FEDERAL SUBSISTENCE BOARD
PUBLIC REGULATORY MEETING

VOLUME V

GORDON WATSON CONFERENCE ROOM
U.S. FISH AND WILDLIFE SERVICE
ANCHORAGE, ALASKA

May 16, 2018
1:00 o'clock p.m.

MEMBERS PRESENT:

Anthony Christianson, Chairman
Charles Brower
Rhonda Pitka
Marlo Draper, Bureau of Land Management
Karen Clark, U.S. Fish and Wildlife Service
Bert Frost, National Park Service
Keith Kahklen, Bureau of Indian Affairs
Wayne Owen, U.S. Forest Service

Ken Lord, Solicitor's Office

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CHAIRMAN CHRISTIANSON: We'll call the meeting to order. Everyone please find a seat and on line if you want to let those know on line that we will start the meeting here in a minute.

(Pause)

CHAIRMAN CHRISTIANSON: I think that's on line, the music. All right, next time we're all going to get up and dance.

(Laughter)

CHAIRMAN CHRISTIANSON: Welcome everybody. We'll go ahead and call this reconvening meeting of the Federal Subsistence Board from April 13th 2018 and we'll come out of recess, and, again, welcome to everybody who came to participate.

With that we'll do introduction and roll call today. I see some new faces around the table and so we'll go ahead and start down here with Mr. Frost.

MR. FROST: Good afternoon. My name is Bert Frost. I'm the Regional Director for the National Park Service here in Alaska.

MR. KAHKLEN: Good afternoon. My name is Keith Kahklen. I'm the Natural Resources Manager for Bureau of Indian Affairs. I'm sitting in for Lynn Polacca.

MS. DRAPER: Good afternoon. My name is Marlo Draper. I'm the Branch Chief for Resources with the BLM Alaska State Office and I'm sitting in for the State Director Karen Mouritsen.

MR. DOOLITTLE: My name is Tom Doolittle and I'm the Deputy Assistant Regional Director for OSM taking the seat of Gene Peltola, the Assistant Regional Director for OSM.
CHAIRMAN CHRISTIANSON: Anthony Christianson. I'm the Board Chair.

MR. LORD: Ken Lord from the Solicitor's Office and this is my chair.

(Laughter)

MR. C. BROWER: (In Inupiaq) From Barrow. Charles Brower, public member.

MR. OWEN: I'm Wayne Owen with the United States Forest Service where I'm the Region Director for wildlife, fisheries and subsistence programs.

MS. PITKA: Rhonda Pitka, Chief of the Village of Beaver, and public member of the Federal Subsistence Board.

MS. CLARK: Good afternoon. Karen Clark, Deputy Regional Director for the U.S. Fish and Wildlife Service sitting in for Greg Siekaniec, the Regional Director.

MS. KLEIN: Good afternoon. My name is Jill Klein. I'm a special assistant to the Commissioner at the Alaska Department of Fish and Game and attend Federal Subsistence Board meetings for the State Liaison. And we'll have other Staff that are either here now with us today as well or may join us throughout the meeting to help out with some of the issues before us today.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Jill.

Did we have any Regional Advisory Council Chairs in the audience today.

(No comments)

CHAIRMAN CHRISTIANSON: How about on the teleconference.

(No comments)
CHAIRMAN CHRISTIANSON: The phone line.

OPERATOR: This is the coordinator, Sir, their lines are currently in listen only mode, do you want me to unmute their lines?

CHAIRMAN CHRISTIANSON: Yeah, I'm just trying to get a feel for which Regional Advisory Council Chairs might be present.

OPERATOR: Okay, I can go ahead and open the lines and then I can close them back.

(Pause)

OPERATOR: Okay, all the lines are open, Sir.

MS. ENTSMINGER: Sue Entsminger from Eastern Interior.

CHAIRMAN CHRISTIANSON: Thank you, Sue.

MR. KAMEROFF: Nick Kameroff, Aniak.

CHAIRMAN CHRISTIANSON: Welcome Aniak.

MR. MORGAN: Walter Morgan, Lower Kalskag.

CHAIRMAN CHRISTIANSON: Did you say Walter?

MR. MORGAN: Walter Morgan, Lower Kalskag.

CHAIRMAN CHRISTIANSON: Welcome Walter.

MS. PATTON: Mr. Chair and Members of the Board. I just got off the phone with Alissa Rogers, the Chair for the YK Delta Subsistence Regional Advisory Council. She was just getting back from the Kuskokwim Salmon Management Working Group and will be calling in shortly as well.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you.
MS. ROGERS: Thank you, Eva. This is Alissa Nadine Rogers, the Yukon Kuskokwim Delta Regional Advisory Council Chair.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you.

PUBLIC: David, Yukon Delta National Wildlife Refuge, Aniak.

CHAIRMAN CHRISTIANSON: Thank you. That sounds like that's about it, we'll go ahead and.....

MR. DOOLITTLE: Is there any legal counsel from the U.S. Forest Service.

MR. OWEN: No.

CHAIRMAN CHRISTIANSON: No.

MR. DOOLITTLE: Okay.

CHAIRMAN CHRISTIANSON: All right, thank you. That concludes the introductions and welcome again everybody to the reconvening of the meeting. And with that we'll review and adopt the agenda.

MR. C. BROWER: Mr. Chair. So moved to adopt the agenda.

CHAIRMAN CHRISTIANSON: We have a motion on the floor to adopt the agenda.

MR. OWEN: Second.

CHAIRMAN CHRISTIANSON: Motion's been seconded. Any discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, we'll call for the question.

MR. C. BROWER: Question.

CHAIRMAN CHRISTIANSON: Question's been
called. All those in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same sign.

(No opposing votes)

CHAIRMAN CHRISTIANSON: Motion carries unanimously to approve the agenda as presented.

At this time we'll open up the floor for information sharing between Federal agencies here. So if anybody has some pressing news they'd like to share or information they'd like to share here now is the time, their opportunity.

MR. LORD: Mr. Chair. I appreciate the opportunity to embarrass my good friend, Tom Kron, and wish him a Happy Birthday, and invite everybody else to do the same thing.

(Applause)

MR. KRON: Thank you.

CHAIRMAN CHRISTIANSON: Thanks, Ken.

Any other information.

(No comments)

CHAIRMAN CHRISTIANSON: All right. It looks like we're ready to get on to Regional Advisory Council Chairs, discuss topics of concern with the Board.

So at this time if there's any Regional Advisory Council Chairs, I open the floor to you.

MS. ENTSINGER: This is Sue.

CHAIRMAN CHRISTIANSON: Sue you have the floor.

MS. ENTSINGER: Okay, thank you. Sue Entsminger, Chair of the Eastern Interior Regional Advisory Council.
I wanted to set the record straight. At the last meeting I was not present. We had sent Donald Woodruff from Eagle down to represent the Council, and I don't think he understood the process that well. There was Wildlife Proposal 18-56 that was requesting to open the Arctic Village Sheep Management Area in 25A to non-qualified -- or non-Federally-qualified users and Donald had said -- he took up a personal opinion, which I think changed from the vote at our meeting. At our meeting we actually had a motion to support with an amendment to delete a portion of the Arctic Village Sheep Management Area that is south of Cane Creek. The motion had passed 5/2. And I wanted to say there was a lot of discussion and I think he read into the record at your meeting, the discussion, he had said the vote was 4/3 but it was actually 5/2.

And there was a lot of discussion at that meeting and it came up that there was -- this is a proposal that comes before the Board and it's just an open or a close for the proposal, and the Eastern Interior has been working with Katya on having hunter safety and ethics and that meeting -- we had a two day meeting a while back and she's got funding to do more of the meetings, and we looked at this area as a perfect opportunity to work with the State because at prior meetings, I believe it was 2012, there was a hunter education orientation requirement before the Board of Game, which passed, that would -- before anyone could hunt in that Red Sheep and Cane Creek drainages, within the Arctic Village Sheep Management Area, that person must possess proof of completion of a Department-approved hunter ethics and orientation course, including land status and trespass information. And I believe this is a perfect opportunity to see something like this occur, to bring the State and Federal more working together.

And I wanted to clarify the record on that. There was a lot of meetings in the past. The Eastern Interior have met probably three times on proposals like this, and there's been a lot of interest from Arctic Village and I feel like the Council talked it all over and it's better if we meet some of the concerns and have a working group. So, you know, the Council would be really pushing to see a working group because the way it's going now is not really working.
And if you have any questions I might be able to answer them.

CHAIRMAN CHRISTIANSON: Thank you, Sue, for calling in and clarifying that on the record. I don't see any questions at this time.

So, thank you.

MS. ENTSINGER: You're welcome.

CHAIRMAN CHRISTIANSON: Any other Council Chairs on line or in our audience that would like to share their topics of concern with the Board.

(No comments)

CHAIRMAN CHRISTIANSON: Okay. Hearing none, we'll move on to public comment period on non-agenda items. And this is an opportunity to speak to non-agenda items, and so I think we have white cards back there if you'd like to speak, and we offer this at the beginning of each day that we do meet here. And right now we do have Jackson Williams.

MR. WILLIAMS: I'm going to introduce when I was -- I'm the Lower Kuskokwim Advisory Committee member also and this testimony I'm going to make is really something that is from my point of view, you know.

REPORTER: Operator, could I have you mute the teleconference line, we are getting interference in our meeting.

Thank you.

MR. WILLIAMS: I'm going to.....

CHAIRMAN CHRISTIANSON: Pardon me one second, I want to make sure I can clearly hear you and there's something going on on line, Operator, that's kind of disrupting the noise here.

OPERATOR: One moment, Sir.

CHAIRMAN CHRISTIANSON: I'm not too sure where it's coming from.
REPORTER: Tony, ask her to mute the lines please.

CHAIRMAN CHRISTIANSON: So maybe mute everybody on line for the moment, please.

OPERATOR: Okay. I'll go ahead and mute, Sir.

CHAIRMAN CHRISTIANSON: Okay, thank you. Sorry about that, you have the floor.

MR. WILLIAMS: Okay. Maybe you can hear me now better.

CHAIRMAN CHRISTIANSON: Yes, it was something on the line.

MR. WILLIAMS: Oh, okay. But, anyway, when I introduce you in quite a bit of meetings I attended, I told the people I'm Action Jackson.

(Laughter)

MR. WILLIAMS: And on the really No. 1, and in some of them I had committee meetings with Lower Advisory, I tell myself, I'm a natural biologist because I know that river upside down.

Very young, when I first started walking, I don't know how old was I, my dad always bring me fishing, never miss. I learned, you know, I'll be -- I'll try to be quick. In the early '60s, I don't know how old was I, maybe 12 or 10 years old, holy cow, that spring, summer we fished and fished, you know what happened, nothing. We never caught not even chinook or silver or not sure what those -- those red salmon. But, anyway, we try go Akiachak, lower from Akiak, maybe 12 miles below and we fish maybe three, four drifts, same thing, nothing but that taught me, some years, some years those fish, they're gone, I mean they're not as, you know, I was surprised that we never catch nothing, that was early '60s. I don't know if the interceptions were going on down below us, Gulf of Alaska. Anyway my point is, you know, from my observation all these years and back in 2012, we did exercise our subsistence right, we fished -- Akiak did fish. You know, this is God given gift. We're the first Natives in this Alaska and we're
supposed to have every right to fish in that river.

One time I'm going to share you, when they had a Fish and Game in Napaskiak, this guy, friend of mine from Kwethluk, tell the Fish and Game like this, there shouldn't be regulation on subsistence. There shouldn't be. And he was right. Our livelihood is with the water and the land. When someone take away those from us.....

(Teleconference interruption, phones not muted)

MR. WILLIAMS: .....you know it's really hard for us people to continue.....

(Teleconference interruption, phones not muted)

MR. WILLIAMS: When we are denied of doing that, you know, our way of life changes. I mean really.....

REPORTER: Operator the phone lines are still open, could you please mute them, we are getting background interference. Thank you.

MR. WILLIAMS: .....not good. I'm really having a hard time with my family, my wife, my kids, really frustrating. Not only that, my oldest brother, he had a stroke, one side of his body paralyzed and my dad's sister's still alive, close to 90 years old and I never go down to the river to fish and feed them, so sad. How can people treat us like that. You know, I was born to treat, especially the elder's food, and hopefully we'll get somewhere with this meeting.

I got some more, I can talk all day but I'm trying to limit myself. Thanks for letting me speak and hopefully we'll work out something.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Mr. Williams for your testimony.

Any questions.
OPERATOR: And anyone on the phone who would like to ask a question, please press star one, and please record your name when prompted.

CHAIRMAN CHRISTIANSON: Next we have Chariton Epchook.

MR. EPCHOOK: Thank you, Chairman. I'm Chariton Epchook. About a couple years ago I attended a RAC meeting at Bethel and I presented a resolution passed by our Kwethluk Incorporated Board of Directors and that resolution requested that there be a five year moratorium on issuing commercial operation permits or licenses so that the chinooks would probably make a comeback after those five years.

We all know and we all have heard that us Natives, we don't play with our food. And in Yup'ik, (In Yup'ik), it's basically any fish that goes up our rivers and they -- they all have different names. There's a name for chinook, there's a name for all the salmon species that go up the Kwethluk River, but we basically call all salmon and fish that go up (In Yup'ik), meaning food. So I was glad to hear that the RAC back in, I think it was March, they submitted a letter in favor of our resolution and they were going to present it up to higher and we haven't heard back anything regarding that or if there was ever a decision made to put a moratorium on issuing commercial operation permits on the Kwethluk River.

So that's what I wanted to talk about.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you. And I'll see if we can find that out for you.

(Pause)

CHAIRMAN CHRISTIANSON: All right, thank you for that.

Martin Andrew.

MR. ANDREW: Good afternoon. Thank you, Chairman, Members of the Board, members in the audience.
I wanted to tell you guys what a gentleman -- I was waiting at the airport to come into town the other day and he came up to me and asked where I was going and I told him I was coming here to the Federal Subsistence Board meeting here in town, and he went on to tell me what -- of the story, his relative was working over in Akiachak and had to come in from Akiachak -- between Akiachak and Kwethluk, and we all know that on the Kuskokwim that the Alaska Hovercraft is operating on that river right now and the gentleman asked me to share this story with you and I told him that I would bring it forth to the Board. And he was very -- he didn't really like when -- when his relative was telling him that when he commuted from Kwethluk to Akiachak to go do some work and, of course the Hovercraft runs on a weekly schedule on the Kuskokwim and it just so happened when he was commuting over to the next community of Akiachak, the Hovercraft came around and passed him and in its wake he could see hundreds and hundreds of fingerlings flying -- flying in the air. And right now at this time, our stock of concern is the chinook salmon and between Kwethluk and Akiachak it's about 15 river miles between there, and when that Hovercraft runs on its route, I do believe it impacts -- it has a great impact on the -- on the salmon of stock, which is chinook salmon. And it was just for a small section of the river where the -- where the Hovercraft passed and there was hundreds of fingerlings in its wake flying through the air and I just wanted to share that with you guys. And whoever's out there listening in the audience, I would urge tribal organizations to turn in resolutions to the Congressional Delegation to halt the Hovercraft operations because we do have a stock of concern, which is our chinook salmon. And, you know, if they could hold off on that probably for a year, or even five years and see the outcome of the survival rates of the fingerlings.

And I do believe that gentleman has a real good point because he seen it with his own eyes and I wanted to share that with the Board.

Thank you very much.

CHAIRMAN CHRISTIANSON: Thank you for that. Any questions.

(No comments)
CHAIRMAN CHRISTIANSON: Thank you for your presentation.

I'll call one more time for public comment on non-agenda items.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none we'll move on to Item 6. Wildlife delegation of authority, revision recommendations and we'll call on Chris McKee.

MR. MCKEE: Thank you, Mr. Chair. For the record my name is Chris McKee. I'm the Wildlife Division Supervisor at OSM.

I believe this is supplement No. 5 in your meeting materials booklets and I'll try to be as brief as possible, just a general overview.

In 2015 I made some administrative revisions to all of the wildlife delegation of authority letters for OSM, mostly to make them as consistent as possible in verbiage. There was quite a bit of difference between many of the letters and I just wanted to try to clean them up and make them as easy to read and be as consistent between them, when possible. So all of the revised letters went through internal OSM review and a also review by the ISC. But since that time, new letters have been developed in association with the most recent wildlife regulatory cycle.

There has been some discrepancies and some questions in terms of scope that have come to light and so I just wanted to bring a few of those to your attention at this meeting. You can choose to act on them as a whole if you want to, or take them up one by one, each in their own, but these are action items.

So the following are some scope of delegation revisions and additions that OSM is requesting that the Board consider and take action on at your meeting today.

So the first one I'm going to bring up refers to restrictions, or closures to non-subsistence
uses. The following verbiage was included in the scope of delegation section in all of the wildlife delegation of authority letters during the 2015 administrative review. And, I quote, all other proposed changes to codified regulations such as customary and traditional use determinations, adjustments to methods and means of take and then in -- we have this in bold; or closures and restrictions for take by only non-Federally-qualified users shall be directed to the Federal Subsistence Board. This language specifically prohibits Federal managers with delegated authority from the Board from issuing closures that affect only non-Federally-qualified users, with this language in place all actions need to be deferred to the Board for your action.

Currently fisheries in-season managers with delegated authority from the Board may close and reopen Federal public waters to non-subsistence fishing, but may not specify method and means, permit requirements or harvest and possession limits for State managed fisheries.

OSM proposes to remove the bolded language that I just mentioned and add the following -- I should also note that all the changes that we're talking about are done in track changes in all the letters so you should be able to see that. The first one I'm bringing up should be on Page 4 of the handout, the first letter. So we are proposing to add the following:

This delegation also permits you to close and reopen Federal public lands to non-subsistence hunting but does not permit you to specify methods and means, permit requirements or harvest and possession limits for State managed hunts.

This revision would facilitate Federal manager's efforts to implement a step-wise approach to the Federal Subsistence Management prioritization process and it would also increase consistency between wildlife and fisheries delegation of authority letters from the Board.

So that's the first one.

I can stop there if you have any questions or I can continue to go on to the other two.
CHAIRMAN CHRISTIANSON: Any questions.

(No comments)

CHAIRMAN CHRISTIANSON: I think we could do it all in one shot there, Chris.

MR. MCKEE: Okay. So the second letter, I believe, is Page 6 of the handout.

This one refers to the delegated authority that's given to the Assistant Regional Director for OSM. Currently the ARD of OSM has delegated authority from the Board to issue emergency special actions. The original letter of delegated authority included language stipulating that this ability to issue emergency special actions was contingent upon a Staff analysis of the potential action and I want to make note, with unanimous consent of the InterAgency Staff Committee, however, this language was omitted in subsequent revisions. So OSM is proposing to add the following verbiage in the scope of delegation for this delegated authority letter.

And I quote:

And only after Staff analysis of the potential action and unanimous consent of the InterAgency Staff Committee this added verbiage makes it clear that the ARD for OSM can issue emergency special actions for wildlife on Federal public lands if these criteria are met.

And I should also note that this only applies to wildlife, this does not apply to emergency special actions for fisheries.

So that was the second one.

