

1 SOUTHCENTRAL REGIONAL ADVISORY COUNCIL MEETING

2

3

PUBLIC MEETING

4

5

6

VOLUME I

7

8 Gorsuch Commons, University of Alaska Anchorage

9

Anchorage, Alaska

10

October 17, 2016

11

8:30 a.m.

12

13

14

15

16

17 COUNCIL MEMBERS PRESENT:

18

19 Greg Encelewski, Chairman

20

Judy Caminer

21

Tom Carpenter

22

Ricky Gease

23

Andrew McLaughlin

24

Mary Ann Mills

25

Michael Opheim

26

Gloria Stickwan

27

28

29

30

31 Regional Council Coordinator, Donald Mike

32

33

34

35

36

37 Recorded and transcribed by:

38

39 Computer Matrix Court Reporters, LLC

40

135 Christensen Drive, Suite 2

41

Anchorage, AK 99501

42

907-243-0668/sahile@gci.net

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

P R O C E E D I N G S

(Anchorage, Alaska - 10/17/2016)

(On record)

CHAIRMAN ENCELEWSKI: I'd like to call to order this meeting of the Southcentral Regional Advisory Committee, October 17th. And I have, for the record, about 9:02. We'll get started. I want to welcome everyone, we'll do some introductions, but prior to that I'd like to ask Gloria to give us an invocation.

MS. STICKWAN: (Invocation)

CHAIRMAN ENCELEWSKI: Thank you, Gloria. We're having a little technical difficulty so I apologize for that, whatever happened.

Donald, I'm up to quorum, establish a quorum and I'm not sure how you're going to do that, but I'm not sure we have a quorum here. Do you want to call the roll.

MR. MIKE: Thank you, Mr. Chair. Roll call of the Southcentral Regional Advisory Council meeting. Mr. Chair, Mr. Rob Henrichs was removed by this Council and we haven't heard anything from the Board yet.

Ms. Eleanor Dementi.

(No comments)

MR. MIKE: Mr. Chair, Ms.....

(Phone interruptions - non-muted parties)

MR. MIKE: For those folks on line, please mute your phone, hit the mute button or star-6.

Thank you.

Continuation of the roll call.

Eleanor Dementi.

Mr. Chair, Ms. Dementi requested to be

1 excused. She's currently at the AFN attending the
2 elders and youth conference. Mr. Greg Encelewski.
3
4 CHAIRMAN ENCELEWSKI: I'm here.
5
6 MR. MIKE: Ms. Mary Ann Mills.
7
8 (No comments)
9
10 MR. MIKE: Mr. Chair. Ms. Mills
11 requested participation via teleconference and we'll
12 wait for her call today.
13
14 Mr. Lee Adler.
15
16 (Phone interruptions - non-muted
17 parties)
18
19 MR. MIKE: He said he would be here
20 today but he's absent.
21
22 Ms. Gloria Stickwan.
23
24 MS. STICKWAN: Here.
25
26 MR. MIKE: Mr. James Showalter.
27
28 (No comments)
29
30 MR. MIKE: Mr. Chair. Mr. Showalter
31 requested to be excused, he had some prior commitments
32 to attend to.
33
34 Mr. Mike Opheim.
35
36 MR. OPHEIM: Here.
37
38 MR. MIKE: I'd like to remind folks on
39 line, please hit your mute button, we're hearing a lot
40 of background noise. Star-6 or your mute button,
41 please.
42
43 Mr. Andrew McLaughlin.
44
45 MR. MCLAUGHLIN: Here.
46
47 MR. MIKE: Ms. Judy Caminer.
48
49 MS. CAMINER: Here.
50

1 MR. MIKE: Ms. Ingrid Peterson.
2
3 (No comments)
4
5 MR. MIKE: Mr. Chair. Ms. Peterson
6 wasn't able to return my calls for this meeting. Thank
7 you.
8
9 Mr. Tom Carpenter.
10
11 MR. CARPENTER: I'm here.
12
13 MR. MIKE: Mr. Ricky Gease.
14
15 MR. GEASE: Here.
16
17 MR. MIKE: Mr. Chair. You have seven
18 members present and established a quorum.
19
20 CHAIRMAN ENCELEWSKI: Okay, thank you,
21 Donald. That's good to hear, I guess we got a quorum.
22
23 So I want to welcome everyone and I
24 guess what we'll do is, traditionally, we just went
25 around the room and everyone could just briefly
26 identify yourself and where you're from and we'll get
27 started.
28
29 Ricky, I'll let you start.
30
31 MR. GEASE: Ricky Gease. I live in
32 Kenai.
33
34 CHAIRMAN ENCELEWSKI: Andy.
35
36 MR. MCLAUGHLIN: Andy McLaughlin. I'm
37 from Chenega Bay.
38
39 MS. STICKWAN: Gloria Stickwan,
40 Tazlina.
41
42 CHAIRMAN ENCELEWSKI: I'm Greg
43 Encelewski and I'm from Ninilchik. Just some technical
44 issue here, we've got these new mics, they work pretty
45 good but you got to push that little guy and it comes
46 up green and you're on.
47
48 MS. CAMINER: Judy Caminer, Anchorage.
49
50 MR. OPHEIM: Mike Opheim, Seldovia.

1 MR. MIKE: Donald Mike, Council
2 coordinator. And we're still hearing some background
3 folks on the teleconference, please hit your mute
4 button or star-6. Please. Thank you.
5
6 MS. MILLS: Mary Ann Mills, Kenai.
7
8 (Phone interruptions - non-muted
9 parties)
10
11 In room introductions.
12
13 MR. SHARP: Dan Sharp, BLM.
14
15 MS. WOODY: Carolann Woody.
16
17 MS. PETRIVELLI: Pat Petrivelli, BIA.
18
19 MR. ESKELIN: Todd Eskelin, biologist,
20 Kenai National Wildlife Refuge.
21
22 MS. WISKE: Gina Wiske, Ninilchik.
23
24 MR. WILLIAMS: Darrel Williams,
25 Ninilchik.
26
27 MR. ENCELEWSKI: Ivan Encelewski,
28 Ninilchik.
29
30 MS. PERRY: DeAnna Perry, Forest
31 Service, Juneau.
32
33 MR. LARSON: Robert Larson. I live in
34 Petersburg. I work for the Forest Service. I am
35 transitioning away from this Council. DeAnna Perry
36 will be my replacement.
37
38 MS. JONES: Division of Subsistence.
39
40 MS. WIITA: Amy Wiita, Division of
41 Subsistence, Anchorage.
42
43 MR. STEVENS: Mike Stevens, Cooper
44 Landing.
45
46 MS. MILLS: Mr. Chair.
47
48 CHAIRMAN ENCELEWSKI: Yeah, Mary Ann,
49 we're doing introductions but I don't know if you can
50 hear us there, we're going around the room with

1 introductions, if you could hold a minute.
2
3 MS. MILLS: Oh, I just wanted to let
4 you know that I'm on line.
5
6 CHAIRMAN ENCELEWSKI: Okay, very good,
7 thank you.
8
9 (Introductions continuing - phone
10 interference - unmuted parties)
11
12 MR. LORANGER: Andy Loranger, Fish and
13 Wildlife Service, Kenai National Wildlife Refuge.
14
15 (Introductions continuing - phone
16 interference - unmuted parties)
17
18 MR. CHEN: Aloha, Council members.
19 Glenn Chen, BIA.
20
21 MR. PAPPAS: George Pappas, Office of
22 Subsistence Management.
23
24 CHAIRMAN ENCELEWSKI: Yeah, could you
25 folks on the phone, could you hear me?
26
27 UNIDENTIFIED VOICE: No, we can't hear
28 anything.
29
30 (Laughter)
31
32 CHAIRMAN ENCELEWSKI: Well, we can hear
33 you.
34
35 UNIDENTIFIED VOICE: Well, we can't
36 hear your meeting.
37
38 UNIDENTIFIED VOICE: I can't hear the
39 meeting either and I have mute on, star-6.
40
41 CHAIRMAN ENCELEWSKI: Well, you're
42 hearing someone because I'm talking to you from the
43 meeting.
44
45 MS. MILLS: I can hear you but I can't
46 hear the other people very well.
47
48 UNIDENTIFIED VOICE: I can hear you
49 now, the last thing that I heard was someone who was
50 calling in for a conference call.

1 CHAIRMAN ENCELEWSKI: Okay, I'm going
2 to help you guys out, you could only hear who's talking
3 on the mic and I see those two lit up there with no one
4 there. So you might have been picking up some
5 background there.

6
7 MR. MIKE: Thank you, Mr. Chair. If we
8 could have the folks on line introduce themselves and
9 when you're done introducing yourself hit your mute
10 button or star-6.

11
12 Thank you.

13
14 We'll start with folks in Cordova.

15
16 MR. CARPENTER: Yeah, Donald, this is
17 Tom Carpenter in Cordova.

18
19 MR. MIKE: Any folks from Cooper
20 Landing, please introduce yourself and then hit mute
21 and star-6 once you're done with your introductions.
22 Thank you.

23
24 MS. PEARSON: Hi, this is Heather
25 Pearson from Cooper Landing.

26
27 MS. HANSON: Hi, this is Ann Hanson from
28 Cooper Landing.

29
30 MR. MIKE: Thank you. Anyone else from
31 Cooper Landing.

32
33 (Phone interruptions - non-muted
34 parties)

35
36 MR. CARPENTER: Donald, this is Tom
37 Carpenter in Cordova again. There's somebody on the
38 line that's going to make this virtually impossible to
39 have this teleconference, he's obviously not paying
40 attention and talking in the background so I don't know
41 how we're going to resolvethis.

42
43 MR. MIKE: Yes, Mr. Carpenter, thank
44 you. I want to remind you folks on the teleconference
45 to hit star-6 or the mute button. I've done this
46 several times and we'll see how it goes.

47
48 Anybody else on line that wants to
49 introduce themselves.

50

1 MR. WHITFORD: Hey Donald, this is Tom
2 Whitford, Regional Subsistence Program Leader for the
3 Forest Service.
4
5 MR. MIKE: Thank you, Tom. Do we still
6 have Mary Ann, are you still with us?
7
8 (No comments)
9
10 MR. MIKE: Mary Ann Mills.
11
12 MS. MILLS: Can you hear me?
13
14 MR. MIKE: Yes.
15
16 MS. MILLS: Oh, okay, Mary Ann Mills,
17 Council member for the Southcentral RAC.
18
19 MR. MIKE: Thank you, Mary Ann. I think
20 that concludes the folks on line, Mr. Chair.
21
22 Thank you.
23
24 CHAIRMAN ENCELEWSKI: Okay, thank you,
25 Donald. And the phone sounded like -- we heard some of
26 your stories but couldn't quite make them out. But
27 anyway we're going to go ahead and proceed.
28
29 Just so the audience here knows, the
30 two calling in Tom Carpenter and Mary Ann Mills, as you
31 heard them identify themselves Southcentral RAC
32 members.
33
34 The next item up on the agenda is
35 review of the -- or adoption of the agenda. And I've
36 been requested that we make a few changes on here so
37 I'm going to leave them and if someone wants to make a
38 motion to accept that I'll tell you what came to me as
39 the Chair. There's been one request to do the tribal
40 video report after the Chair's report because it deals
41 directly with all the fish proposals, so they want to
42 be able to present that before so we would like to move
43 that up.
44
45 There's been another request to move
46 RFR update by Stewart just before new business. He
47 told me it would take one and a half minutes, so we'll
48 see.
49
50 I have one other proposal, under the

1 proposals and that would be Fish Proposal 17-09 and 17-
2 10, to move them up on the agenda in front of the other
3 fish proposals. The reason this request was made is if
4 people on the phone, Mary Ann and Tom, we don't want to
5 lose them, and people from Ninilchik are leaving at
6 3:30.

7

8 And I have one other request from Mr.
9 Gease and he's going to talk about that.

10

11 MR. GEASE: The request would be to put
12 the Cooper Landing bypass issue on the agenda and have
13 the RAC consider a letter in opposition to the G-south
14 route and in support of the Juneau Creek alternative
15 and to reopen public comment for that process.

16

17 CHAIRMAN ENCELEWSKI: Okay, very good
18 you heard that. And I guess we'll put that at the end
19 of -- in new business, okay.

20

21 MR. MCLAUGHLIN: Mr. Chair.

22

23 CHAIRMAN ENCELEWSKI: Andy.

24

25 MR. MCLAUGHLIN: Yeah, through the
26 Chair. I'd like to have added to old business,
27 reservicing the delegation of authority topic.

28

29 CHAIRMAN ENCELEWSKI: Okay. Andy just
30 asked that delegation of authority, that's under old
31 business and that would come under 9 there.

32

33 Anything else.

34

35 (No comments)

36

37 CHAIRMAN ENCELEWSKI: Hearing none. Is
38 there someone that would want to propose the
39 modification change.

40

41 MR. GEASE: Propose agenda modification
42 change and request a second.

43

44 CHAIRMAN ENCELEWSKI: It's been moved
45 by Ricky and seconded by.....

46

47 MS. MILLS: I second the motion this is
48 Mary Ann.

49

50 CHAIRMAN ENCELEWSKI: Discussion.

1 It's been moved, seconded, we're under
2 discussion.

3
4 Go ahead, Donald.

5
6 MR. MIKE: Mr. Chair. We have an
7 analyst that would like to address the Council on the
8 order of the proposals -- I think we'll go with what we
9 have -- what the Council wants to change on the agenda.

10
11 Thank you.

12
13 CHAIRMAN ENCELEWSKI: So I'm hearing
14 that you're agreeing that we need to change what we
15 proposed.

16
17 Okay.

18
19 We've got a motion, it's been seconded,
20 we had some discussion. Is there any other discussion.

21
22 (No comments)

23
24 CHAIRMAN ENCELEWSKI: Hearing none, all
25 in favor of the adopted agenda with the changes say
26 aye.

27
28 IN UNISON: Aye.

29
30 CHAIRMAN ENCELEWSKI: Any opposed.

31
32 (No opposing votes)

33
34 CHAIRMAN ENCELEWSKI: We'll try and
35 follow that agenda, thank you.

36
37 Next item, if you guys want to turn to
38 your previous meeting minutes and it should be on
39 number 5, Page 5. I know you guys all read them and
40 studied them, so if you have any additions or
41 corrections bring them forth now, if not then I'll
42 entertain a motion to adopt.

43
44 MS. CAMINER: Mr. Chair.

45
46 CHAIRMAN ENCELEWSKI: Yes.

47
48 MS. CAMINER: I have reviewed the
49 minutes and I find them to be in great shape so I
50 propose that we adopt them.

1 CHAIRMAN ENCELEWSKI: Very good, Judy.
2 Judy proposes we get a motion to adopt the minutes, she
3 moved. Is there a second to that.

4
5 MR. CARPENTER: Second.

6
7 CHAIRMAN ENCELEWSKI: Seconded by Mr.
8 Carpenter on the phone. Any discussion on the matter.

9
10 (No comments)

11
12 CHAIRMAN ENCELEWSKI: Hearing none, all
13 in favor of the minutes approved signify by saying aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN ENCELEWSKI: Any opposed.

18
19 (No opposed votes)

20
21 CHAIRMAN ENCELEWSKI: Here's where I
22 get to talk with the Chair report. Most of the stuff
23 that I'll be addressing, if they allowed me, would be
24 during other portions of the meeting but I did want to
25 report a couple of things.

26
27 I did have a couple of meetings, just
28 recently. One, Ivan and I met Greg Siekaniec, seems
29 like a really nice fellow from the US Fish and
30 Wildlife. He came down to Ninilchik actually and
31 introduced himself. So that was a pleasure, that was
32 really good.

33
34 We also had some meetings with the
35 State, the Commissioner, he came and talked to us about
36 issues and subsistence, which is pretty unusual but
37 that was several reports I've had, a lot of interaction
38 with Donald and some of the agencies, one was with the
39 BLM for the caribou, extension of dates and they called
40 the Chairs to ask for permission on that. I also had a
41 telecon -- get with Barbara Cellarius on an issue up
42 north.

43
44 Other than that I don't have anything
45 to report unless you all had a question for me.

46
47 (No comments)

48
49 CHAIRMAN ENCELEWSKI: Okay, very good.
50

1 Move on to the Council member reports, because I jumped
2 in front of them but that's okay, they knew I was going
3 to do that anyway.

4

5 (Laughter)

6

7 CHAIRMAN ENCELEWSKI: Okay, Council
8 members, who's going to start. Who's got a report.

9

10 MS. CAMINER: Thank you, Mr. Chair.
11 This is Judy Caminer. I've attended a few of the Board
12 meetings that happened between last March, I guess,
13 when we had our All Council meeting and now. I think
14 we'll hear a lot of the results of those discussions
15 during our meeting here so I won't go into them in any
16 detail. But it has been a busy summer.

17

18 Thank you.

19

20 CHAIRMAN ENCELEWSKI: Thank you, Judy.

21

22 Gloria.

23

24 MS. STICKWAN: I have an SRC report.
25 We had a meeting on the 11th and 12th of October in
26 Copper Center. There's one seat vacant on there.
27 Several members of the public came to the meeting.
28 Some of the information will be shared by Wrangell-St.
29 Elias, Barbara Cellarius. We discussed backcountry,
30 stewardship plan. Staff provided an update on that and
31 we're going to be developing comments later,
32 subsistence proposed rule was brought up and a letter
33 was sent to the Secretary about concern about the way
34 provisions were provided in ANILCA Section .810
35 analysis, that would be -- also ask from all the SRC
36 meetings be made available on the website to promote
37 information among the SRCs, priorities for the Fish and
38 Wildlife research and monitoring Copper River spawning
39 escapement to -- spawning -- this is for our priority
40 for the SRC, subsistence plan, why is the population
41 declines, Mentasta Caribou Herd, what does the decline
42 -- why is it declining and what are the population
43 densities, review the data -- really concern about
44 special action request regarding sheep level, we heard
45 about (indiscernible) and one of the members who is the
46 Chair of Regional -- Eastern Interior Regional Advisory
47 Council was surprised to hear about a decision has been
48 made and the SRC has been writing letters expressing
49 two concerns related to this process on the special
50 action request. It is important that proposals

1 considered as emergency and special actions be truly
2 emergency in nature and not personal preference.
3 Second, whenever possible, SRCs and RACs in affected
4 areas should be involved in evaluating special action
5 requests, at least consultation should have been done
6 on this proposal. She wasn't notified, nor
7 (indiscernible) notified on that, Unit 9 designated
8 hunter.

9

10 We commented on the Alaska Board of
11 Game special meeting, community hunt, they're going to
12 have their meeting on October 23rd, we wrote comments
13 on that.

14

15 Barbara will give a report on the
16 fisheries proposals, rural and non-rural and
17 (indiscernible).

18

19 So did you hear about designated
20 hunter?

21

22 CHAIRMAN ENCELEWSKI: A little bit. I
23 think Barbara called me.

24

25 MS. STICKWAN: Barbara called you?

26

27 CHAIRMAN ENCELEWSKI: Yeah.

28

29 MS. STICKWAN: I don't know what the
30 process is but we think the Chair should have been
31 notified on that.

32

33 CHAIRMAN ENCELEWSKI: Uh-huh.

34

35 MS. STICKWAN: Whenever there is an
36 emergency special action, it's a concern we had.

37

38 CHAIRMAN ENCELEWSKI: Thank you,
39 Gloria. Yeah, there was a concern and I was called on
40 that -- yeah, briefly.

41

42 MR. MCLAUGHLIN: Yeah, they're over
43 there in 60, I could report, after two mild winters
44 deer population on the rebound, I wouldn't say it's
45 near an average year for the past couple of decades,
46 but approaching that much better. I would say a little
47 increase in the black bear population, which is
48 encouraging. Still very much not near old historic
49 levels. Silver salmon didn't even hardly return to a
50 lot of the local streams that typically we see them in

1 in the fall, it was a kind of an odd year for that.
2 Some of the deer have velvet on into winter and in the
3 middle of summer some of them are all hard boned out so
4 kind of strange on the antlers of the -- I think some
5 climate change things or something's going on, you
6 know, that's all I can come up with.

7

8 CHAIRMAN ENCELEWSKI: Thank you, Andy.

9

10 Ricky.

11

12 MR. GEASE: Yeah, for fisheries on the
13 Kenai. The king salmon returned on the early run,
14 double what the forecast was. On the late run it came
15 right in around what the forecast was. So it's good to
16 see some improving returns. Still about half of what
17 the historical norm was, so we're not out of the woods
18 yet for king salmon.

19

20 Sockeyes returned very spotty across
21 the whole -- there weren't really any big pulses on the
22 sonar counts, I think there were only three days over
23 50,000 and typically that's when the in-river fisheries
24 picked up whether dipnetting or bank angling.

25

26 So, you know, the commercial fisheries
27 had -- in terms of catch per unit effort, one of their
28 most catch per units effort so people were fishing
29 quite a lot all over the place without much success.

30

31 Similar to what Andy was saying in
32 terms of silver, very spotty, poor returns along with
33 king salmon returns, although for the rod and reel
34 fishery there were two new world records on the same
35 day for pink salmon back to back. So the ones that
36 were returning were big.

37

38 Caribou hunts in the interior, the
39 Nelchina Herd were very sparse from what I saw with my
40 friend hunting over in Glennallen. And the Department
41 of Fish and Game extended the season and then
42 (indiscernible) fully support what OSM did extending
43 for the cow portion of it.

44

45 Also glad we put the Cooper Landing
46 bypass issue on the agenda. There hasn't been much
47 comment. There's two alternatives, final alternatives
48 right now that we'll get into more details. Most -- we
49 don't have -- most of the communities on the Kenai
50 Peninsula are opposed to the preferred alternative that

1 DOT has currently and they are -- time is of the
2 essence because they're trying to wrap up a final
3 decision before the end of the year. So the borough,
4 the Councils, and a lot of the user groups are in
5 opposition to the preferred alternative because it
6 doesn't provide protection to the Kenai River.

7

8 CHAIRMAN ENCELEWSKI: Thank you, Ricky.

9

10 Tom, or Mary Ann, do you have any
11 reports you want to give.

12

13 MS. MILLS: I do have a report.

14

15 CHAIRMAN ENCELEWSKI: Go ahead.

16

17 MS. MILLS: It's a short one. We had a
18 really busy summer. Can you hear me?

19

20 CHAIRMAN ENCELEWSKI: Loud and clear,
21 go right ahead.

22

23 MS. MILLS: Okay, I'm sorry, half the
24 time I don't know if my mute is on or off.

25

26 (Laughter)

27

28 MS. MILLS: But I will be giving the
29 resolution the Kenatzie Indian Tribe passed in support
30 of Ninilchik about a year or so ago, they gave a very
31 good report to us and we are in their support.

32

33 And the Kenatzie educational net is
34 still fishing for silvers. And they've had a fairly
35 good year. They have come close to meeting all of the
36 quotas the State has given them.

37

38 The commercial fishery was very poor
39 this year and I -- everybody is wondering, and maybe
40 climate change, and also (indiscernible) the trawlers
41 and the other fishing user groups, the sportsfishermen
42 and others, I know there's concern that the Kenai River
43 has been oversold and that, you know, there's a
44 tremendous amount of guides and -- you know, on the
45 sportsfishery. And personal use, I believe the people
46 on the Kenai did fairly well in the personal use.

47

48 And that concludes my report.

49

50 CHAIRMAN ENCELEWSKI: Thank you, Mary

1 Ann.

2

3 Tom, you got anything down there.

4

5 MR. CARPENTER: Just a couple general
6 comments.

7

8 The deer population is rebounding
9 nicely from after the big winter two or three years
10 ago, starting to see some decent harvest numbers. The
11 subsistence moose hunt in Cordova is still ongoing.
12 The cow portion of the hunt will end in the end of
13 October and the bull harvest will continue on to
14 December.

15

16 So other than that a pretty good
17 fishing season. There wasn't -- the pink salmon
18 returns were poor to Prince William Sound but the
19 Copper River had decent returns, had an especially big
20 coho run on the Copper and the fish were real big.

21

22 I think that's all.

23

24 CHAIRMAN ENCELEWSKI: Okay, thanks,
25 Tom.

26

27 Yeah, when everybody was giving their
28 reports -- Chair report -- I, obviously, my perspective
29 on the fishery. I fish commercially also and it was
30 very, very poor and very spotty as Ricky stated, and
31 others.

32

33 The educational wheel that we fish in
34 Ninilchik, a little one, we did okay, but it wasn't the
35 greatest.

36

37 The moose seem to be coming back a
38 little bit but there's some strange reports going on
39 and I don't know if they're seeing that in the Cooper
40 Landing area, or other areas, but we do know one thing
41 that was reported with both sex and it's a little
42 strange and concerning, so there are some weird things
43 happening and I'm not sure what's going on.

44

45 But as far as those pinks, we had some
46 on the beach that were recorded at over 14 pounds, so I
47 don't know if they're nuclear reacted or what the hell
48 happened to them, but there's been some strange things
49 in the fishery but I won't go into that.

50

1 Thanks everyone for your Council
2 reports.
3
4 Is there anything else.
5
6 Michael.
7
8 MR. OPHEIM: Yeah. I just wanted to
9 report on the black bear in the Seldovia area. We have
10 seen quite a decline on that so Seldovia Village Tribe
11 actually put an ACR in to the Board of Game to reduce
12 the number of bear harvested in 15(C) and 7, to reduce
13 it from 3 to one as it was before, one and one -- for
14 the year. And the Seldovia AC supported that and sent
15 the letter into that as well.
16
17 I think there was 13 or 14 goat permits
18 handed out in the Seldovia area. I know of, I think,
19 two local Seldovians getting some goats so that was
20 pretty nice to hear, good to see.
21
22 And our fishing season was crap, too,
23 so all over the place I guess.
24
25 CHAIRMAN ENCELEWSKI: Thank you,
26 Michael. Did I miss anyone.
27
28 (No comments)
29
30
31 CHAIRMAN ENCELEWSKI: Okay. If I read
32 my agenda right with the additions, the video and
33 tribal report is next. Ivan, if you want to come up
34 from Ninilchik and go ahead and give your report and
35 the video that's been requested, you're good to go.
36
37 And, Council members, if you want to
38 stand up and get on the other side, that's fine.
39
40 MR. MIKE: Mr. Chair.
41
42 CHAIRMAN ENCELEWSKI: Go ahead, Donald.
43
44 MR. MIKE: Thank you, Mr. Chair. As
45 requested, the folks in the audience cannot hear, if
46 you could speak closer to your mic I think that will
47 help, thank you.
48
49 CHAIRMAN ENCELEWSKI: Okay. I would
50 throw the mic out if I could but I can speak louder.

1 Thank you.
2
3 Good point. These little mics, you got
4 to get up to them, I guess.
5
6 Okay.
7
8 The video is going to be on both
9 screens, so we could sit here and look that way.
10
11 Thank you.
12
13 Go ahead, Ivan.
14
15 MR. ENCELEWSKI: Thank you. For
16 introductions again, my name is Ivan Encelewski, I'm
17 the Executive Director for the Ninilchik Traditional
18 Council and I'm also Federally-qualified subsistence
19 user from Ninilchik.
20
21 And I want to first of all thank you
22 guys for allowing us to move up on the agenda. I think
23 it would be informative and appropriate to have our
24 report before all the proposals are considered. So
25 anyway I don't know how you want to do this, we do have
26 a video that we want to show, as well as kind of a
27 PowerPoint presentation that we can run through and
28 certainly take questions afterwards. But maybe we can
29 just start with kind of a video that we produced this
30 year. I'm not going to belabor the whole history of
31 the issue, but this is our fishing on the Kenai River
32 with a gillnet which began on July 28th of this year
33 and ran through August 15th. And so I guess we'll just
34 let the video play and then we can go into a PowerPoint
35 and discuss some of our issues and results from the
36 fishery this year.
37
38 CHAIRMAN ENCELEWSKI: Thank you.
39
40 Donald.
41
42 MR. MIKE: Thank you, Mr. Chair.
43 Before we get started with the video I was just
44 notified that we'll be able to watch the video on the
45 screen but we'll get the audio from the laptop and
46 they'll have a microphone for the public to hear
47 because that's -- the folks on line cannot hear the
48 video, we're still having technical issues, bear with
49 us, thank you.
50

1 CHAIRMAN ENCELEWSKI: You know, if you
2 can't hear, just try and visualize, thank you.

3
4 Go ahead.

5
6 (Video Played)

7
8 CHAIRMAN ENCELEWSKI: Okay, Ivan, you
9 can go ahead and continue your report and then I'm
10 going to allow people to make comments and you can
11 answer their comments.

12
13 MR. ENCELEWSKI: Thank you. That kind
14 of shows a little bit of the fishery this last year.
15 And I'm going to turn it over to Darrel here in just a
16 second.

17
18 And just real quickly, briefly, as
19 you're aware last year we were able to fish a gillnet
20 in the Kasilof, this year we fished in the Kasilof as
21 well and Darrel's going to kind of run through that.
22 We also fished in the Kenai. And just kind of when you
23 put these in perspective, we harvested 723 sockeye in
24 the Kenai gillnet in 16 days of fishing and in 17 days
25 of fishing in the Kasilof it was 93. So obviously the
26 Kenai River shows what we've been talking about all
27 along, is the actual meaningful opportunity and
28 meaningful preference to actually get some fish for our
29 people.

30
31 I'll also note in there, kind of heed
32 the statistics there of, you know, we caught one
33 chinook, very, very small tiny chinook, released two
34 Dollys and zero rainbow trout, zero steelhead. So I
35 think we proved beyond a shadow of a doubt that we were
36 able to do the Kenai gillnet very conservatively.

37
38 So I'm going to go ahead and turn it
39 over to Darrel. It looks like we're having a few
40 issues here with the PowerPoint presentation. He's
41 going to give you kind of an in-depth detail on the
42 fisheries report from Ninilchik.

43
44 MR. WILLIAMS: Mr. Chairman. Members
45 of the Board. Do you have a comment period about the
46 video first or do you want to go right into the
47 fisheries report?

48
49 CHAIRMAN ENCELEWSKI: Either way.
50 Whatever's your preference.

1 MR. WILLIAMS: Okay. I think we'll go
2 ahead and provide the fisheries report.

3
4 So we have two different fisheries
5 reports, one for the Kasilof subsistence fishery and
6 one for the Kenai subsistence fishery. And so the
7 presentations are put together separately to look at
8 each fishery.

9
10 I believe -- if I can call a slide,
11 please.

12
13 (No comments)

14
15 MR. WILLIAMS: Can we advance a slide
16 please.

17
18 (No comments)

19
20 MR. WILLIAMS: No?

21
22 (Pause)

23
24 MR. WILLIAMS: Okay, so I think to get
25 started, just a quick review of where we're at with the
26 Kasilof River.

27
28 We have the C&T determination,
29 customary and traditional use determination -- it looks
30 like the computer is catching up now. So we
31 established the methods and means of harvest and on the
32 Kasilof River that's consisted of rod and reel, dipnet,
33 fishwheel and the community gillnet. This is the
34 second year of using the community gillnet.

35
36 Slide please.

37
38 There we go.

39
40 I think it's appropriate to be able to
41 present a timeline of where we're at with the fishery.
42 So actually there were proposals prior to 2005 on the
43 Kenai River, but in my presentation I started at 2005
44 because really, when I became involved with this, just
45 to kind of show where we're at and how the process
46 went, the different milestones that we found in the
47 process, and it's been 11 years since I've been
48 involved, and, actually longer than that so to be able
49 to get these fisheries, established.

50

1 Slide please.

2

3 So the customary and traditional use
4 determination and as most of you know we've been very
5 active in that process for the last 10 years and the
6 customary and traditional use determination for
7 Ninilchik is all fish.

8

9 Slide please.

10

11 So when we're talking about this idea
12 of this rural use on the Kenai Peninsula, I think one
13 of the things that we need to keep in mind and we need
14 to be able to review, is what is the rural area, who
15 are the subsistence users on the Kenai Peninsula. When
16 you look at the regulations, the regulations define
17 what is not subsistence.

18

19 Slide please.

20

21 So if you go through and you actually
22 look and remap that, if you look at the map on the
23 left, that defines the area of the Kenai Peninsula that
24 is subsistence areas, Federally-qualified users are in
25 that kind of orange highlighted area on the Kenai
26 Peninsula, and when you compare it to the map on the
27 right about what is rural, considered non-rural, to
28 paint that picture of the user group that has the
29 potential to use the fishery.

30

31 Slide please.

32

33 I think one of the important parts to
34 talk about and remember on this, is that, we didn't --
35 these waters, these are the waters that were determined
36 during the Lands Claims and what retained the Federal
37 jurisdiction of waters. It wasn't that we said, hey,
38 let's go fish here, it just is what is.

39

40 Slide please.

41

42 So from 2010 to 2013, which most of us
43 know, we used a fish wheel, we used it for three years
44 and we caught no fish.

45

46 Slide please.

47

48 This slide has a video, you can hit
49 play please -- or can you hit play.

50

1 (Pause)
2
3 MR. WILLIAMS: You can't hit play,
4 okay.
5
6 UNIDENTIFIED VOICE: Sorry.
7
8 MR. WILLIAMS: There was video of the
9 fishwheel in operation.
10
11 Slide please.
12
13 UNIDENTIFIED VOICE: Hold on a second,
14 we're trying to -- ah.
15
16 MR. WILLIAMS: There you go.
17
18 Just to get an idea of the size and the
19 scope of what we did in the future in the Federally-
20 designated waters on the Kasilof River, use of fences.
21 I particularly like this video because it gives you an
22 idea of the depth and the velocity of the water in the
23 upper Kasilof River. The area that we have been
24 limited to be able to fish in has unique
25 characteristics that are specific to itself.
26
27 Slide please.
28
29 So when you go down further on the
30 river, by the Kasilof River bridge, when you compare
31 with what's happening, the morphology of the river to
32 further down river, the water becomes much faster and
33 like with the picture here of the Department of Fish
34 and Game fishwheel in the water, much bigger gear can
35 be ran.
36
37 Slide please.
38
39 So here's another picture of that.
40
41 And, of course, our permitting process
42 and what we're allowed to do with the Federal
43 subsistence didn't allow for this large of a gear type
44 or impact to the area, for example. I think it's one
45 of those things that we need to consider when we're
46 making comparisons about we're using this type of gear
47 type compared to another type of gear type. We don't
48 have walkways out in the river, we don't have two boats
49 holding our gear in place and things like that. It's a
50 much bigger system.

1 Slide please.

2

3 So the planning started, it usually
4 starts in April in every year to be able to develop
5 this idea, this operational plan that we have to have
6 for the fishery. We had revisions, you know, it was
7 approved in June of this year and we operated the
8 community gillnet from July 1st through the 27th and we
9 already have submitted the plans for the 2017 season.
10 And as far as I know, I don't believe we've had any
11 information on that, so nothing to report on that.

12

13 Slide please.

14

15 So there's this idea about how gillnets
16 tend to harvest fish and contrary to what seems to be a
17 popular belief we actually did research and we went
18 through and defined what kind of net and type of gear
19 we would use that would be selective in the river. For
20 example, the Department of Fish and Game recognizes
21 that.

22

23 Slide please.

24

25 (Pause)

26

27 UNIDENTIFIED VOICE: Power thing.

28

29 MR. WILLIAMS: That's okay.

30

31 There we go.

32

33 This is another very informative piece
34 of information that we use to be able to determine what
35 and why and how we could harvest and this is from the
36 Journal of (indiscernible), it's one of the things we
37 had discussed early on, we were talking about building
38 an operational plan. You know, and for example this
39 talks about gillnet injury, the longevity of the fish,
40 and it was a study that was done that we were able to
41 reference and look at what would have lower impacts to
42 the fish, and, especially with the idea if we had
43 turned fish loose to be able to continue on their way
44 to be able to spawn.

45

46 Slide please.

47

48 So it was based off of specific gear
49 types and then what was being targeted and the success
50 rates that people have had. So there's lots and lots

1 of research done.

2

3

Slide please.

4

5

I was a little disappointed with some
6 of the analysis that's been in the last couple of years
7 in this fishery because we have over 30 papers that we
8 researched to be able to come up with a good definition
9 of what is selection and how that selectivity would be
10 done. There's not a lot of information referenced in
11 any of the analysis since we've started looking at the
12 gillnets that reflect that. This is probably the
13 single best piece of information that's in the
14 information that are actually referenced in the 2017
15 proposals, and it does show that the 5 inch mesh type
16 is the least successful mesh type that's been studied.
17 So if you want to catch more fish you need to go bigger
18 or smaller depending what you're targeting. And this
19 was actually a chinook study where they were actually
20 talking about chinook, so there's always concerns about
21 chinook, right, in this river system, there's a lot of
22 discussion about it. This was why we made these
23 decisions and it's based off of real research, not just
24 what felt good.

25

26

Slide please.

27

28

So we went down and did our site
29 evaluation early in the year and you can see how far
30 water -- how far down the water is. And I think this
31 is really important to be able to look at and to be
32 able to provide some assurances to folks of what the
33 substrate under the river looks like. And there's a
34 picture in the spring.

