ditto on
21 everybody else's comments as far as -- particularly the
22 amount of effort that went in to developing this and
23 thank you for bringing it to fruition so that we could
24 vote on it.

25

26 Thank you.

27

28 MR. COGSWELL: And Chairman
29 Christianson.

30

31 CHAIRMAN CHRISTIANSON: I support.

32

33 MR. COGSWELL: The motion to accept the
34 draft nonrural policy passes by a 7-1 vote.

35

36 CHAIRMAN CHRISTIANSON: Thank you.
37 Now, did we want to have another discussion.

38

39 MR. POLACCA: Yes.

40

41 CHAIRMAN CHRISTIANSON: Okay.

42

43 MR. POLACCA: Okay. I would propose to
44 do a modification to adding what Pat talked about
45 modifying that so there's no overlap and no confusion
46 to that. Underneath No. 1, just to adjust that.

47

48 CHAIRMAN CHRISTIANSON: Sorry, what
49 page are you on Lynn?

50

1 MR. POLACCA: 105, in reference to 105,
2 underneath Page 499, Subsection A, submitting a
3 proposal, underneath that section, just adding in the
4 nonrural determination proposal would be accepted every
5 other fish and shellfish review cycle, that way we
6 don't have that overlap.

7
8 CHAIRMAN CHRISTIANSON: A mee.

9
10 MS. HOWARD: How it's written right now
11 is it takes three years and so what BIA is proposing is
12 that that stays the same, but we only solicit for new
13 proposals every other cycle, so then that would be four
14 years and that would alleviate the overlap, and, please
15 correct -- I'm getting the nod from Pat that that's
16 what she means, so -- and, again, that's at the Board's
17 discretion, it seems like a feasible answer, but it
18 will put the solicitation or the opportunity for people
19 to submit proposals -- then would be every other fish
20 cycle as opposed to every fish cycle -- yes.

21
22 CHAIRMAN CHRISTIANSON: Was that in the
23 form of a motion there, BIA.

24
25 MR. POLACCA: Yes, that was a motion,
26 what a read.

27
28 CHAIRMAN CHRISTIANSON: We have a
29 motion to amend the policy as passed to just reflect
30 that there not be an overlap in the solicitation and
31 determination process. Do we hear a second.

32
33 MR. BROWER: Second the amendment.

34
35 CHAIRMAN CHRISTIANSON: We have a
36 second to insert language on Page 499 of the policy.

37
38 MR. POLACCA: Section A, submitting a
39 proposal and adding in at the very end, nonrural
40 determination proposals will be accepted every other
41 fish and shellfish review cycle.

42
43 CHAIRMAN CHRISTIANSON: So we have a
44 clear explanation of that proposal and the timeline
45 adjustment on that page. Any discussion.

46
47 MR. CRIBLEY: Mr. Chairman.

48
49 CHAIRMAN CHRISTIANSON: Yes.

50

1 MR. CRIBLEY: A question. It says on
2 even years, and isn't this an odd year, aren't we doing
3 the fish cycle on an odd year or am I misunderstanding.

4
5 MR. LORD: The meeting occurs in the
6 odd year but the cycle is 2016, even year.

7
8 MR. CRIBLEY: Oh, oh, oh, I see, we
9 started in '16.

10
11 MR. LORD: Correct. Yes.

12
13 MR. CRIBLEY: Well, I guess, do we want
14 -- okay, the other question I would ask is, do we want
15 to put into this the starting point, when we would do
16 our first solicitation, like 2022, you know -- well, it
17 could be, yeah, but I mean do we want to establish --
18 do we need to say that or can we just assume we will do
19 it in the next cycle.

20
21 CHAIRMAN CHRISTIANSON: Does the maker
22 of the motion want to clarify a start date.

23
24 MR. POLACCA: I think it was already
25 inferred that it would start on '18.

26
27 CHAIRMAN CHRISTIANSON: Okay. So we
28 make the motion with the assumption that this will
29 start on the next regulatory fish cycle, fiscal year,
30 '18.

31
32 MR. POLACCA: Correct.

33
34 CHAIRMAN CHRISTIANSON: Okay. Any more
35 questions. Discussion.

36
37 Mary.

38
39 MS. MCBURNEY: I have one, thank you.
40 Ameer, do you see any procedural issues that that kind
41 of a, you know, every other year proposal would -- how
42 that might affect the policy and how it is implemented.
43 This is just something that hasn't been addressed in an
44 analysis or anything and I'm just kind of curious what
45 your thoughts are.