And then, finally, the third letter, which starts on Page 9 is a delegation of authority letter for the Arctic Refuge manager for moose in Units 26B remainder and 26C. This delegated authority currently allows the manager to, quote, set or adjust quotas and determine the number of permits to be issued and set season opening and closing dates. And for the past two years the Federal Subsistence hunt -- this hunt has taken place with a harvest quota of two bulls set by the Federal manager, via this delegation of
authority. OSM proposes adding the verbiage saying, set any needed sex restrictions to the scope of delegation to clarify this authority from the Board. The suggested revision would add this phrase into the scope of delegation. Now, in the past it's just said set the quota, which from a pure reading of it means the number of animals. But the manager has set this specific sex restriction and we've had a rather -- what I would say, a rather liberal reading of what a quota is. And so I would just like this sex restriction verbiage put in there to make it absolutely clear that they can also make these sex restrictions given, depending on what the biology is at the time and, of course, this manager's making these decisions based on recommendations from their Staff and other folks, so I just wanted to make that clear.

So that one is kind of a more or less a housekeeping but one that I think needs some added clarity.

So that's it for this presentation and I'd be happy to answer any questions that I can.

Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you, Chris. Any questions for Chris.

Wayne.

MR. OWEN: Thank you, Mr. Chair. If I may, Chris, letter number 2 is specific to wildlife, is there a complimentary letter for fisheries or what's the reason for that separation?

MR. MCKEE: Yeah, so there -- currently the ARD of OSM does not have delegated authority to issue emergency special actions for fisheries, it's just for wildlife at this point. So there is no accompanying letter for fisheries, just for wildlife.

MR. OWEN: And, Mr. Chair, if I may. Is there a legal reason for that or is it just past practice or?

MR. LORD: No, it's more of a need to respond quickly to fish -- changes in fisheries, such that the delegations there are to the in-season manager
rather than to OSM, or to the ARD there.

MR. OWEN: Thank you very much.

CHAIRMAN CHRISTIANSON: Any other questions.

MR. C. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes.

MR. C. BROWER: Just a question. So you're adjusting the wording to set any needed sex restrictions from the harvest annual quota of two bulls; is that right? I mean that's just a word change.

MR. MCKEE: It's more a specificity. Right now the delegation of authority says they can determine the quota, which from my read is just the number of animals that could be harvested, whereas the last couple of years of this hunt the Federal manager has set that quota, the harvest limit at two bulls, which is a sex restriction. The current delegation of authority doesn't say anything about bulls, cows or anything else. So this was more or less just a clarity to specifically give them that authority to set those needed set restric -- any needed sex restrictions.

MR. C. BROWER: Thank you.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: So, Ken, just to qualify. So the fisheries delegation of authority, back to Wayne's question, has actually got a lower level than the wildlife, is that right? Because wildlife is at OSM.....

MR. LORD: It's closer to the source of the issue.

MR. FROST: Closer to the field.

MR. LORD: Closer to the field I think is a better way to characterize it.

MR. FROST: Right. Just trying to make
sure I understand. Okay, thanks.

MR. MCKEE: I also just want to make clear that if there is [sic] a unanimous consent of the ISC and wildlife emergency special actions then it would go to the Board and that has happened in the past but I also have examples of -- we have several emergency special actions on the Nushagak Peninsula Herd in 20-fiscal year -- regulatory year 2015, I believe, where we had a series of unanimous consent from the ISC and approved emergency special actions that you guys never saw.

CHAIRMAN CHRISTIANSON: Any other questions for Chris.

(No comments)

CHAIRMAN CHRISTIANSON: State.

OPERATOR: For any questions on the phone please press star one and please record your name when prompted.

CHAIRMAN CHRISTIANSON: Jill has the floor at the moment, thank you.

MS. KLEIN: Thank you, Mr. Chair. We have more of a comment, I guess, than a question on the first item, which is adding the authority for the managers to close Federal public lands to non-Federally-qualified users and we'd prefer that that authority remain with the Federal Subsistence Board versus at the local manager level.

We know that most of the delegation of authority letters do allow a manager to defer to the Board if something is controversial but we find most of those examples recently to be controversial and warrant further discussion at the Federal Board meetings.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you. Any questions for Jill or comments.

(No comments)
CHAIRMAN CHRISTIANSON: Thank you. Any other questions for Chris.

(No comments)

CHAIRMAN CHRISTIANSON: I open the floor for Board action.

(Pause)

CHAIRMAN CHRISTIANSON: What Staff's looking for is for us to make a motion so we could amend these letters.

MS. CLARK: I'll make a motion. I'd like to make a motion to adopt the modifications suggested by OSM as indicated in supplement five of the Board meeting materials entitled: Proposed Revisions to Wildlife Delegation of Authority Letters April 2018.

MS. PITKA: I'll second that motion.

CHAIRMAN CHRISTIANSON: Motion has been made and seconded. Any further discussion.

(No comments)

CHAIRMAN CHRISTIANSON: Call for the question.

MR. FROST: Question.

CHAIRMAN CHRISTIANSON: All in favor signify by saying aye.

IN UNISON: Aye.

CHAIRMAN CHRISTIANSON: Opposed, same sign.

(No opposing votes)

CHAIRMAN CHRISTIANSON: The motion carries unanimously to make the changes to the letter of delegation.

MR. OWEN: For wildlife.

CHAIRMAN CHRISTIANSON: Thank you,
CHAIRMAN CHRISTIANSON: That moves us on to Item No. 7, Fisheries Temporary Special Action Request 18-01/03.

(Pause)

MR. DECOSSAS: Good to go.

CHAIRMAN CHRISTIANSON: Yep, the floor is yours.

MR. DECOSSAS: Hello, Mr. Chair and members of the Board. My name is Gary Decossas and I'm the Kuskokwim area fisheries biologist at the Office of Subsistence Management. I'm here today with anthropologist, Pippa Kenner, to provide an overview of the analysis of Fisheries Temporary Special Action 18-01 and 18-03 related to the Kuskokwim chinook salmon subsistence fishery.

Temporary Fishery Special Action Request FSA18-01 was submitted by the Yukon Delta National Wildlife Refuge Manager, who is also the Federal in-season manager for the Kuskokwim area, so that request was submitted on February 5th, 2018 and then there was Temporary Fishery Special Action Request FSA18-03, which was submitted by the Akiak Tribal Council on March 28th, 2018.

You can see these requests on Page 1. I'm just going to provide a brief summary of the request.

Both actions request that Refuge managers -- that Refuge waters be closed to the harvest of chinook salmon except by the residents of the Kuskokwim River drainage or one of the four coastal communities of Kong, Kwig, Chefornak and Kipnuk. The request from the Refuge manager is for the closure to begin on June 12th. The request from the Akiak Native Community is for the closure to begin on May 20th. The Akiak Native Community is also requesting implementation of a chinook salmon allocation strategy similar to what was implemented in 2015.
Can you all see the PowerPoint presentation.

CHAIRMAN CHRISTIANSON: Yes. Well, maybe.....

MR. DECOSSAS: Good. All right. Cool. I can't see it.

(Pause)

MR. DECOSSAS: I'll put this on hold for a second until.....

(Pause)

MR. DECOSSAS: Once Chris has the.....

CHAIRMAN CHRISTIANSON: Let's take a minute, one minute and let them get it up here.

(Pause)

MR. DECOSSAS: All right, technical difficulties aside.

As the Board can see on the PowerPoint presentation it will need to decide the following actions.

One. Close to all except Federally-qualified subsistence users, this would be an .815 closure under ANILCA.

Two. Close to all except a limited pool of Federally-qualified subsistence users, that would be an .804 closure.

Three. If the closure to non-subsistence uses was approved, then what would be the closure begin and end dates.

Four. Should the Refuge manager implement an allocation strategy similar to 2015 during the in-season management process.

So next I will move on to the requests. I'll summarize why the Refuge manager and the Akiak Native Community requested these special actions. This
could be found on Page 2 in the analysis.

MS. KENNER: At the top.

MR. DECOSSAS: At the top.

The Refuge manager is requesting this action for the following reasons.

The preseason forecast for chinook salmon in the Kuskokwim River drainage for 2018 is 140 to 193,000 fish. Given the forecast there is a possibility that the chinook salmon run in the river may not be large enough to provide for an unrestricted chinook salmon subsistence fishery in 2018. The Refuge manager said in his request that:

Quote, closing Refuge waters to the harvest of chinook salmon by non-subsistence users is necessary during the 2018 season to provide a rural subsistence priority to provide for the conservation of healthy populations and to continue the subsistence uses of chinook salmon.

The Akiak Native Community is requesting this action for the following reasons:

The Akiak Native Community wants Refuge waters closed on May 20 to the harvest of chinook salmon except by residents of the Kuskokwim River drainage and one of the four coastal communities that I mentioned before. Then it wants the Refuge manager to allow more fishing opportunity with gillnets.

Further, the Akiak Native Community request community allocation similar to what happened in 2015 because it allows for more traditional use of chinook salmon by allowing people to get fish into smokehouses earlier in the season and prevents combat fishing that happens during short-windowed opportunities like 2016 and 2017.

So now we can move on to the beginning of Page 10, there's a regulatory history provided in the analysis. I'm just going to provide some recent regulatory information for the Board.

ADF&G regulations now mandate that chinook salmon fisheries in the Kuskokwim River
drainage be closed by emergency order through June 11
every year. This has been placed -- this regulation
has been in place since 2016 and has been implemented
through a gillnet. Last year in 2017 ADF&G issued
emergency orders closing the Kuskokwim River mainstem
from the mouth of the Tuluksak River to the use of --
from the mouth of the river up to the Tuluksak River to
the use of all gillnets effective on May 20 and
effective May 25 up to the Refuge boundary near Aniak.
So on May 20th essentially the lower half of the Refuge
was closed to gillnets and then from the 25th -- and
then on the 25th, the other half was closed to
gillnets. Additionally, several lower river and middle
-- several lower river salmon spawning tributaries and
one middle river tributary were closed off on May 20th,
restricted, gillnet use.

Last year effective June 12, 2017, the
Refuge manager closed Refuge waters of the Kuskokwim
River mainstem and the salmon bearing tributaries
within the lower river to the use of all gillnets by
all users and chinook salmon caught by other legal
methods had to be immediately released.

Additionally, effective on June 12,
2017, the Board closed Refuge waters to the harvest of
chinook salmon except by residents of the drainage
identified in the .804 analysis.

The Refuge manager then proceeded to
close the chinook salmon subsistence fishery through an
.816 closure.

Subsequently the Refuge manager
provided two 12 hour six inch mesh gillnet
opportunities for salmon in June as well as one six
hour and one 12 hour six inch direct gillnet
opportunity in the beginning of July. On July 7th,
2017 all Federal restrictions and closures were
rescinded.

This year, in 2018, ADF&G has issued
emergency orders closing the Kuskokwim River mainstem
from the mouth of the Kuskokwim River up to the
Tuluksak River to the use of all gillnets effective May
25th, and effective May 30 up to the Refuge boundary at
Aniak. These effective dates are five days later than
what occurred in 2017. Salmon tributary closures in
the lower river also started on May 25 and obviously
this was also five days later than the previous year.

ADF&G has closed sportfishing for
chinook salmon in the Kuskokwim River drainage similar
to what it did in 2017.

Now that I've described the regulatory
-- the recent regulatory history we will move on to the
current events section. For these Special Action
Requests the Board had two public meetings and two
tribal and ANCSA corporation consultations. And I will
turn this over to Pippa to explain.

MS. KENNER: Thanks, Gary. Again, this
is Pippa Kenner with the Office of Subsistence
Management.

Okay, so there were two public
hearings, these were held by teleconference in
Anchorage at the Regional Office. There were -- excuse
me, there were two public meetings and they were
conducted by teleconference in Bethel, Alaska. There
were two tribal consultations and there were two ANCSA
corporation consultations and they were each done here
at the Regional Office by teleconference.

So the public hearing for 18-01, the
description -- a summary of that meeting begins on Page
17 but I'm going to just quickly go over it.

So the public hearing for FSA18-01,
there were 22 individual testifiers and 11 of them
represented individuals, Federally-qualified
subsistence users, while the remaining 11 commented as
part of a rural or tribal organization in the area, and
that included the Kuskokwim River InterTribal Fisheries
Commission, the Association of Village Council
Presidents, or AVCP, the Native Village of Napaimute,
Akiak Native Community, the Organized Village of
Kwethluk, and the Orutsararmiut Native Council
representing Bethel.

There was a public hearing for FSA18-03
also. There were 22, again, individual testifiers,
half were individual Federally-qualified subsistence
users and half represented organizations in the area,
including the -- again, the Kuskokwim River InterTribal
Fisheries Commission, the Akiak Native Community, the
Organized Village of Kwethluk, and the Orutsararmiut
Native Council, and the Kuskokwim Corporation, which represents 10 villages in the middle and upper river.

For tribal consultation on 18-01, 15 tribes participated and an ANCSA corporation. And for tribal consultation on 18-03 29 tribes participated and additionally there was an ANCSA corporation that participated in consultation.

Okay. To summarize the comments that we received in public hearings and through tribal and ANCSA corporation consultation.

First of all in this request the Refuge manager requested to close Refuge waters to the harvest of chinook salmon by non-subsistence users effective June 12th and the Akiak Native Community requested May 20th, after which Federal subsistence fishing schedules, openings, closures and fishing methods would be determined by the Refuge manager and not by ADF&G emergency order.

Testimony from the lower river wanted the Refuge manager to provide more opportunity to harvest chinook salmon than would otherwise be provided in order to fill smokehouses as early as possible to avoid rainy weather. Testimony from the lower river wanted the Refuge manager to provide more opportunity to harvest non-salmon fish species also in fisheries that overlap the chinook salmon run and that have been impacted by restrictions on gillnet use in order to protect chinook salmon from harvest. They said, closures to the use of gillnets have begun to early before chinook salmon typically begin to migrate into the lower river in harvestable numbers.

Testimony from the middle and upper river generally did not support early lower river gillnet fishing because early run chinook salmon have been shown to be headed for middle and upper river tributaries. Since early closures have been in effect, people have observed substantially more chinook salmon migrating into these areas than in the past. But some testimony from the middle and upper river were not opposed to allowing some opportunities for a taste of fish prior to June 12th.

Now, regarding the allocation portion of FSA18-03, the Refuge manager did not request the
implementation of an allocation strategy and the Akiak
Native Community requested an allocation strategy
similar to the one implemented in 2015. So based on
comments made during public hearings and tribal and
ANCSA corporation consultation -- first of all the
Orutsararmiut Native Council said it supported the
designated fisherman permit used in 2015. And the
Orutsararmiut Native Council is the one who implemented
this in Bethel and it was a really large job because a
majority of Federally-qualified subsistence users are
in Bethel. The group testified that the program had a
lot of support among the 150 fish camps in Bethel and
the organization viewed it as a success. The permit
helped control effort in the chinook salmon subsistence
fishery and prevented combat fishing in a time of
conservation. Also, the Kuskokwim River InterTribal
Fisheries Commission gave testimony, they did not have
a position on allocation. I think tribes belonging to
the commission had not reached consensus, however, they
did testify that the beginning date of the closure to
non-Federally-qualified users should begin as soon as
the Board takes action.

Additionally, testimony from the lower
river added that communities and tribes could negotiate
the allocation of chinook salmon to ensure that
subsistence users can harvest some while still being
conservative and protecting enough of the run to allow
middle and upper river communities to still have ample
opportunities for traditional subsistence fishing for
chinook salmon. For example, one example they gave was
the allocation strategy would prevent the rush to fish
or the combat fishing that has developed in the lower
river in recent years during to short periods of
opportunity.

Concerning allocation. Some testimony
from the lower, middle and upper river supported
implementation of an allocation strategy earlier in the
season only if allocations were limited to small
numbers of chinook salmon. And, finally, some
testimony from the lower river did not support the
implementation of a chinook salmon allocation strategy
if it meant using designated fishers or that people
would need a permit to subsistence fish. In 2015 some
communities did not participate or could not provide
gas for designated fishermen to harvest community
allocations of chinook salmon. Also, should the
allocation strategy implement a community harvest
system that provides permits for a limited number of
designated fishers, some Federally-qualified users
would not have the opportunity to meaningfully
participate in the harvest of chinook salmon.

Now, I'm going to move on to ADF&G
comments. They're summarized beginning on Page 23, and
the full comments are included in Appendix E.

Concerning FSA18-01, ADF&G proposed
that if the fisheries special action is adopted by the
Federal Subsistence Board then the Federal manager turn
management back over to ADF&G managers but by July
15th.

Concerning FSA18-03, ADF&G added that
the Kuskokwim River Salmon Management Working Group has
recently recommended that the front end closure start
on May 25th and run through June 11th. That's the
closure to the subsistence fishing -- to subsistence
fishing with gillnets that the State implements
preseason through June 11th.

With this in mind, if the Board
determines a closure of Refuge waters is justified, a
start date after the front end closure is prudent.

The request to return to the allocation
system used in 2015 should be discussed among
stakeholders due to the local knowledge that's been
provided.

Okay, now I'm moving into a section
that's on Page 24, and it's the cultural knowledge and
traditional practices section.

One of the most important pieces of
information in this section is a look at the impact of
weather on drying and smoking fish. Locally in the
Yukon -- in the Kuskokwim River drainage, a cold
smoking process is used and when there's high humidity
or rainy weather it's almost impossible to dry and
smoke fish. This is really important because these
salmon are being harvested at levels far beyond what an
average person could put in their freezer and the
drying and smoking process is really important to the
winter food supply. There has been some research
recently, people sitting down and documenting the
observations and experiences of local users and talking
about how long it -- it's a one to three week process from beginning to end to get the fish through the process. When it rains people are moving racks of fish in and out of the smokehouse in order to protect it from the rain.

Okay, I'll turn it over to Gary now.

MR. DECOSSAS: Okay. So what I'm going to do now is just briefly summarize the chinook salmon biological information that includes harvest, run size and escapement.

From 1990 to 2009 the annual subsistence harvest for chinook salmon in the drainage has ranged from 67,000 to 110,000 fish. In 2017 the chinook salmon subsistence harvest was around 16,000 fish.

As far as run size is concerned, from 2015 to 2017 the run size has remained essentially consistent around the 150 to 170,000 fish, ball park.

Chinook salmon escapement in 2017 was 150,000 fish. For the last three years chinook salmon escapement has exceeded the upper bound of the drainage wide sustainable escapement goal by an average of 30,000 fish. The sustainable escapement goal provides escapements that have a 95 percent chance of producing yields greater than 100,000 chinook salmon on average except when escapements are consistently held at 120,000 fish. Anything within this range is considered successful. It's important to note that this goal has only been in place since 2013.

Chinook salmon, the running timing. Chinook salmon typically begin entering the mouth of the Kuskokwim River by the end of May and begin passing Bethel around the beginning of June. By June 1, generally less than one percent of the chinook salmon run has passed Bethel. That's according to the Bethel test fishery which begins operations on June 1. This increases to between six and 19 percent on average by June 12th.

Now, I'm just going to briefly go over the preseason forecast and how it relates to the sustainable escapement goals, and this allows us to kind of figure out potential allowable harvest for the
season.

As of 2018 the current methods used to create the preseason forecast are surprisingly accurate as the total run sizes have fallen in or near the forecast every year since 2014. This result is a product of low returns and extremely low variability in run sizes that have occurred since 2010. The 2018 run forecast for chinook salmon in the Kuskokwim River is 140 to 193,000 fish. On Page 41 the Board can see scenarios for potential allowable chinook salmon harvest in 2018, and like I've stated before this is based on the forecast in relation to the sustainable escapement goal. If managing for the lower end of the escapement goal, potential allowable chinook salmon harvest ranges from 61,000 to 128,000 fish anywhere within the preseason forecast. If managing for the middle of the escapement goal, potential allowable chinook salmon harvest ranges from 47,500 to 100,500 fish, anywhere within the forecast. And if managing at the upper end of the escapement goal, which is how the fishery has been managed since 2014, potential allowable chinook salmon harvest ranges from 20,000 to 87,000 chinook salmon anywhere within the forecast.