35

36

Slide please.

37

38

And some of the interesting parts about
39 the riverbed in this area is there's a lot of clay so
40 this is probably not somewhere where something would be
41 spawning, any kind of fish, they may be hanging out or
42 passing through but this wouldn't be an area that is
43 considered any kind of a spawning bed.

44

45

Slide please.

46

47

You can hit play on this, if you choose
48 to, you don't have to.

49

50

(Laughter)

1 MR. WILLIAMS: Okay, there we go.
2
3 So one of the things that we do when we
4 look at a fish site we try to determine how difficult
5 and how we're going to be able to handle the gear in
6 the water. So there's the typical orange test for a
7 lot of folks who are old school, like myself, you can
8 throw an orange in the water and watch it move with the
9 water, is basically the same density, to get an idea of
10 what that velocity is. And that is the velocity of the
11 site where we were fishing, or generally in that river
12 area.
13
14 Slide please.
15
16 You can just hit stop and go to the
17 next slide.
18
19 So this is the area where we were
20 fishing, and there is the representation of a 60-foot
21 line along the riverbank right there in the register.
22
23 Slide please.
24
25 This is what it looks like from the
26 boat when the buoys out, and so the gear is sitting in
27 the water to get folks an idea of when you're going
28 down the river what you see.
29
30 Slide please.
31
32 Here it is a little closer.
33
34 It's raining a little bit there but to
35 try and give an idea of what that size distribution in
36 the water.
37
38 Slide please.
39
40 So the fishery itself was based off of
41 the discussion that was put forth, if I recall, by
42 Geoff Haskett, at the Federal Subsistence Board that
43 defined what the gear and how the fishery would be
44 fished and all the different determinations.
45
46 Slide please.
47
48 So there's also the Kenai National
49 special use permit and all special conditions that come
50 with it. So the permit we had received last year is

1 actually good through 2020 so it's actually the same
2 permit as last year because it's still good.

3
4 Slide please.

5
6 Same conditions apply. There's no
7 changes in that.

8
9 Slide please.

10
11 The insurance policy was also provided
12 for the Kasilof River.

13
14 Slide please.

15
16 And the site locations were defined to
17 be above the Kasilof River -- or, yeah, I'm sorry, the
18 upper Kasilof River boat launch, and that's the, on the
19 map on the left, that is the -- that kind of oblong
20 circle there, that's the area that was agreed to. So
21 it's not necessarily Federal waters, it wasn't just
22 sighted by site conditions, it was upstream of the boat
23 launch, which is an interesting designation of the
24 whole idea of fish. We had several discussions about
25 trying to find different sites, we actually spent some
26 time cruising around and trying to use a dipnet to see
27 if there was any spot that may be better than others.
28 We really didn't have a lot of success.

29
30 Slide please.

31
32 So we ended up fishing, primarily at
33 the same site, the center of the circle there,
34 indicated by the red arrow on the Kasilof River that we
35 did in 2015.

36
37 Slide please.

38
39 And this is just a nice photo of
40 marking the fish at the site, cutting off the dorsal
41 fin to mark subsistence fish.

42
43 Slide please.

44
45 So when we're fishing we do the field
46 documents, we write it down in the field and then we do
47 transcribe it to a little neater more manageable
48 document. When it rains it gets stuff on it so those
49 things get kind of beat up but we do do daily
50 reporting, there's a 24 hour reporting period in the

1 approved operations plan, and we generally do that in
2 the evening after the fishery because trying to have
3 communications at the site was problematic, cell phone
4 service didn't work very well and things like that. So
5 it generally consisted of emails after hours to be able
6 to turn in the reporting and this is what it looks like
7 so we keep track of how many sets were done in a day,
8 how long the net was in the water, what kind of net
9 that it was, what we caught and have comments to the
10 side to be able to describe the actions and things that
11 happened that day and that we could actually track
12 harvest and the actual time the net was in the water.

13

14 I think one of the things that gets
15 lost in this whole idea, the net fishing in the river,
16 is that you have to -- in the Kasilof you have to
17 remove that net, and that time of removing the net and
18 taking it out of the water, cleaning the net, resetting
19 the net, it makes the actual fishing time much shorter,
20 so the net's not in the water as much as it -- as much
21 as people seem to think that it is.

22

23 Slide please.

24

25 So we had folks come down and check it
26 out and make sure we did a good job. And this was neat
27 to see here that the water is much higher than it was
28 in previous pictures.

29

30 Slide please.

31

32 And that change in the water table
33 seems to kind of affect the fishery a little bit. And
34 it's not so much about handling the gear it seems to be
35 about how the fish behave in the water. That's
36 something that we've noticed in the last two years
37 regarding the fishery.

38

39 Slide please.

40

41 So the operation basically is you set
42 up the net and the gear, we put it out everyday. If
43 we're not going to return the next day because there
44 were some days that we did not fish, if we were going
45 to be gone for more than one day we would pull out the
46 anchor and buoy. Apparently the 48 hour limit on the
47 gear type but if we're not going to be there the next
48 day we go ahead and remove it. So it's a little extra
49 effort to be able to do that too but in this timeframe
50 of a day.

1 Slide please.
2
3 So to be able to put the gear in some
4 water, the net is positioned. There's a running line
5 behind there, the yellow line.
6
7 Slide please.
8
9 There is a ring that's out in the water
10 attached to an anchor and one person pulls on the
11 uphill slide.
12
13 Slide please.
14
15 And the other person feeds the net out
16 to keep it from getting tangled from out in the water.
17
18 Slide please.
19
20 And then it sits in the water and looks
21 like that. So a buoy marker at the top of the anchor,
22 then in case there's any traffic that comes by, will be
23 able to let boaters know and that kind of thing. And
24 it sits in the water and fishes like that. And then
25 the same process, to be able to bring the net in and to
26 be able to remove it, clean it, get the debris out, get
27 fish out, all those kind of things.
28
29 Slide please.
30
31 So this year one of the changes in
32 2016, we had to have a separate recovery box for fish,
33 for individual fish recovery. So we had the old heavy
34 mesh box that we had used the previous year that we
35 kept fish in and lighter mesh boxes for recovery.
36
37 Slide please.
38
39 So this is -- you can hit play on this,
40 this is a video.
41
42 So for fish that we were going to
43 harvest we put this heavier mesh and that way they were
44 live fish for the most part. We probably had, I'm
45 saying two percent mortality, three percent mortality.
46 Not very many. So we'd keep them like that, in the
47 box, and at the end of the day we'd remove the box from
48 the water and be able to take the fish and mark them as
49 subsistence fish by removing their dorsal fin and then
50 distribute them to the subsistence users.

1 Slide please.

2

3 So you can hit play on this, too, this
4 is a video.

5

6 So there was concerns early on about
7 this idea of fish being able to hit the net and be able
8 to tell if there's a fish in the net and here you can
9 see a fish splashing in the water, so it's fairly
10 obvious. I think there's a lot of concern that people
11 had that they thought there'd be a lot of fish in the
12 net and you wouldn't be able to tell. So we wanted to
13 be able to show that in the video.

14

15 Slide please.

16

17 So then we got down to fishing. You
18 can't see it very well but below -- that's Daniel, if
19 you look below Daniel's hands you could see how the
20 fish were wedged in the 5 and a quarter mesh gear. A
21 couple inches above -- or in front of the dorsal fin
22 you could see the tight spot around the fish where the
23 gillnet was acting appropriately, which is really more
24 like a tangle net but the mesh size was large enough
25 where we weren't catching the fish in the gills.

26

27 Slide please.

28

29 So same thing, we'd have -- there was
30 three of us that were designated fishers, actually four
31 of us that were designated fishers who could actually
32 work at the site and so that's why we have the same
33 people doing the same thing over and over again and run
34 the gear.

35

36 Slide please.

37

38 We would reduce the fish to be able to
39 get them out -- when you get the fish in the net you
40 could tell if it was -- you know, you could identify
41 the fish whether it was a sockeye or a lake trout,
42 which were -- one chinook that was caught in this
43 fishery. So it was really easy to tell if you needed
44 to take care of the fish. And then a lot of times the
45 fish for harvest were reduced to the net, they were put
46 into the recovery box.

47

48 Slide please.

49

50 These are the marks of the fish where

1 they'd been wedged in the net, on this particular
2 picture, right there, in front of the dorsal fin.

3

4 Slide please.

5

6 So the process of checking the net is
7 to pull it in, kind of a sequence of slides here to
8 show that you've pulled the net in, you're able to take
9 fish out and they go into either or the recovery -- the
10 holding box, I guess it would be, or the recovery box.

11

12 Slide please.

13

14 And this would go on for the entire
15 day. We would work at it for -- it was about three and
16 a half hours every day.

17

18 Slide please.

19

20 In the two years we did catch one
21 chinook salmon that was essentially released. This is
22 a video, you can hit play. And there's a lot of
23 discussion and thoughts about whether a large salmon
24 can be handled in the net and this is one of these
25 things where I think it's important to understand that,
26 yes, a salmon can be handled and successfully released
27 from the net. One of the things, after we caught this
28 particular fish, that we had to consider was, it was
29 bigger than our recovery box, so we had to get some
30 bigger recovery boxes.

31

32 This chinook salmon was caught in the
33 teeth, you could see right there, he had actually got
34 his mouth hung up on the net and was very lively and
35 was ready to get out of the net. And once he was
36 released off he went. So I would say that that's a
37 good demonstration that, yes, that the fish can be
38 managed in the net and we were able to successfully
39 able to do that.

40

41 Slide please.

42

43 So the results of the fishery for 2016
44 was we operated it for 17 days. The total soak time
45 was 62 and a half hours. So the soak time was the time
46 the net was in the water actually fishing. So that
47 time of pulling the net out and cleaning it, resetting
48 it, or pulling fish out doesn't count, it's the time
49 that it's actually out fishing. And we timed it
50 because we have the 30 minute soak time limitation and

1 we kept that. So the average soak time through a day
2 was 3.7 hours, give or take, however the day turned
3 out. We used 10 fathom gear, five and a quarter inch
4 mesh size and our average harvest was 1.5 fish per
5 hour. And for the entire 17 days we caught 96 sockeye
6 on the Kasilof.

7

8 Slide please.

9

10 So a couple of interesting things that
11 came out of that, too, was this idea of comparing the
12 2015 fishery to the 2016 fishery and so in 2015 we had
13 15 people who had signed up for Federal permits and in
14 2016 we had 25. So those numbers are actually starting
15 to increase. However, 2016 wasn't as good of a year
16 as 2015, therefore, we didn't have as many fish.

17

18 Slide please.

19

20 So there was a lot of discussion about
21 whether we were fishing enough or if it was
22 representative in terms of having the net in the water
23 and when we compare it to our average fishing day, of
24 what we were doing, from 2015 to 2016 to the run
25 returns of 2015, 2016 we can see that it appropriately
26 reflects the actual run returns.

27

28 Slide please.

29

30 So in 2015 we caught 223 fish and the
31 return river was 470,000 plus. But in 2016 it was only
32 235,000 so basically half, just to kind of round that
33 off and make it easy. And it's interesting that in
34 2015 we caught 223 fish in the Kasilof River, that
35 fishery, and in 2016 we caught 96. So I think that
36 really kind of demonstrates that effort and the gear
37 type is actually really associated with the run return
38 and the number of fish that's come back in the river.
39 Because the numbers are -- they work out.

40

41 Slide please.

42

43 So with the fishery that we caught we
44 filled two permits. Two more permits were close to
45 being filled. One permit received one fish. And 20
46 permits did not receive any fish.

47

48 Slide please.

49

50 So we also had internship visits which

1 was kind of neat, to be able to have some young folks
2 and see what this was on a river and observe the whole
3 process.

4

5 Slide please.

6

7 And that is the Kasilof River fishery.

8

9 Is there questions or comments.

10

11 We have another one on the Kenai River
12 fishery.

13

14 And at the discretion of the Board you
15 let me know if you'd like to move on or if you'd like
16 to stop and talk about the Kasilof fishery first.

17

18 CHAIRMAN ENCELEWSKI: I'll just open it
19 up for any comments, that was the Kasilof presentation.
20 So if there's a comment, do it now, might be a good
21 time to ask it. I just wanted -- the key one is
22 releasing that red one, that was a Kasilof king, so you
23 guys are aware of that. I just wanted that, you know,
24 that (indiscernible) releasing that red one, that was a
25 Kasilof king, just so you guys are aware of that.

26

27 Is there anyone that wants a question
28 answered or a comment on that.

29

30 Judy.

31

32 MS. CAMINER: Thank you, Mr. Chair. I
33 was going to say, Ivan, based on the video, I guess it
34 doesn't matter what your position is in the tribe you
35 still have to load the tote up for somebody into their
36 truck if they ask.

37

38 (Laughter)

39

40 MR. ENCELEWSKI: Absolutely and
41 especially for the elders.

42

43 MS. CAMINER: That's right.

44

45 Yes, I did have a couple of questions
46 on the Kasilof net, it certainly seemed a lot
47 straighter than the one on the Kenai, and so if you
48 might want to comment on that. But the second part of
49 it, do either of the nets go all the way to the bottom.

50

1 MR. WILLIAMS: Mr. Chairman. Ms.
2 Cramer, right -- Caminer, I'm sorry, I'll get that
3 right one of these days. The Kasilof net, probably the
4 first 10 feet actually goes to the bottom. The
5 remainder of the net -- there's actually a shelf in the
6 bottom of the river that's much deeper than that, so
7 out from that it does not.

8
9 In the Kenai River, and we'll see that
10 in the presentation here, the majority of that net is
11 on the bottom of the river. One of the things we found
12 was towards the outer edge where there's more velocity,
13 we found that that -- sometimes you could pick up and
14 be suspended, but closer to the shore it was to the
15 bottom of the river.

16
17 MS. CAMINER: Thank you.

18
19 CHAIRMAN ENCELEWSKI: Thank you, Judy.
20 Andy.

21
22 MR. MCLAUGHLIN: Thank you, Mr. Chair.

23
24 MS. MILLS: I would like to make a
25 comment, this is Mary Ann Mills.

26
27 And the one thing that I took away from
28 your presentation, Ivan, was that there's 100 tribal
29 members and less than one percent of the fish taken for
30 subsistence -- for the subsistence fishery, which to me
31 is a very small percent, and that you caught 723 in the
32 gillnet and 93 chinooks, and, really, I don't know how
33 you feed 900 people with those counts but I didn't --
34 but this is only for the Kasilof, or is this total.

35
36 MR. ENCELEWSKI: Mr. Chairman. Ms.
37 Mills. This is Ivan. So, yes, we have 900 tribal
38 members. The 723 is the number of sockeye harvested in
39 the Kenai gillnet, the 93 is sockeye harvested in the
40 Kasilof gillnet. So the chinook, I think you mentioned
41 93 chinook, that's -- it's actually one chinook was
42 caught and released in the Kasilof and one small
43 chinook was caught and harvested in the Kenai gillnet.
44 So, yes, absolutely, if you equate that for numbers-
45 wise, 900 tribal members, but, again, it's for the
46 entire community so that's even a lot more people. So,
47 yes, it's definitely very difficult, but one thing you
48 can take away from that, I think, is that the -- we
49 caught zero resident species as far as rainbow and
50 steelhead, and also that the level of chinook harvest

1 is almost 'nil.

2

3 MS. MILLS: Thank you.

4

5 CHAIRMAN ENCELEWSKI: Yeah, Mary Ann,
6 thanks. If you recall I was going to -- you can't see
7 what's going on here but Andy was just getting ready to
8 talk and I'll let him talk now. That was the Kasilof
9 that they gave the first report and they're going to
10 give one on the Kenai. I guarantee you if we caught 93
11 chinook we'd be shut down between though -- but that's
12 a whole different story.

13

14 Andy, you want to go ahead.

15

16 MR. MCLAUGHLIN: Thank you, Mr. Chair.
17 Just a quick question. You said somebody conducted a
18 site visit to make sure you were doing a good job, who
19 did that site visit.

20

21 MR. WILLIAMS: Mr. Chair. Andy. US
22 Fish and Service Wildlife came out to check and make
23 sure that the site looked good and give us their input
24 and discuss the fishery. We actually went up and down
25 the river and looked at different sites that could be
26 an option to be able to see if maybe moving the fishery
27 might have benefit or not. Actually this year we had
28 the law enforcement officer stop by the Kasilof once
29 and that's -- last year -- the first time they saw us
30 they kind of raised their eyebrow, you know, what's
31 going on here, I think now they kind of know who we are
32 and actually I'm glad that they do because they can
33 come and they can see the catch and see the stuff in
34 process and they can make sure that everything's
35 working the way that it should.

36

37 MR. MCLAUGHLIN: Thank you.

38

39 CHAIRMAN ENCELEWSKI: Gloria.

40

41 MS. STICKWAN: This thing is hard to
42 turn on. I guess I do understand -- or did you say
43 that this net from Fish and Game is harder to -- I mean
44 it damages more fish than the gillnet, you know,
45 catches more fish; I didn't understand that part.

46

47 MR. WILLIAMS: Mr. Chairman. Ms.
48 Stickwan. I think this is something that's really not
49 been evaluated well and this whole idea in presentation
50 of the subsistence fishery is the effects of gillnet on

1 the salmon themselves. We actually -- we did a lot of
2 research trying to decide how much damage could
3 potentially happen to a fish, especially a fish that,
4 like, for example, that king salmon that we didn't want
5 to catch. And so there's this interesting idea that's
6 come out about how gillnets are non-selective, just
7 totally catch everything in the river, and I think a
8 lot of people are just misinformed or they don't
9 understand how the net operates. Even like the
10 information I put in there, that choosing over five
11 inch net size is the least successful gillnet size that
12 has been tested and researched, so people have done
13 this, but there's also research that says if you do
14 catch these fish and you're going to turn them loose,
15 how well do those survive afterwards. And we think
16 that's really important too. So what we started doing
17 is we started looking at like these mark and recapture
18 studies where they use -- for research they use nets to
19 catch the fish, tag the fish, and either have the
20 radio-telemetry that tells them where they've been or
21 how well they've survived or they go and catch the fish
22 again. So if they're catching these fish multiple
23 times for research using nets, they're able to target
24 the fish that they want, that fish is able to survive
25 to be able to do the research and they're able to
26 capture it again and be able to collect that data. And
27 this is something that's not being presented at all in
28 the process and that's why I wanted to bring that up
29 and at least try to put a framework on that because
30 there are studies that show this idea of the injury to
31 the fish. The example that's actually in the slide
32 presentation shows a very -- probably less than five
33 percent of serious injury to fish using gillnet, if
34 they're handled correctly, you know, it's one of those
35 things that comes with it. You know, for example, the
36 OSM analysis says it's five to 98 percent mortality in
37 a gillnet, I mean that's like 50 percent chance of
38 rain. And I'm sorry, I don't really want to get into
39 that yet, but, yeah, when we look at that, we're
40 offended. I mean that is poor research. Nobody can do
41 that. You can't say it's five to 98 percent. And
42 when you look at the references that OSM provides, they
43 only have two references that have to do with fish
44 studies. So I've got 30 on the table, you know, I mean
45 available research based paper, interviews and
46 collaborative information where people could actually
47 make good judgment decisions about this and I think
48 that needs to be actually reflected when you have
49 agencies looking at this, and you have agencies using
50 this technique to actually do research, we need to put

1 a real picture of what it is and not just an idea that
2 gillnets are non-selective and evil things because if
3 it's managed correctly it's actually a good thing.

4

5 Does that help explain.

6

7 MS. STICKWAN: I was just wanted -- so
8 Fish and Game does test fisheries, too, right.

9

10 MR. WILLIAMS: Yes, they do.

11

12 MS. STICKWAN: Can you talk about that.

13

14 CHAIRMAN ENCELEWSKI: Well, Darrel, I'm
15 going to let you answer that but I want to stick to --
16 we don't want to get into a debate on assumptions.

17

18 MR. WILLIAMS: Right.

19

20 CHAIRMAN ENCELEWSKI: I think the
21 question she was asking, and I don't want to speak for
22 her either, but she was asking -- you mentioned about
23 the State doing more fishing, and they do a lot test
24 fishing, is what I think she was getting at, but,
25 anyway, that's it. And also while I've got you here,
26 if we could kind of move forward and then we'll take a
27 little break and get to the next one.

28

29 MS. STICKWAN: I was asking about the
30 State's fisheries.

31

32 MR. ENCELEWSKI: Mr. Chairman. Ms.
33 Stickwan. I can answer that a little bit. I think
34 what you were referring to is the State test fish net
35 at river mile 8.5 and so the State of Alaska does
36 operate a gillnet in the Kenai every day in the
37 summertime as part of their analysis to analyze run
38 escapement and chinook escapement goals and I believe
39 in 2016 they captured 218, I believe, chinook, in their
40 test fishery in the Kenai and so I guess we caught one,
41 but the State of Alaska does have a net in the Kenai
42 that they operate each day.

43

44 CHAIRMAN ENCELEWSKI: Ricky, you got a
45 question.

46

47 MR. GEASE: So just for clarification,
48 when I'm hearing you say -- clarify this for me, is the
49 net mesh that you selected is selective towards sockeye
50 salmon but it's not as good as selectivity towards king

1 salmon; would that be accurate?

2

3 MR. WILLIAMS: Mr. Chairman. Mr.
4 Gease. That is correct. When we have these charts and
5 we do studies, actually that reference in the
6 PowerPoint was about a chinook fishery, so same thing,
7 that five and a quarter mesh size was the least likely
8 to catch a chinook salmon.

9

10 MR. GEASE: But it is effective in
11 catching.....

12

13 MR. WILLIAMS: Correct. In context.
14 Trying to be able to target which fish you're looking
15 for, so like sockeye, chum, or those kind of size fish,
16 we're able to look at those mesh sizes and be
17 selective.

18

19 MR. GEASE: Can I ask a follow up.

20

21 CHAIRMAN ENCELEWSKI: Yes.

22

23 MR. GEASE: Okay. You have a lot of
24 good data on the efficiency of gillnets there, did you
25 do any testing with the efficacy of doing dipnets from
26 boats, I mean you've done stuff on fishwheels and done
27 stuff on gillnets there, is the -- a lot of people do
28 dipnetting on the Peninsula, and I just wondered, you
29 know, they talk about being able to dipnet in the
30 river, what that would be like.

31

32 MR. WILLIAMS: Mr. Chairman. Mr.
33 Gease. You know, to frame this as an answer for the
34 Kasilof River, we did try that in the Kasilof, we tried
35 using the dipnets, we tried power-trolling, right,
36 where you put the net off the boat and you cruise the
37 boat up and down, we didn't catch any fish. So -- and,
38 you know, it really makes us wonder about -- and I
39 think part of it has to do with the dynamics of the
40 river because when you hit that upper river the river
41 slows down and it widens out at the confluence of the
42 lake there. And the fish don't tend to line up in that
43 channel anymore, you know, like they do in the Kenai,
44 there, you know, 10, 12 feet off the bank the reds are
45 running through, the second run of reds, you know,
46 going through like that and they just don't seem to do
47 that up on the Kasilof. I think that's what made it
48 tough, it was hard to target an area where the fish
49 actually were.

50

1 Ivan.

2

3 CHAIRMAN ENCELEWSKI: Okay, go ahead.

4

5 MR. ENCELEWSKI: Yeah, Mr. Chairman,
6 since we're on this topic just real quickly. One of
7 the things that we were able to do this year, is we've
8 come here before this Committee, and the Federal
9 Subsistence Board and we've talked about, you know,
10 empirical and anecdotal knowledge of the fisheries but
11 this year we hired an expert to analyze some of the
12 data and one of the things that he did was review some
13 of the studies that have been conducted regarding
14 selectivity in gillnet. And I just want to kind of
15 quote from Dr. Ruggeroni, who's conducted Pacific
16 salmon and management in Alaska since 1979, he has a
17 Masters and PhD from the School of Fisheries and
18 Aquatic Science and he did an affidavit and analysis
19 for the tribe on a lot of things. He's worked in
20 Alaska and is a foremost expert in a lot of the
21 fisheries management, especially with regard to gillnet
22 mortality and gillnet issues on fisheries around the
23 world.

24

25 One of the things that he said in his
26 affidavit that gillnets are selective and are used to
27 selectively harvest species and sizes of salmon in some
28 fisheries, although the degree of selectivity differs
29 from that of many other fishing gears.

30

31 So in the NTC fishing operational plan
32 we noted the use of small mesh gillnets in the Fraser
33 River to target Fraser River sockeye salmon while
34 reducing bycatch of chinook salmon, and that was from
35 Wilson and (Indiscernible) 1984 study, and, likewise,
36 daily ADF&G gillnetting operation at River Mile 8.5 of
37 the Kenai River from July 1st through August 10th shows
38 strong selectivity for sockeye when using a small
39 versus large mesh drift gillnet five inch versus 7.5,
40 the 5 inch mesh averaged 13.7 sockeye per chinook
41 versus 3.6 sockeye per chinook in the large mesh during
42 the early and late chinook runs, and that's from
43 Hershbacher 2012 study. So the small mesh net caught a
44 total of 180 chinook compared with 308 in the larger
45 mesh net. So there is evidence showing that the -- you
46 know the selectivity that gillnets can be a selective
47 method of harvesting fish. And following, there's a
48 text from the policy for selective fishing in Canadian
49 Pacific fishery where they've, under highly controlled
50 experimental conditions, demonstrated that they've

1 reduced the mortality of coho down to five percent.
2 And that's where Darrel had mentioned that the -- you
3 know, the techniques used when handling fish and
4 employed, can actually reduce greatly the harvest into
5 the low numbers.

6
7 So selective fishing practices with a
8 gillnet is widely used in British Columbia and in other
9 areas. So I won't expand on that any further but there
10 are data and studies to show that they are.

11
12 CHAIRMAN ENCELEWSKI: Okay, thank you,
13 Ivan.

14
15 At this time before we get into the
16 Kenai, I got a couple little things here, is there any
17 public commenters that would like to make a public
18 comment on the Kasilof presentation by NTC at this
19 time.

20
21 (No comments)

22
23 CHAIRMAN ENCELEWSKI: If not, what I'm
24 going to ask, Darrel, I don't know how long your
25 presentation on the Kenai is, but I would ask that we
26 take a quick, maybe a 7 minute break, maybe coffee
27 disposal and recharge and then we'll get right back.

28
29 Okay.

30
31 MR. WILLIAMS: Sure.

32
33 CHAIRMAN ENCELEWSKI: Thank you.

34
35 (Off record)

36
37 (On record)

38
39 CHAIRMAN ENCELEWSKI: Okay. I'm going
40 to go ahead and call the meeting back in session here,
41 we took a quick break. NTC is still giving their
42 report. Now they're going to go to the report on the
43 Kenai, and I've asked Darrel to try and keep succinct
44 and to the point and we'll try not to get into a lot of
45 deliberation. Every one of these proposals, when they
46 come, there'll be time and I do have all the cards from
47 the public comments and we will be commenting publicly
48 on the proposals that've been submitted but we do want
49 to go ahead and finish the report here first.

50

1 MR. WILLIAMS: Mr. Chairman, thank you.
2 Members of the Board.

3
4 So I'll try to get through this as
5 quickly as I can.

6
7 So this is the fisheries report on the
8 Kenai River subsistence fishery for 2016.

9
10 Slide please.

11
12 So it's the same kind of thing in terms
13 of how the PowerPoint is laid out. However, one of the
14 things we need to remember is that this fishery was
15 approved by special action and it was approved on
16 August 1st of 2016, and it had a season referred to as
17 July 28th through August 15th, so there was a season
18 that was established with the special action.

19
20 Slide please.

21
22 So the special action had the
23 parameters of how the fishery would work, similar to an
24 operations plan, so a 10 fathom net, five and a quarter
25 inch mesh that we fished within the Moose Range
26 Meadows. It allowed the catch of up to 250 chinook
27 salmon or -- and any rainbow, Dolly Varden that were
28 incidentally caught. Genetic samples collected from
29 chinook salmon.

30
31 Slide please.

32
33 The bank closures were suspended to
34 allow the fishery to take place. The fishery was
35 called experimental and the emergency action had an
36 expiration date of 60 days or if the retention of 50
37 king salmon, 50 rainbow trout, or 100 Dolly Varden were
38 counted and released. So those were the parameters for
39 the fishery thorough the special action request.

40
41 Slide please.

42
43 The other thing that we did with the
44 fishery and actually this was on the Kasilof too, is we
45 used designated fishers and that's why you see Kenai
46 and Kasilof on the location there. So it goes back to
47 who can handle the gear, who actually is the few people
48 who fish and what happens is, was that, subsistence
49 when they received a Federal permit they would provide
50 it us and there's a permit number and we would fish for

1 them and give them the number of fish that's indicated
2 on their -- and we would keep track of that as we would
3 fish the net. It did give us some lumps and bumps
4 because not everybody was eligible to be a designated
5 fisher. For example we have a fisheries biologist on
6 Staff who is not a rural resident and it's kind of a
7 bummer because someone like that could have some real
8 value in the fishery in the water to participate,
9 however, the rules preclude them.

10

Slide please.

11

12
13 The proposal for C&T, this was the same
14 process as we talked about before.

15

Slide please.

16

17
18 Same timeline. And for the sake of
19 time we'll run through this very quickly.

20

Slide please.

21

22

23 Same thing, the customary and
24 traditional use determination is for all fish. It's
25 also interesting because there was some comments about
26 there's no other gillnets being used and it's in the
27 regulations, apparently the Tyonek River uses gillnets,
28 you know, for an example. This happens in other
29 places. I think this is one of the things we need to
30 be aware of.

31

Slide please.

32

33
34 For the sake of time, I suppose, we
35 will skip this. This is actual video of the Alaska
36 Department of Fish and Game test net fishery.

37

Excuse me.

38

39
40 At the deference of the Board we could
41 play a few minutes of it and give you an idea of it.

42

43 If you could play the video, please, on
44 the slide.

45

46 So this is the Alaska Department of
47 Fish and Game and this was something that was published
48 by National Geographic and we have an actor who came
49 and participated with Fish and Game in the fishery and
50 this was on Monster Fish or something like that, some

1 show there on TV. But it's interesting because this
2 was the fishery that we keep talking about, where the
3 Department of Fish and Game actually harvest chinook
4 salmon in the fishery.

5
6 In the video, without going through the
7 whole video, they catch king salmon with the net, they
8 tagged, radio tagged the king salmon and turned them
9 loose. So it's back to the idea -- it's something that
10 we touched on earlier about this mark and recapture
11 type study, something that actually happens and the
12 survivability of it. We thought it was important for
13 people to actually kind of see the idea of how this
14 particular fishery operates, it's a little different
15 than the fishery that we operated, but it gives you a
16 good idea of the actual occurrence and tagging and
17 treatment of the fish. So there's where they catch the
18 first king salmon, put a rope around the tail and
19 harvest and pull them in.

20
21 We can stop the video and let's
22 continue. I think that's representative. You guys can
23 go and look it up and watch it.

24
25 Same thing.

26
27 The rural subsistence area, the same
28 thing applies to the Kenai fishery, where there's rural
29 and where there's non-rural.

30
31 Slide please.

32
33 Just kind of a little bit of redundancy
34 here, but same thing, people who are eligible to be
35 able to fish in these areas are outlined in that orange
36 color.

37
38 Slide please.

39
40 And same thing, we didn't ask for these
41 places, that's what we ended up with.

42
43 Slide please.

44
45 So when it comes to these Federally-
46 designated waters, there's a couple of places that are
47 identified in the proposal so you have the Moose Range
48 Meadows on the bottom of the picture and you have Kenai
49 River Mile 48, which is the upper river on the top
50 picture. And those have been kind of the areas that

1 have been Federally-qualified for subsistence.

2

3 Slide please.

4

5 So the operation plans, we did
6 operation plans 2015 and 2016 and they were never
7 approved and just to keep in mind, that we did do the
8 effort, we did put it together, however, the fishery
9 happened on a special action request.

10

11 Slide please.

12

13 And another thing to be able to
14 remember when you're -- because we talked about the
15 Kasilof fishery here too, I want to make sure everybody
16 understands these plans are different for specific
17 reasons, based on the information that was -- and the
18 approval process.

19

20 Slide please.

21

22 So it seems like one of the most
23 substantial comments that came up was this concern
24 about where fish are going to be -- where the net would
25 be in the water and how this would work. A lot of work
26 and a lot of stuff that's been delivered out there
27 about fish runs, run timing and all this. I think one
28 of the places where we've kind of had a snag on this is
29 our objective is to catch the fish. So this is a good
30 representation of the Kenai River and the areas in
31 green are highlighted on the left, about center is
32 Moose Range Meadows and the right is the upper river
33 and Skilak Lake.

34

35 Slide please.

36

37 So before we got the special action
38 request, we spent some time on the river trying to
39 figure out where we could potentially fish and so then
40 we put this effort into it.

41

42 Slide please.

43

44 One of the things -- so we went out
45 early in June and one of the things we found out was,
46 of course, the water is low, but there's still quite of
47 few folks already fishing.

48

49 Slide please.

50

1 If you'd hit play on this video, it's
2 very, very short. It might be kind of informative.

3
4 But in early June when we were out
5 there and if you watch the screen here and we're
6 already seeing reds rolling in the river, we have to
7 start questioning about our time and date about when we
8 should be harvesting fish. When there's enough fish
9 rolling where I can put my camera out there and film
10 it, you know, that says something guys.

11
12 (Laughter)

13
14 MR. WILLIAMS: Slide please.

15
16 Same thing, we did the orange in the
17 water velocity test to see how fast that water is
18 moving.

19
20 Slide please.

21
22 One other thing that we did this year
23 because a lot of people get confused on what a pole
24 method is, right, this pole method of fishing, we
25 actually put together with a sheet on there, without a
26 net so we wouldn't get in trouble, you know, kind of
27 thing, to be able to -- and put that in the water and
28 see just how much drag is on that in the water.

29
30 Slide please.

31
32 Walking the sites. So that's on the
33 Kenai River. To give you an idea of the depth when we
34 were there and different sites that we were looking at,
35 we would go out and walk around and look at what the
36 substrate was, if there's big rocks there or any kind
37 of problems, if it was too deep, but that's how we were
38 able to figure that out.

39
40 Slide please.

41
42 So on the upper river, River Mile 48 on
43 the area up by Skilak Lake was another place that we
44 looked at.

45
46 Slide please.

47
48 Has boundary markers up there, you
49 know, real similar, just a different part of the river.
50

1 Slide please.

2

3 One of the things, though, in the upper
4 river, is the upper river is wide, shallow and slow,
5 it's actually a lot more similar to the Kasilof fishery
6 than it is to the Moose Range Meadows fishery. It's a
7 little different kind of fishery. So it looks
8 different. I think it's just a good representative
9 photo.

10

11 Slide please.

12

13 Same thing, you can see the slow, still
14 kind of calm water there.

15

16 Slide please.

17

18 The other thing that we looked at was
19 Skilak Lake itself. And if you can see on the map
20 Skilak Lake is a pretty big lake. I don't know how
21 that will pan out, we did -- okay, wouldn't work very
22 well, after we discussed it internally for a variety of
23 reasons, one, the size of the lake; two, just because
24 we're fishing for sockeye doesn't mean there's not an
25 interest of catching the other fish that we have a
26 customary and traditional use determination for and
27 there's not really any kind of history or data that
28 supports that kind of catch in Skilak Lake.

29

30 Slide please.

31

32 Same thing with the gear
33 considerations. I won't repeat this over again.

34

35 Slide please.

36

37 We actually did the research, same
38 stuff, based the same thing, same mesh size, same gear
39 size in the Kenai as the Kasilof.

40

41 Slide please.

42

43 Slide please.

44

45 Slide please.

46

47 Yeah, same thing.

48

49 Slide please.

50

1 So the typical day of fishing on Moose
2 Range Meadows was a little different, it actually was
3 shorter than on the Kasilof River, and a lot of that
4 had to do with the distance that we had to go to be
5 able to A; get the boat to the Kenai River and; B, run
6 the boat up the Kenai River to the site that we had
7 chose. Not to mention there was road construction all
8 summer, that really played heck with our schedule.

9

10 Slide please.

11

12 So actually fishing the net. We picked
13 an area there in Moose Range Meadows up towards the
14 upper end, we started with a four fathom, because, the
15 same thing, we went out and we explored the sites, we
16 hadn't fished this river before and so we wanted to be
17 responsible, we wanted to start and check things out,
18 start small.

19

20 Slide please.

21

22 Same thing, walking around the sites.
23 Interesting about where this guy is standing right
24 there, we had actually moved the net up the river there
25 and we actually did not catch fish there for whether
26 the water was too fast, the fish were moving, whatever,
27 but within 100 feet of moving the net was the
28 difference of catching or not catching fish. It was
29 really interesting in that aspect.

30

31 Slide please.

32

33 We marked our buoy with our permit
34 number, which apparently a requirement, but just to be
35 compliant that's what it looks like.