46
47 MS. HOWARD: I believe that if you look
48 at Page 505, the table that's most visible, all the way
49 over in that column where there's the overlap, that's
50 the overlap Pat's talking about, and if we solicit for

1 proposals every other fish cycle, essentially that will
2 be taken away. And so then the full -- how we've put
3 the process down and the timeline that the process is
4 on will remain the same but we won't be starting
5 another one while we're still doing one. So that does
6 allow Staff, ISC, the Councils more time and then we
7 won't, perhaps, have overlap, which can add to
8 confusion. Of course when we start living the policy
9 I'm sure more things will come up. But as I see it now
10 I think that the recommendation, or suggestion from BIA
11 would allow some more time to complete one cycle before
12 moving into a new one.

13

14 MS. MCBURNEY: Thank you.

15

16 CHAIRMAN CHRISTIANSON: Any other
17 discussion.

18

19 (No comments)

20

21 CHAIRMAN CHRISTIANSON: Call for the
22 question on the amendment to the policy.

23

24 MR. BROWER: Question.

25

26 CHAIRMAN CHRISTIANSON: Roll call.

27

28 MR. COGSWELL: Bureau of Land
29 Management.

30

31 MR. CRIBLEY: Support.

32

33 MR. COGSWELL: National Park Service.

34

35 MS. MCBURNEY: Support.

36

37 MR. COGSWELL: Fish and Wildlife
38 Service.

39

40 MS. CLARK: Support.

41

42 MR. COGSWELL: Public Member Brower.

43

44 MR. BROWER: I support.

45

46 MR. COGSWELL: Public Member Pitka.

47

48 MS. PITKA: Support.

49

50 MR. COGSWELL: Bureau of Indian

1 Affairs.

2

3 MR. POLACCA: Support.

4

5 MR. COGSWELL: US Forest Service.

6

7 MS. PENDLETON: Support.

8

9 MR. COGSWELL: Chairman Christianson.

10

11 CHAIRMAN CHRISTIANSON: Support.

12

13 MR. COGSWELL: The motion to amend the
14 table here to every other fish cycle starting in 2018
15 passes unanimously 8-0.

16

17 CHAIRMAN CHRISTIANSON: Thank you guys
18 for your work today, I apologize for the extended work
19 day.

20

21 MR. BROWER: Back at 9.

22

23 CHAIRMAN CHRISTIANSON: 8:30. Wait,
24 Carl has something to say before you all run away.

25

26 MR. JOHNSON: I'm sorry, Mr. Chair.
27 Carl Johnson, OSM, for the record. My Roberts Rules
28 are spinning in my head quite surreptitiously. So the
29 Board just passed a motion to amend, so there's still
30 one more bit of business to do, Mr. Chair.

31

32 CHAIRMAN CHRISTIANSON: I think what we
33 did was just amend some language within the policy, we
34 didn't amend the motion.

35

36 MR. JOHNSON: Okay. But there was a
37 previous motion that was -- that had been put forth
38 that was being voted on, voting stopped.

39

40 CHAIRMAN CHRISTIANSON: No, we finished
41 the vote.

42

43 MR. LORD: The vote was finished.

44

45 MR. JOHNSON: Okay.

46

47 CHAIRMAN CHRISTIANSON: We completed
48 the vote. Passed the policy. And then amended the
49 policy on Page 499 to insert language that makes it a
50 regulatory every other year.

1 MR. JOHNSON: Okay. So that's where a
2 lot of us in the audience were confused, Mr. Chair,
3 because it was still being talked about as amending a
4 motion.....

5
6 CHAIRMAN CHRISTIANSON: Yeah, no, we
7 amended the policy.

8
9 MR. JOHNSON:not amending the
10 policy.

11
12 CHAIRMAN CHRISTIANSON: Yeah, we
13 amended the policy.

14
15 MR. JOHNSON: All right, thank you, Mr.
16 Chair.

17
18 CHAIRMAN CHRISTIANSON: Yes, thank you.
19

20 So, again, we will start in the morning
21 at 8:30, hot and fresh with the Kenai.

22
23 (Off record)

24
25 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing, Pages 37 through 188 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME II taken electronically by our firm on the 11th day of January 2017, in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 18th day of January 2017.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18 □