To kind of put this in perspective, chinook salmon harvest during unrestricted times ranged from 67 to 110,000 chinook salmon.

Based on the preseason forecast, there are scenarios that would allow for more harvest opportunities to be provided as compared to recent years, however, if the chinook salmon subsistence fishery is managed for near the upper end of the sustainable escapement goal like it has been since 2014, then there are scenarios in which the chinook salmon run in the Kuskokwim River may not be large enough to provide more harvest opportunities than in recent years, especially at the lower end of the preseason forecast.

So I've gone over the biological background and I will turn this over to Pippa for a description of the .804 analysis.

MS. KENNER: Thank you, Gary. Okay, so both of the requests ask for a Section .804 subsistence user prioritization analysis to determine the communities that have the highest customary dependence
on chinook salmon in the Kuskokwim River drainage.

This analysis was first conducted in 2014 and implemented in 2015. An additional analysis covered the community of Bethel, which is contained in Appendix F of your analysis. And in Bethel it was determined that members of the work groups and between 100 and 150 fish camps had the highest customary dependence on chinook salmon. And that and then the conclusion of the region-wide Section .804 analysis was that community -- residents of the drainage and living in the four coastal communities had the highest dependence of chinook salmon from the Kuskokwim River drainage than other Federally-qualified users.

Now, if I'm not mistaken, Gary, we're going to go into the alternatives.

MR. DECOSSAS: Yes.

MS. KENNER: Thank you. Okay. OSM developed a couple of alternatives for you to consider regarding these two special action requests. It begins on Page 55.

Alternative one would be to take no action on FSA18-01 and approve FSA18-03 with modification to close Refuge waters to the harvest of chinook salmon except by the residents of the drainage and the four coastal communities beginning May 25th from the mouth up to Tuluksak and beginning May 30th from Tuluksak River up to the Refuge boundary at Aniak.

Additionally, a chinook salmon allocation strategy would be implemented by Board action. The allocation strategy would include a community harvest system with designated fisher or household permits. Specific permit conditions such as time, area, means and methods, gear type would be defined by the Federal in-season manager in consultation with the InterTribal Fish Commission and affected rural communities. This allocation strategy could also include managing for a harvest goal using means and methods and time and area restrictions.

So in his request, the Refuge manager sought to close Refuge waters to the harvest of chinook salmon except by a limited pool of users identified in the Section .804 determination on May 20th and --
excuse me, on June 12th and Akiak Native Community requested the same closure begin on May 20th.

In alternative one it would implement the closure sequentially up the river as chinook salmon have been shown to migrate into each area and become available for harvest. The beginning date in alternative one, May 25th, was chosen because this is when chinook salmon typically begin to migrate into the lower portions of the river in harvestable numbers.

Some of the effects of alternative one.

After May 25th, the Federal in-season manager, the Refuge manager would issue special actions providing more subsistence opportunity than would otherwise be provided. This would allow the Kuskokwim River InterTribal Fish Commission to negotiate early opportunities to harvest salmon while still being conservative. For example, the Federal in-season manager could provide harvest opportunity early during the chinook salmon by alternative means and methods such as gillnet, dipnet or rod and reel, which would allow for the continuation of historical subsistence use patterns, particularly those processing methods that require dry weather conditions that occur in early June. The earlier closure to all but Federally-qualified users will also allow the Federal in-season manager to provide more opportunities for the harvest of non-salmon species of fish such as whitefish and sheefish and will also allow for the harvest of chinook salmon.

So the Refuge manager requested a closure end date of August 30th and the Akiak Native Community requested a closure through June 30th only.

Alternative one would allow the Federal in-season manager to rescind the closure to allow fishing for all users when appropriate, which would more clearly reflect the Refuge manager's request and would allow him flexibility to manage the run size as in-season information became available.

Now, alternative two, another alternative is the same as alternative one, but it would not include implementation of an allocation strategy directed by the Board. Specifically there would be no community harvest or a permit system.
Now, the effects of alternative two are the same as alternative one with the exception that there would be no allocation strategy. This would mean chinook salmon fishing opportunities including schedules, openings and closures, means and methods would be determined by the Federal in-season manager in consultation with the InterTribal Fish Commission and other fishery managers and decisions would be coordinated with the Office of Subsistence Management to ensure proposed actions will align with Federal subsistence regulations and policy.

Thank you.

I'm going to turn it over to Gary now, who will talk about the effects of each of these proposals, if they were adopted -- if they were approved.

MR. DECOSSAS: Okay. All right. So those were some of the alternatives that were in the analysis. Now, we go into Page 54 to talk about the effects of these two requests, 18-01 submitted by the Refuge manager and 18-03 submitted by the Akiak Native Community.

If the Refuge manager's request was approved, the Board would close Refuge waters to the harvest of chinook salmon from June 12 through August 30, 2018, except by subsistence users identified in the Section .804 subsistence user prioritization analysis, unless superseded by subsequent special actions. This would mean chinook salmon fishing opportunities including schedules, openings, closures and methods would be determined by the Federal in-season manager in consultation with the InterTribal Fish Commission and other fishery managers including State and tribal interests. The Federal in-season manager could issue special actions providing more subsistence opportunity than could otherwise be provided. By taking this action the Board would be supporting the Federal in-season manager's efforts to manage the Federal subsistence fisheries for continued subsistence uses.

If the Akiak Native Community special action request 18-03 was approved, the Board would close Refuge waters to the harvest of chinook salmon from May 20 through July 21, 2018, except by subsistence users identified in the Section .804...
subsistence user prioritization analysis and fishing
under the terms and authority of a community harvest
permit unless superseded by subsequent special actions.
Allocation would provide more opportunity to harvest
chinook salmon than what would otherwise be provided.

If these special action requests were
not approved by the Board, State subsistence and
sportfisheries targeting chinook salmon would be closed
prior to June 11. Beginning on May 25, subsistence
fishing with gillnets in the Kuskokwim River would be
closed from the Refuge boundary at the mouth of the
river to the ADF&G markers approximately one-half mile
upstream of the Tuluksak River mouth. On May 30, this
closure would be extended to the Refuge boundary near
Aniak. ADF&G would issue an emergency order for at
least one fishing period per week with four inch or
less mesh set gillnets, the purpose of these
opportunities would be to allow subsistence harvest of
non-salmon species, while allowing for incidental
harvest of chinook salmon. All residents would be
eligible to participate in the State subsistence
fisheries. However, the Federal in-season manager in
consultation with the InterTribal Fish Commission and
other fisheries managers could close Refuge waters to
the harvest of chinook salmon except by Federally-
qualified subsistence users when necessary to conserve
healthy populations of chinook salmon or to continue
subsistence uses.

Essentially the in-season manager has
emergency delegation -- emergency action authority in
the event these requests were not approved by the
Board.

And with that being said.....

MS. KENNER: We're done.

MR. DECOSSAS: .....we're done. Thanks
for staying.....

(Laughter)

CHAIRMAN CHRISTIANSON: Appreciate.....

MR. DECOSSAS: .....upright.

(Laughter)
CHAIRMAN CHRISTIANSON: Appreciate your
guys diligence in that.

MR. DOOLITTLE: Way to go guys.

CHAIRMAN CHRISTIANSON: What we're
going to do is take a couple minute break because I
need to use the restroom and then we're going to come
back from that and open the floor to the public
testimony. So just five minutes, a tight five minutes
and we'll come back.

(Off record)

(On record)

CHAIRMAN CHRISTIANSON: We're just kind
of waiting. Most of the people on the white cards are
out side-barring.

(Pause)

CHAIRMAN CHRISTIANSON: So we'll go
ahead and start.

We're going to open the floor to the
public at this time for the agenda item that we are on,
Temporary Special Action, and so we're just trying to
track down a lot of the testifiers.

(Pause)

CHAIRMAN CHRISTIANSON: All right.
Well, we'll go ahead and we'll first call Lisa
Fergueson, if you're in here.

MR. DOOLITTLE: Feyerisen.

CHAIRMAN CHRISTIANSON: Oh, Feyerisen.

MS. FEYERISEN: Hi. It's Lisa
Feyerisen, not that you have to ever get it right
because most boards never do. And I feel like I don't
want my -- even though it will be on record, I would
kind of like my cousins and stuff from down river
because I do have an opposing view of several of them,
to hear what I have to say so they know so if we could
wait for just a second here.
CHAIRMAN CHRISTIANSON: Yes, I was trying to -- my five minutes was 10.

MS. FEYERISEN: So we could all practice saying my name.

IN UNISON: Feyerisen.


(Laughter)

MS. FEYERISEN: Yeah, and I used to teach school so I would draw little pictures for the kids and we'd have the first grader say the name but my poor teachers couldn't.

(Laughter)

CHAIRMAN CHRISTIANSON: The floor is yours, your cousins are here.

MS. FEYERISEN: All right, my cousins are here. So I'm Lisa Feyerisen. I live in Crow Village, which is six miles below Aniak. And I'm the Chairman of the Central Kuskokwim Advisory Committee. And I want you to know that a lot of the people sitting behind me are my true, dear -- not only related to me, but they are my true dear friends, even though we may disagree. And there's several points that I want to make.

But first off I feel real saddened that I hear, and I love Pippa Kenner, but I hear Pippa Kenner say, you know, that the fish will rot if we don't wait until the 12th -- if we don't allow people to start fishing early, because that's not taking into account my husband's ancestors and Danny's ancestors and everybody up and down the river, and Dennis Thomas' ancestors that have fished during the rainy season and preserved their fish efficiently. So, yes, down river is very used to fishing earlier and the way they are used to preserving fish with the rainy season, they do tend to have more rot, so it's a matter of educating them, a matter of us working together to be able to prevent. So if we are making management decisions on people's inability to adjust to the climate, I think
that's wrong, because we know extreme weather
conditions are happening more frequently on the
Kuskokwim and we need to adapt our preserving practices
accordingly.

The other thing I want you to know, is
there is a huge discrepancy about both of these special
actions from the middle river on up, and to pretend
otherwise would be ridiculous. To say that we're all
in agreement. Whether it's the 33 people from the Fish
Commission or anybody else. Walter Morgan and other
people are in line from the middle river that can speak
to this. But we all sat down two years ago, 30 people
from the Kuskokwim at a Board of Fish meeting for the
State of Alaska and agreed to the June 12th date. And
if you had listened to what Gary said, there's 12 to 15
percent of the fish that pass Bethel by that date. So
we're talking 85 percent of that run is still going on
after that. So by keeping it closed until the -- it
was a unanimous consent, we had a subcommittee meeting
at the Board of Fish, and Kwethluk was there Akiak was
there, there was way more people from down river than
middle river, up river, everybody agreed, that if we
wanted to rebuild our stock, we needed to adhere to
that date. And we're not talking, oh, except for 5,000
fish, or except for 7,000, or except for 40,000, we're
talking closure, except for the taste fish through four
inch mesh nets.

The other thing that is important to
recognize is what Dennis Thomas just said five minutes
ago, whatever was happening last year was working,
because people up in Crooked Creek saw fish. Usually
they would get two or three fish, they didn't get what
they would like to get but for the first time they saw
fish. So if you go in and touch that front end closure
that we worked hard to all agree that that was
extremely important, everybody on the river agreed at
that meeting that that was extremely important and then
the State agreed to implement it, and we want to
rebuild our king stocks after years of having worked
really hard on conservation, and Nikolai not seeing any
fish, and McGrath not seeing any fish, and Stony River
not seeing any fish and the people from my area not
seeing any fish, you are completely ignoring a portion
of the river whose voice you need to hear.

And, finally, I was sitting before this
exact same -- not the exact same people, I think
Charlie was here, but other people have come and gone since then, and I testified in favor of special action, before the very first special action, and no one thought it was going to happen but I said what's going on in this -- and Tom knows, I had him come up to Chuathbaluk when I was the tribal administer, what was going on, was not working for the people in the middle river and up river, and so we wanted the Federal government to come in and take over and to correct the injustice that was going on. And they've done a fairly okay job. However, in that time, that (indiscernible) of time, for us to get our needs met through State regulations, we had time to go to the Board of Fish and get different things passed, we have those comforting skeletons, or those comforting framework in place through fisheries regulations that have been passed over the last several years, that everybody's invited to. Unlike the in-season management system which takes place in the river, my son who's from Alakanuk does not have a voice into the InterTribe Council, he is a Native, he is from Alaska, he has been born and raised on the Kuskokwim, he has nobody representing him on the InterTribal. I am a Federally-qualified person who represents me in the Federally -- in the InterTribal, if I want to go and testify for what I want to see during the in-season, nobody. Now, I can promise you, if my husband, who's Native and from Chuathbaluk, was living with me down in Wisconsin and he could not have a voice in the management of fish and wildlife that we are catching to live on, I would be up there screaming, and the fact that this governing body allows a discriminatory system to take place that doesn't speak about Federally-qualified people managing it during in-season, it only speaks about the InterTribal, in consultation with the Refuge and the Refuge says, you can't -- when I've called them, they have told me, personally, I -- you know, it has to go through the InterTribal, and who represents me in the InterTribal, it's a bogus system. I've talked to Gene about it. I've talked to everybody else about it. They realize it's a system that needs to be fixed, but it's ongoing. So I want it on the record that it's completely a corrupt system right now and until you guys can fix it, you need to quit taking over management of the river because my voice isn't being represented. And if it was a Native voice not being represented, everyone would be in an uproar.
Thank you.

CHAIRMAN CHRISTIANSON: Thanks for your passion.

Any questions for her.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you, Lisa.

Anna Crary, is that right.

MS. PELTOLA: Thank you, Mr. Chairman. My name is Mary Peltola. Anna Crary is the Counsel for the InterTribal Fish Commission.

CHAIRMAN CHRISTIANSON: Okay.

MS. PELTOLA: Can Mike Williams sit with us as well.

CHAIRMAN CHRISTIANSON: Sure.

MS. PELTOLA: He's our Vice Chair for the InterTribal Fish Commission.

CHAIRMAN CHRISTIANSON: Yep.

MS. CRARY: Good morning -- or I guess it's not morning, it's afternoon. Thank you for the opportunity to talk and give comments today.

I am the counsel for the InterTribal Fish Commission and to my right is Mary Peltola, the executive director; to my left is Mike Williams, who is the Vice Chair of the Commission. I'm actually going to pull back and let Mary and Mike, who have both signed up to provide public comment, provide those comments right now and answer questions, and if the Commission -- or sorry, if the Board here would like, you know, additional input from me, I'm more than happy to provide it but I think it's important that you hear from these two users.

CHAIRMAN CHRISTIANSON: The floor is yours.
MR. WILLIAMS: Thank you, Mr. Chairman, Tony Christianson. My name is Mike Williams, I'm from Akiak and I'm on the Akiak Native Community Tribal Council.

And we worked hard on the special action request after looking at the special action request by the Refuge manager because we felt that we continued to conserve our fishery, the chinook fishery, and that we need to make sure that the Federally-qualified users have the first shot at our subsistence resource because we depend on that fish, the chinook, to eat and to survive off in time tough times in the winter. But that was the first and foremost because of the conservation concern that Akiak felt, that we need to close the waters from May 20th until June 30th, or July 1. And the thinking behind that was that was that we would conserve that resource when the chinook are running until July 1.

Last year, or in the last few years of our special actions, we were able to harvest some kings but the abundance of reds and the abundance of chinook has showed up and it has really limited our fishing because of the weather that sets in and we had to limit our fishing and that resulted in the taking of those chinook as I heard -- as you heard the numbers today, from last year. So as a fisherman on the river, you know, we quit fishing when the weather hit and when we set in and caught 200 reds and chums and some chinook and we quit -- everybody quit fishing. So the weather set in and we quit that fishing. So I think it would really help to meet some of our subsistence needs, which we have not met in some recent years on our subsistence needs. And, I, for one, and a lot of families have come short in meeting their subsistence needs in recent times.

But that is one way that we can conserve chinook, is to limit the pool of eligible harvesters on the river, and that's the Federally-qualified users.

But I'd like to applaud the Orutsararmiut Council for working that out in Bethel. And I would like to pay tribute to my friend and my colleague, Greg Roczicka, which -- whom we miss, greatly, to come up with these strategies to have no combat fishing, to have our needs -- some of our needs
met in times of allocation and to have healthy people
and healthy fish in the end. But I just wanted to
point that out and my working relationship with Greg
and spending hours and hours of discussing what kind of
strategy would work best.

But in terms of the allocation system,
it is right now -- right now, you know, if it is
Federalized, if the action is taken by you and I have
no problem in pushing that date back to May 25th, from
Akiak Native Community. But I think it would, you
know, but our thoughts of July 1 is still there and I
have to go back and meet with our tribal council if
we're going to make any changes to our special action.

Right now in terms of the allocation,
you know, as we all know, that we have Kuskokwim
InterTribal Fish Commission and U.S. Fish and Wildlife
Service has entered into a formal agreement, Memorandum
of Understanding, and I just like to applaud the U.S.
Fish and Wildlife Service for that opportunity after
the Deputy Secretary Mike Conners announced years back.
But we worked very hard to come up with the MOU, and I
think that MOU is very straightforward in establishing
that partnership between the tribes and the Kuskokwim
River InterTribal Fish Commission. In that light I'd
like to say that defining the allocation right now is
premature, before the negotiations occur between the
tribes of the Kuskokwim River and also the U.S. Fish
and Wildlife. In the end if we agree that we would --
we would be negotiating with the in-season manager,
which is the Refuge manager now, and with our four in-
season managers from the Kuskokwim River InterTribal
Fish Commission, which we did before and came with an
agreement.

So in terms of the allocation system, I
think it would be -- again, premature to take a
position on that and the Kuskokwim River InterTribal
Fish Commission will not agree to an allocation system
unless there is a consensus among the tribes on the
river.

So I think we have a lot of work in
front of us and -- but I think the goal is to have the
best managed fishery on the Kuskokwim River in terms of
rebuilding of the chinook and while we are doing that
we will have opportunity for those old women and our
elders and the widows and the children that crave for
the taste of fish early on. And when I travel to the village of Napaskiak, last year along with the Refuge manager, we discussed this in that meeting in Napaskiak with the elders and with the community and it was sad to see our elders, our elderly women crying, because they wanted to have that taste of fish, just like before. But I think we have enough numbers to allow that to happen early on but it would be subject to the Refuge manager and the Kuskokwim River InterTribal Fish Commission to begin that.

And I just wanted to make those final comments now and I just really appreciate your understanding and the acceptance of our SAR and the need to move forward for the best interest of the whole river. And I'll turn this over to Mary, or executive director of the Kuskokwim River InterTribal Fish Commission, and I'll await any questions that may arise.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Mike. Mary.

MS. PELTOLA: Thank you, Mr. Chairman. For the record my name is Peltola, P-E-L-T-O-L-A. I work for the InterTribal -- the Kuskokwim River InterTribal Fish Commission.

The Fish Commission is built around unity and consensus and we do not want to advocate for a position if there is not consensus among the river in support of that position. And, by consensus, I don't mean a unanimous decision, I just mean that the tribes have had a full discussion and are in agreement on a decision.