36

37 Slide please.

38

39 There's where we're setting the anchor
40 in the river.

41

42 Slide please.

43

44 And then we would run the lines to the
45 shore, usually using the boat.

46

47 Slide please.

48

49 So to be able to set up the gear, we
50 would do the same thing, just like on the Kasilof --

1 well, a little different on the Kasilof because it's a
2 little faster water, but we put the net on the shore.

3

4 Slide please.

5

6 We had the line -- so we could actually
7 wade clear out to where the anchor is. You can see it,
8 so same thing, to give you an idea of the depth of the
9 water there. I think -- the Kenai River isn't as deep
10 as most people think that it is, so this is a good
11 representation.

12

13 Slide please.

14

15 We would string the net out, get it
16 ready to pull out, because it was a little faster
17 water, we wanted the net not to get snagged on anything
18 so we'd lay it out first.

19

20 Slide please.

21

22 And just like we did with Kasilof,
23 you'd pull the rope that would pull the net out.

24

25 Slide please.

26

27 Slide please.

28

29 Yep, and then we'd pull it out and set
30 like.....

31

32 Slide please.

33

34 After the net was set, we -- instead of
35 taking the net in and out of the water, on the Kenai
36 River we would walk the net.

37

38 Slide please.

39

40 And then we'd retrieve the fish.

41

42 Slide please.

43

44 And we would stow them in the boat.

45

46 Slide please.

47

48 We got a little short video clip of
49 just the net in the water to give folks an idea.

50

1 Yes, Mr. Chairman.

2

3 CHAIRMAN ENCELEWSKI: If we can
4 interrupt you, Ricky had a question on the location of
5 the.....

6

7 MR. GEASE: Yeah, just a quick
8 question. On the Kasilof, you pulled the whole net in
9 and this one you walked out, is that just the depth
10 difference in the river systems or what was the
11 difference there between the techniques.

12

13 MR. WILLIAMS: Mr. Chairman. Mr.
14 Gease. Part of it was the depth, the other part of it
15 was the water velocity, so this water moves a little
16 faster and it was a lot more difficult to pull the
17 anchor and have to reset the anchor here. Because when
18 you get pulling on the line you move the anchor when
19 you pull stuff in and out. So like on the Kasilof, in
20 the slower water, we could just go out and move the
21 anchor back, put it back if it moved, it was no big
22 deal. It took a lot more work on this and it actually
23 kind of ruined the fishing day. But with the depth of
24 the water here we could actually wade out, just back
25 and forth, to get the net back so we thought that would
26 be a good way to address that problem.

27

28 Go ahead.

29

30 MR. ENCELEWSKI: You know I spent a day
31 out there fishing on there and the real quick answer is
32 that, you know, the water velocity is so much higher,
33 you know, on the Kenai than in the Kasilof and it's
34 very easy per se to pull the net in and out on the
35 Kasilof versus the Kenai. When we were there on the
36 Kenai, you could see the water velocity moving through
37 the buoy and, you know, it takes a couple two or three
38 people, you know, to get that thing -- it's almost
39 logistically, you know, impossible to keep pulling it
40 out with that kind of water velocity. And so what we
41 noticed there, almost all the fish would pool up at the
42 very beginning of the net and so they would kind of
43 come up towards this outer arc and almost all of the
44 fish seemed to be caught right in there. So you're
45 literally taking the fish out as they're caught,
46 literally, so I know the day that we spent out there,
47 you're literally almost in the water the entire time
48 cleaning out the net versus to where the water velocity
49 being so low in the Kasilof compared to this, that you
50 can just, you know, much more easily pull it in and

1 out. It's not logistically -- much harder for
2 subsistence fishermen to be able to pull that in and
3 out each time on the Kenai.

4

5 MR. WILLIAMS: Okay.

6

7 Slide please.

8

9 So to set the 10 fathom gear was the
10 same process. So once we established the fishery and
11 we were comfortable with the performance and we knew
12 that we weren't having any kind of really unusual
13 problems or any of the forecasted problems, we could
14 have the fishery we set the 10 fathom gear in the
15 water.

16

17 Slide please.

18

19 Same process of being able to pull --
20 pull the net out. A lot of times we'd have somebody at
21 the anchor standing there to be able to make sure that
22 the anchor didn't move and to be able to maintain the
23 gear.

24

25 Slide please.

26

27 So same process, pulling it out, it's
28 hooked to the buoy, there's a running line that goes
29 out.

30

31 Slide please.

32

33 And that's what it would look like in
34 the water, with the 10 fathom gear. It did have a
35 pretty good bow to it and same thing, if we wanted to
36 fish it tighter we probably could have but I'm afraid
37 the anchor would have been moving around in the water
38 and tore up the bottom of the river and that wasn't
39 what we wanted to do.

40

41 Slide please.

42

43 So same process, go, we'd walk the net,
44 pick the fish.

45

46 Slide please.

47

48 You know we get them and put them in
49 the boat, we'd stow everything in the boat.

50

3 And that is how the process would go
4 all day long as we would walk the net and remove the
5 fish, pretty much as they were caught.
6
7 Slide please.
8
9 And like this picture here, you could
10 wade clear to the end of the net, it was doable, you
11 just had to be careful that's all.
12
13 Slide please.
14
15 So when you were sitting out in the
16 river in the boat and you see the net in the water and
17 took a picture of it, this is about a third of the way
18 across the river and I took a picture of this because I
19 mean when you start getting further away from that it's
20 actually really hard to see it, you actually have to be
21 looking for it in the water.
22
23 Slide please.
24
25 We had a lot of people come visit us,
26 which was good.
27
28 Slide please.
29
30 Like I said, that's one of the Parks
31 people there, she'd come by and check on us and see
32 what we caught every day which was kind of nice.
33
34 Slide please.
35
36 We took the boat out, kind of fun, we
37 could watch the traffic go by.
38
39 Slide please.
40
41 A lot of people had interest in it. We
42 had a couple of nasty customers but most people were
43 pretty decent. You know, I think there's a lot of
44 interest, and this guy was taking a picture of us,
45 thought that was kind of cool, you know.
46
47 Slide please.
48
49 So folks would come out and see what we
50 were doing.

1 Slide please.

2

3

4 A lot of guides on the river and, you
5 know, most of those guys are pretty good and they were
6 real civil. I think there was a lot of interest from
7 people who were in the boats, kind of wondering what
8 was going on, too.

8

9 Slide please.

10

11 So this idea of walking the net, here's
12 an example of a day walking the net in the Kenai River.
13 So this was fished for three and a half hours and we
14 actually documented checking the net 78 times in three
15 and a half hours. So instead of trying to remove the
16 net from the water, we would actually walk the net and
17 every time we would see fish hit, we'd walk the net,
18 get them out and if we were done, there's no more fish
19 in there, we would call that time and then the next
20 time a fish hit we would mark the time again and start
21 walking the net to do the next pass.

22

23 Slide please.

24

25 So this is a good picture of trying to
26 manage the net in the water because sometimes it was
27 just problematic, you get debris and stuff caught in
28 the net.

29

30 Slide please.

31

32 We used two people a lot of time if
33 there was like more than three or fish in the net, we'd
34 actually get -- do kind of a buddy system, pull the net
35 and get the fish and see what's in there to make sure
36 that we didn't have a problem with them.

37

38 Slide please.

39

40 And we caught a variety of different
41 fish. Of course we caught some fish that had been
42 previously caught in nets probably from the Cook Inlet
43 and had some issues.

44

45 Slide please.

46

47 And so we caught some really nice, you
48 know, really fresh silvery ones, we caught some nice
49 red ones.

50

1 Slide please.

2

3 We stowed in the boat, so same thing,
4 you can tell there's a variety -- a difference when the
5 fish aren't in the water. This guy here, you can see
6 the white marks up there by his dorsal fin.

7

8 Slide please.

9

10 And we stowed them in the boat. We'd
11 get a few fish in there, put some ice on them, and
12 tried to keep them as cool as we could.

13

14 Slide please.

15

16 So there's quite a few hooks in fish.
17 That's one of the things that we had to be really
18 careful of with the fish, were snagged fish. So we had
19 quite a few fish hooks that we had to negotiate in the
20 water.

21

22 Slide please.

23

24 We also -- we had two different fish
25 that we caught that had electrical fishing injuries and
26 this is profound in a fishery that happened in a very
27 short duration of the Kenai River, you know, in terms
28 of the size of the net in the water, it's really a
29 small net for the size of that river, but we caught two
30 fish that had been damaged by electrical fishery. I
31 don't even know the details of electrical fisheries
32 here in Alaska or who's using them or what but they
33 need to turn it down a little bit. So the fish get
34 shocked in an electrical fishery, it actually damages
35 their back or breaks their back and they end up with
36 this hump. It's well documented in Canada because they
37 use electrical fishing for research a lot. So this is
38 an example.

39

40 Slide please.

41

42 We caught a whitefish, which was really
43 odd. Something had hit the whitefish, like a prop or
44 something but that was unusual.

45

46 Slide please.

47

48 And then when we would catch -- the two
49 trout that we did catch, we would have them in the
50 water and then we would turn them up real quick so we

1 could get a picture, a snapshot of their orface to see
2 if it was a male or female and for both of the ones we
3 had just turned them right loose. And the only reason
4 we did that was because we had to sex them and that's
5 the only way I know to be able to get a definitive
6 answer of sex. It was really raining that day.

7

8 Slide please.

9

10 The genetic samples for the one chinook
11 salmon we caught, a very small jack. But we did take
12 the genetic sample and turn it in.

13

14 Slide please.

15

16 We had some other guys fishing down
17 there too that we had to keep an eye on so that was
18 just kind of interesting and a lot of fun, you know,
19 throw something in there, like the eagle, we had an
20 eagle that would go across the lake, catch fish and eat
21 them, so we took a picture of him.

22

23 Slide please.

24

25 So the results of the fishery. And
26 this is on the 5th of August, we went from the 10
27 fathom net and we kicked it up to the -- or we
28 installed the 10 fathom net, I'm sorry. So there's a
29 differentiation of the timeframe there. But in the
30 overall fishery we caught 755 fish. This is tracked
31 the same way as we did the Kasilof, it's just in a
32 different application.

33

34 Slide please.

35

36 So here are the results. 755 sockeye.
37 So you got to remember what we harvested -- what we
38 caught and harvested are two different numbers so we
39 actually took 723 of those home because sometimes you
40 get them out of the net, they slip out of your hands,
41 or they get away but we wanted to actually try to keep
42 track of fish that may have been caught in the fishery
43 that did get away or was released kind of thing, so if
44 they turned up somewhere else we have a good idea of
45 what that number should be. One chinook, seven pink
46 salmon, we harvested six of the seven, people actually
47 wanted the pink salmon, which was good; 12 cohos; we
48 had two Dolly Varden that were released. We fished for
49 16 days and in those 16 days there was a total of 49.5
50 hours of soak time, the time the net was in the water

1 and we caught 15.3 sockeye per hour. The best day was
2 108 sockeye and to put it in context we caught more
3 sockeye in one day on the Kenai than we did fishing for
4 an entire month on the Kasilof.

5

6 Slide please.

7

8 So there were 29 permits that were,
9 where people had a Federal permit and delivered them to
10 us to fish for them, so 29 permits were delivered to
11 us. Of those permits got filled, eight of them were
12 over half filled, nine of them were less than half
13 filled, but everybody received fish on this fishery.

14

15 Slide please.

16

17 So to compare the Kenai and the
18 Kasilof, one of the things, of course, was more fish,
19 but I think the other thing that's really interesting
20 thing here is that the Kasilof fishery happened first.
21 We had more permits in 2016 than '15. And to compare
22 that to the Kenai, compared to what, when the special
23 action happened for the Kenai we ended up receiving 29
24 permits from Federal users so we actually had an
25 increase of interest when people saw that we were going
26 to fish in the Kenai River.

27

28 Slide please.

29

30 And that's my presentation of the
31 Kenai.

32

33 I tried to make it quick, guys, I'm
34 sorry it took so long but I felt that an adequate
35 report was important for the process so people
36 understand what happened.

37

38 Mr. Chair.

39

40 CHAIRMAN ENCELEWSKI: Okay, very good.

41 Thank you for your report.

42

43 Is there any questions, discussion,
44 further comment before we move on.

45

46 Judy.

47

48 MS. CAMINER: Thank you for the
49 presentation. Thank you, Mr. Chair.

50

1 I just had a couple questions. One is
2 on the reporting, it sounds like you report both for
3 the Kasilof and the Kenai on a daily basis.

4
5 MR. WILLIAMS: Mr. Chairman. Mrs.
6 Caminer. That's correct.

7
8 MS. CAMINER: And do you cumulative
9 totals then as you do your reporting.

10
11 MR. WILLIAMS: Yes, we total it
12 everyday. We report the harvest everyday. We report
13 how long that that was fished everyday, how many sets
14 that had happened, the time of day when we had fished.
15 And then we also have the actual people who have their
16 permits, so the people who received the fish they also
17 have to report in 24 hours. So there's a duplication
18 of effort there.

19
20 MS. CAMINER: And slightly different
21 question. So has anybody in Ninilchik come forward and
22 say that they want to be the responsible group to do
23 the fishing or are people happy to leave it to you all
24 to do.

25
26 MR. WILLIAMS: Mr. Chairman. Mrs.
27 Caminer. Not that I'm aware of. And, you know, the
28 other part of it is, you know, we've had a little bit
29 of discussion about this because it cost money to do
30 this, it cost money to have an insurance policy, it
31 cost money for a boat, it cost money for gas, it costs.
32 We've risen the bar to a point where I think it's an
33 interesting threshold for a subsistence user to have to
34 bear to be able to go fishing. And I don't want to get
35 into all the details because we're trying to stick to
36 the fishery report, but, no, I'm not aware of anybody
37 else who has stepped up and said we want to do this in
38 the community.

39
40 MS. CAMINER: Thank you.

41
42 CHAIRMAN ENCELEWSKI: Thank you, Judy.
43 Ivan, you have a question.

44
45 MR. ENCELEWSKI: Thank you, Mr.
46 Chairman. Ms. Caminer. Yeah, just a followup on that,
47 no, you know, having been the executive director
48 dealing with this for the last 20 years, we've not had
49 anyone come forward and say they want to, you know,
50 operate this fishery and I think, you know, just the

1 presentation and the data we presented is, it's a lot
2 of work. You know, like Darrel mentioned, it's not
3 only work but it's money and resources to be able to
4 take a boat and go up there and come back and the data
5 reporting requirements, Darrel's reporting, you know,
6 after he gets back, you know, daily, to Jeff and, you
7 know, with cumulative -- and part of that daily total,
8 as you can see from the presentation includes the soak
9 times and more detailed information and then, of
10 course, the dual reporting which the individual users
11 then have to call in within, you know, the 24 hours to
12 report their catch as well to the hotline, to the US
13 Fish and Wildlife hotline, so absolutely and, you know,
14 kind of jokingly, we would love for another
15 organization to come and just, you know, take over the
16 tens of thousands of dollars that it takes to come and
17 run this program and just to deliver fish to the
18 community. I think that we've had nothing but positive
19 comments from all community members thanking us for our
20 efforts and stepping forward to be the responsible
21 party to provide the logistics and the funding and
22 resources to be able to do this.

23

24 MS. CAMINER: Thank you.

25

26 CHAIRMAN ENCELEWSKI: Okay. Ricky, you
27 got one quick question.

28

29 MR. GEASE: Yes. Just -- so excellent
30 report. It was nice seeing you out on the river, you
31 know, I was one of the visitors that came out and I
32 think you guys did a real good job with the parameters
33 you were dealing with.

34

35 So just to clarify, you put a lot of
36 effort into the site selectivity.

37

38 MR. WILLIAMS: Mr. Chairman. Mr.
39 Gease. Yes, we did. We really tried to be
40 conscientious and objective of where we were fishing,
41 because if the site was -- looked to deep or it looked
42 like it might be more of a chinook kind of fishing
43 area, we looked somewhere else, you know, we tried to
44 find the best site we could and I think the results
45 turned out real well for that.

46

47 MR. GEASE: And then how many
48 designated people did you have actually fishing over
49 the course of the summer.

50

we had four. I was one. Mr. Encelewski was
3 another one. Daniel Reynolds was the third one. And I
4 believe Ivan had a designated permit. Oh, and Greg, so
5 there was five.

6
7 MR. GEASE: So just further
8 clarification, the gear that you used was specifically
9 once again for sockeyes and not for chinook salmon.

10
11 MR. WILLIAMS: That is correct.
12 Basically the same set up we talked about on the
13 Kasilof River, about the mesh size, trying to determine
14 what size would be the most appropriate for what fish
15 and in what area, trying to do that, that kind of a
16 matrix, to figure out how to do this responsibly.

17
18 MR. GEASE: Okay. So then overall,
19 would it be fair to characterize that your time and
20 effort and the research that you've done was to get
21 selectivity towards the sockeye salmon fishery with the
22 gillnets.

23
24 MR. WILLIAMS: At this point in time
25 that would be correct.

26
27 We do have, you know, C&T for other
28 fish, but I think the safe place to start is probably
29 with sockeye, and I think that's where we started at
30 trying to see, you know, is a safer bet than trying to
31 go after some of the more -- the fish that people are
32 more concerned about.

33
34 MR. GEASE: So in your experience then
35 you're saying that it takes a lot of time and financial
36 resources to do the community net but you're doing
37 those investments.

38
39 MR. WILLIAMS: Mr. Chair. Mr. Gease.
40 You know, one of the things, I think, that appeals to
41 me about this whole community net is you can go out
42 there and get soaking net and working hard to make this
43 happen in the water, I'm not 21 years old no more, but
44 I'm going to say this, most of the people we had signed
45 up on the fisheries were over 50, you know, and so the
46 younger kids who want to go out and they want to sport
47 play, do whatever, go catch some fish, we're not doing
48 that, you know, it was the people who really kind of
49 needed it and that felt good at the end of the day, and
50 that's what appeals to me on this.

1 MR. GEASE: Thank you.

2

3 CHAIRMAN ENCELEWSKI: Thank you, Ricky.
4 Ivan, do you have one more quick.....

5

6 MR. ENCELEWSKI: Mr. Chairman. Mr.
7 Gease. Just to followup on that and real quickly, is
8 we did spend a lot of time recognizing, obviously, that
9 we do have a C&T for chinook as well, I think we've
10 made it clear, you know, on the testimony in the past
11 and through our actions that we're trying to
12 concentrate on sockeye salmon because of the concerns,
13 you know, we don't give up our right, our customary and
14 traditional, you know, for those species but one of the
15 things that we really were able to identify, I think,
16 is the proximity to the shore, to the bank, is targeted
17 sockeye. And as you can see from the video and as you
18 know in that river, that chinook run in the deeper
19 channels in the middle of the river and not so much
20 right against the shore where it's shallow. And that's
21 one of the things that we identified in working with
22 our scientist and site selectivity, was identifying the
23 proximity to the bank as a way to help target sockeye
24 versus targeting chinook and all those people that are
25 back trolling in that area for chinook are out in
26 deeper channels and what not. So that was really
27 something that we felt and I think that from the
28 evidence of actual harvest shows that, you know, the
29 723 harvested sockeye versus one chinook really made
30 that successful.

31

32 CHAIRMAN ENCELEWSKI: Thank you.
33 Gloria, you got a comment.

34

35 MS. STICKWAN: You said something about
36 Skilak, you didn't want to fish there because -- I
37 didn't understand.

38

39 MR. WILLIAMS: Mr. Chairman. Ms.
40 Stickwan. We went and looked at the possibility of
41 fishing on Skilak Lake itself and I think one of the
42 things that came up were we don't know if we want to
43 pursue that is, there wasn't really supporting data,
44 people aren't going there catching a variety of fish,
45 and actually there's not very many fish there period.
46 Apparently there's been some success harvesting sockeye
47 in that area but -- so in our discussions we had to
48 also talk about the other fish that are C&T, what about
49 trout, what about chinook, what about coho, is there a
50 potential to fish there, and so when we were kind of

1 having this discussion we thought our efforts were
2 probably better focused on an area where we were
3 catching those fish and at least we were able to get a
4 measurement. What we didn't want to do was put our
5 effort, and put it in an area where those fish may not
6 even be, or those fish may not be there or travel
7 through there and we thought that might be kind of a
8 disservice to the idea of doing this "experimental
9 fishery" because if the fish -- how can we say that our
10 gear type was working correctly if the fish aren't
11 there. And so those are sort of the parts of our
12 discussion but we don't think that we want to be able
13 to pursue that because I think it's too large, I don't
14 think the number of fish are there, and I think we've
15 demonstrated clearly on Moose Range Meadows that we can
16 fish this effectively and we can target selectively
17 different kinds of fish and not have these huge impacts
18 that everyone would be worried about.

19

20 CHAIRMAN ENCELEWSKI: You want to go
21 ahead and come to a mic.

22

23 MR. STEVENS: Just a quick question,
24 you mentioned that you kind of targeted sockeye but
25 there's other species that NTC considers customary and
26 traditional and even rainbows.

27

28 CHAIRMAN ENCELEWSKI: Okay, hold on,
29 could you come forward please and speak to the mic so
30 we can get your thoughts on record. Yeah, and if you
31 would give your name and then just your question that
32 way we could get it on record so it'll be recorded.

33

34 Thank you.

35

36 MR. STEVENS: Just a quick question.
37 My name is Mike Stevens. The NTC customary and
38 traditional use of fish is more than just sockeye. The
39 nets that you used were kind of targeted just for
40 sockeye. So is it conceivable that down the road, if
41 chinook -- would chinook be a larger part of your
42 subsistence harvest or even some of the other species
43 like rainbow that in the past have been traditional and
44 customary, you could start using nets for those type of
45 fish, or placing nets in the mainstream of the river to
46 target chinook and some other species. Is that
47 something that's possible.

48

49 CHAIRMAN ENCELEWSKI: I wanted to just
50 clarify a point, that it's just one net, that's the

1 only thing that's allowed. Do you want to go ahead and
2 address that Darrel.

3

4 MR. STEVENS: Thank you.

5

6 MR. WILLIAMS: Thank you very much.
7 Yeah, we did target sockeye with a net and we do have a
8 customary and traditional use determination so it's the
9 Federal process to be able to demonstrate the kind of
10 fish that we can catch. And like what the Chairman is
11 saying it is one net in the water. I don't believe
12 that we're going to get to a point that we're going to
13 be able to have like Dolly nets, or rainbow nets or
14 something like that. I don't see that in the future.
15 But what I do see is that maybe representative sample
16 and establishing thresholds of what would be an
17 acceptable harvest limit. Because even with catch and
18 release there's a certain amount of mortality. Even
19 using barbless hooks and trying to be super responsible
20 there are some instances where things just aren't going
21 to go well. So we think that being able to have this
22 representative catch, so to speak, in one net is-- and
23 I think that's our overall goal. And it does include
24 some of the other fish, because of the determination
25 for all fish, but I don't think we're going to be
26 netting for different trout and what not.

27

28 CHAIRMAN ENCELEWSKI: Okay. I would
29 like to wrap this up so Ivan if you got a followup on
30 that, I would appreciate it. Go ahead.

31

32 MR. ENCELEWSKI: Mr. Chairman. Just
33 quickly, you know, that is correct, we do have a C&T
34 for those other species and, you know, we're entitled.
35 But I would offer a couple of things.

36

37 One, that I think the fishery, what we
38 want to do is emulate what works and we want to emulate
39 the fishery, you know, in the areas that we identified
40 in the way that we identified or we conducted our
41 fishery last year. You know, I think one of the things
42 you always have to do is put this in context, you know,
43 we're -- the fishery has allowed 1,000 kings for
44 subsistence users and we have no intention of trying to
45 take all those kings or anything like that but, you
46 know, the sportfishermen took 6,504 kings and they're
47 fishing in that same exact spot so they're harvesting,
48 directly harvesting chinook and, you know, under the
49 ANILCA process we're the priority, subsistence user,
50 and it always gets back to this, you know,

1 sportfishermen are taking 6,504, commercial fishermen
2 are taking 6,413, you know, and so -- and then in the
3 test net fishery for the State has taken 218 in their
4 test net, which you saw today how they take chinook,
5 and so it's such a minuscule amount of potential
6 harvest and it really has to be put in the context of,
7 yes, absolutely, at some point we want to be able to
8 have our customary and traditional of fish but we're
9 not going to do anything that's going to harm the
10 resources and the way you do that is you establish some
11 sort of threshold within the regulation of, you know,
12 potential harvest. But I can tell you from having
13 fished the net is that if we continue to do this in the
14 area and the method that we have been, you're not going
15 to. It's proven that this last year that we don't
16 catch resident species and chinook and what we want to
17 do is emulate, you know, that moving forward. And so I
18 don't think that there's any potential, you know, to
19 have this dramatical harvest where subsistence users --
20 what would actually be done is implementing the law
21 where subsistence users actually have a preference and
22 an opportunity to get a few of these fish instead of
23 thousands and thousands of fish going to everybody else
24 except for subsistence users.

25
26 CHAIRMAN ENCELEWSKI: Okay. That was a
27 good report, I thank you. I feel like I kind of put
28 the screws on you, you know, we're just trying to keep
29 it fair and open to everyone and I know you guys got a
30 lot and the Board felt it important to hear your
31 presentation before we get to the proposals.

32
33 I think that's good and so we're going
34 to go ahead and move on, thank you very much.

35
36 MR. ENCELEWSKI: Thank you.

37
38 MR. WILLIAMS: Thank you.

39
40 CHAIRMAN ENCELEWSKI: Donald, you're
41 keeping me straight but we got a couple of things of
42 old business, was to revisit the delegation of
43 authorities, I got the RFR, 1.5 minutes from Stewart,
44 and I got the draft rural determination policy; is that
45 correct?

46
47 MR. MIKE: Yes, Mr. Chair, that is
48 correct. And also we offer public and tribal comment
49 on non-agenda items and I haven't received any requests
50 for that but we can open it up for invitation if they

1 have any public or tribal comments on non-agenda items.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN ENCELEWSKI: Thank you,
6 Donald. So we'll open it up for any public comment on
7 non-agenda items. Is there anyone wanting to come up
8 and make a comment at this time.

9

10 (No comments)

11

12 CHAIRMAN ENCELEWSKI: Okay, hearing
13 none, we're going to go ahead and I guess.....

14

15 MS. CAMINER: Stewart.

16

17 CHAIRMAN ENCELEWSKI: Stewart, you want
18 to come on up. Hell, you lost half your minute
19 already.

20

21 (Laughter)

22

23 CHAIRMAN ENCELEWSKI: Stewart, if you
24 would, we're going to give you the floor, okay.

25

26 (Pause)

27

28 CHAIRMAN ENCELEWSKI: Sorry, Stewart, I
29 was just trying to find the order here of where I'm
30 going next. Thank you. You go ahead, you've got the
31 floor.

32

33 MR. COGSWELL: Okay. Mr. Chair.
34 Members of the Council. For the record, my name is
35 Stewart Cogswell. I'm the Acting Deputy Assistant
36 Regional Director for the Office of Subsistence
37 Management. And I'm just going to give you a brief
38 update on the RFR, I thought it was pertinent to move
39 this ahead of the proposals just so everyone's aware of
40 what's going on and where we're at in the process and
41 update so I'm just going to read some talking points
42 here.

43

44 The Federal Subsistence Board adopted
45 both FP15-10 AND FP-11 at their January 2016 fisheries
46 meeting. Subsequently, the Board has received over 740
47 requests for reconsideration for both 15-10 and 15-11.
48 A majority of these correspondences received was in a
49 form letter format with some form of personalization in
50 each letter. The Office of Subsistence Management

1 collected, organized and reviewed each letter to
2 identify substantive claims that meet the RFR criteria
3 that are outlined in the CFR. And those three are:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

1. Provides information not previously considered by the Board.
2. Demonstrates that existing information used by the Board is incorrect.
3. Demonstrates that the Board's interpretation of information, applicable law or regulation is in error or contrary to existing law.

19 So those are the three criteria.

20
21
22
23
24
25
26
27

In July of 2016, a threshold analysis for 15-11 the Kasilof community gillnet was presented to the Board. Of the 20 substantive claims assessed for 15-11, a number of claims appeared to have merit and the Board unanimously voted that the RFRs did not meet the threshold criteria, concluding the RFR process for FP15-11.

28
29
30
31
32
33
34
35
36
37
38
39

So throughout the RFR process for the Kasilof proposal, OSM Staff continued to work on the Kenai community gillnet RFR and I'm happy to report we now have a solid working draft that has been reviewed internally and I think this week we will be turning it over to the InterAgency Staff Committee for their comments, so the process is moving along and they will have a week or two to look at that, probably 10 days to two weeks and we will get their comments back on that. There is no confirmed schedule yet for when it will be presented to the Board.

40
41
42
43
44

So that's where we're at, it's moving along, the Kenai RFR and I just wanted everybody to know where we're at in the process as we go forward with the proposals.

45
46
47

Thank you, that's all I have, Mr. Chair.

48
49
50

CHAIRMAN ENCELEWSKI: Thank you, Stewart. That was very brief and to the point, thank

1 you. Moving forward.

2

3 Stewart, we might have a question for
4 you, I do have Judy which is about to ask a question
5 here. Go ahead, Judy.

6

7 MS. CAMINER: Thank you, Mr. Chair.
8 Thanks, Stewart. That's interesting news on the
9 Kasilof RFRs. I'm not sure I heard that before, was
10 that disseminated to the Council or otherwise told to
11 the public?

12

13 MR. COGSWELL: Ms. Caminer, through the
14 Chair. Yes, that was presented at the All Council
15 meeting and it's been -- we presented an update of
16 where we're at the Board. And I believe any -- unless
17 Ameer Howard has.....

18

19 MS. CAMINER: I know you started to
20 brief us at our last meeting but the final decision
21 from July, I'm not sure I had seen that actually so I
22 didn't know whether a press release had come out or
23 some way to inform the RAC of that decision.

24

25 MR. COGSWELL: Yes, there was a press
26 release.

27

28 CHAIRMAN ENCELEWSKI: Ameer, did you
29 want to add to that.

30

31 MS. HOWARD: Good morning. Through the
32 Chair. Ms. Caminer, we did go over and present the
33 threshold analysis for the Kasilof at the Board's July
34 work session, so we had that public meeting and
35 released those materials beforehand and went through
36 each claim with the Board, and then as a result it's
37 part of the kind of summary, news release, I believe it
38 was reported after the fact. But also it was intended
39 that part of this update would be where we could let
40 you guys know what happened with that.

41

42 CHAIRMAN ENCELEWSKI: Okay. Rick has a
43 question here, go ahead.

44

45 MR. GEASE: So just a point of
46 clarification, the 20 RFRs on the Kasilof for the
47 community gillnet have been rejected; is that correct?

48

49 MS. HOWARD: Each of the 20 substantive
50 claims that were summarized for that RFR threshold

1 analysis were found -- appeared to have no merit and
2 the Board agreed with the preliminary assessments
3 performed by Staff. Because we have to really look at
4 those closely to see if they meet those criteria and it
5 was determined by the Board that they did not. So that
6 concluded the RFR process for the Kasilof.

7

8 MR. GEASE: So then there are no
9 outstanding RFRs on the Kasilof River; is that correct?

10

11 MS. HOWARD: That is correct.

12

13 CHAIRMAN ENCELEWSKI: Thank you. I
14 learned something myself.

15

16 (Laughter)

17

18 CHAIRMAN ENCELEWSKI: Thank you. Okay,
19 thank you very much, I think we'll close it up and move
20 forward.

21

22 Thank you.

23

24 Okay, we're going to go to the non-
25 rural determination policy here.

26

27 MS. HOWARD: So good morning again
28 everyone. For the record I'm Anee Howard, I am the
29 policy coordinator at the Office of Subsistence
30 Management. Today, this morning, we're going to walk
31 through where we're at on the non-rural policy, present
32 to you a draft, which is located in your meeting
33 materials starting on Page 12, and then open up the
34 floor for questions and discussion because we really
35 need to have your feedback and look forward to your
36 feedback, so we'll just get started.

37

38 Again, we have a short PowerPoint
39 presentation that is put on both screens for you, and
40 we'll see if this works now.

41

42 (Pause)

43

44 MS. HOWARD: All right, so we're almost
45 to the finish line of the rural and non-rural process.
46 Thank you to all Council members who have participated
47 in that very lengthy process that went to rulemaking to
48 change the regulations to address the eight criteria,
49 to address the decennial review. Now where we're at in
50 the process is we are drafting the policy, the

1 administrative framework that the Board will follow to
2 make decisions.

3

4 So -- I'm jumping ahead of myself --
5 but in November 2015, the final rule changing the rural
6 determination process was published. The Board
7 determines which areas or communities in Alaska are
8 non-rural, and it also -- all other communities and
9 areas are therefore rural. That is essentially how
10 regulation is (indiscernible).

11

12 In January 2016, the Board directed
13 Staff to create a non-rural policy that outlines the
14 administration process for future non-rural
15 determinations because we'll no longer be making rural
16 determinations.

17

18 In July 2016 the Board approved the
19 draft non-rural policy, which is what's in your meeting
20 materials.

21

22 So, today, for you, what I would ask is
23 for folks to really focus on the process section, which
24 begins on Page 14 under the policy heading. This
25 process section kind of goes through step by step, how
26 the Board will take things up. The thought here is to
27 have threshold requirements in addition -- so kind of a
28 similar track to what we do with requests for
29 reconsideration, and so that would -- it would end up
30 in front of the Councils as a proposal before the Board
31 makes a threshold determination, any proposals would
32 then also -- if they go forth through the threshold
33 process, again, would be seen in front of the Councils.
34 So we tried to really repeat that so that the Councils
35 can have as much input as possible on any future non-
36 rural determination proposals we might receive.

37

38 So my second real question is does the
39 policy make sense. When you read over it, when you
40 review it does it make sense. Does the process make
41 logical sense to you because we need it to be readable.
42 We need it to be useable. So these are the really
43 important things.

44

45 And, then, lastly, are there any gaps
46 or holes in the process that you feel we need to
47 address. Are there areas that need to be stronger, are
48 there areas that we missed. All of that kind of
49 feedback is what's important here today.

50

1 It goes without saying, we really look
2 forward to your feedback, we want to hear what you have
3 to say. All of your comments and questions will be
4 reviewed and considered for the final version of the
5 policy. The intent is that we have a final version for
6 the Board to approve at their January regulatory
7 meeting. And, in advance, thank you for your time and
8 assistance and for joining us today, and, hopefully,
9 again, the Board will decide whether or not this policy
10 is final in January.

11
12 So let the feedback begin.

13
14 CHAIRMAN ENCELEWSKI: Go ahead, we're
15 going to start with feedback. Ricky, you want to go
16 ahead.

17
18 MR. GEASE: So the non-rural
19 determination process. On the Kenai Peninsula there
20 are a lot of small communities, some small communities
21 are near non-rural areas, such as Homer, Soldotna,
22 Kenai, Sterling, Seward, how is there -- describe to me
23 the changes for a community that's in proximity to a
24 larger community that's non-rural, do any of the
25 factors change in terms of determining non-rural versus
26 rural. For example, like a community like Moose Pass
27 that's been clustered with Seward in the past, it's
28 further away from Seward than let's say Kachemak Bay is
29 from Homer, both are connected by roads, so what
30 factors are determining, you know, are there any change
31 in the factors for a non-rural versus a rural
32 determination for communities like Moose Pass that have
33 been clustered in the past with, you know, a larger
34 city.

35
36 MS. HOWARD: So in an effort to make
37 the process more flexible, between regions, between
38 communities, the factors that were there are gone.
39 They are removed. So this will be -- the Board will
40 take up proposals on a case by case basis. The onus
41 will be on the proponent to justify their reasons
42 behind submitting the proposal and giving enough
43 information to the Board and to the Councils for their
44 recommendations to the Board as well, to make sure --
45 for the Board to decide whether or not they are, in
46 fact, non-rural. Because folks overwhelmingly really
47 wanted to simplify the process, and I believe some of
48 the public comment on those eight factors that were in
49 regulation were arbitrary, things of that nature, they
50 were removed. That was what the overwhelming public

1 comment was. So, in fact, in the final rule, that's
2 what it did, it very much -- it took those factors out.
3 With this, all we can do is outline the administrative
4 process, but because the public voted, essentially, or
5 we listened to the public and the Councils to change
6 how we do rural and non-rural, we cannot define factors
7 because they're going to change for every situation.
8 So this is a way for the Board to approach each
9 proposal holistically, getting expertise from the
10 Councils, hearing public testimony, things of that
11 nature.

12

13 Does that answer your question.

14

15 We do not have a defined set of factors
16 anymore.

17

18 CHAIRMAN ENCELEWSKI: Okay. Feedback.
19 No defined factors. Make your individual case. Get
20 your C&T. Get approved. So and so forth. Is that
21 correct?

22

23 MS. HOWARD: Well, this is different
24 from customary and traditional use determinations,
25 that's very much -- so this will be whether or not
26 communities can be designated rural or non-rural. And
27 so moving forward the Board will only make non-rural
28 determinations.

29

30 So those smaller communities that in
31 the past were aggregated with the larger can put in a
32 proposal reversing that but, again, it will be on the
33 proponent to justify why.

34

35 CHAIRMAN ENCELEWSKI: Okay. Judy.

36

37 MS. CAMINER: Thank you, Mr. Chair.
38 A mee. Well, a couple of points. I see the Councils
39 will not be given deference on this issue. So I guess
40 we appreciate that you're asking for input but I'm sure
41 we would prefer to have a little bit more weight than
42 that. However, I'm sure the rural communities who felt
43 like every cycle they had to justify continuing to stay
44 rural appreciate these kinds of changes and that is a
45 big improvement.

46

47 But obviously you are correct the onus
48 on whoever comes in with wanting to change their status
49 could be rather time consuming, not only in their
50 initial, let's say, presentation of what they consider

1 important data that would perhaps cause a change, but
2 if the Board comes back with, well, we need more data
3 or you need more data, does it throw that into the next
4 sort of three year cycle there of making it a very long
5 haul to actually get something changed.

6

7 MS. HOWARD: I'm not sure I have an
8 answer for you on that Ms. Caminer. Again, this is a
9 new process, and so we are trying to, as much as
10 possible, predict what kinks or barriers we might come
11 upon.

12

13 The one thing I can say, if you turn to
14 Page 17 and look at the general process timeline, this
15 lays out step by step within the timeframe of each step
16 that would be taken. So, again, once a proposal comes
17 in it would go in front of the Councils as a proposal
18 prior to a threshold determination by the Board, then
19 if that goes further, if the Board determines that it
20 has met it, then it will be fully analyzed, a number of
21 public hearings will be held by Staff during -- for
22 that full proposal process. During that time we'll be
23 working with the proponent as well, and I think, too,
24 that the Board came up or even Council can say you may
25 want to look at this area for more data, even during
26 that proposal stage. So it's anticipated that there
27 will be a lot of interaction with the proponent.

28

29 Again, unfortunately, that's about as
30 much prediction I can give at this time. We're trying
31 to make a solid framework but it also needs to remain
32 flexible to transfer from region to region.

33

34 But this does go through it step by
35 step and then on Page 18 we've tried to put the cycles
36 next to each other. This may help folks or it may
37 hinder folks, too. Because overlaying these complex
38 cycles, as you all know and are aware of, is something
39 of a logistical magic. So -- but it also tries to --
40 you can follow step by step in kind of this brown color
41 that will let you understand how many times it'll be in
42 front of the Council, the type of public input we're
43 hoping to have so that when we have the final product
44 it wouldn't be like a small technicality or a small
45 data gap that would put -- throw a wrench in the
46 process. That's what we're anticipating.

47

48 But thank you so much for pointing that
49 out, because we can definitely try to add some stronger
50 language.

1 CHAIRMAN ENCELEWSKI: Thank you.
2
3 MS. MILLS: Mr. Chair, this is Mary Ann
4 Mills, I have my hand up.
5
6 (Laughter)
7
8 CHAIRMAN ENCELEWSKI: Okay, Ms. Mills,
9 I'm recognizing you, go right ahead.
10
11 MS. MILLS: Thank you very much, Mr.
12 Chair.
13
14 My question for you is are tribes --
15 will tribes have the opportunity to put proposals in to
16 be considered as a community, you know, in view of the
17 recommendations and concerns that came about from the
18 USDA's report on subsistence foods in Alaska and the
19 impact it has on the Alaska Natives.
20
21 MS. HOWARD: Through the Chair. Ms.
22 Mills. Thank you for your question, it's a very
23 interesting question.
24
25 Lately there has been quite a lot of
26 discussion on what the definition of community is in
27 final regulation, and there's no surprise that there
28 isn't any one definition that we've been able to find.
29 So that's a topic that I think needs to be presented to
30 the Board for them to discuss. But at this time,
31 again, wouldn't feel comfortable trying to answer that
32 very complex question because there hasn't been an
33 identified use of the term, community, within Federal
34 regulations. So it could also be a question for our
35 Solicitor's office.
36
37 To be continued on that, Ms. Mills,
38 thank you.
39
40 CHAIRMAN ENCELEWSKI: Mary Ann, you're
41 to be continued, thank you.
42
43 (Laughter)
44
45 CHAIRMAN ENCELEWSKI: Barbara, are you
46 in the audience there, you're going to give the SRC
47 report.
48
49 MS. CELLARIUS: Thank you, Mr. Chair.
50 The Wrangell-St. Elias Subsistence Resource Commission

1 met last week and I gave them a copy of the policy in
2 case they wanted to make comments. And the SRC
3 supported the draft policy with the addition of
4 deference to the RACs on these determinations.

5

6 MS. STICKWAN: Thank you, Barbara. Are
7 there any other questions.

8

9 (No comments)

10

11 MS. HOWARD: Through the Chair, if you
12 do have any other questions or think of something I'm
13 available throughout the meeting and would be happy to
14 discuss. But, thank you, for the discussion and your
15 time.

16

17 Ms. Stickwan.

18

19 MS. STICKWAN: Our questions are --
20 that she asked, those are going to be submitted to the
21 Board for their final decision, I guess we had
22 questions and they're not going to be answered before
23 the Board makes their decision in January?

24

25 MS. HOWARD: So the questions and
26 comments from each Council will be put into a table and
27 given to the Board so that they know what kind of
28 feedback we got from each Council and that material
29 will be available to them and we'll go over that when
30 presenting the final policy to them and have that as
31 part of the discussion. I can let you know that there
32 are some Councils that have felt to write a letter to
33 the Board as well outlining their questions and
34 comments and I do know that there are a few Councils in
35 the works, but we'll also be using the admin record for
36 this meeting and the transcripts for this meeting to
37 reiterate those questions for the Board during their
38 January meeting.

39

40 CHAIRMAN ENCELEWSKI: Is there any more
41 feedback.

42

43 (No comments)

44

45 CHAIRMAN ENCELEWSKI: Hearing none.

46

47 MS. HOWARD: Thank you. Thank you for
48 your time.

49

50 CHAIRMAN ENCELEWSKI: Donald, question

1 for you, we're getting close to lunchtime and before we
2 get into the Staff analysis and all the fish proposals,
3 I think there's some stuff that you're asking us to do,
4 so are we going to -- we did revisit the delegation of
5 authority, we'd like to put that under new business,
6 you agreed to that because it's going to be a new look
7 at it. So if that's okay, I'll put it there and we'll
8 go into fish proposals right after lunch.

9

10 MR. MIKE: Mr. Chair. First of all
11 before we get any further, this draft policy on non-
12 rural determination is an action item for the Council,
13 so if the Council wishes to take action on it or send
14 in a comment to the Federal Subsistence Board or OSM,
15 now is the time for this Council to take action.

16

17 Thank you, Mr. Chair.

18

19 CHAIRMAN ENCELEWSKI: Thank you,
20 Donald, for keeping us straight. We got some action
21 here. Does someone want to propose something, make a
22 comment, or not. We gave her our feedback. Anyone
23 want to put that in a note or -- go ahead, Judy.

24

25 MS. CAMINER: Thank you, Mr. Chair.
26 Yeah, I guess that was going to be my comment, I
27 thought our taking action was the kinds of comments and
28 questions that we had. I thought maybe at the end of
29 the meeting where we discuss annual report items, et
30 cetera, if we wanted to decide to write a letter
31 specifically on this topic maybe we could address it
32 then or now, it doesn't matter.

33

34 CHAIRMAN ENCELEWSKI: Thank you. Amee,
35 would you like to tell us when you want this feedback
36 and meet our obligation here.

37

38 MS. HOWARD: Thank you. The intent was
39 to mark it as an action item so you knew that we needed
40 active feedback and questions to be part of the
41 process. And I think what you offered, Ms. Caminer, as
42 an alternative may work, however, if the Board does
43 want to make a formal motion that's absolutely at your
44 discretion. So -- but as far as process goes, the
45 action has been fulfilled by your comments and feedback
46 and questions.

47

48 CHAIRMAN ENCELEWSKI: Thank you, Amee.
49 Would anyone like to make a formal motion, okay, when
50 we've got it, we'll get it to you.

1 Thank you, Donald, does that complete
2 it.

3
4 MR. MIKE: (Nods affirmatively)

5
6 MS. HOWARD: Thank you.

7
8 CHAIRMAN ENCELEWSKI: Okay. Okay,
9 we're going to be starting fish proposals after lunch
10 and we're going to start with number 9 and 10 and then
11 go to 6, 7 and 8, because of time. So, Mary Ann, and
12 Tom, I would -- first of all, let me ask Donald, where
13 is lunch from here, how long do people need for lunch,
14 one hour, 1 fifteen, 1:20, how long, in Anchorage, do
15 we need lunch cards or what.

16
17 MR. MIKE: Mr. Chair. There's
18 restaurants available down Tudor Road, just a few
19 minutes ride, and there's some -- I think UAA has a
20 commons area for lunch, I don't know what the cost is
21 but that's available. And as far as reconvening, you
22 know, it's up to the Council, we have 1:30 if you wish
23 to do so and allow people to find a restaurant and have
24 their lunch and get back.

25
26 CHAIRMAN ENCELEWSKI: Okay. Under the
27 advice of our coordinator we're going to reconvene at
28 1:30 but I would ask everyone to be very prompt. These
29 proposals might tend to be pretty well aired -- we have
30 the people leaving at 3:30 so we have -- they need to
31 leave by 3:30 - we'll reconvene and we'll break for
32 lunch and we'll reconvene at 1:30.

33
34 (Off record)

35
36 (On record)

37
38 CHAIRMAN ENCELEWSKI: I'm going to go
39 ahead and call the Southcentral Regional Advisory
40 Council back to order.

41
42 (Pause)

43
44 CHAIRMAN ENCELEWSKI: Hello. Take a
45 seat.

46
47 (Pause)

48
49 CHAIRMAN ENCELEWSKI: Okay. I'll just
50 address a couple of things on the agenda. I've been

1 requested before Stewart gives you his spiel here,
2 we're going to go ahead, if it's okay with everyone,
3 that there's been a request -- there's a lot of people
4 here from Cooper Landing that are going to want to
5 testify earlier but we want to do the Kenai proposal
6 while Ivan's still here before 3:30, so we'd like to
7 start with 10, if that's in agreement, then we would
8 like to go back to 6 and 7 so the Cooper Landing people
9 don't have to stay all day, tomorrow, and we'll go
10 ahead and take care of that, and then we could go to
11 the Kasilof tomorrow if that sounds okay. Will that
12 work with you Ivan, work with Cooper Landing.

13

14 MR. ENCELEWSKI: Yes.

15

16 CHAIRMAN ENCELEWSKI: It'll move you up
17 a little quicker, okay. Stewart, you have our
18 undivided attention to tell us what's going to happen
19 here.

20

21 MR. COGSWELL: Mr. Chair. Members of
22 the Council. I'm Stewart Cogswell from Office of
23 Subsistence Management.

24

25 First of all, I want to thank everyone
26 on the Council and everyone else for being here today.
27 We're about to start talking about the Kenai River
28 proposals. I want to acknowledge in advance there are
29 complex proposals and there's a lot of differing
30 opinions and issues on these proposals, and I just want
31 to thank everyone in advance for their professionalism
32 and patience when they're talking about this, we want
33 everyone to be heard but we would like you to be
34 courteous and professional when you do that. We're
35 going to try and make this process as straightforward
36 as possible, it is complex.

37

38 To that end we may need to take a break
39 every once in awhile to make sure that everything is
40 succinct and we're going the right way, so there may
41 need a couple breaks at different times during this
42 process. We want to be accurate as we can be in the
43 process.

44

45 So I just have a prepared statement I'm
46 going to read here and we will repeat this as necessary
47 throughout this, it is complex.

48

49 So prior to discussing the Kenai River
50 proposals we wanted to let you know that this is going

1 to be a bit different than the way we've presented
2 proposals in the past so please bear with us. As you
3 have noted in your books, Proposals FP17-06/07, FP17-08
4 and FP17-10 all impact the Kenai River community
5 gillnet fishery. Each of these analysis contain two
6 potential courses of action for consideration based on
7 the status of the request for reconsideration of the
8 Board's decision on Proposal FP15-10 which authorized a
9 community gillnet fishery in the Kenai River for
10 residents of Ninilchik.

11
12 As I stated earlier, over 700 requests
13 for reconsideration were submitted in response to Board
14 adoption of Proposal 15-10. The RFR process is
15 ongoing. In addition NTC filed a lawsuit against the
16 Board October 22nd, 2015 citing failure to provide
17 subsistence opportunity and priority as mandated by
18 Section .804 of ANILCA.

19
20 The current OSM preliminary conclusion
21 for all of the Kenai proposals is Option 1, defer the
22 proposal until the RFR and litigation process has been
23 completed.

24
25 However, if the request for
26 reconsideration and the litigation processes are
27 completed before the Board meeting in January and the
28 Kenai River community gillnet fishery regulation
29 remains unchanged the OSM preliminary conclusion may
30 change to Option 2.

31
32 Because of this possible change we
33 would like to present both options for Council
34 consideration.

35
36 If it pleases the Council we would like
37 to first present the overview of each analysis and then
38 move to a general discussion of OSM's preliminary
39 conclusion for each request contained within the
40 individual proposals before moving on to the Council's
41 formal deliberation. We have also provided handouts
42 that summarize each proposal, including the specific
43 requests made by proponents and the two options
44 developed for the OSM preliminary conclusions. This
45 information is also projected on the screen.

46
47 So if there's any questions to this
48 approach, I'll take those at this time or we can answer
49 them as we go through it.

50

1 CHAIRMAN ENCELEWSKI: Stewart, I just
2 have a question or kind of a comment. On the
3 proposals, I know they're different than the past, as
4 you just explained, because a lot of them you went by
5 bullet points one, two, three and we made opinions on
6 those, the Council, and my understanding is to vote for
7 the proposal one way or the other, and maybe you'll
8 take the time to explain that, that they're just going
9 to vote once on it, up or down.

10

11 MR. COGSWELL: Thank you, Mr. Chair.

12

13 Yes, when the time comes to vote, we'll
14 explain that in-depth because we don't want there to be
15 any confusion with the voting, what you're voting on,
16 this deferred option or the other option. We will
17 spend a lot of time making sure that -- we want those
18 votes -- so everyone understands what exactly they're
19 voting on, so, yes, the team that's up here will help
20 you with that, so, absolutely.

21

22 CHAIRMAN ENCELEWSKI: Thanks, Stewart.
23 I got -- you got any more you wanted to talk to on it
24 or.....

25

26 MR. COGSWELL: No, that's it. I'd just
27 like to call up the team that's going to be presenting
28 it also.

29

30 CHAIRMAN ENCELEWSKI: Okay, before we
31 present, I think Donald's got something he wants to
32 present, and I might want to ask a question.

33

34 Donald, do you want to.

35

36 MR. MIKE: Thank you, Mr. Chair. When
37 we get to the Kenai proposals we're going to be
38 requesting that Mr. Encelewski and Mr. Gease recuse
39 themselves from any further discussions on the
40 proposals. We started off with a quorum of this
41 Council, so we'll still have a quorum for the Council
42 to take action on these proposals, on the Kenai --
43 specifically the Kenai River proposals but we request
44 that Mr. Ricky Gease and Mr. Greg Encelewski recuse
45 themselves from any further discussions on the Kenai
46 due to litigation and RFR.

47

48 Thank you.

49

50 CHAIRMAN ENCELEWSKI: Okay, Donald, I

1 guess you explained that that means you're kicking me
2 off, and that means they're kicking you off, too,
3 Ricky, so we'll go in the back and we'll have donuts.

4

5 (Laughter)

6

7 CHAIRMAN ENCELEWSKI: But I wanted it
8 on the record, you know, I'm a qualified subsistence
9 user and I feel that my duty is being stilted (ph),
10 but, anyway, we'll honor your wishes and but anyway
11 we'll honor your wishes and I'll turn the Chair, at
12 this point, over to Ms. Stickwan.

13

14 Thank you.

15

16 ACTING CHAIR MS. STICKWAN: We'll have
17 Staff analysis on 17-10.

18

19 MR. AYERS: 17-10, that's correct.
20 Madame Chair. Members of the Council. My name is
21 Scott Ayers and I'm a fisheries biologist with the
22 Office of Subsistence Management here in Anchorage.

23

24 I will now be presenting the Staff
25 analysis for Fisheries Proposal FP17-10, which deals
26 specifically with the Kenai River community gillnet
27 regulations. The analysis can be found on Page 193 of
28 your Council book.

29

30 FP17-10 was submitted by the Ninilchik
31 Traditional Council. The proponent is seeking a number
32 of changes to the Kenai River community gillnet fishery
33 regulations that they believe would provide security
34 for a continued fishery, regulatory clarity and
35 meaningful subsistence fishing opportunity for
36 Federally-qualified subsistence users from Ninilchik.
37 The proposal contains seven separate requested changes
38 to the community gillnet fishery regulations, which, if
39 adopted in full, would result in a wholesale
40 replacement of all current regulatory language for this
41 fishery.

42

43 The State has not authorize subsistence
44 fishing in the Kenai River since 1952 but it does
45 administer commercial, sport, personal use and
46 educational fisheries on fish from this system.
47 Following the creation of the Kenai River Federal
48 subsistence fishery in 2002 numerous Federal
49 regulations have been put into place to manage gear,
50 time and areas open, as well as harvest possession and

1 annual limits for salmon and select resident species.
2 With the adoption of FP15-10 in 2015 a community
3 gillnet became an authorized gear type in Federal
4 subsistence regulations for the residents of Ninilchik.
5 The authorization of this gear type has led to much
6 debate including a request for reconsideration to the
7 Board related to adoption to FP15-10 and proposals to
8 rescind the regulation to remove the gear type from
9 Federal regulation.

10
11 Implementation of this community
12 gillnet fishery has been slow due to identified
13 regulatory conflicts and conservation concerns
14 expressed by the Kenai Refuge in-season manager.
15 However, a brief experimental fishery was conducted in
16 2016 following the Federal Subsistence Board approval
17 of Federal Special Action, FSA16-02. As we saw in the
18 video earlier today, the fishery was conducted over 16
19 days this year and it resulted in the retention of 726
20 sockeye salmon, six pink salmon, one chinook salmon, 12
21 coho,

22
23 All Pacific salmon species are
24 distributed within the Kenai River drainage as well as
25 resident species such as rainbow trout and Dolly
26 Varden. The main non-commercial fisheries are sport
27 and personal use. The primary target for harvest in
28 the Kenai River is sockeye salmon, which is
29 differentiated into two runs, early run and late run.
30 Early run sockeye salmon fishery primarily occurs in
31 the Russian River system while the late run sockeye
32 salmon fishery is disbursed throughout the drainage.
33 Like sockeye salmon, chinook salmon are categorized
34 into an early and late run, abundance of chinook salmon
35 on the Kenai River has been on a mostly declining trend
36 since the last week in 2004, prompting at least 12
37 Federal special actions and 20 State emergency orders
38 since 2010 to restrict or close fishing on the run.

39
40 Size and age structure of the run have
41 also been decreasing.

42
43 Given these issues more restrictive
44 regulations have been put into place to protect the
45 stocks, especially the early run chinook salmon.

46
47 In 2016, however, chinook salmon
48 returns to the Kenai River resulted in far fewer State
49 restrictions and no additional Federal restrictions.
50 Other salmon fisheries such as coho, chum and pink

1 salmon occur within the Kenai River drainage but are
2 not as intensively managed.

3

4 The Kenai River supports one of the
5 largest sportfisheries for rainbow trout and Dolly
6 Varden in the United States, although many restrictions
7 have been added to State regulations to protect these
8 populations there is still a recognized rate of
9 unintended mortality associated with the sportfishery.

10

11 So, again, OSM is offering two
12 potential courses of action for consideration depending
13 on the status of the request for reconsideration
14 process. And our conclusions start on Page 230 or your
15 books.

16

17 Option 1 is to defer Proposal FP17-10.

18

19 The proposal requests liberalization
20 and changes to the administration of the community
21 gillnet fishery in the Kenai River that was authorized
22 by the adoption of FP15-10. With simultaneous requests
23 for reconsideration and legal efforts occurring at this
24 time the issues related to the community gillnet
25 fishery on the river, it's recommended by OSM that any
26 decision on FP17-10 be deferred so as to not preclude
27 any decisions on 15-10 that have yet to be made by the
28 Board through the request for reconsideration process.

29

30

31 Option 2 is to work through the seven
32 separate requested changes to Fisheries Proposal --
33 request one, proposals to alter the dates of the
34 community gillnet fishery from the current June 15
35 through August 15 dates to an expanded May 1st through
36 November 15 timeframe.

37

38 Some points to consider.

39

40 This would create a higher probability
41 of harvest in general, harvest of fish species other
42 than salmon and harvest of salmon in spawning phase
43 conditions. This would provide additional subsistence
44 harvest opportunity for Federally-qualified subsistence
45 users from Ninilchik. Regulatory conflicts with
46 community gillnet fishery would remain, such as chinook
47 harvest outside of chinook season and harvest of
48 rainbow trout and Dolly Varden 18 inches or greater and
49 Federal and State riverbank closures. New regulatory
50 conflicts would be created by allowing fishing for

1 sockeye salmon, pink salmon and coho salmon outside of
2 seasons currently listed in regulation.

3

4 OSM's preliminary conclusion is to
5 oppose Request 1. The expansion in fishery dates in
6 this section would not fix current regulatory conflicts
7 with harvest of chinook salmon outside of their season,
8 harvest of rainbow trout and Dolly Varden 18 inches or
9 longer and Kenai National Wildlife riverbank closure
10 areas. It would, instead, create additional regulatory
11 conflicts with current season dates provided for
12 salmon.

13

14 Request 2 proposes to make OSM the
15 issuer of the registration permit for the fishery.

16

17 Points to consider.

18

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

31

32 OSM's preliminary conclusion is to
33 oppose Request No. 2.

34

35 The Board delegates its authority to
36 agency field officials so that decisions can be made --
37 decisions can be more responsive to the needs of in-
38 season management to address conservation and safety
39 concerns at a local level. Administering the fishery
40 through OSM and the Board would not likely provide for
41 responses that are as timely as possible through the
42 in-season management structure.

43

44 Request 3 proposes to replace the
45 operational plan requirement of the fishery with
46 specific permit conditions.

47

48 Points to consider.

49

50 The Board adopted Proposal FP15-10 to

1 authorize the community gillnet fishery on the Kenai
2 River with the requirement of an improved operational
3 plan to address any outstanding conservation concerns
4 and logistics of the fishery prior to the
5 implementation each season. Replacing this requirement
6 with static permit conditions would reduce the burden
7 on the proponent prior to, during and following the
8 fishery each year. This change would decrease the
9 potential for collaboration between the proponent and
10 the Federal in-season manager about important issues
11 related to the fishery prior to the start of the annual
12 season. The change could limit the ability to address
13 issues related to distribution of fish to residents of
14 the entire community, safety concerns and other
15 relevant topics.

16
17 OSM's preliminary conclusion is to
18 oppose Request 3.

19
20 The Board required an operational plan
21 for this fishery to address conservation concerns and
22 logistical issues prior to the start of the fishery
23 each year.

24
25 Request 4 asks to name the Ninilchik
26 Traditional Council as the fishery coordinator in
27 regulation.

28
29 Points to consider.

30
31 Naming NTC as coordinator of the
32 community gillnet fishery may discourage Federally-
33 qualified subsistence users in Ninilchik that are not
34 associated with NTC from participating in the fishery.
35 This is essentially how the community gillnet fishery
36 was conducted during the brief experimental 2016
37 fishery.

38
39 OSM is recommending making this change
40 specifying NTC as the coordinator of the fishery for
41 Proposal FP17-09 during the five year experimental
42 period of the Kasilof River experimental community
43 gillnet with the intent to allow any concerns about NTC
44 organizing the fishery to be voiced or addressed prior
45 to determination on whether to make that fishery
46 permanent as the Kenai River community gillnet fishery
47 is not experimental in regulation and has no sunset
48 provision, no such mechanism is in place. Identifying
49 an organization in regulation for this fishery would
50 close the opportunity of other organizations to submit

1 an operational plan for consideration. Any changes in
2 the management of the community gillnet fishery in
3 future years would require a proposal to the Federal
4 Subsistence Board.

5

6 OSM's preliminary conclusion is to
7 oppose Request 4. OSM believes that this issue should
8 be addressed for the experimental duration of the
9 Kasilof River community gillnet fishery prior to making
10 this change for the Kenai River community gillnet
11 fishery to ensure that there are no relevant reasons
12 not to make this change.

13

14 Request 5 proposes to remove the annual
15 report requirement.

16

17 Points to consider.

18

19 Removal would mean that much of the
20 information provided to the Federal in-season manager
21 and used to assess the fishery including persons or
22 households operating the gear, hours of operation and
23 number of each species caught and retained or released
24 would no longer be required of the proponent. This
25 would decrease the burden on the proponent during and
26 following the fishery each year. This would make the
27 task of assessing the fishery and its impacts to non-
28 target species more challenging. Information provided
29 in these types of reports helps to identify data gaps
30 and to set priority information needs for future
31 research.

32

33 OSM's preliminary conclusion is to
34 oppose Request 5.

35

36 Given the regulatory conflicts and
37 biological concerns that have been raised for this
38 fishery, OSM believes that any additional information
39 provided in an annual or post-season report would be
40 important for assessing the fishery and helping direct
41 future research.

42

43 Request No. 6 asks to add a required
44 permit condition that NTC will report all fish
45 harvested within 72 hours of leaving the gillnet
46 location.

47

48 Points to consider.

49

50 Specific reporting timelines are not

1 provided for this fishery in current regulation. A 72
2 hour reporting timeline would match the timeline in
3 place for the Kasilof River experimental community
4 gillnet fishery. This may require more effort on the
5 part of the proponent.

6

7 OSM's preliminary conclusion is to
8 support Request 6. Inclusion of the reporting timeline
9 in regulation would be consistent with the timeline for
10 the other community gillnet fishery available to the
11 residents of Ninilchik.

12

13 Request 7 proposes to establish a
14 collective process through which NTC and the
15 Southcentral Council are informed and consulted prior
16 to any potential closures or other actions by the
17 Federal in-season manager.

18

19 Points to consider.

20

21 Statutory constraints outlined in the
22 Federal Advisory Committee Act dictate the necessity
23 for convening a publicly noticed Council meeting for
24 the Council to make a recommendation regarding the
25 fishery. The current structure of Title VIII only
26 provides that the Councils make recommendations to the
27 Board, not to a person with delegated authority.
28 However, consultation with Council Chairs, not the
29 Council as a whole, is part of the regulatory process
30 in place for special action requests. The creation of
31 a collaborative decisionmaking process prior to
32 initiating action on the fishery would give the
33 proponent a greater influence over management than they
34 currently have. If consultation with the entire
35 Council is desired, the timeframe required to convene a
36 Council meeting would likely render the Council's
37 involvement ineffective for in-season management
38 decisions. The intent of the delegation of authority
39 is that subsistence management by Federal officials be
40 coordinated with the Alaska Department of Fish and Game
41 and Regional Advisory Council representatives. While
42 operating under delegated authority from the Board, the
43 Federal in-season manager is obligated to engage in
44 tribal consultation consistent with the Board's
45 government-to-government tribal consultation policy.
46 However, an exemption from this policy for in-season
47 management decisions may prevent consultation during
48 the fishery season.

49

50 Additionally, current regulations allow

1 fishing during the specific time period, July 1 through
2 31, unless closed or otherwise restricted by Federal
3 special action and state that fishing for each salmon
4 species will end and the fishery will be closed by
5 Federal special action prior to regulatory end dates if
6 the annual total harvest limits for that species is
7 reached or superseded by Federal special action. These
8 restrictions and closures by Federal special action are
9 not provided in any proposed regulation.

10
11 OSM's preliminary conclusion is to
12 oppose Request 7. The Federal in-season manager via
13 delegated authority from the Board is required to
14 perform notification/consultation with affected
15 Regional Advisory Council members and engage in
16 government-to-government consultation with affected
17 tribes. Additional regulatory language is unnecessary.
18

19 If the proposal is not adopted the
20 Kenai River community gillnet fishery would continue to
21 be administered as originally adopted by the Board in
22 2015 and stipulated in Federal subsistence regulations.
23

24 So, in summary, Request 1 proposes to
25 alter the dates of the community gillnet fishery from
26 the current June 15 to August 15 dates to an expanded
27 May 1 through November 15 timeframe and OSM's
28 preliminary conclusion is to oppose this request.
29

30 Would the Council like to -- we had
31 talked about creating a period here where the Council
32 would have informal discussions on each of the requests
33 here if they would so choose, that wouldn't be action
34 on the request.
35

36 MS. CAMINER: Comments, but we should
37 also Tom and Mary Ann if they have questions.
38

39 ACTING CHAIR MS. STICKWAN: Are there
40 any questions from Tom or Mary Ann on the phone.
41

42 (No comments)
43

44 MS. CAMINER: I have a question.
45

46 ACTING CHAIR MS. STICKWAN: Judy has a
47 question. Someone's on the phone, someone answered.
48 Mary Ann.
49

50 MS. MILLS: Yes, this is Mary Ann

1 Mills. I have been trying to email a copy of the
2 resolution the Kenatzie Tribe for the community gillnet
3 fishery for Ninilchik and we do support that.

4

5 You know I just feel that there's a
6 lack of scientific evidence that, you know, shows that
7 this type of fishery would harm the species or the
8 habitat. I'm very surprised and happy with the way
9 that Ninilchik has done their research, has worked with
10 managers, has worked with this Council and the other
11 user groups. And it would really be unfortunate to use
12 misinformation, you know, one that being we're going to
13 -- people's idea that Ninilchik wants to put a net
14 across the Kenai River is one thing that was brought in
15 its presentation that they have no intention of doing.
16 And as a Council member, ANILCA is our golden rule, and
17 ANILCA is for the best interest of the subsistence
18 user. And I don't feel the best interest of the
19 subsistence user is.....

20

21 ACTING CHAIR MS. STICKWAN: Mary Ann.

22 Mary Ann.

23

24 MS. MILLS:is.....

25

26 ACTING CHAIR MS. STICKWAN: You need to
27 focus on the analysis.....

28

29 MS. MILLS: Yes.

30

31 ACTING CHAIR MS. STICKWAN:that
32 was given.

33

34 MS. MILLS: Oh, I'm sorry. Let me look
35 on my notes here. Can you please tell me what page
36 that is on the analysis, I have.....

37

38 ACTING CHAIR MS. STICKWAN: 234.

39

40 MS. MILLS: 234.

41

42 ACTING CHAIR MS. STICKWAN: It begins
43 on 234.

44

45 MS. MILLS: Okay. Then I'll make my
46 comments -- let me gather my thoughts and I'll let
47 somebody else comment and then I'll come back.

48

49 Thank you.

50

1 ACTING CHAIR MS. STICKWAN: We'll let
2 Judy speak now.

3
4 MS. CAMINER: Thank you Madame Chair.
5 I have a general comment, and then my assumption is
6 we're going to go through comments from the public, et
7 cetera, and then we, as the Council, will go through
8 each of these seven points. And my general comment is,
9 this is a very complex proposal, and as are several of
10 the others, and I believe it would have been a lot
11 easier for us if they could have been perhaps broken
12 down into a couple different proposals. It's very hard
13 for us to just say yes or no on any of these because
14 they have so many different parts. So I don't know if
15 you consulted at all with the proponent to see if there
16 was another way to show this so that the analysis would
17 have been easier for everybody to grasp. And I really
18 have the same question for all the proposals but this
19 is the only one we're discussing right now.

20
21 MR. AYERS: Through the Chair. Yes,
22 we, in hindsight, agree that there's a lot going on
23 here and have had some internal discussions on way to
24 proceed in the future so that we don't end up with
25 quite so much on the table at one point in time so we
26 can possibly break these down in a different way.
27 Obviously we haven't done that for this case, but we're
28 looking through it.

29
30 ACTING CHAIR MS. STICKWAN: Go ahead.

31
32 MS. CAMINER: One other short comment,
33 maybe I didn't hear correctly. But I thought at one
34 point you mentioned, well, this pretty much changes the
35 whole regulation that's existing and if people wanted
36 to do that they need to put in a proposal to the
37 Federal Subsistence Board but that's what this is, so
38 maybe I didn't hear that right.

39
40 MR. AYERS: Through the Chair. Yes,
41 actually what I was saying was that if this is adopted
42 in full, all seven parts, then it would be a complete
43 revision of the section that's currently in place for
44 this fishery.

45
46 MS. CAMINER: So do you want to ask if
47 there was any consultation.

48
49 ACTING CHAIR MS. STICKWAN: Was there
50 any consultation with the tribes or ANCSA corporations

1 -- no, not yet, sorry. Donald Mike.
2
3 MR. MIKE: Well, thank you, Madame
4 Chair. Consultation with tribes and other groups
5 hasn't begun yet so after the Council meetings are
6 completed I think we will have consultation and then
7 have a report for the Federal Subsistence Board.
8
9 Thank you, Madame Chair.
10
11 ACTING CHAIR MS. STICKWAN: Why is it
12 on here after this then.
13
14 MS. CAMINER: So if anybody else on the
15 Council has questions for him or else we can go to
16 agency comments.
17
18 ACTING CHAIR MS. STICKWAN: We'll go to
19 agency comments.
20
21 Fish and Game, I guess, is on there.
22
23 MS. CAMINER: Fish and Wildlife.
24
25 ACTING CHAIR MS. STICKWAN: No, I'm
26 just following -- I'm just following this card here, it
27 says Fish and Game first, so.....
28
29 MR. MIKE: You can skip over here, we
30 haven't had that yet, so skip No. 2, okay.
31
32 ACTING CHAIR MS. STICKWAN: Fish and
33 Game.
34
35 MS. KLEIN: Good afternoon, Madame
36 Chair -- or Madame Chair for this session. Council
37 members. My name is Jill Klein. I'm with Alaska
38 Department of Fish and Game and I'm here to share
39 comments on Proposal 17-10.
40
41 Just a few comments. We do share some
42 of the concerns that were raised similar to what you
43 just heard in the OSM analysis in Option 2. Some of
44 the pieces that we talked about were the dates, that,
45 while this year we were pleased to see the results of
46 the gillnet fishery there could be different
47 circumstances in the future, especially with a longer
48 season.
49
50 We do like within the delegation of

1 authority letter that it talks about coordination with
2 the Alaska Department of Fish and Game and we'd like to
3 see that continue through the delegation of authority
4 letter or some other mechanism, if it's through the
5 Federal Subsistence Board special actions.

6

7 And we do like the, I guess, similar to
8 the Kasilof, there are specific permit requirements or
9 parameters, and structure and we'd like to see whatever
10 is in place, if it's through the delegation of
11 authority letter or permit requirements, that there's
12 more structure and parameters to the operation of the
13 fishery.

14

15 And I guess, in closing, just
16 regardless of the mechanism that the Federal
17 Subsistence Board or the RAC support and ends up
18 choosing in terms of how to operate the fishery, you
19 would support a collaborative effort, again, that
20 fosters groups working together with the Federal
21 Subsistence Board, the State and Ninilchik Traditional
22 Council or whoever in the future might operate the
23 fishery.

24

25 Thank you.

26

27 ACTING CHAIR MS. STICKWAN: I guess I
28 have a procedural question. Are you finished. Are
29 there any questions.

30

31 (No comments)

32

33 ACTING CHAIR MS. STICKWAN: I have a
34 procedural question, why are we not doing tribes and
35 ANCSA Corporations. It's on this card here, I'm
36 following this card, I'm sorry I haven't Chaired this
37 before and I -- I'm sorry, it's here. It's here.

38

39 MS. CAMINER: Yep after Federal
40 agencies, then tribes.

41

42 MR. MIKE: Madame Chair. The tribal
43 consultation process hasn't begun yet so once these
44 Council meetings are done, our Native Liaison, Mr.
45 Orville Lind, will continue the tribal consultation
46 process, and I'm sorry if we had it on our cheat sheet
47 but to expedite the matters we can skip No. 2 and we
48 will have a report on tribal consultation at the
49 Federal Subsistence Board.

50

1 Thank you, Madame Chair.

2

3 ACTING CHAIR MS. STICKWAN: Everybody
4 will have to bear with me, this is new to me and I'm
5 (indiscernible) village.

6

7 MS. CAMINER: Why don't you just say
8 next we'll be asking Federal agencies and then maybe
9 the tribe.....

10

11 ACTING CHAIR MS. STICKWAN: Okay. Next
12 I'll be asking Federal agencies, Native and then after
13 them tribal and village and others and InterAgency
14 Staff Committee.

15

16 So next we have Federal agencies.

17

18 MR. ANDERSON: Good afternoon, Madame
19 Chair. RAC members. For the record my name is Jeff
20 Anderson, Field supervisor at the Kenai Fish and
21 Wildlife Conservation Office in Soldotna. I'm the
22 Federal in-season manager for Cook Inlet Federal
23 subsistence fisheries. And I'd like to just, you know,
24 thank the Office of Subsistence Management for their
25 review and analysis of this proposal.