Your first question, should the Kuskokwim be closed to all but Federally-qualified users. We firmly believe that it should be closed to all but Federally-qualified users. Both of the special action requests state this and we agree with the Regional Advisory Council that the river should be closed to everyone but Federally-qualified users. Subsistence needs of Federally-qualified users have not been met for many years, probably since 2010, and there are still conservation concerns that exist.
The second question regarding closure dates. The Fish Commission's position is that the closure should start on May 25th. Our executive council had a motion to that effect and there was a unanimous decision that the front end closure should begin on May 25th and we agree with the Regional Advisory Council on that recommendation as well.

This start date is important because it allows for in-season flexibility. The in-season management decisions can be negotiated between the Fish Commission and the Fish and Wildlife Service consistent with the MOU that we have together. We don't want to forego any opportunity for subsistence and for conservation. The Fish Commission won't advocate for an opening for chinook before the 12th of June as was set out by the Board of Fish without consensus among its tribal members along the river.

The second portion of the timing, when should the closure end. The Fish Commission's most comfortable with the July 15th recommendation. Last year was a unique year, I think it was an outlier year, we had the latest chinook run that we've ever seen and chinook were still coming in in kind of sporadic pulses towards the middle of July and we were still catching them towards the end of July. And timing is always a mystery. I wish we had better indicators for timing. Traditional knowledge holders, one of their indicators is migratory birds, but our migratory birds are coming back at different times. Our swans are a little bit late. Some of the earlier birds came on time. So, you know, that's a really -- a challenge that I think -- the State's recommendation of July 15th is a good middle ground.

We feel that July 15th is better for conservation, but that August 30th is too late to the end -- I mean that's basically the end of when the silvers are running, so that's a very, very long stretch of time. And we feel that unless there's an in-season demonstrated need to prolong the Federal management for other species, chums,reds, silvers, that that can be addressed at that time.

The third question, should the Board adopt an allocation system. So part of the reason we were late in coming back from the break is tribal members and non-tribal members, other Federally-
qualified users from the Kuskokwim, we were meeting, and we do feel that it's premature to establish an allocation system at this time. But we would like to have the opportunity to weigh in on that. If there is Federal management, if the Board decides today that there should be Federal management, and that that management take place now, in May, the Fish Commission and the in-season managers and the executive council and commissioners are ready and willing to discuss different options for allocation and an ability to harvest during the early part of June.

And, with that, I'll ask Anna Crary if I missed any salient points.

(Pause)

MS. PELTOLA: I just want to make sure that I'm clear on this, it is premature to define or require an allocation system today at this meeting, however, it may be that the InterTribal Fish Commission and the in-season manager may agree on an allocation system that is workable and consistent with conservation and subsistence opportunities.

The special action request should provide this flexibility and allow for a possible allocation system and after some date go for openings and closings.

The Fish Commission will not agree to an allocation system unless there is consensus among its members.

MR. WILLIAMS: Mr. Chairman. I just wanted to say that having fished for 60 years on the river, an observation, has really helped me, and I think in recent times we have seen tough times, but now I think we have an opportunity to have everyone on the table to make sure that our river is taken care of from the mouth to Nikolai, and I think that's the overall goal that we have. And, again, that is our -- our goal is to have the best management of our fishery in Alaska, or in the world, to make sure that we keep our food and we eat our food that we grow up with and we sustain our lives into the future and I just really appreciate this time and thank you for accepting our SAR.
And if you have any more questions please feel free to contact us and our people in Akiak really appreciate you listening to us.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Mike and Mary. Any questions.

Karen.

MS. CLARK: Thank you guys. I am just wondering if you can talk a little bit, or maybe again, maybe I've missed it, a little bit about the May 25th closure and the reason behind it. I under -- I heard the in-season flexibility and that you wouldn't open -- you wouldn't want to do any opening without consensus among the tribes, but can you -- and I think you mentioned something about conservation but I'm not sure that I followed that completely, can you help me with that.

MS. PELTOLA: Yes. I think one of the SARs -- I think 18-01 is asking that Federal management take over on June 12th, and that's in deference to the State Board of Fish's front end closure. And that front end closure really was met with consensus and offered to the Board of Fish at that Board of Fish meeting in Fairbanks a few years back.

What I'm saying is, the in-season manager, the Refuge manager, working with the Fish Commission and its four in-season managers can use the same principles to make sure that headwaters fish make it up to the headwaters to spawn, but also allow some form of fishing if the run shows that it's strong enough to sustain fishing. And what I've heard many folks from up river say is we don't want unlimited, unrestricted fishing during that early time, we don't want fish on the racks in the lower river, but I have not heard them say, and I could be wrong, and there are many, many different opinions from different individuals and different tribes in the up river, and so I don't want speak for them, but I don't think that there is a hard and fast feeling about zero fishing during that time. And I do think that it's important for the Federal managers to keep in mind the principles that the State's using, but not defer to them entirely and forego managing during that timeframe.
MR. WILLIAMS: Yeah, thank you for that question. And I think that May 25th, you know, I think with that we would have that flexibility to conserve and also have an opportunity for our people to eat if it allows, if the numbers allow.

But I think in recent times, you know, we had in the last two years, we had the number of 40,000, half of the ANS, and what we are talking in Akiak is that May 25th to June 12th would -- will be open to some form of allocation or limit because of that front end runs that we are all concerned about, and I think that can be done in regards to conserving plus having food to eat during that time for our residents on the river.

Doi.

CHAIRMAN CHRISTIANSON: Any other questions for Mike or Mary.

MS. CLARK: Mr. Chair.

CHAIRMAN CHRISTIANSON: Okay.

MS. CLARK: Sorry, I have one more. So the move to the 25th would allow for Federally-qualified users, but not -- so it would be -- it would be not -- not following the State's current guidelines and your -- so your belief is then that following the State guidelines that subsistence needs could not be met, that they would -- that there's a conservation concern that would require us to -- for -- for a Federal management of the river that would then allow for that.

MR. WILLIAMS: Yeah, during that Federal action, it would require only the Federally-qualified users instead of all residents in the state.

MS. CLARK: Well, right, I -- I understand that that's -- well, I guess I'm trying to go -- maybe Mary's.....

MS. PELTOLA: Can you just restate that one more time, please, sorry.

MS. CLARK: I'm -- yeah, I'm sorry, I'm trying to figure out the question in my head while I'm
talking, too. So essentially the current regulations, there is fishing allowed up until then, and so your -- your take is that having Federal management of the river on the 25th allows for more of a subsistence opportunity, which is -- and for -- for part of the reasons that we have to make the decisions because there's a conservation concern, and then it makes sense for Federal management on May 25th.

MS. PELTOLA: So what the State has done the last few years is allow for use of four inch whitefish gear on Saturdays, every week on Saturdays, the four inch whitefish gear is really something that's traditionally been used in July. It is not a June gear type. People are using it now in lakes and back streams to catch whitefish but it is not something that is customary on our river and there has been a great deal of push back, a lot of elders are talking about the four inch gear being -- they're called killers, they kill very indiscriminently, there's concern that there are king salmon that are killed in those that aren't able to stay in the net and so they're totally wasted fish.

What we're talking about is not a -- is not for the in-season manager's to open on Saturdays, the four inch whitefish mesh, we're talking about is potentially if there is a strong run, a limited chance for table fish. And that was the intent of the Fish and Game whitefish net. It was very convoluted when the discussion was taking place at the working group meeting until the time fishermen on the river understood it, there was a lot of confusion and misunderstanding. I think if Fish and Game had said we're doing this for a taste of fish and not for harvesting king salmon, that would have been a lot more clear than the regulations as they were written. As they were written it was talking about setting your net this far from the bank and at this angle and it was very -- it was like ballot language almost.

So I think if the Commission is involved in that decision it can be explained more clearly to people fishing, that we're not fishing to fill up our racks, we're fishing for a taste of fish and, you know, for fish soup, until June 12 when the river is more unrestricted.

MR. WILLIAMS: Written with those two
12 hour four inch openers from what we've done, not very -- there was very few fishing for 12 hours, and 60 feet long, 45 mesh, and -- and during that time last year during those two 12 hour openers, we realized 20 whitefish and five sheefish and -- and that just didn't -- that allowed some -- some relief but it wasn't -- but hardly anybody took that opportunity. And -- because what the four inch mesh nets can do to the king salmon.

MS. CRARY: And then if I may just supplement these two answers here.

So as I understand your question, you want to know if moving to the closure start date to May 25th would provide additional subsistence opportunity, if that is what is needed and the answer is yes.

Am I understanding that correctly?

MS. CLARK: Well, it's -- can you help me understand why you think that that's the.....

MS. CRARY: Yes. So the reason why that's necessary is because there needs to be maximum flexibility to allow for subsistence opportunity on the river. We're talking about fish, you know, we're not talking about a regimented train or bus schedule, even though whenever I take the bus or train it's always late, you know, fish are unpredictable, fish show up, you know, as Mary Peltola was saying, sometimes they show up early, sometimes they show up late. There is additional flexibility for the Commission, for subsistence users, for people who need those fish, to be able to meet their needs if that closure starts on the 25th of May as opposed to the 12th of June, because there's an additional possibility for those users, through the Commission and Fish and Wildlife negotiations to take fish if there is -- you know, if there was opportunity and if the returns show that that is appropriate at that time.

That flexibility does not exist if the closure date starts on June 12th.

MS. CLARK: Except that I believe the in-season manager does have the authority to take an action, whether right now there's a decision to close
on the 12th -- if the in-season manager determines that
it makes sense that we see -- we have new information
because the fish, we can't tell what's going to happen
with the fish but we do watch what's happening with the
fish, and in our unified management effort, that those
conversations would continue to happen and then --
yeah, I guess I still see that -- it doesn't -- I'm --
I'm not sure how it provides more flexibility, it
actually seems like it's more limiting in some way
because you're taking an action without knowing when
you could wait to take the action when you do know.

MS. CRARY: So this Board has the
obligation to provide subsistence opportunity to
subsistence users. This Board has an opportunity to
help people meet those needs by implementing a Federal
closure to all but Federally-qualified subsistence
users on May 25th as opposed to June 12th, you are
providing that opportunity.

MS. CLARK: Yeah, but.....

MS. CRARY: You are providing those
users an opportunity that they would not be eligible to
partake in if management started -- if Federal
management started on the 12th of June.

MR. WILLIAMS: I just wanted to add,
you know, with the self-determination and the
traditional knowledge that we hold, you know, I think
that will help in terms of conserving and also to help
feeding our families. So I think we need to have a
win/win situation. And I think we'll create a win/win
situation instead of winners and losers.

So I think, you know, I think if you
authorize -- if you approve the special action request
that will, I think, have more flexibility to have that
local knowledge with the three, four in-season managers
and the Federal in-season manager, which is the Yukon
Delta Wildlife Refuge Manager, together, to make that
decision based on information.

MS. PELTOLA: Thank you. Karen Clark,
I guess I would want to ask you how is it that the
Federal Subsistence Board would be providing more
opportunity to subsistence users if the Federal
government and the in-season manager won't even manage
us until June 12th?
MS. CLARK: So I guess -- I don't know that it's appropriate for me to get into this, except I -- I mean I will say -- and this is based on my understanding of the way that in-season management works, and so I could be corrected if that's -- if I'm wrong, and I hope you will correct me, Tom, or Ken.

But the delegation of authority allows the in-season manager to provide for Federal management of the river at any time. And so we could leave here today and say -- go with -- go with a June 30th date -- we could have nothing, we could leave here today with nothing agreed to and the Federal manager could, at any point in time, say May 25th, this is what we're doing May 25th because -- and I guess that's where I think about the Board has delegated that authority to the in-season manager to make that decision and -- so they -- so it -- to me, I'm a little confused about how there is more of an option given that that in-season manager can make that -- yeah, the authority is already there.

MS. PELTOLA: So my followup question would be, if he has the authority why is he asking you guys to have Federal management start on June 12th if he can do it today?

MS. CLARK: I think there's a -- there's a history there that we should probably -- I -- we can ask Ken to talk about that too.

MS. PELTOLA: No, I -- yeah, I'm aware of the history but as a Fish Commission employee, what I'm looking at is an entity that's very young and everything that you're doing, and we're doing is setting precedent for future years. So if year after year we're deferring to the State, we are shirking our responsibility in my opinion.

CHAIRMAN CHRISTIANSON: Let's just get it back to point here, it almost sounds like we're starting to get away from it, and what we're talking about a date here in time and, you know, Tom here just said the in-season manager is one of the ones asking for this date as well. Just in my understanding of the situation here is, is that the flexibility comes -- is that it moves it back in time so he has a bigger window of opportunity if -- if June 12th is the date, then he's not going to have an opening until June 12th, that's the date, so the in-season manager is asking for
the Board to assist him in providing an opportunity to
the rural user by giving him authority sooner than
later. That's the gist of what I'm reading, and so
that's the clarification I got here from Tom, is what I
think I'm hearing here so, Tom, go ahead.

I'm going to give the floor to Tom for
a second because what we're getting here, is lost, and
what I'm feeling is heat, and I don't -- we don't need
that, that's not going to fish the fish problem, it's
going to cook them.

(Laughter)

MR. DOOLITTLE: Well, just to correct a
whisper so it's not a message that's passed around a
circle and coming out different at the other end.

Is that, yes, the in-season manager did
ask for a Board decision and relative to a conservation
concern, which we've all heard, and when there is a
conservation concern, one of the priorities and the
responsibilities of the Federal Program is to the
Federally-qualified user, to provide that opportunity
over all other consumptive uses. That's the way it is.

And, so, that flexibility is possibly
there. So, again, with the Board decision, I go back
to the decision point, as a reminder, is, do you want
to limit to Federally-qualified users, and if you feel
the conservation concern is there and it's been asked
for by the in-season manager and to where those start
dates start and end, which would give the most
flexibility for the Partnership to work, seems
reasonable, and again we've heard, you know, very
compelling testimony from numbers of people, but think
about, you know, what our obligations under Title VIII
are, specifically are to the Federally-qualified user.

I'll end there.

CHAIRMAN CHRISTIANSON: Go ahead,
Karen.

MS. CLARK: I guess I would just like
to make sure that I have clarification about the in-
season manager role, because I do think that's an
important piece here. If the in-season -- the in-
season manager did submit this proposal and I think
that it was in order to start the season off because of what I understand were agreements that maybe now are a little bit different and that's okay, but even if this went into effect on the 25th, he could decide he wanted to do it on the 20th, or if it was on the 12th, he could decide he wanted to do on the 30th, so I don't -- this -- while it provides -- he can always provide that opportunity, I guess, is my point. And I think that that's true, so, I just don't want -- I don't want it to sound -- to sound -- I mean I just -- I just want it to be really clear that this is not a decision of -- we couldn't have opportunity at any point in time before whatever date is decided right now in this decision -- in this.

Ken, were you.....

MR. LORD: Well, it depends how you frame it.

So this Board has authority -- so he's acting on a delegation of authority from this Board, so if this Board makes a specific decision, the Board can overrule the in-season manager. So you could -- like I said it depends how you frame your decision. You could frame it in a way that gives him that flexibility certainly, but if you say it will not be before a certain date, then he can't roll (ph) the Board on that.

MS. CLARK: Thank you.

MR. WILLIAMS: And, lastly, the MOU is there straightforward, that if there is a disagreement then the model kicks in the way we have solved issues before and -- and the Technical Advisory Committee and then -- you know, if we can't resolve there then we go through you. But it's very clear in that MOU of what we agreed to. And I think we have that opportunity to make sure that, you know, that the trust is there and it is protected.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you. Any other questions from the Board here.

MR. FROST: Mr. Chair.
MR. C. BROWER: Mr. Chair.

CHAIRMAN CHRISTIANSON: Bert, and then Charles.

MR. FROST: So I just want to make sure, so the in-season manager request is for the June 12th date and the community request is for the earlier date, right, and so the -- but even though the Refuge manager could make a decision today based on his -- based on current conditions, sort of real time conditions, if we were to pick one date or the other, that's going to restrict him more.

MR. LORD: But if you cite there will be.....

REPORTER: Ken, your microphone, please.

MR. LORD: .....this date -- if you say it will be this date, then, yes, you're correct. But what I was saying was you could frame it in a way that it gives him flexibility as well, it would be your choice.

MR. FROST: And so how would you frame that? So why would we even put a date if we want flexibility, I guess, that's my question.

MR. LORD: Well, you could say it starts on X date unless the in-season manager finds, you know, certain conditions that would justify, you know, an earlier start date, something like that.

MR. FROST: But doesn't he already have that authority?

MR. LORD: He does. But he asked the Board for a decision, which is -- he could elevate to the Board whenever he wants to.

MR. FROST: Oh, he's trying to get to top cover.

MR. LORD: Yep, top cover, exactly.

(Laughter)
CHAIRMAN CHRISTIANSON: Go ahead.

MR. C. BROWER: So all this happening, the in-season request is May 25 to June 30th, but there's a chance to change it from May 25th to July 15th, is that what is being said, to extend it to July 15th -- or May 25th to July 15th, and at that same time, not to consider the allocation quota yet, you'll leave that until everything is utilized by all three entities. So this has to change -- so when someone makes a motion here, there's a possibility that we could come back and change the date for the in-season manager to follow.

(Pause)

MR. C. BROWER: May 25th to June 30th, but there's a request being brought out to amend May 25th to July 15th and leave the allocation alone, that's what I'm hearing right now, with what's all being discussed. Somebody correct me.

And one more, and we can always enhance the Federal in-season manager to comply -- we give it from us to him to follow those or.

CHAIRMAN CHRISTIANSON: Yeah, I think they're just looking for parameters, like you said a cover sheet.

Karen, you look like you have something to say.

MS. CLARK: I just have one more question for -- for Mary. Is the opportunity from May 25th, is the interest salmon, is it chinook or any salmon species or,

MS. PELTOLA: Our chums don't start running until later so it's primarily.....

MS. CLARK: I'm sorry, I meant any -- or other non-salmon species, is it both.

MS. PELTOLA: Yeah.

MS. CLARK: Yeah.

MS. PELTOLA: It is both. We're not
focused on whitefish during those days, we're focused on salmon but -- but we're happy to eat whatever fish we catch.

MR. WILLIAMS: Yeah, from -- Mr. Chairman. From my observation the peak of the run of chums is between July 1 and July 4th historically, that's when the boats sink and we get 400 chums in a 10 minute drift is how much abundance there have been with chums during that time and there is no commercial fisheries now and whatsoever on the Kuskokwim River, kings, chums, coho, no commercial fisheries whatsoever anymore.

Thank you.

CHAIRMAN CHRISTIANSON: Any other additional questions, comments.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you guys. Appreciate your testimony. Thank you, Mike, Mary.

Next, we'll call up Philip Peterson.

MR. PETER: My name is Phillip Peter [sic], I'm from Akiachak Native Community. I'm the Vice Chairman of the Council.

I want to make a little statement concerning that allocation. When we negotiated with State of Alaska in Fairbanks I was the one, and the rest of the Kuskokwim members were there in the meeting, and we were discussing about that two permits, one permit -- and the other one is the Tier II permit, and when I ask question, my legal question was this what if I remove two permits to accept to -- not accept -- take allocation, you want to take allocation and no one answer my question. Nobody. And in afternoon there were two lawyers, one from the State, one from the Federal government, and when I ask that question again to those two lawyers, they said that it is up to me, the authority is mine, they were pointing at me, the authority is mine and I tell them to remove those permits but when they ask me about the allocation, I did not say anything -- I did not say nothing to them, I did not accept that allocation. It -- if I accept
it, what I was thinking that if I accept that
allocation, how much I want to take king salmon, if I
say more, they give me less and I left it to the
Kuskokwim villages or representatives, that question.