26

27 I would just like to add some more
28 information on the points to consider for issue No. 1
29 extending the dates of the fishery and I'd like to
30 speak to the biology that's going on during some of
31 those dates if they're extended.

32

33 I think the earlier date starting on
34 May 1st would overlap with a primary -- the peak
35 spawning time for rainbow trout in the Kenai River.
36 Below Skilak Lake is one of the most important spawning
37 areas for rainbow trout in the system and others may --
38 May and -- May and early June are the prime spawning
39 period for those species.

40

41 Again, chinook salmon actually spawn in
42 the mainstem Kenai River starting in late June, early
43 July and, you know, I think the peak for mainstem
44 spawners according to recent Department -- Alaska
45 Department of Fish and Game is in mid to late August
46 and I think they would continue to spawn through early
47 September and into September. Sockeye salmon, you
48 know, the dates of -- extended dates of the fishery
49 would overlap with sockeye salmon spawning below Skilak
50 Lake as well. And even running into November would

1 overlap with when coho salmon are actually spawning in
2 the Kenai River.

3

4 And I think we're on record with our
5 other proposals and our other information that we don't
6 think fishing a gillnet in areas where fish are
7 actively spawning is a good thing to do for long-term
8 conservation.

9

10 Thank you.

11

12 ACTING CHAIR MS. STICKWAN: Any
13 questions. Is there anyone on the phone.

14

15 Judy.

16

17 MS. CAMINER: I guess given how the
18 fishery went this summer, are those dates, times where
19 it can be done successfully, from what you saw.

20

21 MR. ANDERSON: Again, I guess if the
22 question is for the -- how last year's fishery would or
23 could be repeated in the future and I guess part of
24 that, I have a longer response and what I know as a
25 biologist, again, you know, chinook salmon start to
26 enter the Kenai River in May and, you know, fish are
27 actually spawning in the mainstem, start arriving in
28 the Kenai River in mid-June and they're establishing
29 site fidelity, net area above the Soldotna bridge up to
30 the Moose River as early as late June, so June 21st, I
31 think June 28th for a couple of the different days --
32 if you could bear with me for a second, I'll flip to my
33 notes for the different -- for the other proposal. But
34 there are actually -- as a biologist, there are chinook
35 salmon in the river in the Moose Range Meadows area
36 spawning in the time when Ninilchik fished the net last
37 year. They didn't encounter any -- but there are --
38 there are fish that are in the river and spawning in
39 that stretch of river during that timeframe.

40

41 MS. CAMINER: One more question,
42 please.

43

44 ACTING CHAIR MS. STICKWAN: Go ahead,
45 Judy.

46

47 MS. CAMINER: Thank you, Madame Chair.
48 I guess, well, when you went there to look at the
49 operation, is there any suggestions you can make on how
50 to improve it or changes that could be made that would

1 avoid catching spawning salmon -- spawning chinook,
2 excuse me.

3

4 MR. ANDERSON: I guess I'm not really
5 prepared to answer that question right now, it would be
6 a little bit later.

7

8 MS. CAMINER: Thank you.

9

10 ACTING CHAIR MS. STICKWAN: Go ahead.

11

12 MR. MCLAUGHLIN: Yeah, through the
13 Chair. Do you imagine if -- they fished, what July 1st
14 through the 31st, is that correct, this past time, in
15 2016.

16

17 MR. ANDERSON: No, I think the dates of
18 the fishery were July 28th through August 15th.

19

20 MR. MCLAUGHLIN: So what if they fished
21 -- if you were to speculate, what if they fished two
22 weeks prior to that, plus that, and two weeks after
23 that, do you think they would meet their, what is it,
24 4,000 red salmon goal in that short period of time.

25

26 MR. ANDERSON: I think the 4,000 fish
27 is a harvest limit that's been established for all
28 Federal subsistence fisheries for sockeye salmon in the
29 Kenai River not just for Ninilchik residents, so 4,000
30 fish limit for all communities and all fisheries.

31

32 MS. MILLS: Madame Chair. I have my
33 hand raised, Mary Ann Mills.

34

35 ACTING CHAIR MS. STICKWAN: Go ahead,
36 Mary Ann.

37

38 MS. MILLS: You know I'd also like to
39 hear how Ninilchik feels about these options. You know
40 it just seems like they do have a way of counting fish,
41 of making sure, you know, that they're catching
42 primarily sockeye and when I read the regulations I
43 thought that they were qualified for all of the
44 different species but the problem with the coho, you
45 know, I do understand that coho is a (indiscernible)
46 fish. But my question is with the way that Ninilchik
47 is doing their reporting and working with the -- are
48 trying to work with the managers and it seems if there
49 was a problem it could have immediate results. The
50 reporting is every 72 hours and they said that they are

1 reporting every day and so, you know, I'd like to just
2 hear what maybe Ivan Encelewski has to say about these
3 different options and I think I could glean more
4 information that way, you know, recognizing ANILCA
5 subsistence is very important.

6

7 So that's my comment.

8

9 ACTING CHAIR MS. STICKWAN: Thank you.

10 Any other comments.

11

12 (No comments)

13

14 ACTING CHAIR MS. STICKWAN: So we could
15 move on to tribal village, others.

16

17 MR. ENCELEWSKI: Thank you, Madame
18 Chair. My name is Ivan Encelewski. I'm the executive
19 director for the Ninilchik Traditional Council, also
20 Federally-qualified subsistence user from Ninilchik.

21

22 We want to, obviously bring Sky in here
23 to make some comments regarding our proposal.

24

25 The first thing I would say is that I
26 would remind the RAC, the RAC has always, previously
27 unanimously supported the gillnet in the Kenai River
28 and I think what we've done is nothing more than to
29 reassure you that this can be done in a conservation
30 minded way. And so what we're asking here today is to
31 really kind of liberalize a few things, but also do it
32 in a way that makes it a little bit, not only preserves
33 conservation measures, but allows us more of the
34 flexibility to implement this fishery.

35

36 A little bit on the RFRs, because
37 you've heard the proposals are -- or the recommendation
38 is to either defer or to consider with mostly
39 opposition. We would be against deferring the proposal
40 based on the fact that the RFRs have been in the
41 process for a year and a half. We don't think that the
42 Subsistence Board taking a couple of years to deal with
43 an RFR should somehow hinder or prosecute against us,
44 as subsistence users, to move us forward and so, again,
45 I'd remind everybody that what we're talking about is
46 almost a zero harvest, one chinook. When we talk about
47 conservation concerns on zero harvest, it's an
48 oxymoron. I'm sorry but that's just what it is.

49

50 We need this proposal and the reason

1 why that we proposed this was to move the process
2 forward. And we're not here -- we think we're in a
3 good position of moving forward to work with, you know,
4 not only the State and the Feds and we appreciate the
5 opportunity to work with the new Regional Director and
6 we think that there's good positive movement forward
7 but the reality is, is that, as you know, the last two
8 years, the Federal US Fish and Wildlife Service refused
9 to issue an operational plan and the reason why we were
10 able to fish was because of this special action
11 request and so that's one of the reasons why we
12 originally submitted this proposal, was because US Fish
13 and Wildlife Service would not implement the regulation
14 that was approved by the Federal Subsistence Board.
15

16 So basically what's kind of, I guess,
17 concerning in the analysis for us, when we look at
18 these different bullet points and moving this forward
19 is, is that, so for two years now with US Fish and
20 Wildlife Service refusing to issue an operational plan,
21 basically the OSM analysis is to go back to square one
22 and the definition of insanity is doing the same thing
23 over and over and expecting a different result. So if
24 you want us to go back to, you know, having the US Fish
25 and Service approve an operational plan, which they
26 said they wouldn't, in the past, and I'm speaking, you
27 know, like I say, I think there's a good bright future
28 and I think there's positive movement moving forward
29 but we have to deal with what we have right now and
30 what the experience has been.
31

32 This has been going on for 15 years,
33 actually. The first time we submitted the proposal for
34 a fishery was in 2001 for a C&T. The Federal
35 Subsistence Board deferred that for years, just to do a
36 study on the idea of subsistence for Ninilchik, so this
37 has been going on a long time and we don't think that
38 we should be stymied by the inability of the Federal
39 process to move forward in a timely manner. I think
40 we've been waiting, you know, 15 years and I think
41 that's long enough to see this move to fruition.
42

43 I won't reiterate the numbers. As you
44 know we've shown that we can harvest -- there was 723
45 harvested, one chinook, two Dollys released and so,
46 really, what you're going to hear, is a lot of
47 testimony or a lot of things about all these
48 conservation concerns, conservation concerns and, yet,
49 that proof is in the pudding, so to speak, and the
50 reality shows that this is not a conservation concern,

1 what we've been saying for years and years and years.
2 So we attacked this on a two front, not only do we have
3 the anecdotal and empirical evidence, like I said
4 earlier in our report from the tribe, is that we've
5 hired a doctorate level expert scientist to review
6 these data samples and these studies and the biological
7 evidence in the river to refute some of these concerns
8 that are being used against us for this fishery, which
9 I kind of described.

10
11 You know one of the things that, you
12 know, kind of gets lost in the translation, too, is
13 that, you know, this is an area where we're gillnet
14 fishing, where, and I think we showed from the video,
15 that ongoing fishing is already occurring, you know,
16 sportfishing is occurring in the same spot, as you can
17 see in the video and the pictures, there's
18 sportfishing, back trolling in the areas for chinook,
19 so they're directly harvesting chinook. They're taking
20 over 6,000 chinook in the Kenai River under
21 sportfishing and we take one and here we are talking
22 about conservation, conservation, conservation and this
23 is not a complex issue in our opinion. It really
24 isn't. And I'll explain a little bit and kind of go
25 through some of our issues.

26
27 So I want to go through a little bit on
28 what I think what we envision for moving this process
29 forward and why I say that this is not a complex issue.
30 Is because the first thing that we would propose to
31 this RAC would be to under Issue 1, where it talks
32 about the season dates being out of compliance
33 essentially with the individual regulations for each
34 species, we would request a modification to amend the
35 season to June 15th through September 30th, and that
36 would eliminate the concerns, not only the regulatory
37 concerns that OSM has, which would be in conflict with
38 the separate regulations for the species, but it would
39 also provide any early run chinook protections or, as
40 Mr. Anderson just testified, that the resident species
41 concerns in May in spawning grounds, rainbows. So that
42 would be, I think, not only -- certainly if there's an
43 opportunity in a regulation to allow fishing in the
44 fisheries from June 15th to September 30th, why
45 wouldn't we be allowed to fish our community gillnet in
46 those same timeframes. So I think that would address a
47 lot of the concerns, you know, as far as Issue 1.

48
49 Issue 2. When we talk about the
50 issuance of a registration permit, Really what we feel

1 -- what we want to see, and I guess from just a
2 layman's perspective, we want to see that this process
3 is streamlined so that this fishery isn't kind of
4 stymied over the years about these purported
5 conservation concerns, and so we want it to essentially
6 be like, why is there a higher burden, you know, higher
7 standards of proof, more reporting requirements, more
8 restrictions for subsistence users who have a
9 preference under ANILCA than say for sport and other
10 fisheries. And so our vision of this is just like when
11 you go in as a State sportsfisherman, you walk in, you
12 get a license, you look at the regulations, the
13 regulations say you can get X number of fish in a
14 certain area with X number of methods and means, and
15 that's what we're trying to get done here. You know,
16 this idea that the OSM doesn't have the time or the
17 effort to print one permit, I mean that's really what
18 we're asking for, to print out a registration permit
19 and then allow us to go under parameters which would be
20 identified.

21
22 Moving to Issue 3. We would ask that
23 the Board, or the RAC consider adding some language to
24 the proposed measures of the fishery so that those
25 conservation concerns could be addressed directly in
26 regulation. And so, you know, when it talks about this
27 operational plan, which unfortunately for the last two
28 years hasn't worked, then we would say, why don't we
29 provide restrictions of those conservation
30 opportunities in the regulation itself. And so things
31 that we could add would be, you know, like a single 10
32 fathom net, five and a quarter inch mesh with a new,
33 you know, June 15th to September 30th, one setnet, you
34 know, anchored to the bank and we would be willing to
35 provide trigger mechanism for early run chinook, like
36 no more than 100 early run chinook and no more than 200
37 late run chinook are harvested in the gillnet fishery;
38 no more than say 100 rainbows and no more than 200
39 Dolly Varden would be allowed to be encountered in the
40 fisheries. So when you place that in regulation, then
41 we, as a subsistence user, for the community could go
42 in get a registration permit each year that says you
43 have this, here it is and then here's the regulations.
44 Now, we can get into the analysis and more scientific
45 biological information here in a bit, but, you know,
46 our allocation, I think has been referenced at about
47 one percent, you know, when we're talking say about 100
48 kings out of the allocation of, you know, 6,000 some
49 hundred that they're taking in the sportfishery, 6,000
50 in commercial fishery between, you know, the optimum

1 escapement goal, there was over 9,000 some odd fish
2 escaped in the early run which exceeded the optimum and
3 the sustainable escapement goals. So if you put those
4 limits within the regulation you're providing the
5 conservation measures already that allow for this to
6 just simply move forward and that's what we want. We
7 all want conservation, but we also want to provide a
8 subsistence preference for subsistence users.

9

10 And so that's kind of the idea.

11

12 We can go into, you know, the Issue 4
13 as designating NTC as the permitholder. There's no one
14 that's ever been in the community that's ever requested
15 for the permit. And I think I mentioned earlier when I
16 said, you know, jokingly, if there's another
17 organization that wants to spend tens of thousands of
18 dollars to implement this and just bring the fish to
19 us, go for it.

20

21 MS. MILLS: Yes.

22

23 MR. ENCELEWSKI: The fact of the
24 matter is, is that, as you can see from the analysis
25 and the reporting and all the work that we've put into
26 it, it is a huge, huge ordeal. Not once have we ever
27 had anyone in the community come and express any
28 interest. They do this on the Kuskokwim. In fact,
29 Jeff gave a copy of the permit that they issue directly
30 to the organization and it's being recommended on the
31 Kasilof, what's good for the goose is good for the
32 gander, it would certainly be good for the Kenai. It
33 would streamline things for us.

34

35 On the issue of the annual report
36 requirement, you know, that's really not a hang up here
37 or there, but you got to keep in mind we have daily
38 reporting requirements, or 72 hour reporting
39 essentially now that's being proposed, we have users
40 individually reporting 24 hours, so that's duplicative
41 there, and then you have a final report. We're happy
42 to provide reports and information and I think it's
43 evident this morning of our testimony and in our
44 presentation that we do a lot of work to provide the
45 scientific, biological, the history and what not, but
46 why do we have such higher burden requirements for
47 subsistence users. Sportfishermen that go out and get
48 their fish everyday are not required to provide annual
49 reports, 47 page reports, it's just -- it's just kind
50 of, you know, Issue 6 there's no issue, we're actually

1 proposing more conservation measures by adding in a
2 trigger to make sure that we report within 72 hours.

3
4 Issue 7 they claim is moot, and it may
5 be because it's already a requirement, but, you know,
6 we would always like to see, you know, how that can
7 actually make sure that that's implemented.

8
9 So that kind of really gets down to
10 what we're requesting in this proposal, is a mechanism
11 whereby we can keep conservation but also make it
12 streamlined for subsistence users to just go out and
13 get our fish. And if we have an allocation that's less
14 than one percent regardless of the, you know,
15 escapement goals and the status of chinook, we've
16 proven that we don't take chinook and resident species
17 for the period of time that we fished and it's highly
18 unlikely if you put trigger mechanisms in there that
19 would close the fishery. So we're certainly open to
20 that.

21
22 One of the issues that's kind of come
23 up is, is that, you know it talks about the mainstem
24 spawning. Mainstem spawning is kind of this big issue
25 that -- biological concern that keeps coming up with
26 some of the people that are concerned. I think first
27 of all it proves that when you catch one chinook in a
28 matter of, you know, 16 days of fishing it's obviously
29 not a huge area for spawning. And, two-fold, if you
30 look at the actual biological and scientific evidence
31 that Dr. Ruggeroni did, you know, fishing near spawning
32 grounds is not unique to subsistence fishermen because
33 sport fishermen are doing it, they're doing it right
34 outside the buoy. But if you look at some of the
35 studies that the State's done, the Burgler (ph) study
36 in 1985, they radiotagged (indiscernible) 42 tagged
37 chinook salmon and only 19 percent of the total spawned
38 between River Mile 21 and River Mile 40. So basically
39 in the analysis of that -- the studies that have been
40 done, the data indicate that the proposed subsistence
41 fishing operation would potentially only incur
42 approximately five percent of mainstem spawners,
43 assuming that the entire four mile reach was fished
44 during the entire spawning period. So in reality we
45 keep talking about mainstem spawning, mainstem spawning
46 concerns, the mainstem spawners is minuscule in the
47 grand scheme of things. And then when you further do
48 an analysis of the data from the fishery studies, the
49 Ramer (ph) study in 2013, you can see that the areas by
50 river mile where the mainstem spawning occurs is

1 actually some of the lowest area in the river is
2 exactly where our fishery is, in the River Mile 26 to
3 28, you can see on the graph that it's biologically,
4 and from a scientifically study, the mainstem spawning
5 according to the Ramer study is very low in this area.
6

7 So I know there's a lot of things that
8 we'll be talking about. I mentioned this morning, you
9 know, about selectivity of gillnets, the scientific
10 data on that. Gillnets are a selected measure and I
11 don't think there's a, you know, it's hard to argue
12 with some of the scientific evidence that's been
13 produced there.
14

15 But at this time I guess I'll just turn
16 over to Darrel or Sky, who want to say a few things and
17 touch on some more questions.
18

19 Go ahead.
20

21 MR. WILLIAMS: Madame Chair. Members
22 of the Board. My name is Darrel Williams. I work for
23 Ninilchik Traditional Council as you know.
24

25 You know, Ivan did a really great job
26 of covering things, there are a few more things I'd
27 like to be able to add to this. The position of the
28 tribe, one of the things that we were a little
29 concerned about when we were looking at this, is how
30 these proposals were framed this year. For example, we
31 have a proposal that we submit and then all of a sudden
32 we have issues.....
33

34 ACTING CHAIR MS. STICKWAN: Darrel.
35

36 MR. WILLIAMS: I'm sorry.
37

38 ACTING CHAIR MS. STICKWAN: Is this
39 your testimony or.....
40

41 MR. WILLIAMS: It could be. I was
42 going to represent the tribe. Is that okay?
43

44 ACTING CHAIR MS. STICKWAN: Can you
45 represent the tribe and get this later.
46

47 MR. WILLIAMS: I'm sorry, I didn't.....
48

49 ACTING CHAIR MS. STICKWAN: Because you
50 were going to represent the tribe and give your own

1 testimony later or.....

2

3 MR. WILLIAMS: Yes. I could give my
4 own personal representation. I think that's something
5 -- and the reason I filled out the form that way is
6 because I do work for the tribe but I am a Federally-
7 qualified rural resident.

8

9 ACTING CHAIR MS. STICKWAN: Okay.

10

11 MR. WILLIAMS: Okay.

12

13 ACTING CHAIR MS. STICKWAN: Okay.

14

15 MR. WILLIAMS: Okay. So back to the
16 framework of the discussion. It's interesting because
17 there's this ongoing theme that keeps coming up about
18 how complicated this really should be and this
19 shouldn't be complicated. It's a proposal. It's been
20 going on for 15 years and all we do is we keep making
21 it harder and harder and harder. And there is no
22 reason for it.

23

24 When we were trying to put together
25 timeframes, we tried to express through our fishing
26 reports and stuff that we really do try to do our
27 homework.

28

29 For example, when we started talking
30 about this idea of the biology and different things
31 that was happening in the river, having fished the
32 rivers and those results, I think, are indicative of
33 what's happening in that area. The idea of a
34 population of rainbow trout residing in that area
35 either says one of two things. Our net is working
36 selective, as we thought it would and we provided the
37 information to show that it would, or they're not
38 there. One of two things were happening. And I think
39 sometimes we've been over cautious because there has to
40 be a threshold at some point of time where you can
41 actually catch fish. All of the salmon are going up
42 the stream to spawn, not just some of them, not just
43 the ones in the mainstem, all the salmon are going up
44 to spawn and we're trying to catch salmon. So I think
45 maybe we need to be able to establish the limits of
46 what that is. There's also this idea of putting a
47 number sign on what the subsistence harvest should be.
48 And in this context that's been assembled by OSM, you
49 know, for example, we're talking about 4,000 sockeye,
50 right, well, we have 900 people in the community, and

1 they're each allowed to have 25 fish as the head of
2 household, so who gets these fish. What if we catch
3 4,000 fish for the families and there's somebody who
4 didn't get fish, do they not get fish. So are we going
5 to say subsistence eligibility is based on allocation
6 because I'm not aware of a subsistence allocation for
7 Ninilchik. I know there's a commercial allocation and
8 I know there's a sports allocation, right, but there's
9 not a subsistence allocation. What we have and what
10 we've spent years working on was the household
11 allocation. For example, for sockeye it's 25 fish for
12 the head of household and five fish for each additional
13 family members, them's the rules. And if it goes
14 beyond this idea -- or why are we setting a number on
15 it, that's one the questions, same thing, I think we
16 need to be careful about how we frame this kind of
17 stuff because I think that's the Board's position to be
18 able to make recommendations and different kinds of
19 proposals, I don't know if it's -- I think we need to
20 be aware of this when it comes from OSM and I'm still
21 very very disappointed in their five to 98 percent
22 mortality with gillnets that's listed in here. And I
23 would ask them in the future when they're going to cite
24 that they've reviewed 13 articles, those 13 articles
25 need to be in the references.

26

27 That's all I have.

28

29 Thank you.

30

31 MR. ENCELEWSKI: I just want to follow
32 up. One quick thing there, a couple of things to
33 follow up on.

34

35 You know, getting back to the issues,
36 because it always seems to come back to, you know,
37 we're going to get mired down in conservation,
38 conservation over zero harvest. And one of the things
39 that if you look at resident species, seems to be a big
40 concern to, really the two issues that keep getting
41 brought up are early run chinook and resident species
42 and, you know, if you look at the analysis of Dr.
43 Ruggeroni and some of the scientific -- during 2004 to
44 2008 there was approximately 159,883 trout were caught
45 by sportfishermen in the Kenai River on average and
46 2,841 trout were harvested and that's according to the
47 Esklin (ph) and Evans 2013 studies, so based on the US
48 Fish and Wildlife Service's reported catch and release
49 mortality rate for rainbow trout for the Kenai River,
50 which they estimate as one to three percent, these

1 values equate to an average mortality of 4,439 to 7,637
2 rainbow trout per year. That's 1,596 to 4,796 trout
3 killed from catch and release, plus the total harvest
4 of the 2,841 trout. So when you're talking about, here
5 we are again, talking about conservation on zero
6 harvest. We took zero rainbow harvest and yet there's
7 approximately another -- and that's the scientific --
8 that's the science behind it. The anecdotal
9 information based on the science is there was an
10 article written in the Alaska Dispatch News by John
11 Shandlemier, and I may have butchered that name, but it
12 was May 24, 2016 and he wrote, I would offer the Kenai
13 River rainbow trout fishery as an example of catch and
14 release mortality, The Alaska Division of Sportfish
15 stated that 78,000 rainbows were caught and released on
16 the upper Kenai. The resident rainbow population at
17 the time was estimated at 25,000, meaning, essentially
18 that every rainbow trout was caught and let go three
19 times.....

20

21 (Laughter)

22

23 MR. ENCELEWSKI:studies have
24 shown that the mortality rate for a released trout is
25 about five percent. So fishermen killed about 4,000
26 fish and never ate one. And here we're talking about
27 zero.

28

29 So what I don't want to do is get this
30 kind of, for lack of a better term, smokescreen of
31 conservation, for zero harvest and then say we can't
32 operate a fishery which we have shown to work and to
33 target sockeye.

34

35 MR. STARKEY: Good afternoon. I'll try
36 to be brief. My purpose is to simplify things, if
37 possible, because this whole thing has been made so
38 complex -- I don't know how long it took you all to
39 read through the regulations for Cook Inlet. But if
40 you were able to figure that out in less than five or
41 six hours you did a lot better than I did. It is
42 ridiculous. And if there is one good suggestion in the
43 analysis, is that, there does need to be a wholesale
44 cleaning out of regulations here.

45

46 So what happens is, this -- Ninilchik
47 wrote this proposal at a point in time when the Federal
48 system, not OSM, but the Federal lawyers essentially
49 were arguing number 1, that basically that the Fish and
50 Wildlife Service did not even have to respond to

1 Ninilchik's operational plan, they could just not do
2 anything and that was legal. Well, the judge told them
3 that wasn't right. And then they delayed and delayed
4 and they finally towards -- right before we finally
5 succeeded, completely foreclosed any possibility of
6 approving the plan. And there was a variety of reasons
7 for doing that, and a lot of them have to do with the
8 complexity of regulations, so every time there was an
9 ambiguous part of the regulations, a complexity, for
10 example, the regulation says, all rainbow trout, Dolly
11 Varden over 18 inches shall be released, not retained
12 and released. Well, Fish and Wildlife read that to
13 mean, that if even one died because it got released,
14 again, that fishery could not go ahead, even though
15 there's a huge mortality factor for catch and release
16 on these fish in the Kenai, and by huge I mean -- I
17 don't mean huge in the sense of trying to draw it out
18 of proportion but a lot more than one. So the reason
19 the proposal was written was because the tribe felt
20 very clearly that the Fish and Wildlife Service had
21 abused the trust and the discretion when Ninilchik
22 first the wrote the proposal, they thought that there
23 would actually be a good faith effort to try to
24 implement the operational plan when Ninilchik submitted
25 it and that did not prove to be the case.

26
27 Really, everything about this issue is
28 very simple. ANILCA says there should be a subsistence
29 priority. It says that if there's a conservation
30 concern, subsistence users are the last to be cut out,
31 not the first. So it's almost really inconceivable
32 that the operational plan was rejected for conservation
33 reasons at the same time that 6,000 chinook were being
34 caught by sportsfishermen. It really, really is just a
35 clear -- clearly inconsistent with the way we view
36 fishing rights in ANILCA.

37
38 So it's very simple. If there's a
39 priority for subsistence, if there is a conservation
40 concern you cut out the sportsfishermen first and that
41 goes for catch and release mortality, that goes for
42 every aspect of take. Fish and Wildlife Service
43 doesn't -- didn't acknowledge that way.

44
45 So the essence of Ninilchik's proposal
46 is to get away from the idea that in order for them to
47 be able to fish and avoid a special action request they
48 have to go through with the wide open discretion of
49 Fish and Wildlife Service.....

50

1 ACTING CHAIR MS. STICKWAN: Please mute
2 your phones please on line. Please mute your phones.

3
4 MR. STARKEY: So just the potential
5 that Fish and Wildlife Service abuses their power and
6 has wide open discretion to not approve an operational
7 plan based on a number of things.

8
9 Now, really what Ninilchik is asking is
10 quite simple.

11
12 The Federal Board, when they did the
13 special action request did exactly what Ninilchik's
14 proposing really. They said, here's the operational
15 plan. This is just what Ninilchik is asking for. The
16 operational plan says you can fish one net, here's
17 where you can fish it, here's how big the net can be,
18 here's the mesh size, here's your season and here's
19 your allocation for different fish. Not your
20 subsistence fish, but I think it said 50 chinook, you
21 could keep 50 chinook, and they said you could retain
22 rainbow and Dollys that you incidentally took. Very
23 simple plan. And it worked wonderfully. It didn't
24 have to be a 25 page operational plan. Ninilchik
25 distributed the fish in a wonderful way, no complaints.

26
27 So all Ninilchik is saying is, it
28 worked really well, this is exactly what the Federal
29 Board did, just shortcut this process, develop a
30 regulation that incorporates the permit process and
31 have a permit issued under the conditions that are laid
32 out in the regulation. This is a smooth process, it's
33 very consistent with the way other fisheries are
34 managed. What's not consistent is the way Ninilchik is
35 having to manage their fishery now.

36
37 There is another advantage to doing
38 this.

39
40 If the RAC recognizes this and
41 incorporates conditions into a permit into the
42 regulation, then it very clearly puts the RAC on the
43 record as saying we don't believe that the State bank
44 access restrictions apply to subsistence users. That's
45 not a permit condition. They do not apply here. Why
46 should a State bank closure that's there for
47 sportsfishermen impact what Ninilchik does. The
48 Federal Board rejected it, the RAC can reject it,
49 that's no longer an issue, doesn't have to go in front
50 of the Board every year.

1 Incidental take of rainbow trout and
2 Dolly Varden, again, if things stay the same way they
3 were last year, it'll be the exact same thing, Fish and
4 Wildlife Service saying we don't have the authority to
5 let you catch one fish, the RAC can take care of that
6 by building that kind of a harvest level into the
7 permit conditions.

8
9 Early run chinook. That issue can go
10 away by building it into the permit conditions.

11
12 Late run chinook. All these things can
13 be permit conditions and they're clear, the RAC has a
14 clear position and all these side issues, all these
15 distractions fall away and people are allowed to fish.

16
17 The other issue that the RAC really
18 needs to deal with here, within the context of this
19 proposal or another, is this idea of a 4,000 sockeye
20 limit on all the people, subsistence users that are
21 going to catch fish in the Kenai. I mean there's no
22 support for this. This was done in 2007. I'd love to
23 see the record for it. I mean, how did they come up
24 with 4,000 fish. And think about it, so let's say
25 Ninilchik has a good fishing season, say they catch
26 some fish to feed their community, right, let's say
27 they catch 2,000, let's say it's a really good season
28 for people in Hope and Cooper Landing, and they catch
29 2,000 before the end of the season, but somebody in one
30 of the communities is disabled, or they're sick and
31 they don't get around fishing until the end of the
32 season and the 4,000 limit is met, does that mean they
33 don't get any opportunity for subsistence, it's really
34 an incredibly absurd restriction, especially when the
35 size of the red run and the size of the catch is just
36 tremendous compared to this little amount for
37 subsistence so it should just be the household limits.
38 You have the household limits, however many people in
39 the community gillnet, that's how many fish they catch
40 for their households. And get rid of these kind of cap
41 allocations where they're arbitrary and make no sense.

42
43 Thank you.

44
45 ACTING CHAIR MS. STICKWAN: Are there
46 any other public testimonies.

47
48 MR. MIKE: Thank you, Madame Chair.
49 Let me interrupt real quick. Folks on line, please
50 mute your phone, either hit your mute button or star-

1 6, we're having background noise.

2

3 Mr. Tom Carpenter, are you still with
4 us on line.

5

6 MR. CARPENTER: I'm here.

7

8 MR. MIKE: Thank you. Do you have any
9 questions on the analysis or the presentations.

10

11 MR. CARPENTER: Not at this time.

12

13 ACTING CHAIR MS. STICKWAN: We'll move
14 on to other public testimony. Well, there's other
15 here.

16

17 MS. CAMINER: Agencies.

18

19 MS. MILLS: Madame Chair.

20

21 ACTING CHAIR MS. STICKWAN: Yes, Mary
22 Ann.

23

24 MS. MILLS: Yes, this is Mary Ann
25 Mills. I would like to ask a question of Mr. Anderson.

26

27 And I guess this could be true, I'm
28 just not throwing this for Anderson, but, you know, the
29 other State and Federal officials there, is why do you
30 think that less than five percent is too many fish for
31 the Cook Inlet subsistence fishery, and I also liked
32 what Sky said, too, about how the number was selected,
33 you know, and then if subsistence is supposed to be
34 provide for the family, I believe that's what ANILCA
35 intended, of course, to provide for the people in rural
36 areas, so my question is, why do you think less than
37 one percent is too many fish for the subsistence
38 fishery and why not increase the subsistence harvest.
39 I know the Kenaitze educational net is able to catch --
40 the people that fish it are able to catch 25 per head
41 of household plus 10 for each additional in the house,
42 and -- so that would be my question.

43

44 MR. ANDERSON: Through the Chair. This
45 is Jeff Anderson, Fish and Wildlife Service again for
46 the record. If I could clarify the question, Ms.
47 Mills, you're asking me why five percent of the harvest
48 is allocated to subsistence users or, is that what
49 I'm.....

50

1 MS. MILLS: No, my question is why do
2 the subsistence -- regulators feel that -- less than
3 one percent -- I know -- I thought it was actually .5
4 percent, half a percent, but -- (phone distortion) many
5 fish to allocate for the subsistence fishery in
6 the.....

7
8 MS. ANDERSON: This is Jeff. Again,
9 for the record, I'm not positive I understand the
10 question, if I hear you correctly, I think you're
11 referring to, you know, Ninilchik proposed the harvest,
12 I think 100 early run chinook.....

13
14 MS. MILLS: I believe less than -- yes,
15 less than one percent (indiscernible - phone
16 distortion) used to be -- quite a few years ago,
17 (indiscernible) or right around a half a percent, so my
18 question is, (indiscernible) or any other fishery, or
19 why there is this -- only one percent, such a small
20 allocation being provided for the subsistence user
21 (indiscernible - phone distortion).....

22
23 MR. ANDERSON: This is Jeff again, I
24 don't completely understand the question but I know the
25 harvest limits for Kenai and Kasilof River
26 (indiscernible - phone distortion) back in 2006 and
27 2007, through the RAC process and they identified 4,000
28 fish harvest limit for sockeye salmon (indiscernible -
29 phone distortion).

30
31 ACTING CHAIR MS. STICKWAN: Could you
32 please mute your phone.

33
34 MR. MIKE: Madame Chair. Let me
35 interrupt real quick. Folks on line, we're hearing a
36 lot of background noise, please put your phone on mute
37 or star 6. The background noise is interrupting the
38 discussion of the Southcentral Council meeting.

39
40 Thank you.

41
42 (Horn honking - Laughter)

43
44 ACTING CHAIR MS. STICKWAN: Mary Ann,
45 did he answer your question.

46
47 (Phone distortion)

48
49 ACTING CHAIR MS. STICKWAN: Andy had a
50 question, go ahead, Andy.

1 MR. MCLAUGHLIN: Thank you, Madame
2 Chair. I had a question for you here. With this new
3 modification of dates that was kind of proposed,
4 instead of the May through the November thing, and you
5 mentioned the May rainbow trout risks and the November
6 silver salmon risks, okay, if the fishing was allowed
7 June 15th to September 30th, kind of a two part
8 question, do you feel -- what threats do you feel to
9 conservation concerns for any species would you feel if
10 the dates were modified to that smaller window.

11
12 MR. ANDERSON: Again, this is Jeff
13 Anderson for the record. The June 15th date already
14 exists in regulation. And we believe there actually is
15 already an existing conflict with regulations because
16 it does not -- the current gillnet regulation does not
17 allow harvest of early run chinook. I think that's
18 already one conflict that exists.

19
20 (Phone distortion)

21
22 MR. ANDERSON: Extending the date
23 beyond August 15th would expose -- would authorize the
24 fishery during times when likely even more chinook
25 salmon are spawning in the mainstem Kenai River.

26
27 MR. MCLAUGHLIN: So do you feel that if
28 there was a catch, you know, of 200 or -- yeah, say 200
29 king salmon and they (indiscernible - phone distortion)
30 detrimental to the overall picture of king salmon to
31 exist in perpetuity on the Kenai.

32
33 MR. ANDERSON: This is Jeff again, for
34 the record. I think looking at the harvest of 200
35 early run chinook out of an escapement such as this
36 year with 9,000 fish (indiscernible - phone distortion)
37 an issue, you know, (phone distortion) over the next --
38 the issue is actually where the fishery is occurring
39 and what the fish are doing at that point in time. So
40 that 9,000 fish is, I guess, is looking at everything
41 entering the river as it -- as it was described
42 earlier, you know, if five percent, I guess from the
43 best information we have up to 28 percent of the early
44 run fish spawn in the mainstem of the Kenai River, you
45 know, if five percent of those are actually spawning in
46 the mainstem, you know, it rapidly drops down to a
47 smaller number within Moose Range Meadows area. I
48 think -- so this year, for example, you know, five
49 percent of the -- if 25 percent of the early run fish
50 spawned in the mainstem, you know, that's about 2,500

1 fish in 2016 likely spawned in the mainstem of the
2 Kenai River, if five percent of those spawned in the
3 Moose Range Meadows area that's about 125 fish
4 (indiscernible - phone distortion) of the early run
5 fish that are spawning in that area.

6
7

MR. MCLAUGHLIN: Thank you.

8
9

MR. ANDERSON: And the fishery -- if
10 you make the same assumption for the late run, that
11 five percent of the late run spawns within that area,
12 too, then this past year that comes to about 750 fish,
13 if you add in 125 for the early run then we're talking
14 about less than a thousand fish, probably about 875
15 chinook actually maybe spawned in the Moose Range
16 Meadows area, that's looking at the whole -- whole
17 stretch of river, you know, and I think this past year
18 Ninilchik proposed to fish within the upper two miles
19 of that reach so if you split that number in half again
20 it's down to less than 500 fish, 400 and some fish
21 actually spawning in the area where they're proposing
22 to harvest.

23
24

(Phone distortion)

25
26

MR. MIKE: Madame Chair, please.
27 Madame Chair.

28
29

ACTING CHAIR MS. STICKWAN: Go ahead.

30
31

MR. MIKE: Various folks on line,
32 please listen to me, we're still hearing background
33 noise, please hit star six on your phone or hit your
34 mute button. We're still, you know, receiving
35 background noise and it's interfering with the
36 discussion. Folks on line please hit your mute button
37 or star six, it's very disruptive with the background
38 noise.

39
40

Thank you.

41
42

ACTING CHAIR MS. STICKWAN: We're going
43 to take a 10 minute break.

44
45

(Off record)

46
47

(On record)

48
49

ACTING CHAIR MS. STICKWAN: Call the
50 meeting back to order.

1 MS. CAMINER: You should ask if Tom and
2 Mary Ann are back on line.
3
4 ACTING CHAIR MS. STICKWAN: Ask if Tom
5 and Mary Ann.
6
7 MS. CAMINER: Yes.
8
9 MR. MIKE: Madame Chair, before we get
10 started, I would like to thank the public for their
11 patience. This is a complex and lengthy process. For
12 those on line, Tom Carpenter are you still with us.
13
14 MR. CARPENTER: Yes, I am.
15
16 MR. MIKE: Okay. And you've got your
17 phone on mute.
18
19 MR. CARPENTER: Yes, I do.
20
21 MR. MIKE: Mary Ann Mills, are you
22 still on with us.
23
24 (No comments)
25
26 MR. MIKE: Mary Ann Mills.
27
28 (No comments)
29
30 MR. MIKE: Mary Ann, are you still on.
31
32 (No comments)
33
34 MR. MIKE: Anybody else on line.
35
36 MS. PEARSON: Heather Pearson still on
37 line, thank you.
38
39 MR. MIKE: Please have your phone muted
40 please.
41
42 Mary Ann Mills, are you still with us.
43
44 (No comments)
45
46 MR. MIKE: Anybody else on line.
47
48 (No comments)
49
50 MR. MIKE: Thank you, Madame Chair.

1 ACTING CHAIR MS. STICKWAN: We
2 have.....
3
4 MR. WHITFORD: Yeah, Tom Whitford still
5 on line.
6
7 MR. MIKE: Tom Whitford, do you have
8 your phone on mute.
9
10 MR. WHITFORD: Yep.
11
12 MR. MIKE: And nobody.....
13
14 MR. HILDRETH: Donald, Eric Hildreth
15 OSM.
16
17 MR. MIKE: Okay. You have your phone
18 on mute, right.
19
20 MR. HILDRETH: Yes, sir.
21
22 MR. MIKE: Mary Ann Mills, are you
23 still with us.
24
25 (No comments)
26
27 MR. MIKE: Thank you, Madame Chair.
28
29 ACTING CHAIR MS. STICKWAN: We're now
30 on to InterAgency Staff Committee.
31
32 MS. HOWARD: Thank you, Madame Chair.
33 Council members.
34
35 My name is Anee Howard for the record.
36 Right now I'm the policy coordinator for OSM. I'm also
37 the acting InterAgency Staff Committee Chair.
38
39 So for the ISC at this time we have no
40 recommendation due to the fact that we like to attend
41 the Council meetings and Council recommendations weigh
42 heavily on our recommendations to the Board.
43
44 Thank you.
45
46 ACTING CHAIR MS. STICKWAN: What's
47 this.
48
49 MS. CAMINER: SRC wouldn't have
50 commented on this. Fish and Game Advisory Committees.

1 ACTING CHAIR MS. STICKWAN: Any Fish
2 and Game Advisory Committees on this one.

3
4 MS. CAMINER: Summary of comments.

5
6 ACTING CHAIR MS. STICKWAN: Summary of
7 written comments.

8
9 MR. MIKE: Thank you, Madame Chair.
10 You'll find the written public comments beginning on
11 Page 244. And we did receive public comments and I'm
12 not going to read the whole letter but I'll summarize
13 and hit out the main points of these written comments.

14
15 The first written public comment we
16 received from Michael Adams from Cooper Landing. He
17 wrote FP17-10 and he's stating that it is unwarranted
18 based on an existing need for priority through the use
19 of extended rod and reel limits and existing dipnets
20 fisheries. This proposal could result in unsustainable
21 harvest of all species on what are arguably the Kenai
22 Peninsula's two most important water sheds without
23 concern for the future of fisheries and the people who
24 rely on them.

25
26 The second written comment we received
27 is from Chris Degernes on Fisheries Proposal 17-10. He
28 states that I believe that the conservation and
29 sustainable management of our anadromous and resident
30 fish is paramount to provide for the long-term
31 sustainability of our fisheries. I urge that the new
32 regulations delete permanently any provision
33 authorizing gillnets on the Kenai River.

34
35 George Heim of Cooper Landing wrote
36 FP17-10. We are concerned about the bycatch of non-
37 targeted species in both waters including rainbow
38 trout, Dolly Varden and king salmon in the Kenai and
39 steelhead and king salmon in the Kasilof River.

40
41 The Kenai River Sportfishing
42 Association commented on FP17-10. On the Kenai River
43 we do not support the proposed expansion of timeframe
44 due to fisheries conservation concerns relating to the
45 retention of chinook salmon, rainbow trout, Dolly
46 Varden.

47
48 Kathryn Recken of Cooper Landing FP17-
49 10, the proponent to operate a community gillnet
50 fishery on the Kenai River for the harvest of all

1 salmon is (indiscernible) and retention of Dolly Varden
2 and rainbow trout less than 18 inches is in violation
3 of the requirement of ANILCA, Section .802, ANILCA
4 Section .815 and Section -- ANILCA Section .801.

5

6 Phil Weber of Cooper Landing wrote on
7 FP17-10, this proposal will not ensure the conservation
8 of rainbow trout and Dolly Varden from gillnet fishing.

9

10 Janet Weber of Cooper Landing on
11 Proposal FP17-10, this proposal will not ensure the
12 conservation of rainbow trout and Dolly Varden from
13 gillnet fishing.

14

15 And, finally, Joyce Kobbert of Cooper
16 Landing is against the proposal and stating that the
17 conservation (indiscernible - distortion) of salmon for
18 the future generations on these rivers.

19

20 Thank you, Madame Chair.

21

22 ACTING CHAIR MS. STICKWAN: Public
23 testimony. Darrel Williams, did you want to speak to
24 FP17.

25

26 MR. WILLIAMS: Thank you, Madame
27 Chairman. Members of the Board. I think you guys have
28 heard enough from me today so I'm going to keep this
29 very, very short.

30

31 As a subsistence user, taking my hat
32 off of working with my employer and as a designated
33 fisher working the fishery, the one last thing I'd like
34 to address on a personal note is the process for
35 creating regulation and making changes to regulation
36 happens here. I believe that there's an underlying
37 thing that comes with this about what the regulations
38 are and it may be difficult to change them. But this
39 is how the process works.

40

41 Users submit proposals to the Advisory
42 Councils, who are made up of local people who have the
43 local knowledge who are able to make decisions and then
44 those proposals are voted up or down and they move
45 forward. I have real concern about when we start
46 saying about, well, this is what the regulations are
47 and this is how we do this, this is how we change
48 regulations, this is how users do this. And on the
49 other hand, we also have to remember that the users end
50 up being responsible for this. As a person with -- who

1 is a Federally-qualified subsistence user. I would get
2 a Federal permit, I don't do my reporting, I get in
3 trouble, I don't send in my permit I get in trouble, I
4 don't understand the rules I'll get in trouble. So I
5 think that idea of simplicity is really important and
6 I'm asking you guys to support FP17-10.

7

8 Thank you.

9

10 ACTING CHAIR MS. STICKWAN: Thank you.
11 I only had one testimony card here that I see.

12

13 Need -- did you want to say something.

14

15 MR. MIKE: Thank you, Madame Chair.
16 Before going to Regional Council recommendations and
17 deliberation I have Mr. Carl Williams and Anee Howard
18 to help us go forward on the Council's potential action
19 on this proposal.

20

21 Thank you.

22

23 MS. HOWARD: Madame Chair. Council
24 members. Because there are two members that are
25 recused from deliberations on this proposal and the
26 Kenai proposals, we thought it would be good to go over
27 what the vote -- how the votes kind of lay out and how
28 that works properly. Carl can articulate it better
29 than I can so I am going to hand it over to him and
30 then when you're done I have a short statement to make
31 as well.

32

33 MR. JOHNSON: All right, I interpreted
34 the color of lighting correctly.

35

36 Madame Chair. Members of the Council.
37 Thank you. My name is Carl Johnson with the Office of
38 Subsistence Management.

39

40 And there's two levels of this. One is
41 you need a quorum to conduct business under Robert's
42 Rules and a quorum is 50 percent plus one of the seated
43 members of the Council. You have 13 seated members so
44 you have established a quorum with having seven or more
45 members. Last count, though, since Mary Ann Mills was
46 not responding, I believe your count currently is seven
47 for your quorum. That means then, when you vote a
48 motion succeeds or fails based on the number of people
49 voting who are present. In this case you need a
50 majority.....

1 MS. MILLS: Madame Chair, I am on line.
2 For some reason my phone disconnected. I couldn't hear
3 anybody so I tried calling back. I am back on line.

4
5 Thank you.

6
7 MR. JOHNSON: Okay, great. Thank you,
8 Mary Ann.....

9
10 ACTING CHAIR MS. STICKWAN: Donald.
11 Donald.

12
13 MR. MIKE: Thank you, Madame Chair.
14 Sorry for the interruption. I just wanted to remind
15 everybody else, including Mary Ann that got
16 disconnected, Mary Ann, if you can ensure that your
17 phone is on mute, you can either hit your mute button
18 or star six.

19
20 Thank you.

21
22 MR. JOHNSON: All right. So now you
23 have eight members, you'll need a majority of those who
24 are present for the meeting, who are part of your
25 quorum to vote one way or the other for a motion to
26 pass or fail. So, for example, in order for a motion
27 to pass you'll have to have five members voting yea, if
28 you have four that's a tie, and under Robert's Rules a
29 tie vote fails, because it's either the yea votes or
30 the non-yea votes, and in this case you'll have two
31 abstentions due to the recusal and then add to that
32 however many no's and that's on the not yea side, and
33 then on the yea side, you'll need to have at least five
34 in order for the motion to carry. I'm happy to answer
35 any questions on the procedural issues.

36
37 Thank you.

38
39 ACTING CHAIR MS. STICKWAN: Are there
40 any questions.

41
42 (No comments)

43
44 ACTING CHAIR MS. STICKWAN: No. You
45 had something.

46
47 MS. HOWARD: Madame Chair. Council
48 members.

49
50 So with that we have heard a great

1 deal, or you have heard a great deal of testimony and
2 as was explained earlier, this is a very complex
3 analysis, and how it's laid out. So I just wanted to
4 make you aware that our analyst and our acting Fish
5 Division Chief will come back up to the table and be
6 able to either summarize if you wish, kind of summarize
7 the analysis again as a reminder, if you find that to
8 be helpful, but they'll be able to answer questions as
9 well if you would like to permit that.

10

11 ACTING CHAIR MS. STICKWAN: That's a
12 great help, this is a complicated proposal, we need
13 help. Judy, did you have something to say.

14

15 MS. CAMINER: Thank you, Madame Chair.
16 Well, for starters we were given two options. One
17 would be to defer this proposal and the other would be
18 to address it and so my motion would be to adopt FP17-
19 10 as written and once we get a second we'll have a lot
20 more discussion after that.

21

22 MR. OPHEIM: I'll second.

23

24 ACTING CHAIR MS. STICKWAN: So we have
25 a motion on the floor.

26

27 MS. HANSON: I have a question.

28

29 MS. CAMINER: Who's that.

30

31 ACTING CHAIR MS. STICKWAN: Could you
32 state.....

33

34 MS. HANSON: Hello, I have a question.

35

36 ACTING CHAIR MS. STICKWAN:your
37 name. Could you state your name.

38

39 MS. HANSON: My name is Ann Hanson,
40 Cooper Landing.

41

42 ACTING CHAIR MS. STICKWAN: Ask your
43 question. What is your question.

44

45 MS. HANSON: Yes, my question is, if,
46 in fact, this proposal is voted in, then what does that
47 do to some of the other regulations that are similar in
48 scope but come from a different direction. Does that
49 make those proposals a moot point and, if so, maybe
50 you should discuss the other proposals first.

1 ACTING CHAIR MS. STICKWAN: We're doing
2 them now, now we're doing the discussion so we have the
3 motion on the floor.

4
5 MR. MIKE: Madame Chair.

6
7 ACTING CHAIR MS. STICKWAN: Yes.

8
9 MR. MIKE: Point of order. The Council
10 made a motion to adopt Proposal FP17-10 and seconded by
11 Mike Opheim and it's on the table for Council
12 discussion. But to answer Ms. Hanson's question, the
13 other proposals will be considered equally on the other
14 proposals as well as 17-10.

15
16 ACTING CHAIR MS. STICKWAN: So we have
17 a motion on the floor, all in favor say aye.

18
19 MS. CAMINER: No. No.

20
21 MR. MCLAUGHLIN: Wait, wait, we're
22 discussing this.

23
24 MR. MIKE: Discussion.

25
26 (Laughter)

27
28 ACTING CHAIR MS. STICKWAN: We have a
29 discussion in front of us. It's different being the
30 Chair, I'll tell you.

31
32 MS. CAMINER: Madame Chair.

33
34 MS. HANSON: Yeah, well.....

35
36 MS. CAMINER: Somebody -- please mute
37 your phones again, please, the RAC is starting the
38 discussion of the proposal on the table.

39
40 And what I'd like to do, with
41 everybody's agreement, is just go through it issue by
42 issue.

43
44 So the first issue was the annual
45 duration of the fishery. And what came forward was
46 between May 1 and November 15th, however, as NTC was
47 testifying I heard the suggestion that June 15th to
48 September 30th might be good dates, again, for optimal
49 targeting of sockeye. So I would like to make that
50 modification to the proposal, probably the first of

1 several we'll go through, to have us discuss the dates,
2 but, specifically perhaps June 15th through September
3 30th.

4

5 (Teleconference interference)

6

7 MR. MIKE: Madame Chair. I'd like to
8 interrupt again, for those on line, we will have to be
9 disconnecting the line if we are continuing with the
10 background interruption during the Council
11 deliberations. Please place your phone on mute. Ms.
12 Hanson, do you have your phone on mute.

13

14 (No comments)

15

16 MR. MIKE: Mary Ann Mills, do you have
17 your phone on mute.

18

19 MS. MILLS: Can you hear me.

20

21 MR. MIKE: Yes, we can. Just make sure
22 your phone is on mute, the Council is going into
23 deliberation.

24

25 MS. MILLS: Okay. I have been but I
26 think -- okay, I'm putting it on mute.

27

28 MR. MIKE: Thank you.

29

30 ACTING CHAIR MS. STICKWAN: You had
31 something to say, you had a question.

32

33 MR. MCLAUGHLIN: I support the change
34 in the dates, Madame Chair.

35

36 ACTING CHAIR MS. STICKWAN: So a
37 motion.

38

39 MR. CARPENTER: Ms. Chair, I have a
40 question. This is Tom in Cordova.

41

42 MS. CAMINER: It's Tom.

43

44 ACTING CHAIR MS. STICKWAN: Tom, go
45 ahead.

46

47 MR. CARPENTER: Yeah, speaking to the,
48 you know, possible recommended language that Judy
49 suggested that we discussed earlier from June 15th to
50 September 30th, I guess before I'd like to go any

1 further, I thought I heard this earlier but maybe I'm
2 incorrect so if somebody could please clarify for me
3 before we go any further. We've been given two
4 options, and my understanding is there a motion on the
5 floor in the affirmative to take up the proposal as
6 Ninilchik has presented it. But the other proposal
7 that was given to us by OSM was that there was an RFR
8 process that was still in place and to defer could be a
9 possibility. I thought I heard somebody say that the
10 RFR process was not still ongoing. So could I get a
11 clarification there.

12

13 ACTING CHAIR MS. STICKWAN: Go ahead.

14

15 MS. HARDIN: Madame Chair. The
16 Kasilof's request for reconsideration process has been
17 completed. The Kenai request for reconsideration
18 process is ongoing.

19

20 MR. CARPENTER: Okay, thank you.

21

22 ACTING CHAIR MS. STICKWAN: Go ahead.

23

24 MR. JOHNSON: Thank you, Madame Chair.
25 Just as a suggestion, in order to kind of keep
26 yourselves on track as to what you are discussing and
27 voting, the original motion was to support as proposed.
28 And it seems like you're going issue by issue to make
29 modifications, my recommendation would be that you do
30 an amendment to the underlying motion for each one of
31 the modifications that you want to make from the
32 proposal.

33

34 For example, Council Member Caminer's
35 suggestion to change the dates, I would suggest that
36 that be an amendment that is then seconded and voted on
37 and discussed and then adopted and then now you can go
38 back to the next issue.

39

40 Thank you.

41

42 MS. CAMINER: Andy.

43

44 ACTING CHAIR MS. STICKWAN: Andy.

45

46 MR. MCLAUGHLIN: Yeah, I would make a
47 motion to amend, if we're on that first topic there
48 about the dates, in particular, no longer than May
49 through November, but to the June 15th to September
50 30th.

1 ACTING CHAIR MS. STICKWAN: There's an
2 amendment.....
3
4 MR. OPHEIM: Second.
5
6 ACTING CHAIR MS. STICKWAN:on the
7 floor. Michael seconds the motion. We're ready to
8 vote, right. We're ready to vote on this number 1,
9 right.
10
11 MS. CAMINER: We should vote on each
12 one, right.
13
14 ACTING CHAIR MS. STICKWAN: Uh-huh, so
15 all in favor.....
16
17 MS. CAMINER: Madame Chair, I guess
18 just one point of discussion. Of course we've heard
19 lots of different data about presence of fish in
20 various areas, but to me we are talking a very small
21 area, we're talking one net which seemed to find some
22 good selectivity in terms of monitoring that net very
23 carefully so I don't see this as a conservation
24 concern. I think the constant reporting is a method
25 that would serve as a way, obviously, to monitor what's
26 going on and if there were action that needed to be
27 taken quickly it could be. But I didn't see anything
28 alarming with any of the daily catches there that would
29 warrant all the concern.
30
31 ACTING CHAIR MS. STICKWAN: Are we
32 ready to vote.
33
34 (Council nods affirmatively)
35
36 ACTING CHAIR MS. STICKWAN: All in
37 favor say aye.
38
39 IN UNISON: Aye.
40
41 MS. MILLS: Aye.
42
43 ACTING CHAIR MS. STICKWAN: Opposed.
44 Who was that.
45
46 MR. MIKE: Madame Chair. If I can get
47 clarification from the Council members on line, Mr. Tom
48 Carpenter and Ms. Mary Ann Mills. The Council made an
49 amendment on the proposal as presented by Ninilchik
50 Traditional Council and the amendment was to have the

1 dates June 15th to September 30th.

2

3 MR. CARPENTER: Yeah, Donald, I voted
4 aye.

5

6 MR. MIKE: Mary Ann.

7

8 MS. MILLS: Aye. I vote yes.

9

10 MR. MIKE: Okay, thank you.

11

12 ACTING CHAIR MS. STICKWAN: All right.

13 Okay, so we can move forward to two, Issue 2.

14

15 MS. HARDIN: Madame Chair.

16

17 ACTING CHAIR MS. STICKWAN: Go ahead.

18

19 MS. HARDIN: Thank you, Madame Chair.

20 Jennifer Hardin for the record, Acting Fisheries

21 Division Chief at OSM.

22

23 I just wanted to point out I understand
24 you voted on the amendment but I did want to point out
25 that the Kenai River community gillnet fishery is
26 currently linked to the harvest seasons and limits
27 associated with the rod and reel and dipnet fishery and
28 the net fishery, while the sockeye season starts June
29 15th, coho, pinks and late run chinook begin July 16th,
30 so there is potentially remains a regulatory conflict
31 with the dates that have been proposed.

32

33 ACTING CHAIR MS. STICKWAN: Pat

34 Petrivelli has something to say.

35

36 MS. PETRIVELLI: This is Pat Petrivelli
37 with BIA subsistence. And I just -- maybe a friendly
38 suggestion to the modification. Elsewhere in the
39 regulations it has the words, these regulations, or
40 whatever, except for the following -- it may be to
41 accommodate the season dates, you could ask OSM to make
42 a housekeeping change that would say, except for the
43 season dates in Section J below, and that would
44 accommodate the new season dates that are being
45 proposed for this season.

46

47 But that would just be a -- rather than
48 trying to change it, because you are only changing
49 season dates in Section J and then you would just make
50 the modification above and say: except for the season

1 dates in Section J, but you may have other changes that
2 you want to do and then there are other provisions in
3 the regulations in the Cook Inlet area, and then -- but
4 if you -- if you could do as a blanket suggestion after
5 you go through the provisions suggested or requested
6 that you think -- you feel comfortable with, you could
7 say, could OSM please make housekeeping adjustments to
8 the exceptions above and accommodate the proposals that
9 are being recommended and just say except for --
10 because these are all contained in Section J, and all
11 of the proposals were made -- all of the changes were
12 in Section J, but OSM could find wherever the conflicts
13 are and say, so the season dates, if it's bank
14 restrictions, you could say, please accommodate all of
15 the allowances for this fishery in the regulations
16 above by saying -- and have it as a housekeeping, to
17 say, except for in Section J below, you know, and I
18 think that way we wouldn't have to be so confused by
19 this complex process and we could discuss the proposal
20 as made by the -- that was in the proposal book.

21

22 MR. MIKE: Madame Chair, point of
23 order. The proposal on the table is for Council
24 discussion and it's up to the Council members to
25 request specific technical issues that they want
26 clarified from the public or agencies. Just a point of
27 order.

28

29 Thank you, Madame Chair.

30

31 It's just on the table for Council
32 discussion.

33

34 ACTING CHAIR MS. STICKWAN: That was a
35 necessary question for Federal agencies.....

36

37 MS. CAMINER: What's that?

38

39 ACTING CHAIR MS. STICKWAN: We had a
40 necessary question for Federal agencies, clarification
41 on Issue No. 1, so we have a suggestion for us, if we
42 want to change or clarify our.....

43

44 MS. CAMINER: Madame Chair.

45

46 ACTING CHAIR MS. STICKWAN: Judy.

47

48 MS. CAMINER: I think taking that
49 valuable advice in mind, maybe let's wait to we go
50 through all of this because perhaps some of our other

1 suggestions would require similar slight adjustments or
2 provisions that OSM can just help us get into the
3 proposed wording rather than us maybe going through
4 some of the -- I guess my general thought is the kind
5 of direction that the Board provided for this years
6 fishery provided specific exemptions and exceptions and
7 allowances and, while, you know, we might not know all
8 the ins and outs of it, we would hope that we could get
9 that kind of assistance for these points as well.

10
11 ACTING CHAIR MS. STICKWAN: So can we
12 move on.

13
14 MS. CAMINER: Go to Number 2.

15
16 ACTING CHAIR MS. STICKWAN: So should
17 we go to number 2.

18
19 MS. CAMINER: Yes.

20
21 ACTING CHAIR MS. STICKWAN: Go ahead.

22
23 MR. AYERS: Thank you, Madame Chair.
24 Request 2 proposes to make OSM the issuer of a
25 registration permit for the fishery and OSM's
26 preliminary conclusion is to oppose this request.

27
28 MS. CAMINER: Madame Chair.

29
30 ACTING CHAIR MS. STICKWAN: Judy.

31
32 MS. CAMINER: This is Judy. And I know
33 this could maybe be a little bit more challenging for
34 the RAC, we have had -- we have not experienced how it
35 might work for OSM to be the 'in-season" manager and I
36 know the Board has obviously delegated authority to
37 many mangers around the state because they are on the
38 ground managers and sometimes it works well, sometimes
39 maybe it doesn't work so well. But, personally, I
40 don't think any time would be saved by having OSM be
41 the in-season manager on that. I'd like to see OSM and
42 the other agencies maybe provide more assistance
43 towards a quicker approval of operating plans or a
44 permit, depending on what we decide on. I'd like to
45 see some times and dates accountable, and maybe even
46 allocations specified in a permit or in the operational
47 plan, approval plan. But, personally, I just don't
48 think we would end up speeding things up by having the
49 authority -- having the decision lodged at OSM and they
50 have not been given that authority by the Board.

other.....

3

4 MR. CARPENTER: Ms. Chair.

5

6 ACTING CHAIR MS. STICKWAN: Tom

7 Carpenter.

8

9 MR. CARPENTER: Yeah, thank you. While

10 I'm not a big fan of delegated authority and never have

11 been, in this instance I tend to disagree with Judy.

12 It's kind of the cards you're dealt right now and I

13 think if Ninilchik and anybody else around the

14 Southcentral region wants to get rid of delegated

15 authority in their area that there should be a specific

16 proposal maybe before the RAC to consider that. But at

17 this time, I think, that giving OSM the ability to try

18 and deal with this in-season is just probably not the

19 smartest thing to do.

20

21 ACTING CHAIR MS. STICKWAN: Are there

22 any other comments.

23

24 MS. MILLS: Madame Chair. Mary Ann

25 Mills.

26

27 ACTING CHAIR MS. STICKWAN: Mary Ann,

28 go ahead.

29

30 MS. MILLS: I agree with Andy, I

31 believe that was Andy that just spoke.

32

33 ACTING CHAIR MS. STICKWAN: Tom

34 Carpenter.

35

36 MS. MILLS: Pardon me.

37

38 ACTING CHAIR MS. STICKWAN: It was Tom

39 Carpenter.

40

41 MS. MILLS: Oh, I'm sorry, Tom. I do

42 agree with Tom Carpenter that, you know, on this

43 situation -- I think Ninilchik has a very good plan and

44 I agree with Judy that there's no conservation issue

45 and I think it would not be a good idea to have the

46 managing decisions, I think that's why we have the

47 Council. And in the past the manager has been, from

48 what I reading, news articles and so forth, has not

49 been, you know, very accommodating to this subsistence

50 fishery. And, again, it's such a small percent of fish

1 taken out for subsistence purposes that I agree with
2 Tom Carpenter.

3
4 Thank you.

5
6 ACTING CHAIR MS. STICKWAN: Are there
7 any other comments.

8
9 Judy, do you want to make an amendment.

10
11 MS. CAMINER: So my amendment, so that
12 we can vote, is that the amendment to the proposal
13 would be that OSM be the issuer of a registration
14 permit for the fishery rather than the Federal in-
15 season manager.

16
17 ACTING CHAIR MS. STICKWAN: Go ahead.

18
19 MS. HARDIN: I'm not sure, Madame
20 Chair, if this is a question or a comment. But the
21 original proposal that was -- the request in the
22 original proposal, and I believe your motion was to
23 adopt the original proposal.

24
25 MS. CAMINER: Right. Yes, and this is
26 consistent with what the original proposal says, I may
27 not be voting for it but I'm stating it in the
28 positive, okay.

29
30 ACTING CHAIR MS. STICKWAN: So are we
31 ready to vote.

32
33 MR. CARPENTER: There's no second.

34
35 MR. JOHNSON: Yeah, Madame Chair,
36 again, thank you. Carl Johnson. Mr. Carpenter's
37 correct. First there was no second. But,
38 additionally, if you wish to have the provision that's
39 in the original proposal stay as it was, no amendment
40 is necessary.

41
42 An amendment would be, for example, to
43 strip OSM as the issuer of the permit and keep it as
44 is. But I'm hearing you say that you want to keep OSM
45 as the issuer of the permit which is a part of the
46 original proposal so no amendment is necessary if you
47 want to keep that the same.

48
49 ACTING CHAIR MS. STICKWAN: Okay. So
50 we don't need a second, we just keep it the way it is,

1 right. Is that what we're doing, we're not doing
2 anything.

3

4 MS. CAMINER: So I guess if someone
5 wanted to put forward a motion saying -- okay, never
6 mind.

7

8 ACTING CHAIR MS. STICKWAN: All right.

9

10 MS. HARDIN: If it pleases the Chair, I
11 am keeping track of your amendments, which, essentially
12 would be modifications to the proposal as written.

13

14 ACTING CHAIR MS. STICKWAN: I guess we
15 need another modification or how do we do this.

16

17 Go ahead.

18

19 MS. HARDIN: I believe if you would
20 like to proceed with a request to as written in the
21 original proposal, I believe you can move on to Request
22 3, because the original proposal would not be modified
23 in any way according to that -- pursuant to that
24 request.

25

26 ACTING CHAIR MS. STICKWAN: Okay. The
27 motion died anyways, right, because there was no second
28 so we can move on to three.

29

30 MR. CARPENTER: Ms. Chair.

31

32 ACTING CHAIR MS. STICKWAN: Tom.

33

34 MR. CARPENTER: Yeah, I think there's a
35 little bit of confusion. So right now currently the
36 Federal in-season manager has the ability to
37 orchestrate and run this fishery with the Ninilchik
38 Traditional Council. Ninilchik is asking us to remove
39 the ability of the Federal in-season manager to do that
40 and asking the Board, and us, to just allow OSM to
41 issue a registration permit. So that would take the
42 in-season manager out of it in a kind of sort of way.

43

44 So I guess the RAC has to decide, you
45 know, this has only been one year, do we want the
46 Federal in-season manager to continue with what the
47 Board instituted when they instituted the plan or do we
48 want to get rid of that and tell the Board that we want
49 OSM to issue a registration permit once a year to have
50 the final say.

1 So I think that's what we have to
2 decide before we go on.

3
4 ACTING CHAIR MS. STICKWAN: Go ahead.

5
6 MR. JOHNSON: Thank you, Madame Chair.
7 And this is for the Council, but also for Mr.
8 Carpenter. One way to do this on an issue by issue
9 basis while taking the approach we have, which is,
10 start with the underlying proposal and then use
11 amendments to modify each request. If someone were so
12 inclined, now would be a time to make an amendment to
13 change any aspect of request number 2, if they wanted
14 to test and see if that was the wish of the Council.

15
16 Thank you, Madame Chair.

17
18 ACTING CHAIR MS. STICKWAN: I guess my
19 understanding was that we left it alone and it would
20 stay the same but now I guess we have to make a
21 modification.

22
23 MR. CARPENTER: Ms. Chair.

24
25 MS. CAMINER: Tom.

26
27 ACTING CHAIR MS. STICKWAN: Go ahead,
28 Tom.

29
30 MR. CARPENTER: I move we strike Issue
31 2 from the proposal and that we recommend to the Board
32 that the Federal in-season manager continue to conduct
33 this fishery that they instated when this fishery
34 began.

35
36 ACTING CHAIR MS. STICKWAN: Is there a
37 second to the motion.

38
39 MS. MILLS: Madame Chair.

40
41 ACTING CHAIR MS. STICKWAN: Yes, Mary
42 Ann.

43
44 MS. MILLS: Tom, could you please state
45 that again.

46
47 MR. CARPENTER: Yes. Well, basically
48 what my motion was; currently right now we have
49 something in place to execute this fishery, the Federal
50 in-season manager along with the Ninilchik Tribal

1 Council, they get together and they institute this
2 fishery every year. It's only happened one time so
3 far. We really have no idea what the long-term outlook
4 is. We may see that in two or three years that there
5 really is no reason to have the in-season manager do it
6 and just a permit can be given by OSM or the in-season
7 manager and it's a done deal, but for right now I don't
8 really see any reason to change what is already in
9 current regulation.

10
11 ACTING CHAIR MS. STICKWAN: Judy.

12
13 MS. CAMINER: I will second that for
14 discussion purposes.

15
16 ACTING CHAIR MS. STICKWAN: We have a
17 motion on the floor, all in favor say aye.

18
19 MR. MCLAUGHLIN: Discussion.

20
21 ACTING CHAIR MS. STICKWAN: Huh?

22
23 MS. CAMINER: Discussion.

24
25 ACTING CHAIR MS. STICKWAN: Discussion,
26 sorry.

27
28 (Laughter)

29
30 ACTING CHAIR MS. STICKWAN: Go ahead.

31
32 MS. CAMINER: Madame Chair.

33
34 ACTING CHAIR MS. STICKWAN: Yes.

35
36 MS. CAMINER: If we -- well, Tom,
37 you're suggesting just eliminating Issue 2, is that
38 correct, and kind of leaving it as is with the in-
39 season manager working with the tribe.

40
41 MR. CARPENTER: Yes.

42
43 MS. CAMINER: Yes.

44
45 MR. CARPENTER: Yes.

46
47 MS. CAMINER: If that's so, I would
48 like to see some real specific accountable, dates for
49 responses, dates where tribal consultation is going to
50 take place. Maybe even after the pre-season forecast

1 is announced, I'd like to see, again, dates where we
2 can finalize plans so Ninilchik knows what the schedule
3 is going to be. So I'd like to add some specifics, if
4 this is the direction we go.

5

6 MR. CARPENTER: Well, I don't have any
7 problem with that whatsoever. I don't want to make
8 things any more difficult on Ninilchik Tribal Council
9 and the people down there than I have to. I think it's
10 imperative that the Federal manager react to Ninilchik
11 and be very responsive to them. I'm not saying that
12 they haven't but I'm just saying that if they're not
13 we're going to hear about it and then it is delegation
14 of authority, it could potentially disappear, so if
15 that's the way the Federal managers want it, they're
16 going to be non-responsive. I just don't think that
17 there's a reason to change anything right now. But if
18 you want to put specific dates, you know, so many days
19 before the execution of the fishery I have no problem
20 with that.

21

22 MS. CAMINER: Andy.

23

24 ACTING CHAIR MS. STICKWAN: Andy.

25

26 MR. MCLAUGHLIN: Yeah, through the
27 Chair. Didn't Ninilchik have to do a special action in
28 order to get this fishery thing, does this mean that
29 they have to file a special action request every time.

30

31 MS. CAMINER: Do you want me to answer
32 that.....

33

34 MR. MCLAUGHLIN: Is it yes?

35

36 ACTING CHAIR MS. STICKWAN: Go ahead.

37

38 MS. HARDIN: Through the Chair.
39 Jennifer Hardin for the record. In 2016 a special
40 action request was received for the Federal Subsistence
41 Board for the 2016 season and that expired at the end
42 of the season. The regulation is allowing a community
43 -- authorizing a community gillnet fishery on the Kenai
44 River is currently in Federal regulations, it does not
45 require a special action request.

46

47 MR. MCLAUGHLIN: Thank you.

48

49 MS. MILLS: Madame Chair.

50

1 ACTING CHAIR MS. STICKWAN: Mary Ann,
2 go ahead.

3
4 MS. MILLS: I do recall that there was
5 a problem with the in-season manager and Ninilchik
6 subsistence suffered because of it. And I like the
7 idea of OSM issuing a registration permit for Ninilchik
8 to do their subsistence fishery and if there is a
9 problem bring it back to the Council, you know, to the
10 RAC and, you know, I -- we could deal with it. I do
11 not see where there is a conservation issue with
12 Ninilchik's fishery and it looks like they have all of
13 these precautions in there where if there is something,
14 if they -- if there is an overcatch of certain species,
15 that it can be corrected immediately.

16
17 And so my point is, is I am not for an
18 in-season manager to curtail the subsistence endeavors
19 that ANILCA provides the Ninilchik people.

20
21 Thank you.

22
23 ACTING CHAIR MS. STICKWAN: Is there
24 any more discussion.

25
26 MR. CARPENTER: Ms. Chair, I just want
27 to make one more point, please.

28
29 ACTING CHAIR MS. STICKWAN: Tom
30 Carpenter.

31
32 MR. CARPENTER: I'll just make one more
33 point and then I'll be quiet.

34
35 The only problem I see with OSM being
36 the issuer of a registration permit, any reporting
37 requirements, if they were to see something that they
38 needed to react to, which probably won't happen, it's
39 going to go back to the in-season manager to make that
40 determination. So all we're doing is going full
41 circle.

42
43 I'll be quiet now and if anyone else
44 has comments, fine, but if we want to move on that's
45 fine too.

46
47 ACTING CHAIR MS. STICKWAN: I guess I
48 have a question, is that true, will it go back?

49
50 MS. HARDIN: I'm sorry, could you

1 restate the question.

2

3 ACTING CHAIR MS. STICKWAN: Tom
4 Carpenter just made a statement about what would be,
5 right, I was just.....

6

7 MS. CAMINER: Madame Chair. I think --
8 so, Tom, I think you were saying well what if -- if OSM
9 were the in-season manager, per se, and if there was a
10 problem, I believe Tom you said then, well, you'd still
11 have to get the in-season manager to do something about
12 it, but is that how you would -- OSM, is that how you
13 would foresee the system to work?

14

15 MR. AYERS: Actually, I believe it
16 would have to go through the Board's special action
17 request process, which is what we were bringing up
18 earlier, that that process does not function
19 necessarily on the same timely basis that an in-season
20 manager would be able to address an issue that came up.