And I'm a commercial fisherman, I'm
also a subsistence fisherman. When we're talking about
limit, I'm not the boss for the limit, the big boss is
my wife.

(Laughter)

MR. PETER: We all know that. We all
know that. The big boss is our wife.

(Laughter)

MR. PETER: When my wife tell me to
quit fishing, I quit just like that. I put away all my
fishing gear -- away. She's the one who take care of
the fish, she's the one who cut it, I just hang those
fish to the racks, that's all I do. I just watch her,
sit there watch her cutting fish. She knows.

I really don't like allocation because
we never reach that allocation. When -- I guess
through my elders, through my elders, which they pass
away -- passed away, they're all gone, we got only two
of them, two old ladies, one is well over 100, the
other one is almost -- over 90, two ladies, all them
dyers are passed away. I tell you the truth, when I
used to own dogs I fished 300 kings, over thousand
chums, another thousand cohos when I used to own dogs.
That's how I work. When the fish opens in my river my
grandma used to tell me, don't wait, don't wait. We
all know fish swim fast, really fast. My fishing
starts always on June 12, middle of the week -- middle
of June. Fish for fast as I could until my wife tell
me to quit. The rainy season and those flies. On the
third week or the last part of the -- those, it's
starting to rain, non-stop and also them flies, which I
don't like. In July it's really hot. And sometimes we
waste a lot of chums, those bugs, they shit and they
become warm, no good, no good to eat, no good to eat,
we all know that.

And I will not support that allocation
but it's up to you guys to decide.
Thank you very much.

CHAIRMAN CHRISTIANSON: Thank you, Phillip.

Richard Long.

MR. LONG: Thank you, Mr. Chairman and members of the Board.

I don't have much to say but I'm going to say that I'm in full support of the recent request that was made by Mike and Mary due to the premature status of our fish so I'm here to support the request they just -- they just made to this Board.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you.

Martin Andrew.

MR. ANDREW: Mr. Chairman. Members of the Board. Members of the audience. Good afternoon, my name is Martin Andrew, I'm from the Organized Village of Kwethluk, Kwethluk IRA Council.

And we'd like to speak on behalf of FSA18-03 and the tribe supports the language in FSA18-03. But right now I do believe on the allocation number, to allocate numbers of fish to each community and/or through the manager, that would be premature right now to do that and I would have the Kuskokwim InterTribal Fish Commission along with the in-season manager come up with an allocation number for the river and that is what we support.

And, that's it.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Martin. Any questions for Martin.

(No comments)

Appreciate it.

CHAIRMAN CHRISTIANSON: Thank you.

Chariton Epchook.
MR. EPCHOOK: Thank you, Mr. Chairman, and Members of the Board. I'm Chariton Epchook.

And I'm in agreement and in support of what Mary Peltola and Mike Williams have presented. And what I would like to add is that if we are allowed to fish for a certain period that -- that the Kuskokwoks flew from the mouth of the Kwethluk River all the way up to where the Kuskokwok and Kuskokwim meet again, that area be open, not closed. It would eliminate the combat fishing that we -- we always talk about on the Kuskokwim when we are given a certain amount of period, the Kuskokwim River is -- the only area in our area that's open and we have what, 300, 400, 500 boats in one area that are like within 50 feet from each other or less. To avoid that, I am also requesting that if there are openings, that the Kuskokwok Slough be open for our openers.

And, thank you, Mr. Chairman.

CHAIRMAN CHRISTIANSON: Thank you.

MR. ANDREW: Hi, my name is John Andrew from Kwethluk. I represent -- I am representing my tribe in my village. I'm a lifetime fisherman of the Kuskokwim. Right now the Kuskokwim, right where we live the water is really high and murky and a lot of debris coming down from up river, mostly lachs (ph) and sticks coming down and the water too high and too fast. Traditionally we don't go drift on the Kuskokwim in May, only until after the water comes down a little bit we try fishing in the early part of June traditionally we wait after -- the first one -- the first run of chinook or king salmon we try let them go by for up river because we usually, you know, the first runs are usually meant for way up river, up on the Kuskokwim.

We're talking about the same fish, the chinook on the Kuskokwim, we have one river, why keep us divided. We are allowed -- on State waters we're allowed 10 chinook per household, right now we're trying to talk about allocation, a lot of us long time fishermen on the Kuskokwim, subsistence fishermen, we don't like allocation, that never worked for us, that wasn't our way of life. And when we have a caucus, we'll get together with other fishermen of our area, we never agree with anything, they're always pointing up
river, down river, middle river, yet, we're the same
people that go after the same resource. We used to be
told not to fight over our food. In my language,
salmon, or any kind of fish is (In Yup'ik), that means
food to sustain your life, lifestyle.

Then when we limit our, our restrict
other -- and you're talking about Federally-qualified
people that will be allowed, why segregate those people
that have to their tribes, that are living in the area
for long time, those are the guys that provide the
boats and fishing gear to the families they support and
I feel bad about them, too.

And special action -- the first special
action, SAR -- so I'll start over -- on -- I'm really
messed up now, that first one there that on 01, I think
it's the one that Fish and Wildlife proposed, some --
most -- some people go for it but the tribes didn't
really go for it because we didn't like the idea of
being -- we shifted too much to the point that it's
hurting them.

Then on -- back home, when we met with
the -- telephonically we met not too long ago, the
Yukon Kuskokwim Subsistence Regional Advisory Council,
they made a motion to go with that first one, and then
a friendly amendment to make the restrictions end -- at
the end -- at the end of June, not August. That's
something to think about.

Because I'd like to say more but I
heard loud my fellow fishermen that came from my area
brought up the issues that they wanted to bring up but
they were already on the table.

Thank you for your time.

CHAIRMAN CHRISTIANSON: Thank you, Mr.
Andrew.

Trapper John, for the record.

(Laughter)

CHAIRMAN CHRISTIANSON: And I just --
you know it keeps jogging my mind here, I know
allocation isn't cool, I'm a subsistence user myself,
but my history on the allocation was so that we could
provide fresh fish for the first end when it was closed completely, and so the allocation portion of it was so we could bring the spiritual and cultural connection back to the river and provide for elders, families and youth. And so it wasn't a position from the Board where we want to restrict and give minute amounts of fish to people, it was so that we could keep in tact traditions that are longstanding.

And just so the context of why that's in place, I just wanted that not to get lost, we're not trying to restrict anybody here, in fact, there was a complete restriction and the Board figured out a way through this public process and the testimony and finding why and how important this resource is for our rural users, Native and non-Native, because that's who this law applies to, is the people who choose to live in rural Alaska, receive a priority, and our job is to try to figure out how to extend that priority to the people on the Kuskokwim up and down, understanding there is a difference all along the river and it's nice to hear that everybody wants to make sure that everybody gets a piece of fish.

And that's what we're here to day, is to try to make sure within the framework of working together and making sure that everybody receives some form of fresh fish in the front end of the year, the allocation wasn't about restricting or dictating to the public, it was about providing that sustenance of life.

And so I just want to make sure we remember that. And if we do go that route, which I don't know we will, it's because we want to provide that opportunity to the people.

So I just wanted to put that out there for your guys.

And that's it for public testimony, unless anybody else here was feeling compelled.

(No comments)

CHAIRMAN CHRISTIANSON: If not we'll call on the phone.

(No comments)
CHAIRMAN CHRISTIANSON: If there's somebody on the phone that wants to speak to this I'll open the floor now to the phone line.

OPERATOR: Ken Stahlnecker your line is open for comments.

MR. STAHLENECKER: Mr. Chair, this is Ken Stahlnecker.

CHAIRMAN CHRISTIANSON: You got the floor Ken.

MR. STAHLENECKER: Okay. For the record this is Ken Stahlnecker, I'm the Refuge manager for Yukon Delta National Wildlife Refuge and the Federal in-season manager for the Kuskokwim River.

I wanted to make a couple of comments and some to -- to try to clarify some of the earlier conversation about why the Refuge manager submitted a special action to begin with.

But first I want to start -- unfortunately I'm not there, it's difficult to participate on these calls over the phone, as you all know. So it was a little bit difficult to follow the analysis completely that was done by the Federal Subsistence Board -- or I mean, sorry, the Office of Subsistence Management, particularly as it concluded with two alternatives. And I have to say that when I read that analysis I felt the same way, it's the first time that I've seen alternatives developed by the Office of Subsistence Management. I think one thing that's important to remind ourselves is that just because there are two alternatives presented at the end of the analysis, doesn't mean those are the only two alternatives we should be considering.

The two stand-alone special action requests, 18-01 and 18-03 are also certainly viable alternatives, as is, I think, almost any combination of those. So it's just -- again, listening on the phone it got a little bit confusing as to what -- are we really narrowing this down to two alternatives and I didn't think that's the case. I think there's almost an unlimited suite of alternatives.

That said, I do want to clarify a
little bit about why I, as the Refuge manager, submitted a special action request to the Federal Subsistence Board to begin with.

And it was not to provide cover. What it was, it was simply an artifact of the timeframe that the decision was made between the InterTribal Fish Commission and the Fish and Wildlife Service to pursue Federal restrictions on the Kuskokwim River. We decided back in December that based on the forecast for the upcoming season, we were looking at a projected run that was similar in nature to the last couple of years. And that under those conditions, if that's what we actually see as a run, there will not be enough -- or it's unlikely that there will be enough chinook, particularly if it's the lower end of that projected run forecast to provide the historic amount of subsistence. So it seemed apparent that Federal restrictions were necessary. The fact that we made that decision back in December, and that the special action request was actually submitted the early part of February, it was advised to me that I pursue that approach because my delegation of authority only extends to emergency special actions and the fact that we made this decision this far in advance didn't constitute an emergency it constituted a temporary special action, therefore it required Board action.

Now, the fact that, unfortunately, that has not been acted on, until now, here we are in mid-May, we're now in a timeframe where an emergency special action I think would be totally appropriate. So without taking any Board action I could unilaterally go ahead and initiate a closure under an emergency action. I just, again, wanted to kind of set some context and clarify why we went the route we did. It was simply an artifact of the timing of making the decision and the fact that because of that timing it fell into the category of temporary as opposed to emergency and therefore that was not something I had in my authority. Again, the closer we get to the season, I do have that authority to make emergency decisions.

The other -- the comparisons and contradictions between the two special action requests that the Board has in front of them, clearly the opinions are varied on the various points or elements of each of those special action requests, to the timing. I think the primary intent, initially, of the
special action 18-03 and its proposing to close -- or to implement Federal restrictions before June 12th, I think the primary purpose of that was to try to provide an early harvest of chinook salmon. And, again, I think we've heard that the opinion on whether that's appropriate or not, is really varied and we haven't seen any in-season data to support a pre-June 12th opener at any level. And, in fact, I think we've heard some impassioned testimony supporting the closure through the 12th because of the benefits that the up river folks have seen from that early season closure.

So I think if the purpose of implementing those restrictions earlier is solely to provide for that pre-June 12th harvest, I think that's premature. I think I've even heard the Fish Commission comment and say they would not support an opener before the 12th unless there was a consensus.

So I guess saying all of that, I would concur with the comments that Board Member Clark made earlier that ensure maximum flexibility. I think what we should ask the Board to act on is what we're fairly confident at this point and that is that fishing would likely occur beginning June 12th, therefore, an action to restrict harvest to Federally-qualified users beginning June 12th would likely be an appropriate action by the Board. If, in discussions, that occur prior to June 12th, between the Fish Commission, the State of Alaska, the Fish and Wildlife Service it is determined -- and in addition to that, there is consensus reached up and down the river, that some pre-June 12th harvest could occur, there, again, I always have within my delegated authority then as an emergency action, I have the ability to open up and provide a pre-June 12th opportunity.

Again, so I think it would be prudent to word that closure or that implementation date so as not to restrict the in-season manager from being able to apply something earlier.

But I think to take the action now to apply restrictions earlier is simply premature.

I think to the point of allocations, here, again, I think we've heard a wide variety of comments. I even heard in the analysis a statement to the effect that the allocation system in 2015 had
discriminated against some Federally-qualified users. I guess I would ask why would we want to take an action through the Board that has the potential to discriminate against some segment of Federally-qualified users. Here, again, I think it's prudent to allow a structure that's already been set up between the Fish and Wildlife Service, the InterTribal Fish Commission, the State of Alaska and their preseason regular and in-season regular meetings to -- if there is a consensus based allocation system that can be developed between now and then and, again, within my emergency authority, I have the ability to implement such an action. But to have the Board dictate that we follow some sort of an allocation system at this point, again, would be premature.

Back to the timing a little bit. The Special Action 01 did have an ending date of the end of August, there's nothing magical about that date, I'll say that right now. I think it was just a period of time that was suggested that would clearly be broad enough to cover the chinook period. And if you notice in the writing it says through August 30th unless superseded by special action. That's been the practice in the past, is special action rescinding the Federal restrictions has typically occurred at that period towards the end of June, the early part of July. So I guess that's what I saw as occurring again this year. If the Board wanted to, you know, reduce that end date of the closure to something like July 15th, there's no concerns at all over doing anything like that.

I guess all in all, I still think that the maximum amount of flexibility would be to allow the local structure that's been implemented for these discussions and making these management decisions between Fish and Wildlife Service, InterTribal Fish Commission, State of Alaska remands some of these decisions particularly regarding an allocation system or allowing any kind of harvest before June 12th, remand those decisions to that group to be able to make those, and ask the Board to kind of set the minimal standards here in terms of implementation of restrictions that would occur again, June 12th perhaps through July 15th, and, again, that does not restrict us from, and me, as the in-season manager from implementing an earlier opener if there is consensus and certainly doesn't restrict us from implementing an allocation system if there can be a consensus, you
know, to how that might occur.

So those are my comments, thank you for your time.

CHAIRMAN CHRISTIANSON: Thank you, Ken.

Any questions from the Board here for Ken.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing no questions, thank you, Ken, for calling in and clarifying.

With that we open it to the Regional Advisory Council Chair recommendation. On line.

OPERATOR: We do have some comments over the phone line.

(Pause)

OPERATOR: Nicholas Kameroff, your line is open.

MR. KAMEROFF: Yes, thank you. Through the Chair.

CHAIRMAN CHRISTIANSON: Yep, you have the floor, Nick.

MR. KAMEROFF: Members of the Board. Thank you for taking time to hear my testimony, I really appreciate the opportunity to speak with you guys regarding 18-01 and 18-03.

I fully support and I appreciate, Ken, the Fish and Wildlife director calling in, the Refuge manager calling in to clarify that. You know, as he stated last winter we -- the Commission wanted to get ahead of the ball game, so to speak, knowing the numbers of chinook were not going to be as high as they used to be. We wanted things to be in place so that when it comes to now that we're not doing this deal right now, as we all end up getting caught up on it again.

Anyhow, be that as it may, I support 18-01. I support Akiak's 18-03. However, I do not
support allocations. We stand for the front end closures, if it really works, we don't want to lose any further kings. I don't want any fishing during that front end closure. That's allowing the headwater fish to reach up to the tributaries. I think I've testified before that the State went to drainage-wide tributary -- or drainage-wide escapement goals, when back in the day they used to count all the various tributaries along the way and that has since gone away and it's now only drainage-wide. But I would appreciate it to be closed to all but Federally-qualified users.

And as you all may be aware ANS has never been met in many years. Normal ANS is 85,000 to 110,000. I think the latest count at the mark and recapture study that was put forth through the working group today was 148,000 chinook escaped and we're expecting the run return for 2018 to be about the same.

Conservation is a goal that all the people throughout the whole river have bought into and we're trying to rebuild our king salmon to hopefully one day we no longer have restrictions and we could fish like how we used to back in the day, but until that comes up and the salmon stocks are rebuilt, that's unable to happen, so we have to stay on conservation mode and have limited fishing opportunities.

I don't agree with the RAC's recommendation of closure date of July 1. I agree with the State's 7/15, which would be better because 96 percent of the salmon would be passed through lower river as well as mid-river and we'd have opportunity for other fishing as well, reds, chums, and later on, silvers.

So thank you for your time. I really appreciate this moment and I think I may have pushed star one more than one time trying to get on, thinking I would not get on, so if my name keeps coming up just disregard it.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you for that.

MR. KAMEROFF: Oh, yes, I forgot to mention, I'm speaking on behalf of myself in Aniak as a
CHAIRMAN CHRISTIANSON: Thank you. Any questions.

(No comments)

CHAIRMAN CHRISTIANSON: All right, Zach, you've got the floor.

MR. STEVENSON: Thank you, Mr. Chair and members of the Board. My name is Zach Stevenson. I'm the subsistence Council coordinator with the Office of Subsistence Management for the Western Interior and Northwest Arctic regions.

I'm going to briefly provide some comments from the Western Interior Council Chair, Jack Reakoff, regarding Fisheries Special Action 18-01/03, but before doing so I wanted to provide a brief statement of context.

The Western Interior Council met on February 20th and 21st of this year in Anchorage at the Dimond Center when they had their annual winter meeting. At that time Fisheries Special Action 18-01/03 had not yet been introduced to the Council and an informational item was presented by the Refuge Manager, Mr. Ken Stahlecker, so this discussion that we're having today followed the Western Interior Council meeting and their winter meeting and, consequently, Mr. Reakoff is not able to join us this afternoon, he's in transit via the Alaska Marine Highway System from Juneau to Haines in route back to his home in Wiseman, but provides the following comments.

Mr. Reakoff specifically noted, again, regarding Fisheries Special Action 18-01/03 support for Special Action 18-01, noting that he favors, "protecting the first pulse of salmon" and using "as much closures as we can to promote the recovery of chinook salmon on the Kuskokwim River." Mr. Reakoff added, this approach aligns with testimony delivered by Mr. Raymond L. Collins, Vice Chairman of the Western Interior Subsistence Regional Advisory Council as well as his comments and involvement with the Kuskokwim River InterTribal Fish Commission.
Mr. Reakoff also noted he supports the small, "taste of fish" harvest for elders.

Lastly, Mr. Reakoff addressed and provided comments on Fisheries Special Action 18-03 stating that he, underlined, does not support the start date.

Thank you, Mr. Chair and Members of the Board.

CHAIRMAN CHRISTIANSON: Thank you, Zach. Any questions for Zach.

(No comments)

CHAIRMAN CHRISTIANSON: Thank you. Eva.

MS. PATTON: Mr. Chair and Members of the Board. We do have Alissa Rogers, current Chair of the YK Delta Subsistence Regional Advisory Council on teleconference. We may have just lost connection with her.

(No comments)

MS. PATTON: If we can just check in and -- if she's not connected right now then I can read the Council's comments into the record.

CHAIRMAN CHRISTIANSON: Is she available on line.

REPORTER: I'll check. We're not disconnected. Go ahead, Tony, and ask for her.

CHAIRMAN CHRISTIANSON: Alissa, are you available on line.

MS. PATTON: And maybe just a.....

MS. ROGERS: Hello.

OPERATOR: I have Alissa's line open, thank you.

CHAIRMAN CHRISTIANSON: Hello, Alissa, you have the floor.
MS. ROGERS: Hi, sorry about that.
I've been trying to say hello for the past 15 minutes.

Okay.

So I thank the Board and I thank everyone for coming to the meeting to discuss these important issues that we have in front of us.