21

22 Thank you.

23

24 ACTING CHAIR MS. STICKWAN: Is there
25 any further discussion.

26

27 (No comments)

28

29 MR. CARPENTER: Question.

30

31 ACTING CHAIR MS. STICKWAN: Question's
32 called.

33

34 MS. MILLS: Madame Chair.

35

36 ACTING CHAIR MS. STICKWAN: Go ahead,
37 Mary Ann.

38

39 MS. MILLS: The problem is the in-
40 season manager, you know, has refused the proposal to
41 let Ninilchik fish, to let them do their subsistence
42 fishing twice and they barely had time to get fish this
43 year and that concerns me because as a Council member
44 we are supposed to be protect the rights of the
45 subsistence users and they take first priority. In the
46 case of Ninilchik, I didn't truly see where they took
47 first priority for their fishing. So under
48 circumstances like that, you know, I think it is good
49 if the Council has more power, that's what we're
50 supposed to do, is to assess, look at all of the

1 evidence and all of the evidence that I've seen is some
2 of it does not appear to be as scientific as what
3 Ninilchik has brought to the table.

4

5 And that concerns me.

6

7 You know, subsistence has always been a
8 problem on the Kenai Peninsula and years ago the
9 attitude was, and it was in the newspaper, we can take
10 subsistence from the Kenatzie people, we can take it
11 from all the Natives, and I really do not want to see
12 that happen or I don't want to see that happen to
13 anyone.

14

15 You know, this is why I brought to the
16 Council years ago, or several years ago, the food
17 security, the importance of people having the right to
18 feed themselves off of the land and that is
19 particularly important, as I brought out before, what
20 the USDA and their report, that it is a fact that for
21 indigenous people, without our traditional diet, we
22 become very sick and we have the highest disease rates
23 in the nation today. And so in the spirit of allowing
24 people to freely, you know, to eat from the land.....

25

26 ACTING CHAIR MS. STICKWAN: Mary Ann,
27 can you.....

28

29 MS. MILLS:I think is.....

30

31 ACTING CHAIR MS. STICKWAN:can
32 you move on.

33

34 MS. MILLS: All right.

35

36 ACTING CHAIR MS. STICKWAN: We'd like
37 to move on.

38

39 MS. MILLS: All right.

40

41 ACTING CHAIR MS. STICKWAN: Go ahead.

42

43 MR. CARPENTER: Ms. Chair, I call the
44 question.

45

46 ACTING CHAIR MS. STICKWAN: Judy.

47

48 MS. CAMINER: Madame Chair. Thank you,
49 Tom. So I'm getting confused if we're on 2 or if we're
50 on 3, and I think Tom was calling for the question

1 perhaps on 2, yes, is that correct, Tom?
2
3 MR. CARPENTER: We're on Number 2, yes,
4 that's correct.
5
6 MS. CAMINER: So the way I understand
7 it is, right now, because we haven't made an amendment
8 to this, it would mean that the RAC would support OSM
9 being the issuer.
10
11 MR. CARPENTER: No, my motion was to
12 strike Issue 2 as recommended or as stated, which is
13 that status quo would take place.
14
15 MS. CAMINER: Okay. And I would
16 support that. So I agree with Tom's call for the
17 question.
18
19 ACTING CHAIR MS. STICKWAN:
20 Question.....
21
22 MR. MCLAUGHLIN: So an aye agrees with
23 Tom.
24
25 ACTING CHAIR MS. STICKWAN: An aye
26 agrees with Tom to have the delegation of authority,
27 right, that's what we're voting on, to keep it as is.
28
29 MR. CARPENTER: We're voting to keep
30 the regulatory language that's in place now, we would
31 strike Issue 2, and that would remain in the permit
32 requirements.
33
34 ACTING CHAIR MS. STICKWAN: All in
35 favor say aye.
36
37 MS. CAMINER: Aye.
38
39 MR. MCLAUGHLIN: Aye.
40
41 MR. CARPENTER: Aye.
42
43 ACTING CHAIR MS. STICKWAN: All in
44 favor say aye.
45
46 MR. CARPENTER: Aye.
47
48 ACTING CHAIR MS. STICKWAN: Opposed.
49 Opposed. Nay.
50

1 Mary Ann.
2
3 MS. MILLS: Nay.
4
5 ACTING CHAIR MS. STICKWAN: So it's
6 three to three.
7
8 MS. CAMINER: Three to three, so it
9 fails?
10
11 ACTING CHAIR MS. STICKWAN: So it
12 fails.
13
14 MS. CAMINER: Is it 4 to 2.
15
16 ACTING CHAIR MS. STICKWAN: What is it,
17 4 to 2, so it fails. So we're on to Issue 3.
18
19 MS. HARDIN: Madame Chair. Before we
20 move to Request 3 if I might make a clarifying
21 statement in response to Mr. McLaughlin's question
22 earlier about special action request process. It may
23 prove relevant in your future deliberations on the
24 requests -- on the requests that remain as well as
25 additional proposals.
26
27 May I proceed.
28
29 ACTING CHAIR MS. STICKWAN: Yes.
30
31 MS. HARDIN: I just wanted to clarify
32 that the Federal Subsistence Board received a special
33 action for the 2016 season to asking the Board to
34 authorize a community gillnet fishery for 2016, and the
35 reason they did -- one of the reasons for this was
36 asking the Board to resolve regulatory conflicts and so
37 those regulatory conflicts could potentially remain in
38 the regulation and so it's not inconceivable that
39 additional special actions would be -- could be
40 received in the future.
41
42 ACTING CHAIR MS. STICKWAN: Issue No.
43 3.
44
45 MR. AYERS: Request 3 proposes to
46 replace the operational plan requirement of the fishery
47 with specific permit conditions. OSM's preliminary
48 conclusion is to oppose Request 3. The Board required
49 an operational plan for this fishery to address
50 conservation concerns and logistical issues prior to

1 the start of the fishery each year.
2
3 Thank you.
4
5 ACTING CHAIR MS. STICKWAN: Donald
6
7 MR. MIKE: Thank you, Madame Chair.
8 The Council is going to be considering Issue No. 3, I'm
9 going to request, Madame Chair, that we suspend the
10 rules and then come back to this proposal. We have
11 some folks from Cooper Landing that want to testify
12 today and if we could accommodate their request to
13 testify on 6 and 7 proposals.
14
15 Madame Chair.
16
17 ACTING CHAIR MS. STICKWAN: Uh.....
18
19 MR. MIKE: Madame Chair. I'm
20 requesting that through the Chair of this Council, if
21 you can accommodate that request.
22
23 ACTING CHAIR MS. STICKWAN: Yes, they
24 can testify.
25
26 MR. MIKE: Madame Chair. If we can
27 take a break for five minutes and then get.....
28
29 ACTING CHAIR MS. STICKWAN: Okay,
30 we'll.....
31
32 MR. MIKE:ready, I think
33 people.....
34
35 ACTING CHAIR MS. STICKWAN:take a
36 break.
37
38 MR. MIKE:need to take a break
39 and we can strategize how we can do that. But I'd like
40 to accommodate those folks from Cooper Landing to come
41 and testify and once the break is over we'll continue.
42
43 ACTING CHAIR MS. STICKWAN: We'll take
44 a five minute break and continue.
45
46 (Off record)
47
48 (On record)
49
50 ACTING CHAIR MS. STICKWAN: I'll call

1 this meeting back to order.
2
3 MS. CAMINER: We're just going to hear
4 testimony on these proposals.....
5
6 MR. MCLAUGHLIN: Six and 7 and go back
7 to.....
8
9 MS. CAMINER:and not any of this
10 other stuff and then we go back to.....
11
12 ACTING CHAIR MS. STICKWAN: I'll call
13 this meeting back to order.
14
15 (Pause)
16
17 ACTING CHAIR MS. STICKWAN: Hello.
18 Call this meeting back to order.
19
20 (Pause)
21
22 ACTING CHAIR MS. STICKWAN: Go ahead.
23 I don't know their names are so I'll just say go ahead.
24
25 MR. DECOSSAS: All right. Madame
26 Chair. Members of the Council. My name is Gary
27 Decossas, I'm a biometrician from OSM Fisheries. I am
28 going to present an abbreviated fisheries proposal, 17-
29 06/7. That can be found starting on Page 30 of your
30 Council book, that will start the executive summary and
31 then you can move on from there.
32
33 There are two proposals submitted in
34 which the proponents are requesting the same action
35 from the Board. Because of this the two proposals will
36 be analyzed together.
37
38 Proposal FP17-06 was submitted by the
39 Cooper Landing and Hope Federal Subsistence Community
40 Group, while FP17-07 was jointly submitted by the
41 Assistant Regional Director for Fisheries and
42 Ecological Services and the Regional Chief of Refuges,
43 US Fish and Wildlife Service Region 7 Alaska.
44
45 Unlike FP17-10, these proposals request
46 the Federal Subsistence Board to eliminate the
47 community gillnet for residents of Ninilchik on the
48 Kenai River.
49
50 I will now go through the effects of

1 the proposal under three scenarios as well as what the
2 results of the recent community gillnet fishery allows
3 to infer (ph).

4

5 If one or both of these proposals were
6 adopted, the community gillnet fishery in the Kenai
7 River for Ninilchik residents would be eliminated.
8 Additionally, residents of Hope, Cooper Landing and
9 Ninilchik will have subsistence opportunities provided
10 under the Federal dipnet and rod and reel fishery, as
11 well as the additional rod and reel fishery on the
12 Kenai River. Finally, residents of Ninilchik will not
13 have the additional subsistence opportunity for
14 community harvest of salmon using a gillnet in the
15 Kenai River. If both of these proposals are not
16 adopted the community gillnet salmon fishery in the for
17 Ninilchik residents would continued to be administered
18 as originally adopted by the Board in 2015 and
19 stipulated in Federal subsistence regulations.
20 Additionally, the community gillnet salmon fishery will
21 continue to provide additional subsistence
22 opportunities for the residents of Ninilchik.
23 Residents of Hope and Cooper Landing will continue to
24 have subsistence opportunities provided to them under
25 the Federal dipnet and rod and reel fisheries in the
26 Kenai.

27

28 Finally, there is a potential that
29 annual total harvest limits for the Kenai River fishery
30 could be obtained through the community gillnet fishery
31 before residents of Hope and Cooper Landing are able to
32 harvest at their preferred locations in the upper Kenai
33 River at Russian River falls. Although this could be
34 remedied by linking all of Ninilchik's harvest for both
35 the Kenai River and the Kasilof River to the Kasilof
36 River annual and household limits. This would leave
37 the Kenai River annual and household limits to be split
38 between Hope and Cooper Landing. However, this may
39 also warrant additional assessment of additional -- of
40 annual and household limits for the Kasilof River.

41

42 Regardless of whether or not these
43 proposals are adopted or not, the regulation would
44 still allow for three things.

45

- 46 1. The retention of late run
47 chinook via the Federal dipnet
48 and rod and reel fishery.
- 49 2. Prohibit the retention of early
50

1 run chinook salmon at three
2 specific sites in the Federal
3 waters on the Kenai River via
4 the Federal dipnet and rod and
5 reel fishery while allowing
6 harvest while allowing harvest
7 of early run chinook salmon via
8 the additional rod and reel
9 fishery elsewhere in the
10 Federal waters in the Kenai
11 River with a protective slot
12 limit.

13
14 3. Federal regulations prohibit
15 the retention of rainbow trout
16 and Dolly Varden over 18 inches
17 in length.

18
19 Just as a reminder, OSM is offering two
20 potential courses of action, or consideration depending
21 on the status of the request for reconsideration
22 process. As we've stated before in FP17-10, OSM's
23 preliminary conclusion, if the RFR process is ongoing,
24 is to defer Proposals FP17-06 and 07.

25
26 Option No. 2. If the RFR process is
27 complete, OSM's preliminary conclusion is to oppose
28 Proposals FP17-06/07.

29
30 To-date, given the best available data
31 obtained by the deployment of the experimental
32 community gillnet fishery adopted and opened under
33 Federal Special Action 16-02, a single community
34 gillnet on the Kenai River does provide an additional
35 subsistence opportunity with minimal incidental harvest
36 of species of concern. However, since this
37 experimental gillnet fishery has only been executed
38 once, from July 28th to August 15th with 20 foot and 60
39 foot net lengths, inferences made from this single data
40 point need to be approached with careful consideration.
41 Currently the only data that exists for a subsistence
42 gillnet fishery on the Kenai River is the data that was
43 gathered by the Ninilchik Tribal Council in association
44 with the experimental community gillnet fishery.
45 Additional data will allow for better inferences about
46 the effects of a single subsistence community gillnet
47 fishery on the Kenai River. The collection of
48 additional data can be controlled through an
49 operational plan which is already provided for under
50 Federal regulations. The only way that this process

1 will occur is with the continued implementation of the
2 community subsistence gillnet fishery. This provides a
3 fair and reasonable balance between managing fish
4 populations with conservation in mind, while also
5 providing for continued subsistence opportunity when it
6 can be provided. Additionally, there needs to be
7 consideration of an acceptable level of mortality for
8 all species of salmon and resident species of a
9 subsistence community gillnet fishery while also
10 considering the subsistence priority for Federally-
11 qualified subsistence users.

12
13 Thank you, Madame Chair.

14
15 I'd be happy to answer any questions
16 you may have.

17
18 ACTING CHAIR MS. STICKWAN: Are there
19 any questions on line.

20
21 (No comments)

22
23 ACTING CHAIR MS. STICKWAN: Tom. Mary
24 Ann.

25
26 MR. CARPENTER: No.

27
28 ACTING CHAIR MS. STICKWAN: Donald.

29
30 MR. MIKE: Thank you, Madame Chair.
31 When the Council's ready to receive public testimony
32 from the folks of Cooper Landing I'll just read the
33 introduction real quick.

34
35 Thank you, Madame Chair.

36
37 ACTING CHAIR MS. STICKWAN: So
38 testimony next, right. We have Heather Pearson from
39 Cooper Landing, FP17-06.

40
41 MR. MIKE: Thank you, Madame Chair.

42
43 MS. PEARSON: Hello, this is Heather
44 Pearson.

45
46 MR. MIKE: Heather, can you hold on a
47 minute, I'd like to read a statement real quick.

48
49 FP17-06 submitted by the Cooper Landing
50 submitted by the Cooper Landing and Hope Federal

1 Subsistence Community Group requests the Federal
2 Subsistence Board eliminate gillnets as a method for
3 harvest in the waters under Federal subsistence
4 jurisdictions of the Kenai River.

5

6 Thank you.

7

8 ACTING CHAIR MS. STICKWAN: Heather, go
9 ahead, Pearson.

10

11 MS. PEARSON: Thank you, Madame Chair
12 and Council members. My name is Heather Pearson and I
13 am a Federally-qualified subsistence user from Cooper
14 Landing.

15

16 I would like to tell you a story of
17 Cooper Landing as a subsistence community and share
18 with you what our vision of subsistence looks like.

19

20 Cooper Landing is a small community
21 with less than 400 residents. We do not have the luxury
22 of the support of a tribal government that is
23 generously funded by the Federal government, nor do we
24 have State tribal government employees, such as a well
25 compensated executive director or nearly 50 other paid
26 positions, such as paid yoga instructors, paid personal
27 trainer and four paid baristas. Doesn't that sound
28 nice.

29

30 Cooper Landing does not have a housing
31 assistance department, health clinic with medical
32 staff, behavioral health center, elder outreach
33 department or a health and wellness fitness club. We
34 have very few yearround jobs at all. We do not even
35 have a local grocery store for eight months out of the
36 year.

37

38 We do have some of the highest housing
39 costs of all of the Kenai Peninsula if housing can be
40 found at all.

41

42 We are a community of volunteers. Our
43 local library, emergency services, senior citizens
44 group, community school program, recycling program,
45 community club, advisory committees, community garden,
46 chamber of commerce, historical society and museum, gun
47 club, walkable community club, and stream watch, are
48 all supported fully by volunteers. Most community
49 members serve as volunteers for multiple organizations.
50 Our sense of community is strong and our sense of

1 service even stronger. We are a community of hard
2 workers. We believe in self-sustainability and
3 providing for our own. We believe in helping and
4 taking care of each other. We believe in taking care
5 of our environment and fish and wildlife so that our
6 children and grandchildren will be able to live off the
7 lands like we do and those who have come before us have
8 been able to do.

9

10 We believe that the subsistence way of
11 life means using resources in a responsible way that
12 does not harm populations or habitats.

13

14 Subsistence must be responsible. We
15 have been asked as a community what our vision of
16 subsistence on the Kenai should look like and should
17 not look like. We have been asked how we would like to
18 see our subsistence fishery managed.

19

20 The following is our vision.

21

22 We believe that subsistence looks like
23 taking your family out to harvest fish and game,
24 berries, plants and firewood with your own hands,
25 walking on your own feet.....

26

27 ACTING CHAIR MS. STICKWAN: Heather,
28 you need to stick to the proposal 17-06.....

29

30 MS. PEARSON: Yes, this is regarding
31 the proposal. We've been asked what our vision is by
32 the RAC when they came to our meeting, and so I will
33 sum it up.

34

35 We do not believe that subsistence on
36 the Kenai involves hiring paid employees to do the work
37 of fishing while the community members simply pick up
38 fish at an office or have it delivered to the door.
39 Commercial fishing in this way is not our vision of
40 subsistence. We do not believe that one subsistence
41 community should have the opportunity to harvest the
42 allotment of three community's available fish before
43 those fish ever get a chance to make it up stream where
44 we can all harvest them. Giving one community
45 preference over two others is not our vision of
46 subsistence. We have been very successful as a
47 community feeding our people using selective dipnets
48 and rod and reel on the Russian and Kenai River. We
49 respect the needs of other subsistence communities, but
50 we can't understand why the methods that are meaningful

1 and successful to us do not meet their needs.

2

3 Please use our community as a model of
4 what meaningful subsistence should look like on the
5 Kenai.

6

7 Thank you, that is all.

8

9 ACTING CHAIR MS. STICKWAN: Thank you.
10 Judy.

11

12 MS. CAMINER: Thank you, Madame Chair.
13 This is Judy. Thanks for your testimony. Just a
14 question, and I haven't been on the RAC all that long
15 but you said when the RAC came to your community is
16 when you voiced this vision of subsistence, so can you
17 just tell me about how long ago that was.

18

19 MS. PEARSON: We had two meetings with
20 Ricky Gease, he came out to Cooper Landing. The latest
21 one, I believe, was just a few weeks ago. And he
22 encouraged us, as a community to come to the RAC and to
23 share our vision of subsistence because as a Federally-
24 recognized community on the Kenai Peninsula it is our
25 fishery as well and our input is important. And we
26 were encouraged to express what subsistence should look
27 like on the Kenai and how is it going for our community
28 and what do we see as a successful, meaningful
29 subsistence opportunity. And a lot of times I feel
30 like people say there's no more meaningful subsistence
31 opportunity on the Kenai and that we need a net now
32 because dipnetting is not meaningful and rod and reel
33 is not meaningful but we've been very, very successful
34 with those methods and means and that's just the point
35 we really want to get across, that there is a
36 meaningful opportunity and we are utilizing that and it
37 is successful. You don't need a gillnet to catch
38 salmon on the Kenai River.

39

40 MS. CAMINER: Thank you.

41

42 ACTING CHAIR MS. STICKWAN: Okay, we
43 have the next one, Keith Doroff, sorry if I'm
44 mispronouncing your name, 17-06 gillnet on Kenai.

45

46 MR. DOROFF: Madame Chairman, and
47 Community members. Thanks for taking time to listen to
48 us. We appreciate all the work you do, I know you have
49 a lot of difficult decisions ahead of you.

50

1 My name is Keith Doroff. I've lived in
2 Cooper Landing over 20 years. I've made Cooper Landing
3 my home because it's a beautiful place. People come
4 from far and wide every summer to fish the main
5 (indiscernible) of the Kenai River. Most people I know
6 in Cooper Landing have to work two jobs to subsist and
7 make it in Cooper Landing. Like Heather mentioned, it
8 is one of the most expensive places to live on the
9 Kenai. And I actually do get a subsistence permit
10 every year, I don't opt to use it because I decide to
11 go walk on the Kenai -- I could go in and get a dipnet
12 but I just choose to go up with friends and fish off
13 the boat, fish off the bank, you know, have a nice
14 afternoon of it. But there are a number of people in
15 Cooper Landing that do subsistence fish and they do
16 walk in the five miles roundtrip into the Russian
17 River falls and then have to carry out that salmon.
18 Some of these people are 60, 70 years old. They don't
19 need -- you know, and if there are people that need
20 help fishing, we can proxy for them, we don't need to
21 be paid to fish for people. Heather has it right, we
22 are a community of volunteers, I'm part of the EMS, we
23 support -- I don't want to go off the record, but we
24 support the highway for emergency services and stuff
25 like that, it's a big job for us. But getting back to
26 the point, we don't need people to be paid to go
27 fishing. We've lived here. We want to see the river
28 continue as it is.

29
30 I guess my thought is, first we start
31 with one gillnet at how many feet long, what's going to
32 happen in two years, five years, 10 years, how many
33 gillnets. We don't -- you know, I mean if Ninilchik
34 gets a gillnet, do we get a gillnet, I mean, that could
35 potentially be three gillnets on the Kenai, to me
36 that's ridiculous, one's too many. One's too many.

37
38 For myself it's -- you know, it's --
39 they did mention about -- I don't want to go there, I'm
40 not going to -- I'm not going to talk about that, I'm
41 going to keep that opinion to myself. But the bottom
42 line is we're one of three subsistence communities.
43 I've been here since the meeting started, once during
44 the whole four and a half, five hours of testimony was
45 Cooper Landing and Hope brought up. The whole thing
46 was talked about Ninilchik, they're not the only
47 subsistence user on the Peninsula. Yes, they did a --
48 and I give them credit, they did a very nice job in
49 their presentation. I was very well informed on how
50 they did their dipnet -- I mean their gillnet. I guess

1 for us, what really shocked us is February 15th --
2 February of 2015 we heard that they were awarded a
3 gillnet, we had no idea this was even happening, so
4 after the fact we hear that they've already been
5 awarded a gillnet and now we got to try and catch up
6 and figure out how can we stop this, how can we stop
7 them from using a gillnet, you know, the mesh size and
8 all that. I understand all that. But if people really
9 want to -- I mean to me subsistence is going with a
10 family and going and collecting the fish you need as a
11 family. We have a number of families that go up and
12 there's a teacher from Cooper Landing, Tommy
13 (Indiscernible) and his family go up every year two or
14 three times, they make a day of it, they walk into the
15 falls, do the dipnetting and they get their fish and
16 they come home and make a family of it, they don't have
17 people being paid on a payroll to operate a gillnet.

18
19 So I guess I'm speaking for myself and
20 also for the many people in Cooper Landing that wanted
21 to make it here today but a lot of them can't get away
22 for a day, away from -- you know, Heather, she's a
23 mother with young children, we have a number of people
24 that have kids in the school, our school is K-12,
25 there's only 16 kids and those parents wanted to come
26 too, but, you know, they can't leave for the whole day.
27 There's people that have to work two jobs, they can't
28 -- you know, they can work in the summer and make lots
29 of money but then what do they do in the wintertime,
30 they can't -- you know, some of them have to leave to
31 go find other jobs.

32
33 So that's all I'm going to say. I
34 appreciate your time in this and, please, think long
35 and hard about that there are three subsistence
36 communities, not just one, not the one that you hear
37 about, and what about Hope and Cooper Landing.

38
39 Thank you, very much.

40
41 ACTING CHAIR MS. STICKWAN: Are there
42 any questions.

43
44 MS. CAMINER: Thank you for coming and
45 thanks for your patience today, too.

46
47 Did you feel, or did the community feel
48 their catch was in any way impacted by the net this
49 year?
50

1 MR. DOROFF: I guess I -- you know, I
2 guess I never really, you know, I guess thought about
3 that issue at this point because like I said, I
4 actually get a permit every year but I actually don't
5 walk up to the falls, I prefer to go in and fish but I
6 guess that would be kind of more toward people that
7 have gone up to the falls and actually they may know
8 whether there was maybe more fish in the river but I
9 guess that just depends on cycles and how much fish is
10 in the river at any given time.

11
12 MS. CAMINER: Thank you.

13
14 ACTING CHAIR MS. STICKWAN: Are there
15 any other questions. Tom. Mary Ann.

16
17 (No comments)

18
19 ACTING CHAIR MS. STICKWAN: Tom.

20
21 MR. CARPENTER: No questions.

22
23 ACTING CHAIR MS. STICKWAN: Okay,
24 that's a no. Okay, so we're on to Cathryn Leaders on
25 17-06 gillnet on the Kenai.

26
27 MS. LEADERS: Thank you.

28
29 (Pause)

30
31 MS. LEADERS: Okay, it's green now.
32 Thank you very much for taking time to hear our -- my
33 name is Catherine Leaders. I am a resident of Cooper
34 Landing for over 20 years. And I brought a letter from
35 two seniors to read and this is their testimony,
36 subsistence testimony. It was written by Jacklynn
37 Greenman (ph) and Annabelle Lindberg (ph)

38
39 Annabelle and I, Jacklynn Greenman have
40 been residents of Alaska since 1958 and homeowners in
41 Cooper Landing from 1978 to 2011. We currently are
42 residents at Snug Harbor Senior Haven in Cooper
43 Landing. Our first experience in fishing on the upper
44 Kenai River was in June of 1959. A group of young
45 people from our church in Anchorage drove down to
46 Cooper Landing for a day of rod and reel fishing
47 enjoying the beautiful creation around us. And enjoy
48 we did. Not only did we catch our limit of salmon and
49 enjoy the beautiful scenery but also became hooked on
50 fishing on the Kenai. Since that time, we, along with

1 many other friends and acquaintances have continued to
2 meet our annual family fishing needs through the
3 traditional method of rod, reel or dipnetting. This
4 has not only been fun, but more importantly has
5 provided a very adequate supply of healthy food,
6 including not only salmon but also other species of
7 fish found in the river. It also demonstrates the fact
8 that one does not need to have a gillnet across the
9 river to obtain adequate supply for family use. Needs
10 can also be met through proxy. As one ages and
11 strength begins to diminish it becomes more difficult
12 to traditional fish for our annual supply. They are --
13 Jacklynn is 90 years old and Anna is 88 years old of
14 age. So this gives them a good excuse. So for the
15 past three years we have had friends that have provided
16 for our annual needs using our proxy.

17

18 The Kenai River is beautiful and has
19 been a great and ongoing resource of salmon and other
20 delicious fish species of all Alaska residents for
21 generations. Good management has been a very important
22 factor in this and is critically important in
23 maintaining this resource for the generations to come.
24 To allow any gillnets on the river, Kenai River for
25 families to obtain their annual supply of fish is
26 unnecessary. It has been shown that needs can be met
27 by rod and reel, dipnet or by proxy.

28

29 Please save the river and adequate fish
30 supply for the present and coming generations by good
31 management.

32

33 Please disallow gillnets on the Kenai
34 River.

35

36 Thank you. Jacklynn Greenman.

37

38 Thank you.

39

40 ACTING CHAIR MS. STICKWAN: Are there
41 any questions.

42

43 (No comments)

44

45 ACTING CHAIR MS. STICKWAN: Are there
46 any questions on line.

47

48 (No comments)

49

50 ACTING CHAIR MS. STICKWAN: Thank you.

1 We have Glenn Parker, 17-06, 17-07.

2

3 (No comments)

4

5 UNIDENTIFIED VOICE: Not present.

6

7 ACTING CHAIR MS. STICKWAN: Not
8 present. Okay, down to Theresa Norris, 17-06.

9

10 MS. NORRIS: I'm Theresa Norris and
11 I've been a resident of Cooper Landing for 49 years.
12 And I have taken place -- I mean taken part in the
13 dipnetting every year that it's -- since it started and
14 so I walk 2.5 miles in and then 2.5 miles out with my
15 fish. And I just feel like the gillnet has not been
16 really proven. And given that -- I thought that
17 presentation today was very good, but I didn't think
18 there was enough time element, you know, it's from --
19 what was it, July 28th to August 16th, I just feel like
20 it's not a true picture yet. And I think that there
21 needs to be more experiment, maybe, because I've heard
22 that other gillnets placed in other rivers and lakes
23 really do not conserve the fish. And I just think that
24 that is the priority -- or conservation of the river.
25 And I really feel there is a grave potential for misuse
26 of our fishery. And I think that because we are one of
27 three of the subsistence -- that we should all have an
28 equal opportunity to get our fish and I think it's been
29 proven that dipnet works and maybe we should all just
30 keep it at that, use the dipnet method.

31

32 Anyway, I guess that's all I have.

33

34 Thank you.

35

36 ACTING CHAIR MS. STICKWAN: I have a
37 question.

38

39 MS. NORRIS: Any questions.

40

41 ACTING CHAIR MS. STICKWAN: Has there
42 been any -- has anybody from Cooper Landing expressed
43 to have a gillnet, has anybody asked the question.

44

45 MS. NORRIS: Well, you know, I felt
46 like we weren't informed enough about the gillnet.
47 Now, this really was helpful to see the actual video
48 and -- but I felt like maybe Ninilchik, if they'd come
49 up and given us more information about gillnet and --
50 and -- like I said, I'm not -- I'm not sure that it's

1 really a proven technique. I don't -- I mean I -- I
2 honor their need for getting fish and I respect that, I
3 think that's great, but I just -- I think there should
4 be monitoring on really this -- you know, I mean the
5 length of time, even to September, the end of September
6 to me is a long time for all the different fish that
7 might be impacted, you know, for a gillnet is pretty
8 much -- takes care of all the fish. I don't know.

9

10 ACTING CHAIR MS. STICKWAN: Thank you.

11

12 MS. NORRIS: Anything else.

13

14 ACTING CHAIR MS. STICKWAN: Any other
15 questions.

16

17 (No comments)

18

19 ACTING CHAIR MS. STICKWAN: On line.

20

21 (No comments)

22

23 ACTING CHAIR MS. STICKWAN: No. So
24 we're down to Kristine Route, gillnet on the Kenai.

25

26 MS. ROUTE: Good afternoon. Again, my
27 name is Kristine Route and I'm a member of the Cooper
28 Landing community and my background is in park and
29 protected area management. And so I'm here today to
30 also support FP17-06.

31

32 And I felt like it should be mentioned
33 that in your booklet it says 61 people support the
34 proposition, here's all the letters that weren't
35 included in this booklet. There's a copy on the back
36 table, if you'd like to check them out. And we also
37 have a Cooper Landing petition, there's over 250
38 signatures of people who are concerned about the
39 gillnet.

40

41 Again, like Theresa said, nobody came
42 to us as a community and said this is what we're
43 thinking of doing, we heard about it after the fact,
44 which wasn't shown in a very positive light. My
45 personal concern with it is it's not preserving the bio
46 diversity of the river system so how are other species
47 besides fish going to be affected, how about the small
48 amphibians or the bug life that lives in the water, are
49 they going to be affected. And then, as well, they
50 talk about passing it on for future generations and so

1 in Cooper Landing we take the children with us and they
2 witness the process from river to back home. And I
3 want them to have their own fish but in their video it
4 just showed that they are bringing the fish to the
5 community so where is the youth involved in that.

6

7 And I think that's all I have.

8

9 ACTING CHAIR MS. STICKWAN: Are there
10 any questions.

11

12 Judy.

13

14 MS. CAMINER: Thank you, Madame Chair.
15 Thanks for coming to testify. So does your petition,
16 is that people from Cooper Landing or might it include
17 people from Hope as well?

18

19 MS. ROUTE: Primarily it's Cooper
20 Landing residents. And I can make a copy for you
21 available.

22

23 MS. CAMINER: Thank you. I guess if we
24 could have one for the record they'll help you in back
25 there as to how to.....

26

27 MS. ROUTE: Great.

28

29 ACTING CHAIR MS. STICKWAN: Any other
30 questions.

31

32 (No comments)

33

34 ACTING CHAIR MS. STICKWAN: On line.

35

36 (No comments)

37

38 ACTING CHAIR MS. STICKWAN: We have --
39 thank you. We have Mike Stevens 17-06 gillnet on the
40 Kenai.

41

42 MS. ROUTE: Did you want these written
43 statements?

44

45 ACTING CHAIR MS. STICKWAN: Yes. We
46 have copies, don't we, of those, we had.....

47

48 MS. ROUTE: There were 61 that were
49 left out.

50

1 ACTING CHAIR MS. STICKWAN: Okay, yes.

2

3 MR. STEVENS: Hello, my name is Mike
4 Stevens and I'm from Cooper Landing. I need to say
5 that I do support NTC's right to subsistence fish the
6 same as I support the right for Hope and Cooper Landing
7 residents to subsistence fish. But I am opposed to the
8 gillnets and I am in favor of 17-06/07.

9

10 I apologize, I am not the best public
11 speaker. I have written some talking points, kind of
12 in outline form.

13

14 My reasons for opposing the gillnets on
15 the Kenai and the reasons for supporting the past of
16 subsistence harvest of using dipnets and rod and reel,
17 are -- I broke it into three major points; one being
18 conservation; the second being subsistence fairness and
19 equality; and the last being decisions that this Board
20 makes and long range impacts.

21

22 So when it comes time for conservation,
23 I do believe that gillnets kill indiscriminately
24 different species of fish. Now, the net that was used
25 this year in the test for NTC was probably the most
26 watched net on the Kenai ever. I mean literally in the
27 three to five hours that they had it out there per day,
28 in their own words they said that they checked it 78
29 times in three to five hours, that's amazing. But the
30 proposal that they have put forth puts out a -- gives
31 them the opportunity to put it out there for a 48 hour
32 soak, which means they put it in and don't come back
33 for up to 48 hours later. If you're checking it 78
34 times in three to five hours you're not going to get
35 rainbow trout and Dolly Varden and you have a chance to
36 let king salmon go or -- but, you know, if it's out
37 there soaking for 48 hours there's an opportunity to
38 get some of the other Native species out there. I
39 think gillnets can easily and quickly deplete a
40 resource if they're not monitored consistently and
41 literally, hourly.

42

43 A little history, in Washington, a user
44 group sued the state of Washington for the right to use
45 gillnets in the early '70s and they won their decision
46 and they used gillnets, and it worked so well that
47 virtually some of the fisheries in Puget Sound were
48 completely decimated by the use of gillnets. They have
49 built those fisheries back up and they're still using
50 gillnets but they're not gillnetting Native stock

1 anymore, they're gillnetting hatchery fish. We have
2 all Native fish out here on the Kenai. I don't think
3 that we want to take the chance of losing or
4 jeopardizing the Native fish and salmon runs on the
5 Kenai.

6
7 Allowing the use of gillnets for an
8 extended period of time, I don't know, you may not
9 fully understand or realize that impact for two to five
10 years down the road until we've seen one or two fish
11 cycles. So I don't know how we can vote on something
12 right at this moment for that. You can't get back
13 what's already been lost I guess is what I'm trying to
14 say.

15
16 Under subsistence fairness and
17 equality. I think allowing NTC to gillnet gives an
18 unfair advantage to that user group. There's three
19 different communities on the Kenai River and we're only
20 allowed 4,000 fish. On given run timing you could
21 easily catch, you know, two, 300, 400 fish in a night
22 or over a 48 hour period. I think there is a lot of
23 concern that the use of the gillnet will -- all 4,000
24 fish can be taken for the three subsistence communities
25 by one community.

26
27 And what will the Subsistence Board do
28 when Cooper Landing comes and says we want to put a net
29 out, a gillnet out, or Hope wants to put a gillnet out
30 or another user group wants to put a net out. I think
31 by starting to use a gillnet on the Kenai River we've
32 opened up a can of worms.

33
34 Subsistence needs to be fair and equal
35 for all groups. I think we had that with the use of
36 dipnets and it made an even playing field. With a
37 little effort the subsistence dipnetters were able to
38 get their fish, as little as they needed, or as much as
39 they needed for their allowed quota and proxy
40 dipnetters who fished for elders and others who could
41 not fish for themselves also had no problem getting
42 fish. We do it every year up at the falls.

43
44 I think the previous allowed dipnetting
45 for subsistence was an equal and fair system that
46 wasn't broken and so I don't know why we're trying to
47 change it just for some -- maybe for an easier way for
48 one group.

49
50 As far as long range impacts and the

1 decisions of this subsistence group, I think allowing
2 the use of gillnets on the Kenai not only affects each
3 of the three subsistence groups on the river but it
4 also impacts other industries such as tourism and
5 sportfishing. I think allowing the use of a gillnet
6 will fester animosity between user groups that don't
7 have that right or to the ones -- or to NTC that does.
8 I think it's looked upon as an unfair advantage. And I
9 think that the use of gillnets needs to be addressed
10 immediately. I don't think that -- you've heard it
11 said that we were kind of blindsided when this -- all
12 of a sudden we found out that permission had already
13 been granted. Cooper Landing sent in 61 comments and
14 there's a petition there with 248 signatures that I
15 don't think most of the group even knew that was sent
16 in.