So as a Yukon Kuskokwim Delta Regional Advisory Council has supported FSA18-01 with modification to Federal public waters to harvest of chinook salmon except by residents of the drainage and villages of Chefornak, Kipnuk, Kwig and Kong on May 25th rather than June 12th, to reopen on July 1st rather than August 30th, and to implement a community based allocation strategy similar, but not identical.....

(Alissa's phone dropped call)

CHAIRMAN CHRISTIANSON: Operator, I believe we may have lost her.

OPERATOR: Yes, it does look like her line was disconnected.

CHAIRMAN CHRISTIANSON: Eva.

MS. PATTON: Mr. Chair and Council.
Madame Chair Alissa Rogers, we just got disconnected from you, so I'll continue to read the Council's recommendation on the record and then when you're able to rejoin us, just jump in Alissa and let us know.

So, again, the Council's recommendation is on Page 59 of your analysis. And Alissa had gotten really to the end of the Council's recommendation, again, to support Fisheries Special Action 18-01 with a modification to close on May 25th rather than June 12th and to reopen on July 1st rather than August 30th. And to implement a community based allocation strategy similar to the goals of the allocation strategy used in 2015 but with the flexibility to use lessons learned to implement a system that will work for all communities.

And the modified regulation then would read:
Federal subsistence fishing schedules, openings, closures and fishing methods will be determined by the Yukon Delta National Wildlife Refuge manager.

Additionally, a community based allocation system will be implemented amongst the limited pool of Federally-qualified subsistence users for the purposes of allowing more chinook salmon subsistence fishing opportunity than would otherwise be provided from May 25, 2018 through June 30th. This may include allocating during the early part of the run and shifting to time and area opportunities, if possible, when in-season data become available.

And the Council's justification.

The Council confirmed and supported that the Federal in-season manager and the Kuskokwim River InterTribal Fish Commission will be responsible for making management decisions in order to conserve chinook salmon and provide for subsistence uses as proposed in Fisheries Special Action 18-01. However, the Council modified the start date of the closure from June 12th to the earlier start date of May 25th because of the Kuskokwim River Salmon Management Working Group adopted a motion and were in consensus to close the Kuskokwim River drainage to the use of gillnets starting from the mouth of the Kuskokwim River to Tuluksak on May 25th. The Council modified the end date of the closure from August 30th to the earlier date of June 30th to that requested by Akiak Native Community in Fisheries Special Action 18-03.

(Teleconference interruption)

REPORTER: Operator, we are getting feedback from open lines, unless the name is Alissa Rogers, could you please put all lines on listen only
MS. ROGERS: Hi, Tina, yes, this is Alissa, I'm back on.

REPORTER: Okay, very good then.

MS. PATTON: The Council supported the implementation of an allocation strategy. The Council said the goal of a community based chinook salmon allocation system is to allow more chinook salmon harvesting opportunities by traditional users based on their traditional use of chinook salmon.

Further the Council said it had listened to many communities testifying in the public meetings and other meeting venues and tribal consultation as well as during other meetings on the Kuskokwim River using a community based allocation strategy including Bethel residents. Bethel is a large community and the Council thought an allocation strategy in Bethel would provide a harvest opportunity without the risk of overharvesting chinook salmon. The Council said they can learn from the feedback -- or everyone can learn from the feedback provided by communities that participated in the 2015 fishery and implement a modified version of that allocation strategy that will work for each community, including something other than the designated fisherman to harvest a community's allocation. Possibilities may include -- the Council didn't prescribe, but the possibilities based on feedback may include household harvest allocation, or allocation during the early part of the run and shifting to time and area opportunities if possible when the in-season data become available.

Based on the action taken on Fisheries Special Action 18-01 the Council took no action on Fisheries Special Action 18-03.

CHAIRMAN CHRISTIANSON: And Alissa is back on line.

MS. PATTON: Wonderful. Thank you.

CHAIRMAN CHRISTIANSON: Alissa, you can speak a little more to it if you want to.

MS. ROGERS: I guess at this point
since she read through the whole thing I would be willing to take questions on -- questions from the Board if they have any in regards to any of what's proposed to you on Page 59.

CHAIRMAN CHRISTIANSON: Any questions for Alissa.

Bert.

MR. FROST: So I've been sitting here listening to this discussion and I guess the question that keeps coming back to me is what's the benefit or what's the difference between the June 12th and the May 25th dates. What's -- to the user, to the in-season manager to sort of everybody, what's sort of that -- why the difference and what's the benefit, or what's the difference, because I -- anyway.

CHAIRMAN CHRISTIANSON: I think what the middle of the June date is, is when it opens up to everybody else after that date and so what they're trying to do is open their window up on this side of it.....

MR. FROST: Is that right?

CHAIRMAN CHRISTIANSON: No? For Federally-qualified users -- no.

MS. ROGERS: My understanding of the.....

CHAIRMAN CHRISTIANSON: It's closed. That's what I mean, it's closed completely and he's looking for an opportunity -- go ahead, Alissa.

(No comments)

CHAIRMAN CHRISTIANSON: You have the floor Alissa.

MS. ROGERS: I'm sorry, I'm trying to get on here. There's been -- okay.

So to answer your question, in my understanding of this when we were discussing this at our RAC meeting, and trying to work through how to figure this out, we came to the conclusion that May
25th through June 30th would be an allocation date of chinooks to track and equal distribution between the villages and also start closure of chinook conservation to provide chinook salmon to go up the river and also to give ample opportunity to public to announcing through the Board and through U.S. Fish and Wildlife, through Kuskokwim River InterTribal Fish Commission, through the Fish and Game, through State Fish and Game, through Kuskokwim River Salmon Management Working Group, all these entities that play a part in managing our chinook salmon, to give that opportunity so that people can know ahead of time before -- before coming to -- before hours, or (telephone breaking up) you can go fishing, are you ready yet, you're not, are you going to go fishing. So this, by giving a set date and time we're able to -- I would -- stated here -- I have like three different people state that by giving a date and time and giving them ample opportunity that a set date of May 25th would -- an appropriate date because, one -- let me read back this note here.

One, it gives equal opportunity for notification.

Two, it allows people to get fresh fish instead of having to worry about getting all their fish for the rack. It sets a tone for the fishermen on the Kuskokwim River.

I know we don't know what's going to be coming into this river and our weather is playing a very interesting role this year, we have high waters, cool, warm water temperatures where usually kings are running in compared to previous years, so who knows, we might even have a better year this year but we don't know until it actually happens.

The date plays a significant role in our subsistence resources because we have people who go out fishing, subsistence fishing and they start fishing towards the end of May and some -- depending on where you live on the river and when the ice goes out, it all depends on when the fishing starts. So when we took an actual amount and then we averaged it out, there was a few dates that were being -- were given to us and we kind of honestly just took it all into consideration and averaged out the best date. We had huge discussion on it and give or take with every single RAC member about the dates because we all feel differently knowing
that we all start fishing at different times along the river. And not only did we know this, we also knew from other agencies in the area, their determinations of when a good start date would be.

I hope that answered your question.

Does that.

CHAIRMAN CHRISTIANSON: That was you Bert.

MR. FROST: I'm not sure but somebody here might be willing to help out.

CHAIRMAN CHRISTIANSON: You got the floor Gary.

MR. DECOSSAS: Mr. Chair. Members of the Board. Gary Decossas for the record, OSM fisheries biologist for the Kuskokwim area.

I just want to help clarify where the 25th date came about and the 30th and exactly what's going on with.....

MR. FROST: I sort of get the back end, what I'm trying to understand is the difference, the two front end dates.

MR. DECOSSAS: Yes. So this year the State -- ADF&G issued an emergency order a couple weeks ago, maybe a month that closed Refuge waters from the mouth of the Kuskokwim River to just above Tuluksak that restricted all gillnet use by subsistence users. So the lower half of the Refuge, this year, on the 25th, will be closed to subsistence gillnets for all users.

MR. FROST: May 25th.

MR. DECOSSAS: May 25th, correct. You see Akiak's proposal requested May 20th. Well, that May 20th date, that came from 2017 and 2016 when they implemented this same closure, the ADF&G implemented the same closure back in 2016 and 2017, that closure date was on May 20th. So in 2018, in discussion with the Salmon Management Working Group, when they were coming up with the dates for when they were implementing these gillnet restrictions on the river,
they chose the 25th this year. So that 25th, all users from the mouth to just above the Tuluksak River cannot fish, subsistence fish with gillnets.

MR. FROST: Nobody can.

MR. DECOSSAS: Nobody can, okay. So then five days later on the 30th, on May 30th Refuge waters -- the upper half of Refuge waters, from above Tuluksak to the Refuge boundary near Aniak, that closure for gillnets would be extended. So by May 30th, where we're at in the situation for this year, is May 30th Federal public waters in the Kuskokwim River drainage, the mainstem and the salmon bearing tributaries will be closed to subsistence use of gillnets. So by May 30th, no gillnets, all users.

So in discussion -- in ADF&G's discussion with the Salmon Management Working Group, there was discussion about providing two subsistence oppor -- two 12 hour, four inch set net, subsistence opportunities, for non-salmon species, particularly for non-salmon species. However, in these -- because four inch gillnets, set nets, at that -- have the possibility of harvesting chinook salmon, what needs to be taken into consideration is the State was going to have the first 12 inch oppor -- the first 12 hour four inch set net opportunity on May 30th. All right, so on May 30th the whole river is restricted -- I mean all of Refuge waters are restricted, no gillnets, and then the State would be following up on that May 30th providing a 12 hour four inch set net opportunity.

Now, based on....

MR. FROST: For non-salmon.

MR. DECOSSAS: For non-salmon. But the possibility exists that four inch gear can harvest, incidentally harvest chinook salmon.

MR. FROST: Or kill indiscrimantly, you may never catch one (no microphone).....

MR. DECOSSAS: So the question -- so the followup here is the Federal public waters and the Refuge will be closed to all users. When that first opportunity comes about on May 30th, where the State, in theory, would be providing that four inch set net....
opportunity, but the possibility of chinook salmon being harvested, is that that opportunity cannot -- cannot be provided by the State because ANILCA, Title VIII says that rural subsistence users, that priority over all other non-consumptive uses. So Federal subsistence users should be the ones that should be the users that have that first shot at harvesting chinook salmon, even though the -- you know, the -- any fish during that time.

MR. FROST: That's why.....

MR. DECOSSAS: So that's why you see in our alternatives, OSM's alternatives, we chose this 25th, close the lower half of the Refuge on the 25th and then the upper half of the Refuge on the 30th, that way by the 30th all Federal public waters are under the Federal in-season manager's authority. It's limited that way. Then on the 30th, the in-season manager could then provide those opportunities for chinook, and for non-salmon species.

MR. FROST: Maybe I can get a little bit more, I'm still confused.

REPORTER: Bert, your mic.

MR. FROST: I'm getting the evil eye.

But I'm still confused the difference between whether it's the May 20th or May 25th versus the June 12th. What's the benefit or what's the detriment between those two dates.

MR. DECOSSAS: I will -- Mr. Chair. Before May 25th there are no restrictions on the river whatsoever.

MR. FROST: Right now.

MR. DECOSSAS: Yeah, right now there are no restrictions in the Kuskokwim River for subsistence users. There will be no restrictions to subsistence users until May 25th, and that would only be for communities that are located in between the mouth of the Kuskokwim River to just above Tuluksak. So on the 25th would be the first day in which the lower part of the Refuge, from the mouth to just above Tuluksak, those communities would not be allowed to use
MR. FROST: And that's a State closure.

MR. DECOSSAS: That is a State closure.

MR. FROST: And so when the Refuge is asking for the June 12th date, what is -- what's -- why is that?

(No comments)

MR. FROST: I don't know, am I really dense here.

MR. DECOSSAS: No. I can't exactly speak for the Refuge on the choice of June 12th. You can go to.....

MR. FROST: Well, what's the benefit to subsistence users or the lack of benefit for subsistence users for June 12th, or for the State or for -- what's -- how does June 12th -- where does -- how does that come into play?

MR. DECOSSAS: By.....

MR. FROST: I mean is Ken on the phone.

MR. DECOSSAS: Well, you can -- yeah.

(Pause)

MR. FROST: Ken, are you on the phone?

Can I ask Ken a question.

CHAIRMAN CHRISTIANSON: You have the floor.

(Laughter)

MR. STAHLNECKER: Mr. Chair.

MR. FROST: Ken, are you still on the phone?

MR. STAHLNECKER: I -- Mr. Chair, can you hear me.
CHAIRMAN CHRISTIANSON: Yep, you have the floor Ken.

MR. STAHLNECKER: Okay. Thank you. Yes, through the Chair, to Mr. Frost's question.

The -- I guess the best way that I can envision this, my choice of June 12th was the fact that for the conservation benefit to chinook salmon, the State's closure to all users will go into effect beginning May 25th on the lower part of the Federal public waters of the Kuskokwim River, and, as Gary described, five days later the entirety of the Kuskokwim River within Federal jurisdiction will be closed to all users to the harvest of chinook salmon. And that will occur through June 11th. Therefore, it seemed to make sense to me that beginning June 12th, when that closure could conceivably go away we would initiate a Federal restriction to all but Federally-qualified users and then begin a strategy for Federally-qualified users to begin harvesting chinook on June 12th.

So that seemed logical to me, and that's why the date of June 12th appeared.

To me, the primary reason why one would want to see a closure go into effect prior to May -- or to June 12th, you know, say May 25th would be in the event that some folks would want to begin harvesting chinook salmon before that. And, here, again, we've heard a lot of testimony, very mixed testimony to the benefits or the detriment of harvesting chinook salmon before the 12th of May [sic], and I think I even heard it again the Fish Commission say that they would not support that unless there was a consensus. And whether -- and to build that consensus would require some data being available other than our preseason harvest -- or preseason forecast that would indicate that we're in perhaps a very strong run situation, maybe we can begin harvesting before the 12th. To address that, there won't even be in-season data assessment surveys begin in the river until the very end of May.

So again, to close it beginning May 12th -- 25th, under the assumption that maybe we can provide some earlier season harvest opportunity, I think is premature at this point. I think that decision about whether it may be appropriate to provide
some pre-June 12th fishing opportunity, we need to wait until we begin to see in-season assessment data. We need to make sure that we have a consensus up and down the river and if we meet that, I would then still have, as I mentioned earlier, the ability then under my emergency special action delegated authority, to initiate an opener early. But the 12th was chosen because at this time the State regulation, the chinook fishery is protected through the 11th, and so it seemed to make sense to begin Federal restrictions beginning the next day, the 12th, with the understanding that if the run begins to really shape up strong I still have the authority to initiate a Federal restriction closer -- or earlier than that time period.

Does that help, Bert.

MR. FROST: Yes. Thank you very much.
And, thank you for calling me out on the top cover.

(Laughter)

MR. STAHLENNECKER: No worries.

(Laughter)

OPERATOR: We do have a comment over the phone line, Mark Leary your line is open.

CHAIRMAN CHRISTIANSON: Mark.

MR. LEARY: Yeah, hi, can you hear me okay.

CHAIRMAN CHRISTIANSON: Yeah, I hear you.

MR. LEARY: Okay. Thank you for this opportunity. I'm not sure if I have anything more to say after all that but I had intended to be there in person but you guys are moving so fast today, but it's okay, I can picture everybody that's testified there today. You have a good group of Kuskokwim people before you, and, you know, the common thing that binds us is we all need a little bit of fish.

I have to restate, though, the Native Village of Napaimute's position is that there should be no fishing before June 12th unless it's very minimal,
you know, anything more than minimal, you know, would be comparable to breaking a peace treaty. A treaty that the people along the river made amongst themselves.

And that's the message, I'm sure, the Board has been hearing from Kalskag to Nikolai.

I did want to touch on the weather a little bit because I don't think that's a good justification anymore for the need to fish early. There's no such thing as normal weather anymore and we can't predict or rely on June being nice and dry, you know, we're not having normal freeze-up, we're not having normal winters, we're not having normal break up and the weather pattern that we've been in this spring has been miserable, stormy, cold, wet, and I'm afraid it's going to drag into the summer as well.

So with all that said, and, in closing, you know, I find it a little bit ironic, you know, we're always talking about conserving for our future generations, and I've been sitting here holding my first born grandchild, rocking him, listening to the testimony until he fell asleep, and he's 18 months old, and when he doesn't want to eat we give him a piece of dry fish and he never refuses that. And some day I'm going to tell him about this day, the story, and I hope that the story ends in the end that we did the right thing because I believe we can, the people all along the river can come together and figure this out.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you, Mark.

Gary.

MR. DECOSSAS: Thanks, Mr. Chair.

I just want to make absolutely -- make this clear.

Federal public waters of the Kuskokwim drainage under State emergency orders would be closed by May 30th of this year. That EO has been issued by the State, was a couple weeks ago.
Any opportunity between, when that closure is enacted on May 30 and June 12, when the closure would be rescinded, any opportunity for fishing in that time period, Title VIII of ANILCA leads us -- that rural users, subsistence users shall have the priority over all other users. So any State opportunity that opens up that restricts that gillnet -- that gillnet closure in Federal public waters would then go to all users. That is in clear opposite of what's stated in Title ANILCA -- Title VIII of ANILCA.

So I just wanted to make -- like absolutely clarify that with the Board, that May 30th Federal public waters will be closed to subsistence gillnet usage under State emergency order, any opportunity provided between when that closure is enacted in Federal public waters and June 12th, Federal priority would have to exist between those two periods.

MS. CLARK: So I just got more confused. I thought I was good and now I'm not sure that I am. So can you -- I don't -- say it again or -- I don't -- do an interpretive dance or something that helps me understand.

(Laughter)

MS. CLARK: Am I the only one that's -- or maybe.....

MR. FROST: May I?

MS. CLARK: Sure.

(Laughter)

MR. FROST: This may -- I'm probably not the best person to speak so the 30th, everything is closed, is that right, to everybody, on May 30th -- before May 30th it is open to everybody, is that.....

MR. DECOSSAS: Before May 25th there are no restrictions in the Kuskokwim River for subsistence users.

MR. FROST: For subsistence users. And then between May 25th and May 30th, what happens?

MR. DECOSSAS: The lower part of the
Refuge, from the mouth to Tuluksak is closed to

MR. FROST: Right.

MR. DECOSSAS: And then on the 30th the

MR. FROST: Okay. And then between May

30th and June 12th, if there are fish, the in-season

manager could provide a gillnet opportunity for Federal

subsistence users, that's what you're saying, right?

MS. PITKA: I have one question, is,

where are we on the procedure? I believe that we were

at Regional Advisory Council recommendations.

CHAIRMAN CHRISTIANSON: Yes.

MS. PITKA: Okay. So then......

MR. OWEN: We're deep into Board
discussion it sounds like.

MS. PITKA: It sounds like we're in

Board discussion, honestly, and I think that we skipped

over a couple of people.

CHAIRMAN CHRISTIANSON: I think we're

just having a really good discussion here, sorry,

Rhonda, we're not on point -- on your point.

(Laughter)

CHAIRMAN CHRISTIANSON: But we keep

confusing it, just remember we have two regimes, two

management things and they both affect each other,

subsistence is the priority. If the State shuts it
down here, there's still opportunity and if there is

any opportunity after May 30th, the only people who
could fish between then and June 1st -- June 12th, is

Federally-qualified users, period, that's it, and then

after that it's something else, I don't even want to

say it -- go ahead.

MS. HARDIN: Thank you, Mr. Chair. For

the record my name is Jennifer Hardin and I'm the

subsistence policy coordinator for the Office of

Subsistence Management. And I just maybe will muddy
the waters more, but I will try to -- I don't want to
speak for the Kuskokwim River InterTribal Fish
Commission or for the Regional Advisory Council or for
any of the other partners involved in this process, but
I did just want to mention that what I think I've heard
today -- in answer to Mr. Frost's question about what's
the difference between May 25th and June 12th. I think
what I've heard is that if -- if the Federal
Subsistence Board or the in-season manager does not
close to all but Federally-qualified subsistence users
-- and first I want to back up and say, another reason
I believe the in-season manager asked for this to come
to the Board is because of the Section .804 subsistence
user prioritization, which he does not have delegated
authority from you to enact, so that's another reason
why it came to the Board. If the Board of the in-
season manager does not close to all but Federally-
qualified subsistence users before June 12th, the State
emergency orders would go into effect and as many
people have stated here, that would include at least
one opening per week for fishing opportunity using four
inch gear and that would be open to every -- all State
residents, not limited to Federally-qualified
subsistence users only but open to everyone who is
qualified to fish under State regulations.

And if I am understanding the comments
that we've heard today, the request to have a closure
to all but Federally-qualified -- closure to everyone
except Federally-qualified subsistence users before
June 12th is to ensure that if opportunities are
provided to fish they would be -- the priority would go
to Federally-qualified subsistence users.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you for
that clarification because that's the main point here,
providing that opportunity regardless of the date on
the map, or calendar, what is it now map, calendar.

(Laughter)

CHAIRMAN CHRISTIANSON: To fish in the
river.

Thank you.

Where are we Rhonda.
MS. PITKA: I believe we're on No. 4 Alaska Department of Fish and Game comments.

(Laughter)

CHAIRMAN CHRISTIANSON: Thank you. You have the floor, Jill.

MS. KLEIN: Okay. Good afternoon, member -- Chairman Christianson and Members of the Board. Again, for the record my name is Jill Klein with the Alaska Department of Fish and Game, and joining me at the table we have.....

MR. LINDERMAN: Mr. Chairman. Board members. My name is John Linderman. For the record I'm the AYK regional supervisor for the Alaska Department of Fish and Game, Division of Commercial Fisheries.

MS. KLEIN: Okay, so the Department of Fish and Game submitted written comments to the Federal Subsistence Board on Fisheries Special Action Request 18-01 and 3, and those can be found beginning on Page 142 of the OSM analysis, if you do want to look at those.

So the Department does not have a position supporting or opposing the special actions. We understand the Federal government, through ANILCA, has the ability to restrict, when necessary, the taking of populations of fish and wildlife on public lands for subsistence uses in order to protect the continued viability of those populations or to continue subsistence uses.

The Department will continue to share data and provide information to the Federal Board in their decisionmaking as well as any recommendations we may have.

As you heard in the analysis -- should I keep going.

MR. LINDERMAN: (Nods affirmatively)

MS. KLEIN: Okay. As you heard in the analysis the Department created a preliminary 2018 chinook salmon forecast, it was 140,000 to 190,000
using an existing run reconstruction model that you may have read about. The Department just finalized in recent weeks revisions to the run reconstruction model and we're in the process of distributing information and details about the model revisions.

Based on the revised model we have an updated forecast. It would be 116,000 to 150,000 chinook salmon using the same forecast methodology.

A summary of the model revisions and the updated 2018 season forecast were shared this morning with the Kuskokwim River Salmon Management Working Group.

So based on the updated forecast range, the 2018 chinook salmon run is still forecasted to be similar to the run size in the past three years based on the revised model estimates. It would still be expected to meet drainage-wide escapement goals and provide for subsistence harvest but with a reduced level of surplus fish available for subsistence harvest compared to that earlier preliminary forecast. This information, in conjunction with what was presented in the OSM analysis, it may be warranted to focus on the lower end of that preliminary forecast, the 140,000. So all that information had been shared earlier by Mr. DeCossas.

As directed by regulation and consistent with the 2018 preseason management strategy, the Department would still recommend at least one subsistence fishing period per week following the front end closure that would end on June 12th. The duration and/or number of fishing periods would be determined based on the revised forecast and status of run assessment in-season.

At the preseason April meeting of the Kuskokwim River Salmon Management Working Group the working group, as you've heard, has voted on management actions including the front end closure to begin May 25th and end on June 11th, and as you've heard it would begin in the lower portion of the Refuge waters and move sequentially up the river into the different sections. The working group also agreed to have subsistence opportunity for non-salmon species. It would be one period per week during the front end closure with 60 foot, four inch set net gear only. And
as you heard also, the first set net opportunity would
be, we think May 30th, and then the second one would be
around June 5th or 6th.

As you've also heard emergency orders
have already been issued by the Department and that was
to begin the front end closure starting May 25th and
also sportfishing closures have been implemented.

With regard to some of the decision
points in the special action we have the additional
following comments.

The Department is directed by the Board
of Fisheries to implement the front end closure and it
needs to be implemented by the time king salmon are
coming into the river. The Department cannot offer
salmon harvest opportunity during that front end
closure. This decision was made at the AYK Board of
Fisheries meeting in 2016, and as you heard there were
many stakeholders in attendance who worked out this
compromise. There were three proposals that that
compromise was based on that were submitted by the
Stony Holitna Advisory Committee, the Kuskokwim Native
Association and ONC based out of Bethel.

The State doesn't have a position on
the allocation strategy and we've reviewed the pros and
cons as outlined by OSM in their analysis. If the
allocation is the strategy for fishing earlier than
June 12th, then the statement I just made about the
Department having to implement the front end closure
precludes our ability to take a position on that
allocation system prior to June 12th.

When ratios of sockeye and chum are
higher the State would like to offer opportunity to
target these species. The Department, as you've heard,
would like to resume management by July 15th when
approximately 96 percent of chinook salmon have passed
Bethel test fishery and that test fishery no longer
uses chinook salmon gear to assess the run.

In conclusion, in our provided comments
we did state that the Alaska Department of Fish and
Game is capable of and interested in managing and
conserving Kuskokwim River salmon and subsistence uses
throughout the entire length of the Kuskokwim River.
And we do want to continue to coordinate with all
stakeholders in the region. It is our goal to continue
to build our relationship with the Federal managers,
the Federal Subsistence Board, the Kuskokwim River
InterTribal Fish Commission, and include our
partnership with the Kuskokwim River Salmon Management
Working Group. So with all these different entities,
we hope to continue to build a successful partnership
for unified management decisionmaking, and we look
forward to a cooperative season this coming summer.

If you have any questions, we're here
to answer them.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you,
Jill, appreciate it.

Any questions for the State.

MS. CLARK: Thanks, Jill. I am
wondering about the chan -- if the -- I'm sorry. I
have so many questions that I'm trying to figure out
which one I'm going to go with.

If the front end date changed to the
25th, what would the impact be to the State, can you
describe that?

MS. KLEIN: Could you say that again.

MS. CLARK: Do you -- can you describe
what -- how and -- how the date change to the 25th from
June 12th for Federal management to the 25th, what --
how that would impact the State, other than that you're
no longer managing but is there -- do you have concerns
about that, what is your perspective on that?

MS. KLEIN: Yeah, I think -- through
the Chair. Ms. Clark. I think the point raised in
your question is that the Federal government would be
superseding the State in taking over management of the
Kuskokwim River beginning on May 25th and the State
would then still continue to work in partnership with
the Refuge manager and other parties and offer our data
and information, but we would not be lead the
management agency at that time.

MR. LINDERMAN: Thank you. Through the
Chair. This is, again, John Linderman, Department of Fish and Game. I would like to add one clarification to Jill's answer, that we would then focus our management in the waters from Aniak up stream from that point forward until such time as the Federal Board of the in-season manager took action to discontinue the Federal special action.

MR. FROST: But if that were to happen you'd also -- those two set net periods would also not occur?

MS. KLEIN: Through the Chair. Mr. Frost. That's correct.

MR. LINDERMAN: That's correct within the conservation unit.

MR. FROST: Right. Right.

MR. LINDERMAN: The Federal conservation unit, but we still -- that -- that regulation still applies to the entire drainage.

MR. FROST: Right.

MR. LINDERMAN: So we would focus our energies and our management actions from Aniak up stream.

CHAIRMAN CHRISTIANSON: Thank you, guys.

OPERATOR: We do have a speaker on the phone line. You may go ahead, please.

CHAIRMAN CHRISTIANSON: Who is it.

TIM: Tim from Crooked Creek.

CHAIRMAN CHRISTIANSON: Tim.

TIM: Hello, yes.

CHAIRMAN CHRISTIANSON: Yeah, go ahead.

TIM: Yeah, I just had a question about the -- you know, what was said about the closure to only Federally-qualified subsistence users, and, you
know, what about the pollock fisheries out there that are, you know, supposedly taking king salmon as bycatch so, you know, they shouldn't be allowed to get any bycatch either, shouldn't they, and yeah, is that managed through the State of Alaska or is that some other sort of management out in the high seas, I guess it is.

CHAIRMAN CHRISTIANSON: That'd be a NOAA issue, the bycatch in the Bering Sea.

TIM: Well, is there any way that we can, you know, make a plea to NOAA that, you know, we're only allowed to harvest any, you know, for our subsistence use, they shouldn't be allowed to, you know, catch any bycatch, you know, from the salmon stock that's coming up the Kuskokwim.

CHAIRMAN CHRISTIANSON: That's a big issue statewide but, again, I believe that's outside the purview of this Board at this time.

TIM: Okay. Well, I'd just like to, you know, make our, you know, statement that we are against the opening of the fishing and, you know, State waters or Federal waters for any fish fishing from -- you know, before June 12th.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you for that.

TIM: Okay.

OPERATOR: Ken Stahlnecker, your line is open.

MR. STAHLNECKER: Mr. Chair, Ken Stahlnecker.

CHAIRMAN CHRISTIANSON: Go ahead, Ken.

MR. STAHLNECKER: Thank you, Mr. Chair. Ken Stahlnecker with Fish and Wildlife Service.

I'm also getting a little confused as to some of the statements made about what would actually happen with the State's four inch mesh
openers, the two openers between the 25th of May and
the 12th of June. It would seem to me that in the even
that a closure -- a Federal restriction to chinook
salmon, to the harvest of chinook salmon took place on
the 25th of May, but the State was offering a four inch
opportunity some time after that for fish other than
salmon, which clearly is the intent of that regulation,
the use of the four inch gear, the orientation of the
four inch gear, the period of time, the location and so
forth. So the intent is not to harvest chinook salmon,
it's to harvest fish other than chinook.

Why there needs to be a Federal
priority on that opportunity. The closure is to
chinook salmon only. So I'm -- I guess I'm not
understanding why the Office of Subsistence Management
is indicating that the State's opener to other species
would no longer be valid.

CHAIRMAN CHRISTIANSON: That was a
hypothetical question that was asked if we had moved
the date back, how that would affect the State, it
wasn't part of a recommendation here.

MR. STAHLNECKER: Yes, but what the
answer to that question was, is that, the State
restriction -- or the State's opener would not apply
and I'm trying to figure out why it would not.

(Pause)

(Laughter)

(Pause)

CHAIRMAN CHRISTIANSON: Go ahead, Ken.

MR. LORD: Well, as we heard in the
testimony there would be significant -- well, there
would be incidental catch of chinook with that four
inch opener, and, because of that it might fall on the
-- this Board might decide that a closure is
appropriate in order to preserve that incidental catch
or to allow for a similar or added opportunity by
Federally subsistence users.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: So, Ken, I think I jumped
to the conclusion that -- and perhaps erroneously based
on your statement, that if it was a May 25th closure,
then those -- then the State setnets couldn't happen,
but based on what you just said that may have been an
erroneous conclusion on my part and so that was me
saying that.

I mean would the State agree with that.

MR. LINDERMAN: Again, John Linderman
here. It's not really a question for us, it's the fact
that any time the State provides opportunity any State
qualified subsistence user could fish. It is intended
to be a non-salmon opportunity. And trying to enforce
intent with respect to fishermen, that they are not
trying to catch king salmon in that regard is a very
difficult thing to do and so it's still recognizing
that king salmon could be taken incidental to that
activity. But that is perfectly legal for a non-
Federally-qualified user under State regulations to
harvest those kings. So the question is really in the
hands of the Federal system with respect to the rural
priority.

From the State's perspective and the
State's regulations that incidental catch of kings is
perfectly legal.

CHAIRMAN CHRISTIANSON: Okay, I'm going
to call on the ISC.

MS. HARDIN: Thank you, Mr. Chair.
Again, my name is Jennifer Hardin and I'm the
subsistence policy coordinator for the Office of
Subsistence Management and the Chair of the InterAgency
Staff Committee.

The InterAgency Staff Committee
comments on FSA18-01 and FSA18-03 are located on
Page 67 of your analysis.

The Office of Subsistence Management
analysis for Temporary Special Action Request FSA18-01
and FSA18-03 is comprehensive and provides an excellent
summary of chinook salmon, biological data and historic
management actions for the Kuskokwim River drainage.
The comments provided by the public, tribes, ANCSA
corporations and the Yukon Kuskokwim Delta Regional
Advisory Council clearly demonstrate the complexity of
concerns related to the harvest and conservation of chinook salmon.

When considering special actions, FSA18-01 and FSA18-03 it is appropriate to reflect on the biological status and history of the Kuskokwim chinook salmon population. Equally important is to consider the in-season management framework that has been established and implemented since 2015 to ensure tribal input is meaningfully considered in the Kuskokwim River fishery management decisions. This cooperative management framework was recognized by the Board when adopting a revised delegation of authority letter in February of this year that added consultation with the Kuskokwim River InterTribal Fish Commission along with representatives of the Regional Advisory Councils, the Office of Subsistence Management, and the Alaska Department of Fish and Game.

Approval of FSA18-01 as modified by the Council would close chinook salmon fishing except to Federally-qualified subsistence users identified in the Section .804 subsistence user prioritization analysis from May 25th through June 30 in order to conserve chinook salmon and provide for subsistence uses.

As proposed in FSA18-01 and FSA18-03, the Council recommendation would allow the in-season manager to determine the details of fishing opportunities for fishing schedules, openings, closures and fishing methods. Additionally, the Council modified FSA18-01 to include elements proposed in FSA18-03, to provide for a community based allocation system to allow more chinook salmon harvesting opportunities by Federally-qualified subsistence users based on their traditional uses of chinook salmon. The Council also offered, quote, this may include allocating during early part of the run and shifting to time and area opportunities if possible when in-season data becomes available.

As detailed in the analysis, conservation measures for chinook salmon were initiated after the 2010 to 2013 period as populations had notably declined. The conservation efforts implemented since 2013 indicate chinook salmon populations are starting to recover. The 2018 preseason forecast indicate that a harvestable surplus at some level is likely available for chinook salmon. It is also noted
in the analysis and through extensive public testimony that prematurely permitting unlimited harvest of chinook salmon could potentially negatively impact the conservation gains that have been made since 2013. The recent management strategy used since 2015 has been for the in-season manager, along with the Kuskokwim River InterTribal Fish Commission, the Alaska Department of Fish and Game and other stakeholder groups to assess river conditions and run data as it is collected in-season to determine when in-season emergency action should occur to permit or restrict harvest. This may be the most appropriate strategy to assess if the harvest of chinook salmon prior to June 12th is appropriate given the stock remains in a conservation status.

FSA18-01 submitted by the in-season manager does not limit future development and implementation of emergency special actions to permit the harvest of chinook salmon early in the season, if warranted and agreed upon and does not contain the mandate for a community based allocation strategy.

Given the ability of the in-season manager to gather in-season run data in the future, and to collaborate with the InterTribal Fish Commission, the Alaska Department of Fish and Game and representatives of the Yukon Kuskokwim Delta and Western Interior Regional Advisory Councils, it might be useful to modify the Council's recommendation to allow the in-season manager the flexibility of providing community based allocations as a possibility rather than mandating the use of community based allocations.

The Board would be providing a management framework using the dates recommended by the Regional Advisory Council to close the harvest of chinook salmon to all except Federally-qualified subsistence users identified in the Section .804 subsistence user prioritization but would also be providing flexibility to the in-season manager about implementing a community based allocation system. This flexibility would provide a tool to the manager, which could be used along with information available from in-season management sources and in consultation with the Kuskokwim River InterTribal Fish Commission, the two affected Regional Advisory Councils and the Alaska Department of Fish and Game as called for in the
delegation of authority letter.

These suggestions are being made in light of the varied perspectives offered by residents of the drainage about the community allocation system implemented in 2015. It is hoped that the in-season manager in collaboration with others can continue to work on an approach that addresses the concerns expressed while providing a mechanism for subsistence opportunities earlier in the season without jeopardizing conservation efforts and escapement.

In closing there is a clear desire by all users to see healthy sustainable chinook salmon population rebuilt and conserved for current and future generations. There is also a strong desire to fish earlier as is customarily done and to increase the harvest of chinook salmon where possible. As reflected in the public and tribal comments there are substantial statements and support for and against these special action requests. These decisions are difficult and complex and require a dedicated team of many experts to evaluate the data and assess the risk of various actions. In-season management data will be a key factor in forming the decisions along with a continual collaborative process and timely communication with affected users.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Any questions for the ISC.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none, Board discussion.

(Pause)

CHAIRMAN CHRISTIANSON: I think we heard from Zach and that was it, right. Council Chairs and State liaisons.

OPERATOR: We do have someone over the phone line.

CHAIRMAN CHRISTIANSON: Okay.
PUBLIC: Thank you, Mr. Chairman and thank you Board for taking my call so late. I am a co-Chair of the Kuskokwim River Salmon Management Working Group and I'm also co-Chair of the Stony Holitna AC but I am testifying on my own behalf but I do have some experience. I've lived between Red Devil and Sleetmute on the upper, middle part of the Kuskokwim River for 40 years and I've fished those entire 40 years so I have some experience fishing.

Totally can see how confusing this is with two different SARs and two different alternatives that pick up different bits and pieces of the SARs and add some other things. Mostly I would like to get two points across.

I am totally in support of anything that can be done to give a rural priority and a rural subsistence and if that is the case of being ia Federally-qualified user, which I am, even though I am not in an area of the river that is underneath Federal control at any point, I am completely for that.

My biggest concern is that the closure between May 25th and June 12th be eroded in any way shape, or form, because I think there's a huge conservation concern. It's not just a general conservation concern for the chinook salmon to get through that lower river at that time, it's very specifically that the fish that tend to pass through the earliest are those kings that spawn in the headwaters of the Kuskokwim. It's a population that has been fairly decimated and in the lat several years when we've had that closure, we have seen a huge increase in the fish in the headwaters, the numbers have more than quadrupled. And I feel like that closure needs to be maintained intact, whether it be the State or the Federal government doing it, but it needs to be maintained intact through the 12th to get those early kings through the bulk of the population down river so that they have a chance to reach their spawning areas. I think it'll pay off big time in years to come.

But several years is not enough time to rebuild that stock, we need a little more time and whatever avenue you choose to make that happen I would very much appreciate whatever plan is put in place that there not be additional openings before June 12th,
whether it be through community harvest, through the
Kuskokwim InterTribal Fish Commission in conjunction
with Fish and Wildlife deciding on additional openings
or whether the State somehow would do that, but I think
they have the ability to because it's in regulation at
this point. Please, please find a way to keep those
closures in place through -- I didn't mean June 12th, I
meant June 11th.

I feel like there's plenty of time for
subsistence opportunity starting on June 12th and
certainly perhaps we will have the chance to be more
liberal this year so that people can have more than a
taste of chinook.

Thanks for your time, I appreciate it
very much.

CHAIRMAN CHRISTIANSON: Thank you. Any
questions.

(No comments)

CHAIRMAN CHRISTIANSON: Any additional
Board discussion with Council Chairs.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing none,
then -- go ahead, Karen.

MS. CLARK: So I guess this is kind of
for the Board but also for the Chairs, we heard that
the Western Interior did not have an opportunity to
take action on the analysis but then we heard that the
RAC Chair is in support of 18-01 to protect the first
pulse but I'm not sure, process-wise, how all that fits
together.

MR. LORD: So this Board is obligated
to give deference to a Regional Advisory Council
recommendation when it's the entire Council and it's --
when it's a proper meeting that's been noticed under
FACA. So the Council's -- the Council Chair's
recommendation should be considered as a personal
recommendation, it's not something you should give
deferece to but, of course, he or she is -- was put in
that position because he or she has some expertise, and
so it's something you want to consider.
MS. CLARK: So then I guess I'm wondering why the Western Interior RAC wasn't given the same opportunity that the YK Delta RAC was.

MS. HARDIN: Through the Chair. Ms. Clark. The Western Interior Regional Advisory Council meeting happened right after the FSA18-01 was submitted and about a month before FSA18-03 was submitted. So at the time the -- the regulations require us to get a RAC recommendation if time allows for a regularly scheduled RAC meeting and time did not allow and so it was presented to the Western Interior Regional Advisory Council as an information item and they were notified of the special action request and then our regulations also require, if we aren't going to get a RAC recommendation, to consult with the Chair of the Regional Advisory Council, which we did, with Mr. Reakoff. And the comments you heard were a result of that consultation.

CHAIRMAN CHRISTIANSON: Thank you. Rhonda, did you have something.

MS. PITKA: No. We just heard a lot of testimony today and not a lot of it was about the decision points that are in front of us, limited to Federally-qualified users; number 2, limited within Federally-qualified users; and then number 3, start or end dates; and, number 4, implementation of strategy. So I feel like we've heard a lot of -- a lot of discussion and it was good discussion but it didn't really, I guess, pertain to some of those decision points that we need to come to today. So maybe we should talk a little bit about those.

CHAIRMAN CHRISTIANSON: That's where we're at, Board discussion.

(No comments)

CHAIRMAN CHRISTIANSON: So we're looking at the -- could we get the regulation up here on the board, Staff.

(Pause)

CHAIRMAN CHRISTIANSON: I mean I can see it here on my piece of paper here.
UNIDENTIFIED VOICE: Working on it.

CHAIRMAN CHRISTIANSON: Okay, I was just checking to see so everybody has it in front of them.

(Pause)

CHAIRMAN CHRISTIANSON: So we have a proposed Federal regulation here that has dates and times on it that says, effective on June 12th through August, and there's another one that's May 20th through June 30th; so there's a couple of alternatives listed.

UNIDENTIFIED VOICE- (no mic) Which one are you referring to, the.....

CHAIRMAN CHRISTIANSON: What's that?

UNIDENTIFIED VOICE: Which one are you referring to, the Regional Advisory Council's recommendation or.....

CHAIRMAN CHRISTIANSON: Well, you've got proposed.....

UNIDENTIFIED VOICE: Right. And then you've got a Regional Advisory Council proposal.

(Pause)

CHAIRMAN CHRISTIANSON: Just give us a second, I'm trying to find the RAC recommendation here.

(Pause)

MR. DECOSSAS: The RAC recommendation is Page 59 of the analysis.

CHAIRMAN CHRISTIANSON: Page 59, thank you.

MR. DECOSSAS: Yeah.

(Pause)

CHAIRMAN CHRISTIANSON: So on Page 59 there's the RAC recommendation. And so I'll read it just so we can have it here on the record is what the
RAC recommendation is.

Yeah, that the Federal waters in the portion of the Kuskokwim River drainage that are within adjacent and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of chinook salmon except by Federally-qualified subsistence users who are residents of the Kuskokwim River drainage and the villages of Chebornak, Kipnuk, Kwigillingok, Kongiganak effective on May 25th, 2018 through June 30th, 2018.

Federal subsistence fishing schedules, openings, closures and fishing methods will be determined by the Yukon Delta National Wildlife Refuge manager.

Additionally, a community based allocation system will be implemented amongst the limited pool of Federally-qualified users for the purpose of allowing more chinook salmon subsistence fishery opportunity than would otherwise be provided from May 25th through June 30th. This may include allocating during the early part of the run and shifting to time and area opportunities, if possible, when in-season data becomes available.

And so that's there.

And I think what we heard a lot today about was whether or not the allocation portion of this is relevant or not. And so as I look at it and read it that was a lot of what we heard, is whether it's relevant at this time that we discuss that portion of it and giving deference to -- and in support of this, I would almost recommend maybe we amend it and consider the allocation portion, or do we time, date, stamp that discussion.

MS. CLARK: I'm ready to make a motion.

CHAIRMAN CHRISTIANSON: The floor is open. You have dinner to go to.

(Laughter)

MR. OWEN: Second.

MS. CLARK: I haven't even given you my
I'd like to make a motion to adopt FSA18-01 as modified by the Yukon Delta RAC with a modification to change the front end closure date to June 12th and the back end to July 15th and delegate the decision to use or not use an allocation system to the in-season manager with delegated authority from the Board in collaboration with the Kuskokwim River InterTribal Fish Commission, the Alaska Department of Fish and Game, Kuskokwim Salmon Working Group, the RACs and other Federally-qualified users. I make a motion to take no action on FSA18-03. And if I get a second I will provide a justification for this motion.

MR. FROST: Second.

MS. CLARK: I would amend the proposed regulation to read:

Federal public waters in that portion of the Kuskokwim River drainage that are within the adjacent to -- that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of chinook salmon except by Federally-qualified subsistence users who are residents of the Kuskokwim River drainage and the villages of Chefornak, Kipnuk, Kwig and Kong effective on June 12th, 2018 through July 15th, 2018.

Additionally, a community based allocation system may be implemented amongst a limited pool of Federally-qualified subsistence users for the purpose of allowing more chinook salmon subsistence fishing opportunity than would otherwise be provided from June 12th through July 15th. This may include allocating during the early part of the run and shifting to time and area opportunities, if possible,
when in-season data becomes available.

This modification provides for the conservation of chinook salmon and also allows for the continuance of subsistence uses. By -- by keeping the river closed to harvest of chinook salmon until June 12th unless other new information allows opening earlier it will ensure the protection of the early run of chinook salmon that have been identified as critical to ensuring that a future healthy and sustainable chinook population is rebuilt and available for many generations to come.

The Federal management of the river from June 12th to July 15th provides for the continuance of subsistence uses by providing a priority to Federally-qualified users to harvest the surplus chinook salmon where -- when appropriate relative to meeting conservation needs. The State allowance of two four inch set gillnet openings prior to June 12th will allow for harvest of non-salmon species and provide an opportunity for fresh fish, while still allowing chinook salmon to migrate up river and with minimal incidental harvest of chinook.

Lastly, I -- I want to point out the -- historically in the last time that we talked about this we had a lot of focus on the Kuskokwim River Inter -- or Partnership Project that includes the InterTribal -- the Kuskokwim River InterTribal Fish Commission, the Fish and Wildlife Service, Ken Stahlnecker as the in-season manager and the Alaska Department of Fish and Game and at that point in time the decision was made that that's really where we want these decisions to be made, is for folks out on the river to be engaged and helping to determine what needs to happen, and I still think we have that opportunity. That -- speaking to my points earlier about the in-season manager's ability to make those decisions, they do still exist and they can do that, he -- he has done that and will do that in collaboration, cooperation with all of the partners of the Partnership Project.

I -- I worry that moving outside of that is -- has potential to jeopardize the Partnership if the Partnership isn't given the opportunity to work things out amongst themselves.

MR. C. BROWER: Are you done? Mr.
CHAIRMAN CHRISTIANSON: Charlie.

MR. C. BROWER: Just a question. So you made a motion, and it has been seconded and did you make another amending motion to -- on a closure to begin May 25th and end August -- July 15th?

MS. CLARK: My -- my motion is for the front end closure of June 12th and -- so it's modifying the dates of the RAC proposal -- or the RAC recommendation, which was modified.

So it would stay with June 12th and go through July 15th, is what my motion covers.

CHAIRMAN CHRISTIANSON: So we're modifying the RACs recommendation, basically the dates of the -- May 25th would be June 12th, the June -- what is the next date is.....

MR. DOOLITTLE: It's July 15th.

CHAIRMAN CHRISTIANSON: .....June 30th would then be July 15th?

MS. CLARK: Yes. And then the only other change would be that the subsistence -- I mean the allocation system may be, instead of will be implemented, based on the Inter -- the -- a decision amongst the partners on the river.

CHAIRMAN CHRISTIANSON: Any Council discussion on that.

MR. C. BROWER: Yeah, Mr. Chair. So I could make an amending motion to amend the close date of May 25th recommended by -- recommended by the RAC and on July 15th as recommended by State and in-season managers in -- so I could add another amendment if I want to, right?

CHAIRMAN CHRISTIANSON: If you get a second.

MR. C. BROWER: If I get a second.

CHAIRMAN CHRISTIANSON: So you want to
make a motion to stick to the dates listed by the RAC?

MS. CLARK: No.

CHAIRMAN CHRISTIANSON: Is that what you said?

Say that again, Charlie.

MR. C. BROWER: I -- I mean I would move to amend closure will begin on May 25th as recommended by RAC and on July 15th as recommended by State and in-house manager to instruct to close earlier than May 25th, if needed.

MR. DOOLITTLE: Tom Doolittle, Deputy Assistant Regional Director.

So, Charlie, you're suggesting that it remains with the RAC, May 25, 2018, but you're suggesting the amendment is going from -- instead of June 30/July 15, is to be July 15, 2018.

MR. C. BROWER: July.

MR. DOOLITTLE: Okay. How about the May part?


MR. DOOLITTLE: Right. And then the other part is, additionally, a community based allocation system may be implemented versus will be.

MR. C. BROWER: Yeah. The allocation system may be during in-season, yeah, thank you.

MR. DOOLITTLE: Okay.

CHAIRMAN CHRISTIANSON: So we have an amendment to the original motion to change the date of June 12th to May 25th.

Can he get a second. He needs to get a second first.

MS. PITKA: I'll second that. Do we have to vote on that original motion first?
CHAIRMAN CHRISTIANSON: Nope, we got to vote on the amendments first so right now we have an amendment to the original motion on the floor with a second. Now, we can discuss that amendment.

The amendment is, like I said, to change the front end date of June 12th to May 23rd. That's the amended by Charlie, seconded by Rhonda -- 25th, May 25th, sorry.

(Laughter)

CHAIRMAN CHRISTIANSON: My mouth is getting dry and we haven't had a break here.

MR. DOOLITTLE: And the end date as well.

CHAIRMAN CHRISTIANSON: Oh, the end date as well, I thought he -- what was your end date there?

MR. DOOLITTLE: July 15th.

MR. C. BROWER: July 15th.

CHAIRMAN CHRISTIANSON: July 15th, isn't that what you stated?

MS. CLARK: I said that.

CHAIRMAN CHRISTIANSON: Yeah, so they're both in agreement. So the only disagreement between the two is the date of the 23rd -- or the 25th.....

MR. DOOLITTLE: 25th.

CHAIRMAN CHRISTIANSON: ......or the 25th -- sorry, that's a special day in my head.

(Laughter)

CHAIRMAN CHRISTIANSON: 25th and the 12th of June.

MR. DOOLITTLE: Uh-huh.

CHAIRMAN CHRISTIANSON: Okay.
MR. DOOLITTLE: That's pretty good.

CHAIRMAN CHRISTIANSON: Okay, so here we are, we have that, so we can discuss that amendment.

Any other discussion.

MR. LORD: Mr. Chair. I'd just like to point out that I heard the State say that if the closure starts at that earlier date, what they're going to do is simply move those two windowed openings up river to State managed waters, so I question whether it really has any impact or not.

MR. DECOSSAS: Mr. Chair.

CHAIRMAN CHRISTIANSON: Go ahead.

MR. DECOSSAS: So just to clarify that.

May 30th, that opportunity -- the four inch opportunity the State would be providing, that would be for folks in Refuge waters, to all users. The closure above Aniak, above the Refuge, there's actually two closures. From Aniak to the Holitna River, that doesn't actually occur until June 4th. So that first May 30th opportunity the State would be providing, would be only for folks, subsistence users, all subsistence users and all users in Federal public waters. It's unrestricted above the Refuge -- it's unrestricted until the June 4th above the Refuge and then June 9th in the headwater, from the Holitna up.

MR. LORD: So it would, in fact, impact those two openings that the State is contemplating is what I'm hearing you say?

MR. DECOSSAS: Yeah.

MR. LORD: Yeah, okay, thank you for that.

CHAIRMAN CHRISTIANSON: Bert.

MR. FROST: But what I heard the State say is that the two opportunities are not for chinook, they're for non-salmon species and so those opportunities would still be in effect within Federal waters even if the date was May 25th because they're fishing -- now they couldn't keep the salmon if they
caught them because -- so they could -- okay. So that
-- those opportunities would still be in place because
it's a non-chinook salmon fishery, no matter when the
date is, right?

MR. DECOSSAS: Through the Chair. I
should say the issue with....

CHAIRMAN CHRISTIANSON: They would --
sorry Gary. What I understood just to -- I wanted to
answer Bert, what the State said is if we move the date
back to the 25th, that opportunity is going to have to
be moved somewhere else in the river out of the Refuge
waters.

MS. KENNER: Mr. Chair.

CHAIRMAN CHRISTIANSON: That was their
statement. Go ahead.

MS. KLEIN: Yeah, so just through the
Chair. I think what we heard Mr. Linderman say was
that the State would focus its management efforts in
State waters but I don't know that we have clarity or
certainty over our ability to issue and implement these
four inch openers. I feel like there has been some
lack of -- there's been good discussion here at the
table but not necessarily clarity and I feel like it
would warrant further discussion.

MS. KENNER: Mr. Chair. What's
happened, for instance, last year, is when the Board or
the Federal in-season manager has closed to non-
Federally-qualified users, they haven't moved forward
and implemented emergency orders, except for
maintaining the gillnet closure in the lower river.

CHAIRMAN CHRISTIANSON: So we have on
the floor an amendment to the motion. Should I try the
dates again.

(Laughter)

CHAIRMAN CHRISTIANSON: Okay. Well,
I'm going to call for the question.

MR. C. BROWER: Question.

CHAIRMAN CHRISTIANSON: As soon as
they're ready we'll do a roll call.

(Pause)

MR. LORD: Well, we -- one -- another issue is Bert's point about incidental harvest of chinook. Our closure is to the harvest of chinook, there's no exception for incidental under our regulation so if someone is out fishing under that State opener and they incidentally take a chinook harvest they're vulnerable to being cited by Federal law enforcement.

Okay.

MR. C. BROWER: The question has been called hasn't it.

CHAIRMAN CHRISTIANSON: Roll call on the amendment.

MR. DOOLITTLE: Okay. This is the first time action today.

This is on Federally-qualified subsistence users 18-01 and 03, on the amendment.

On Federal public waters in that portion of the Kuskokwim River drainage that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of chinook salmon except by Federally-qualified subsistence users or residents of the Kuskokwim River drainage and the villages of Chefornak, Kipnuk, Kwigillingok, Kongiganak effective on May 25th, 2018 through July 15, 2018.

Federal subsistence fishing schedules, openings, closures and fishing methods will be determined by the Yukon Delta National Wildlife Refuge manager.

Additionally, a community based allocation system may be implemented amongst the limited pool of Federally-qualified subsistence users for the purpose of -- for the purpose of allowing more chinook salmon subsistence fishing opportunity than otherwise be provided from May 25, 2018 through July 15, 2018. This may include allocating during the early
part of the run and shifting to time and area opportunities, if possible, when in-season data becomes available.

CHAIRMAN CHRISTIANSON: Roll call.

MR. DOOLITTLE: National Park Service, Herbert Frost.

MR. FROST: Oppose.

MR. DOOLITTLE: BLM, Marlo Draper.

MS. DRAPER: Oppose.

MR. DOOLITTLE: Karen Clark, Fish and Wildlife Service.

MS. CLARK: Oppose.

MR. DOOLITTLE: U.S. Forest Service, Wayne Owen.

MR. OWEN: Oppose.

MR. DOOLITTLE: BIA, Keith Kahklen.

MR. KAHKLEN: For.

MR. DOOLITTLE: Public member, Rhonda Pitka.

MS. PITKA: Support.

MR. DOOLITTLE: Public member, Charlie Brower.

MR. C. BROWER: Support.

MR. DOOLITTLE: Chairman Anthony Christianson.

CHAIRMAN CHRISTIANSON: Support, in deference to the RAC.

MR. DOOLITTLE: Four/four tie, the motion fails.

CHAIRMAN CHRISTIANSON: So we're back
1 to the original motion.

2 MR. OWEN: Call the question.

3 CHAIRMAN CHRISTIANSON: Question's been called. Roll call.

4 MR. DOOLITTLE: So we go back to the original motion which is June 12th to July 15th.

5 MR. DOOLITTLE: Which was June 12th, okay.

6 Okay, back to the original motion.

7 This one for the vote is:

8 Federal public waters in that portion of the Kuskokwim River drainage that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge are closed to the harvest of chinook salmon except by Federally-qualified subsistence users who are residents of the Kuskokwim River drainage and the villages of Chefornak, Kipnuk, Kwigillingok, Kongiganak effective 12 -- June 12th, 2018 through July 15th, 2018.

9 Federal subsistence fishing schedules, openings, closures and fishing methods will be determined by the Yukon Delta Wildlife Refuge manager.

10 Additionally, a community based allocation system may be implemented amongst the limited pool of Federally-qualified subsistence users for the purpose of allowing more chinook salmon subsistence fishing opportunity than would otherwise be provided from June 12th, 2018 through July 15th, 2018. This may include allocating during the early part of the run and shifting to time and area opportunities, if possible, when in-season data becomes available.

11 U.S. Forest Service, Wayne Owen.

12 MR. OWEN: Oppose.

13 MR. DOOLITTLE: BIA, Keith Kahklen.

14 MR. KAHKLEN: Oppose.
MR. DOOLITTLE: Karen Clark, Fish and Wildlife Service.

MS. CLARK: Support.

MR. DOOLITTLE: Support. BLM, Marlo Draper.

MS. DRAPER: Support.

MR. DOOLITTLE: National Park Service, Herbert Frost.

MR. FROST: Support.

MR. DOOLITTLE: Public member, Rhonda Pitka.

MS. PITKA: Support.

MR. DOOLITTLE: Public member, Charlie Brower.

MR. C. BROWER: Support.

MR. DOOLITTLE: Chairman Anthony Christianson.

CHAIRMAN CHRISTIANSON: Oppose.

MR. DOOLITTLE: Motion passes.

CHAIRMAN CHRISTIANSON: Thank you, guys. Recess for the day.

MR. OWEN: Be back at what time?

CHAIRMAN CHRISTIANSON: I think it states 8:30 a.m., until finished. Thank you all for that tough grind out, I appreciate your time, energy and effort. Have a good one tonight guys, and don't dream about it.

(Laughter)

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA )
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 through contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME V, (EXCERPT) taken electronically by our firm on the 16th day of May 2018 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 24th day of May 2018.

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Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18