17
18 So in kind of closing, I believe that
19 the use of gillnets on the Kenai should be immediately
20 revoked until this Board has had -- it has been
21 properly researched, vetted and there's been scheduled
22 public testimony by all user groups in front of the
23 subsistence committee.

24
25 So, thank you, very much.

26
27 ACTING CHAIR MS. STICKWAN: Is there
28 any questions.

29
30 (No comments)

31
32 ACTING CHAIR MS. STICKWAN: Any
33 questions on line.

34
35 (No comments)

36
37 ACTING CHAIR MS. STICKWAN: Thank you.
38 David Lenig -- Lenig, sorry, I can't pronounce it.

39
40 MR. LENIG: Madame Chair. Committee
41 members. I just have a brief statement to make.

42
43 My name is David Lenig and I've lived
44 with my wife in Cooper Landing since 2010, we own a
45 home there. And I'm here today to express my support
46 for FP17-06/07 and my opposition to the 17-10. To
47 eliminate the gillnetting on the Kenai River.

48
49 Gillnetting on the Kenai River, I
50 believe, does risk a conservation of the fish species.

1 You know, right now they've only had a short period of
2 time to test that gillnet and that was late in the
3 season, relatively speaking and the water levels were
4 high. So, you know, what's going to happen next year
5 and what's the bycatch going to look like -- bycatch
6 going to look like.

7

8 Most people think it's -- generally
9 you've got the -- to me, it increases the risk on the
10 Russian River sockeye run if you allowed a substantial
11 capture of the early fish coming up the river. So
12 changing the time period to June 15th to whatever just
13 puts more pressure on our own escapement goals for the
14 Russian River sockeye.

15

16 Generally, like Keith, I like to fish
17 and get my minimal salmon needs but I've got neighbors
18 in my community that rely heavily upon dipnetting and
19 getting their quotas to take them through the winter
20 months. So, in fact, one of my neighbors recently a
21 couple of summers ago hurt himself badly where, you
22 know, he was unable to hike the 2.5 miles back to the
23 falls and, you know, a member of the community stepped
24 forward and helped him out and proxy fished for him and
25 his wife so that they could get their quota. But like
26 Heather had said earlier, that's part of the community
27 of Cooper Landing, the way we think, that subsistence
28 fishing should be done.

29

30 So that's pretty much all I had to say.

31

32 Any questions.

33

34 ACTING CHAIR MS. STICKWAN: Is there
35 any questions.

36

37 Judy.

38

39 MS. CAMINER: Thanks very much for
40 coming and for your testimony. I was at the falls this
41 summer and I was thinking, it would not be that easy to
42 haul a few fish back from there. But the fishery has
43 increased over the years, in '07 it started at about
44 400 some fish and now it's up to about 1,100 and if at
45 some point Cooper Landing feels the allocation needs to
46 be higher as part of this process, you could always put
47 in a proposal asking for that. So just to keep in
48 mind, we hope to keep you involved in the process.

49

50 MR. LENIG: Okay.

1 ACTING CHAIR MS. STICKWAN: Are there
2 any other questions.
3
4 (No comments)
5
6 ACTING CHAIR MS. STICKWAN: Anybody on
7 line.
8
9 (No comments)
10
11 ACTING CHAIR MS. STICKWAN: Hearing
12 none, that was the last public testimony.
13
14 MS. CAMINER: Back to No. 10.
15
16 ACTING CHAIR MS. STICKWAN: So back to
17 No. 10. Oh, shouldn't we allow him to testify.
18
19 MR. WILLIAMS: Madame Chairman, I
20 signed up for every proposal for public testimony.
21
22 ACTING CHAIR MS. STICKWAN: Okay, I'm
23 sorry, go ahead.
24
25 MR. WILLIAMS: Do you want to do that
26 now or.....
27
28 ACTING CHAIR MS. STICKWAN: Yes.
29
30 MR. WILLIAMS: Okay. Madame Chairman.
31 Darrel Williams, I'm with Ninilchik Traditional Council
32 and I'm from Ninilchik and I'm a Federally-qualified
33 subsistence user.
34
35 So I certainly appreciate everybody
36 coming out and providing their views and I will start
37 my testimony with one very pointed question. When did
38 the RAC go to Hope and help them develop their vision
39 and when did the RAC go to Ninilchik and help them
40 develop their vision? This is a Federal process.
41 That's a real problem and it needs to be addressed.
42
43 So with that said, I'd like to be able
44 to express how we were able to fish the fishery. We
45 didn't have a bycatch. We didn't have a lot of these
46 concerns that people have. And I think to help put
47 this in perspective, if we look on Page 50, the bottom
48 of Page 50, in the Staff analysis, there was a proposal
49 submitted for gillnets FP07-29 by Mr. Robert Gibson of
50 Cooper Landing so Cooper Landing has, indeed, asked for

1 gillnets in the past and I think that's also why it's
2 important that we actually look at the Staff analysis
3 and have all the different parts evaluated during the
4 public process.

5
6 What happened since then, I'm not
7 really sure.

8
9 But some of the good information that
10 is provided in here, if we go to Page 66, for example,
11 and we start looking at catch and different methods
12 that are used in different river systems for a variety
13 of methods, so on Page 66, and for the example we'll
14 use dipnet fisheries and we'll use the year 2015.
15 Cooper Landing residents were able to harvest 1,176
16 fish with using dipnets in 2015, awesome. If we turn
17 the page and we look at what Hope was able to harvest
18 in 2015 using dipnets, they were able to harvest 402
19 fish. If you go to Page 68 and we look at what
20 Ninilchik was able to harvest using dipnets in 2015 we
21 see it was 26 fish. That is the justification of why
22 we have looked at different methods and means to using
23 an effective gear type. When you look at the data and
24 you review the information that's at hand, that's why
25 we've had to seek better gear types. We fished a
26 fishwheel for three years with zero harvest because
27 everybody thought that was the right way to do it. And
28 it goes back to the same thing, this is the process,
29 the users bring information to the Regional Advisory
30 Councils that are made up of local individuals who have
31 direct knowledge of what's happening in an area.
32 Making assumptions about what works in an area and what
33 doesn't work in an area without doing the homework is a
34 different problem and we want to make sure that that be
35 looked at.

36
37 There's good reasons why we've done the
38 things that we've done. We're not trying to abuse the
39 resource and we're not trying to take advantage of
40 anything. We're trying to get a fishery that works.

41
42 So considering the Cooper Landing
43 harvest with just dipnets, right, having a gillnet in
44 the Kenai River, they still did better than we did with
45 dipnets. And the reason for that is because it's a
46 different kind of river. It's a different kind of
47 fishing. It's a different opportunity. And to be able
48 to understand that is why we spent hours and hours
49 today being able to demonstrate that and communicate
50 that to other people.

1 You know with that said I'll stop there
2 because I think we've really talked about everything
3 else about our fishery, why we do the fishery, the way
4 we do this and I would like the RAC not to support
5 FP17-06 and 07 because it provides no new information,
6 there is no conservation concern because we've proved
7 that by putting the net in the water, and there's no
8 substantial evidence saying that the gillnet fishery is
9 wrong. This goes back to the same thing, a lot of
10 people are misinformed because when we look at the
11 analysis that's been done in subsistence here we're
12 finding no references or few references, in the
13 references that have to actually do with fisheries and
14 research. Personal communications are nice but we need
15 real research documentation and that's why I said we
16 brought 30, 30 peer reviewed collaborative research
17 documents to be able to make these decisions, and
18 that's something that we need to be able to do so
19 people don't become misinformed and they understand the
20 issue better.

21

22 Thank you.

23

24 ACTING CHAIR MS. STICKWAN: Are there
25 any questions.

26

27 (No comments)

28

29 ACTING CHAIR MS. STICKWAN: I have a
30 question.

31

32 MR. WILLIAMS: Yes.

33

34 ACTING CHAIR MS. STICKWAN: Suppose
35 Cooper Landing wants to have a gillnet or Hope wants to
36 have gillnet, the 4,000 is the number right now, how
37 could you possibly work together, I'm just -- because
38 the concern is there's going to be an overharvest of
39 salmon, how would you address that.

40

41 MR. WILLIAMS: Madame Chair. I
42 certainly appreciate that. There's a couple of things
43 to consider on this.

44

45 One is we're talking about let's bring
46 this for sockeye because it seems to be kind of a
47 common issue that everyone's looking at, sockeye
48 salmon. In the Kenai River there's two runs of sockeye
49 salmon and right now Hope and Cooper Landing
50 exclusively fish the first run, we're not allowed to.

1 So they have one entire run of fish that's entirely
2 theirs. You just look at the dates, so these dates in
3 these proposals, you know, that we had submitted to be
4 able to change the dates, we're not allowed to fish
5 that, Hope and Cooper Landing are. We only get a
6 portion of the second run of fish. So with that said
7 the numbers are already kind of skewed a little bit
8 that way in terms of when the fish are, where they're
9 going and who's allowed to fish them when.

10
11 The other thing is, I think that that
12 arbitrary number of allocation really needs to go away.
13 This idea of saying 4,000 fish, or six fish or 10 fish
14 or whatever, it's an arbitrary number that got assigned
15 somewhere and the bad part about it is, it's not a
16 fishing allocation like commercial fishing, right,
17 commercial fishing, you know, 2.5 million sockeye,
18 right, we don't have those numbers for subsistence
19 although we should but being's that they don't exist --
20 but we spent about, oh, it was about four years, you
21 know, for some of the folks who have been here that
22 long, working on this idea of what a harvest limit
23 should be, and I think you should go to harvest limit,
24 because a subsistence user has the option to go with a
25 Federal permit and to be able to go fish that permit,
26 whether it's through designated fishers, or with a
27 proxy thing, right, rod and reel, dipnet, it's their
28 choice on how that user uses that stuff and the
29 allocation belongs to that user. And like the
30 fisheries that we had, where I was showing you earlier
31 today, about we had so many bring us their permits and
32 say please fish this for us, well, that was a small
33 percentage of the entire community. More people could
34 have signed up and some of the other people who got
35 Federal permits, they decided to go fish on their own,
36 which all those things are fine, but I think that
37 common denominator of the household limit is really
38 what needs to be explored about what's the threshold of
39 that 4,000 fish or whatever number that those fish
40 could be. If they have 100 people getting permits in
41 their community it'll be 100 times whatever the
42 household limit is, for example, for sockeye 25 fish
43 for the head of household, and five fish for each
44 additional family member, I think that should really
45 demonstrate that number.

46
47 I think we've got to remember that this
48 is Federal subsistence under ANILCA, statutory law,
49 it's not an option, guys. I mean the same thing, and
50 when it becomes an option, ANILCA says it's everybody

1 else's problem first. So when the sportsfisheries
2 close, when the commercial fisheries close, when the
3 personal use fisheries close, when the educational
4 fisheries close, then the agencies come to the users,
5 the Federal subsistence users and say, guys we have to
6 do something. And there's been a lot of issues in the
7 past where the subsistence fisheries have been the
8 first ones to close especially on the Kenai River and
9 that's part of that problem. So I don't think that
10 that overall number is really important when we put
11 ANILCA into context, because the Federally-qualified
12 subsistence users are the absolute priority according
13 to statutory law delivered by Congress. It's not up to
14 the State, it's not up to the communities, it's not up
15 to the agency, that's -- those are the rules, right.

16

17 Sorry, I'm going to far but I think
18 that we need to look at those household limits, I think
19 those household limits should dictate -- some of the
20 meetings that we had about our fishery sort of talk to
21 that and we had found that there was concerns about if
22 we did start to harvest different species of fish or
23 harvest that was allowed, what would be the threshold
24 where we consider a trigger or something to take action
25 on. And that was a tough question, because the same
26 thing, people had -- people who had that Federally-
27 qualified permit had the ability to harvest those fish
28 and then as a designated fisher we couldn't really tell
29 them no.

30

31 ACTING CHAIR MS. STICKWAN: Okay, we
32 have to move on.

33

34 MR. WILLIAMS: Okay, thank you.

35

36 MS. PEARSON: I have a question.
37 Heather Pearson.

38

39 ACTING CHAIR MS. STICKWAN: Is that
40 allowable. Quick question.

41

42 MS. PEARSON: Please may I ask a
43 question.

44

45 ACTING CHAIR MS. STICKWAN: Yes.

46

47 MS. PEARSON: I was wondering if you
48 could speak to the number of Federal subsistence
49 fishing permits issued for Ninilchik, you said
50 somewhere around 900 members of the community, these

1 numbers weren't published in the OSM analysis, it looks
2 like personal use fishery permit numbers were issued,
3 but can you speak to the low numbers of permits being
4 issued in Ninilchik.

5

6 MR. WILLIAMS: Yes, Madame Chair, and
7 who's on the phone, I'm sorry, I didn't get your name.

8

9 MS. PEARSON: Heather Pearson.

10

11 MR. WILLIAMS: So I can speak to it
12 partially and the rest of it would have to come from US
13 Fish and Wildlife Service because they actually issue
14 the permits, we don't. But also this about the
15 community of Ninilchik, now, I think we need to put
16 this in context, we have been working on doing this for
17 15 years, not last week, not last month, everybody who
18 didn't know, it's been going on for 15 years. Five
19 lawsuits and 15 years of effort.

20

21 So in that 15 years, if you look at the
22 early transcripts and the early records, we have lots
23 of folks in the community who would come to these
24 meetings and they'd participate and they would plead
25 with the Federal subsistence system, saying, please let
26 us be able to use a method that will even catch some
27 fish because we're only catching 20 or 40 fish a year.
28 Well, as time went on, the ability of the community to
29 keep going to meetings every year for 15 years dwindled
30 and people lost hope and that's one of the things that
31 we see now and how we've really ended up in the
32 position that we are now where we have a select group
33 of people who have engaged the subsistence process and
34 done so effectively and we're trying to make a
35 difference in the community.

36

37 It was like I had explained to
38 everybody earlier for our designated fisher, our proxy
39 type of fishing, almost all, probably 90 percent of the
40 people who had signed up were over 50 years, and those
41 are the people in the community that we're actually
42 providing a service to. Now, for the rest of the
43 community, other people who may be younger or they have
44 a different way that they like to fish, that would be
45 something you'd have to ask US Fish and Wildlife
46 Service because we never see their permits and so we
47 don't know who they were or how many were issued.

48

49 MS. PEARSON: So in 2012 28 were issued
50 for the entire community of Ninilchik of 900 people.

1 ACTING CHAIR MS. STICKWAN: We need
2 to.....
3
4 MS. PEARSON: 31 in 2013. 37 in 2014.
5
6 ACTING CHAIR MS. STICKWAN:move
7 on. We need to move on. Answer quickly.
8
9 MR. WILLIAMS: Yeah, you have to refer
10 to US Fish and Wildlife Service, I don't have those
11 numbers.
12
13 ACTING CHAIR MS. STICKWAN: We need to
14 move on.
15
16 MR. WILLIAMS: Thank you, Madame
17 Chairman.
18
19 ACTING CHAIR MS. STICKWAN: So we're
20 back to.....
21
22 MS. CAMINER: 17-10.
23
24 ACTING CHAIR MS. STICKWAN:17-10
25 and we're on Issue No. 3. So Staff.
26
27 MR. CARPENTER: Madame Chair.
28
29 MS. CAMINER: Tom. It's Tom.
30
31 ACTING CHAIR MS. STICKWAN: Yes, Tom.
32
33 MR. CARPENTER: (Indiscernible) we're
34 never going to get done with all these proposals they
35 way we keep -- the way we're going, but maybe we ought
36 to just go through each issue one at a time, quickly,
37 if somebody wants to make an amendment, fine, if nobody
38 wants to make one, let's go on to the next issue.
39
40 MR. OPHEIM: Madame Chair. Is it
41 possible to maybe do a different, what do you call
42 that, not an amendment, but proposal -- motion --
43 modification to FP17-10. I mean are we already
44 committed to this process or can we have another motion
45 put out there.
46
47 MS. CAMINER: Carl.
48
49 MR. CARPENTER: There's a motion on the
50 floor.

1 MR. JOHNSON: Yes, Madame Chair. Carl
2 Johnson, through the Chair. Tom, you are correct
3 there's a motion on the floor now that has one
4 amendment, an amendment that adjusted the season date,
5 so this motion will have to be addressed, yeah, in a
6 final vote before moving on to another issue. So it
7 seems like the process that's in place now needs to be
8 completed and I think that Mr. Carpenter's suggestion
9 is probably is the most efficient way of continuing.

10
11 ACTING CHAIR MS. STICKWAN: The answer
12 is we have to continue issue by issue. What, I can't
13 hear.

14
15 MS. CAMINER: So have Tom proceed with
16 Point No. 3 maybe.

17
18 ACTING CHAIR MS. STICKWAN: Have Tom --
19 Tom, could you proceed with Issue No. 3.

20
21 MR. CARPENTER: Yeah, I was just --
22 Madame Chair I would just read each issue and then ask
23 each member if there's anybody that has an amendment,
24 if nobody has an amendment they want to bring up then
25 let's go on to the next issue so we can deal with the
26 totality of this proposal after we go through all of
27 the issues.

28
29 ACTING CHAIR MS. STICKWAN: Go ahead.

30
31 MR. CARPENTER: Okay, well, Issue 3, I
32 mean I'll be glad to do it. The proposal requests that
33 the Board replace the operational plan requirement of
34 the permit with specific permit conditions.

35
36 So I guess if there's anybody on the
37 RAC that would like to replace that language with
38 something else, or if everybody's satisfied then we
39 could move on to Issue 4.

40
41 ACTING CHAIR MS. STICKWAN: Is there --
42 what's the wish of the body, I guess.

43
44 Judy.

45
46 MS. CAMINER: Thanks, Tom, I appreciate
47 your effort here. I agree for the most part with
48 what's here. I would like to -- I think we could
49 clarify that the expectations that the same type of
50 gear would be used and similar times for attending to

1 the gear would make sense too, and discuss soak time,
2 which came up earlier. I disagree with point number 3
3 under Issue 3, that this decreases the potential for
4 collaboration and I also disagree with point number 4,
5 but that's just verbiage, I'd say.

6

7 But I would like to see dates inserted
8 here by which certain actions would need to take place
9 and when the permit would have to be approved by so
10 that better planning could take place for the whole
11 fishery.

12

13 MR. CARPENTER: So do you have
14 something specific that you would want to recommend.

15

16 MS. CAMINER: Well, I guess I can just
17 toss out a few dates, I don't know if they're practical
18 or not but let's say that perhaps a permit application
19 be submitted, I don't know, by January 1st and then any
20 tribal consultation take place within the next few
21 months and then I'm sure probably some of the final
22 fine-tuning of it might not be able to take place until
23 you get some early run projection, but I would like to
24 have some dates, let's say by maybe May 15th where
25 final approval or disapproval takes place. At least
26 have some concrete milestones to meet. I don't know if
27 those are the right dates, I'd appreciate any input on
28 that.

29

30 ACTING CHAIR MS. STICKWAN: Are there
31 any other questions.

32

33 (No comments)

34

35 ACTING CHAIR MS. STICKWAN: So we're on
36 Issue No. 3, right.

37

38 MS. CAMINER: Yes.

39

40 ACTING CHAIR MS. STICKWAN: And, I
41 guess I don't really understand Issue No. 3, so maybe
42 we should go back to.....

43

44 MR. AYERS: Madame Chair. So you would
45 like clarification on what Issue No. 3 is.

46

47 ACTING CHAIR MS. STICKWAN: Yes.

48

49 MR. AYERS: The request is to propose
50 to replace the operational plan requirement that they

1 have each year with specific permit conditions. So
2 rather than having to work back and forth to get an
3 approved operational plan there would simply be a
4 permit with conditions associated with it that would be
5 issued annually.

6

7 ACTING CHAIR MS. STICKWAN: Uh-huh.

8

9 MS. HARDIN: Madame Chair. Just
10 additional information. The original proposal from the
11 proponent did specify specific permit conditions that
12 they wished to see included in the regulation.

13

14 I can read those to you now if you
15 would like.

16

17 ACTING CHAIR MS. STICKWAN: Yes. Yes.

18

19 MS. HARDIN: The permit condition you
20 -- you spoke -- first of all I want to back up and say
21 they included a date by which Ninilchik Traditional
22 Council would provide notice to the Office of
23 Subsistence Management of an intent to operate a
24 gillnet fishery and that date was February 1st, and
25 they specified that no later than April 1st a
26 subsistence gillnet permit would be issued by the
27 Office of Subsistence Management.

28

29 They also stipulated that the permit
30 conditions shall include:

31

32 Provisions that the gillnet may not be
33 over 10 fathoms in length.

34

35 Shall be constructed such that it is
36 directed at harvesting sockeye,
37 chinook, coho and pink salmon.

38

39 May not obstruct more than one-half of
40 the river with stationary fishing gear
41 and may not be set within 200 feet of
42 other subsistence stationary gear.

43

44 They stipulated that identification of
45 the person or persons who will be
46 responsible for the overall operation
47 of the gillnet as well as any means for
48 identifying persons authorized by the
49 tribe to supervise members of the
50 community engaged in fishing the net.

1 The permit condition shall also include
2 provisions for recording daily catches.

3
4 Ensuring that the removal of dorsal
5 fins of harvested fish.

6
7 And identifying the Ninilchik
8 households to whom the catch was
9 distributed.

10
11 The permit conditions would include
12 provisions for NTC's reporting of all
13 harvested fish within 72 hours of
14 leaving the gillnet location.

15
16 Also include identification of a
17 collaborative process for making
18 determinations -- so making
19 determinations about potential
20 closures.

21
22 So many of the permit conditions are
23 also broken out as individual requests in this proposal
24 in the information that OSM provided.

25
26 ACTING CHAIR MS. STICKWAN: Okay, now,
27 I'm really confused. Do we have a motion on the table.
28 I didn't hear any motion on the table for Issue No. 3,
29 right, so we can entertain a motion on Issue No. 3 at
30 this time. Am I correct.

31
32 So someone here can issue -- or make a
33 motion on Issue No. 3 to have OSM give out the
34 registration permit if that's the desire of the
35 Council, so.....

36
37 MR. CARPENTER: Gloria.

38
39 ACTING CHAIR MS. STICKWAN: Yes.

40
41 MR. CARPENTER: I'm not trying to be
42 more confusing, but we have a motion on the table to
43 look at this proposal as a whole and this is just a
44 different way that OSM is.....

45
46 ACTING CHAIR MS. STICKWAN: We are
47 making amendment to Issue No. 3 -- we're taking them
48 one at a time, my understanding is we can make an
49 amendment and this is what I'm saying.

50

1 MR. CARPENTER: Right.
2
3 ACTING CHAIR MS. STICKWAN: So
4 what.....
5
6 MR. CARPENTER: And I think that.....
7
8 ACTING CHAIR MS. STICKWAN:am I --
9 what am I doing wrong here, tell me what I'm doing
10 wrong.
11
12 MR. CARPENTER: Well, I don't think
13 you're doing anything wrong. I think the information
14 that OSM just read that Ninilchik has specified as
15 qualifying factors for this permit are probably some of
16 the concerns that Judy had, were answered when they
17 gave us all the specified -- or specific things that
18 were being quoted with this permit, so the way I look
19 at it is, if nobody has a problem with Issue 3 then we
20 don't really have to take action on it, when we vote on
21 the proposal as a whole we would basically be passing
22 that.
23
24 The only reason you need to take issue --
25 or take any action is somebody would like to amend
26 what Ninilchik has presented us in that one line
27 statement.
28
29 ACTING CHAIR MS. STICKWAN: Go ahead.
30
31 MS. HARDIN: Thank you, Madame Chair.
32 Yes, my intent in reading that language was to address
33 Ms. Caminer's suggestion that specific conditions
34 should be spelled out, if you do make an amendment, and
35 I wanted to let the Council know that the proponent did
36 provide specific conditions.
37
38 ACTING CHAIR MS. STICKWAN: And you're
39 saying SOM [sic] would give out the permit, is that
40 what I'm understanding.
41
42 MS. CAMINER: No, that's what we left
43 it.....
44
45 ACTING CHAIR MS. STICKWAN: Okay.
46
47 MS. CAMINER:as in Issue 2. So I
48 agree with Tom, I don't have any specific amendments to
49 Issue 3, I.....
50

1 ACTING CHAIR MS. STICKWAN: Okay.
2
3 MS. CAMINER:support it as is so
4 I don't think we need to make a motion.
5
6 ACTING CHAIR MS. STICKWAN: Okay.
7 Well, my understanding is it's SOM [sic] with the
8 condition of this permit by Ninilchik is what we have
9 on our -- as a motion, right.
10
11 I'm confused here, I'm sorry.
12
13 MS. HARDIN: I'm sorry, Madame Chair,
14 yes. In request No. 2 you addressed that you -- that
15 the Council wishes to support Request No. 2 as written
16 by the proponent which would designate OSM as an issuer
17 of the Kenai community gillnet fishery permit. So you
18 addressed that before the break.
19
20 Request No. 3 is whether or not -- the
21 question is whether or not the Council would support
22 replacing the requirement for an operational plan with
23 the specific permit conditions. Rather than requiring
24 an operational plan, change the regulation to only
25 require a permit with specific conditions spelled out
26 on the permit.
27
28 MS. CAMINER: So since we've supported
29 that, unless someone wants to make an amendment we're
30 done with this one.
31
32 ACTING CHAIR MS. STICKWAN: Unless
33 someone wants to make amendments I think we're done
34 with this one.
35
36 (No comments)
37
38 ACTING CHAIR MS. STICKWAN: So we can
39 move on.
40
41 MR. CARPENTER: Ms. Chair, I move we
42 move on to Issue 4.
43
44 ACTING CHAIR MS. STICKWAN: Move on to
45 Issue 4.
46
47 MR. AYERS: Okay. So request for asked
48 to name the Ninilchik Traditional Council as the
49 fishery coordinator in regulation. OSM's preliminary
50 conclusion is to oppose the request. OSM believes that

1 this issue should be addressed for the experimental
2 duration of the Kasilof River community gillnet fishery
3 prior to making this change for the Kenai River
4 community gillnet fishery to ensure there are no
5 relevant reasons not to make this change.

6

7 Thank you.

8

9 ACTING CHAIR MS. STICKWAN: Donald.

10

11 MR. MIKE: Thank you, Madame Chair. I'm
12 just trying to run the process through my head. This
13 Council adopted that proposal as submitted by NTC and
14 it was my -- well, my thought is that this proposal
15 adopted by this Council, they adopt the proposal as
16 submitted by NTC and adopt some of the language as
17 provided by OSM and move on, either oppose or adopt.
18 I'm just trying to streamline the whole process.

19

20 The analysis presented by OSM further
21 complicates the issue that this Council adopted the
22 proposal as submitted by NTC. So we're getting into
23 discussion that it seems endless.

24

25 Thank you, Madame Chair.

26

27 (Laughter)

28

29 ACTING CHAIR MS. STICKWAN: I think we
30 should entertain to vote it up or down, I guess.

31

32 MS. CAMINER: I think it's the same
33 unless anyone wants to make an amendment to No. 4.

34

35 ACTING CHAIR MS. STICKWAN: I just said
36 that. I wanted to hear whether you want to vote this
37 up or down, I want an answer. Somebody give me an
38 answer.

39

40 MR. MIKE: We have the amendments.....

41

42 MS. CAMINER: Madame Chair. Do you
43 mean of No. 4 or do you mean of the whole proposal.

44

45 ACTING CHAIR MS. STICKWAN: The
46 proposal.

47

48 MR. MCLAUGHLIN: The whole proposal.

49

50 MS. CAMINER: We do have an amendment

1 to the proposal that we discussed earlier.

2

3 MR. MCLAUGHLIN: The dates thing but we
4 didn't talk about the housekeeping deal yet.

5

6 MS. CAMINER: Right.

7

8 MR. CARPENTER: Madame Chair. I don't
9 have any problem voting on the proposal. I think we
10 should have done that to begin with but this
11 information was presented to us in kind of an unusual
12 way, not that it was a bad way, but it's lingering and
13 we're getting nowhere and I think people can address
14 concerns when we -- right now people can make
15 amendments to any issue that they want to. I tried to
16 make an amendment to No. 2, it failed. I'm willing to
17 move on from that. But that's my recommendation.

18

19 I think Donald's correct, we got to get
20 going.

21

22 ACTING CHAIR MS. STICKWAN: With the
23 housekeeping amendment that was added.

24

25 MR. MCLAUGHLIN: So do we need to make
26 a motion about the housekeeping amendment.

27

28 ACTING CHAIR MS. STICKWAN: Huh?

29

30 MR. MCLAUGHLIN: Do we need to make a
31 motion about the housekeeping amendment.

32

33 Through the Chair, back when we got the
34 information, a good suggestion, I really appreciated
35 that from the BIA, the thing about housekeeping, I
36 would make a motion that in the event, like the June
37 15th to September 30th dates, it said except for
38 whatever.....

39

40 ACTING CHAIR MS. STICKWAN: Section J.

41

42 MR. MCLAUGHLIN:yeah, Section J,
43 in relation to how it was described earlier.

44

45 ACTING CHAIR MS. STICKWAN: Is there a
46 second.

47

48 MS. CAMINER: I'll second that.

49

50 ACTING CHAIR MS. STICKWAN: Is there

1 any discussion.
2
3 (No comments)
4
5 ACTING CHAIR MS. STICKWAN: I'll
6 entertain -- all in favor say aye.
7
8 IN UNISON: Aye.
9
10 ACTING CHAIR MS. STICKWAN: Opposed.
11
12 (No opposing votes)
13
14 ACTING CHAIR MS. STICKWAN: Tom. Mary
15 Ann.
16
17 MR. CARPENTER: What are we voting on?
18
19 ACTING CHAIR MS. STICKWAN: We're
20 voting to vote this up or down, right.
21
22 MS. CAMINER: Housekeeping.....
23
24 MR. MCLAUGHLIN: Housekeeping.....
25
26 ACTING CHAIR MS. STICKWAN:
27 Housekeeping proposal. Housekeeping proposal.
28
29 MR. MCLAUGHLIN: Madame Chair. On No.
30 2, earlier was a motion about June 15th to September
31 30th dates, changing it from their May to the November
32 thing, but that complicated some other conflicting
33 information in the regs, but if we make a motion as
34 suggested earlier, to enable OSM to do housekeeping, in
35 particular, a quote: except for the following, in
36 reference to Section J, as my memory serves me. And
37 this is about the dates in 2, and how it created a
38 conflict.
39
40 ACTING CHAIR MS. STICKWAN: We're in
41 discussion, can't have any.....
42
43 MR. MIKE: Madame Chair, I suggest we
44 stand down and we need to regroup and let's stand down
45 for five minutes and we can address the current issue
46 at the table right now, let's stand down for five
47 minutes.
48
49 ACTING CHAIR MS. STICKWAN: Stand down.
50

1 (Off record)
2
3 (On record)
4
5 ACTING CHAIR MS. STICKWAN: Call the
6 meeting back to order.
7
8 (Pause)
9
10 MR. MIKE: Please find your seats,
11 we're starting.
12
13 (Pause)
14
15 ACTING CHAIR MS. STICKWAN: Hello.
16 We're calling the meeting back to order. I'm giving
17 the floor to Andy.
18
19 MR. MCLAUGHLIN: Thank you. Through
20 the Chair. I would like to withdraw my motion that was
21 made about the housekeeping and the Section J. I
22 recommend that since a conflict was recently recognized
23 I would -- in the existing regulations I would ask the
24 OSM to further continue to analyze this and make their
25 recommendations to the Board so that it can be fixed.
26
27 ACTING CHAIR MS. STICKWAN: That's his
28 motion. That is a motion by Andy, right, is there a
29 second to the motion.
30
31 MR. OPHEIM: I'll second it.
32
33 ACTING CHAIR MS. STICKWAN: Motion on
34 the table. All in favor say aye.
35
36 IN UNISON: Aye.
37
38 ACTING CHAIR MS. STICKWAN: Opposed.
39
40 (No opposing votes)
41
42 ACTING CHAIR MS. STICKWAN: Motion
43 passed.
44
45 Judy.
46
47 MS. CAMINER: Madame Chair. I guess to
48 speed this up, because I know we all have looked at
49 each of these various sections and I think we know --
50 oh, Carl.

1 MR. JOHNSON: I'm sorry, Madame Chair,
2 but since you do have two members who are on the phone,
3 we need to hear their audible yea or nay in order to
4 accurately tally the vote on the motion.

5
6 Thank you, Madame Chair.

7
8 ACTING CHAIR MS. STICKWAN: Tom.

9
10 MR. CARPENTER: Yea.

11
12 ACTING CHAIR MS. STICKWAN: Mary Ann.

13
14 (No comments)

15
16 ACTING CHAIR MS. STICKWAN: Mary Ann.

17
18 (No comments)

19
20 MR. MIKE: Mary Ann, if you are still
21 on line you need to unmute your phone.

22
23 ACTING CHAIR MS. STICKWAN: She's not
24 answering so I guess.....

25
26 MR. MCLAUGHLIN: Five. That's fine.

27
28 ACTING CHAIR MS. STICKWAN: Go ahead,
29 you had your hand up.

30
31 MR. JOHNSON: Oh, I was actually
32 answering Andy's question, five.....

33
34 ACTING CHAIR MS. STICKWAN: It's five,
35 okay.

36
37 MR. JOHNSON:that was five yea's
38 so the motion carried.

39
40 ACTING CHAIR MS. STICKWAN: Okay.
41 Judy.

42
43 MS. CAMINER: Madame Chair. I'll try
44 to draw this all together here. I think we may not
45 need to go through each of these points individually,
46 we've had the summary from OSM, we've all read the
47 issues, we have made the one amendment to change the
48 dates that Ninilchik proposed. So I would like make
49 then a motion that we support the proposal, with
50 modification, that includes our amendment of changing

3
4 Carl's got a.....
5
6 ACTING CHAIR MS. STICKWAN: Carl.
7
8 MR. JOHNSON: I apologize, Madame
9 Chair, I'll just volunteer myself as parliamentarian.
10
11 That motion already exists and you have
12 a motion that's been amended so it's a live motion, so
13 the only thing left at this point to do is to either
14 continue discussion or call the question and vote
15 because you already have a motion on the floor.
16
17 MS. CAMINER: Question.
18
19 ACTING CHAIR MS. STICKWAN: So we have
20 a -- ready for the vote. All in favor say aye.
21
22 IN UNISON: Aye.
23
24 ACTING CHAIR MS. STICKWAN: Opposed.
25 We need to hear.....
26
27 MR. CARPENTER: Nay.
28
29 ACTING CHAIR MS. STICKWAN: Mary Ann.
30
31 (No comments)
32
33 ACTING CHAIR MS. STICKWAN: So the
34 vote's five for.....
35
36 MS. CAMINER: Four, one.
37
38 MR. MCLAUGHLIN: Mary Ann.
39
40 ACTING CHAIR MS. STICKWAN: Mary Ann,
41 are you there.
42
43 (No comments)
44
45 ACTING CHAIR MS. STICKWAN: Nope. So
46 it failed.
47
48 MS. CAMINER: Okay.
49
50 ACTING CHAIR MS. STICKWAN: We don't

1 know if Mary Ann's there or not.

2

3 MR. MIKE: Madame Chair. Tom
4 Carpenter.

5

6 MR. CARPENTER: Madame Chair. I voted
7 nay but I would like to have a minority opinion
8 recorded.

9

10 My opinion is, is that I don't have a
11 whole lot of problems with this proposal. I think it
12 was presented to us in an ambiguous way. But there was
13 only, like Issue 5, I don't see any reason why anyone
14 can't submit an annual report. It seems like a very
15 trivial thing but the information is important in
16 managing species. I just think that that is something
17 to be considered and I hope that the Board, when they
18 react to this proposal, will quantify the idea and
19 hopefully put that back into the plan.

20

21 Other than that, I don't have a lot
22 that I don't like about it.

23

24 ACTING CHAIR MS. STICKWAN: Judy.

25

26 MS. CAMINER: Thank you, Madame Chair.
27 Tom, I know you probably didn't see the presentation
28 but the way I understand it is the daily report each
29 day then adds on from the previous day so kind of the
30 last day's report is the annual report, fi you will, or
31 cumulative of what had been caught and kept. So that's
32 what gave me a little bit more reassurance about this.

33

34 ACTING CHAIR MS. STICKWAN: Carl.

35

36 MR. JOHNSON: Well, we do have a bit of
37 a quandary here, Madame Chair. If Mary Ann Mills is
38 still on the phone then your current quorum is eight,
39 in which case the motion failed. But if she has left
40 the meeting and is no longer on the phone your quorum
41 is seven and the motion passed. So at this point in
42 time we cannot confirm whether or not the motion failed
43 or carried.

44

45 ACTING CHAIR MS. STICKWAN: We'll take
46 a minute.

47

48 CHAIRMAN ENCELEWSKI: She got
49 disconnected she said, she's calling.

50

1 ACTING CHAIR MS. STICKWAN: She got
2 disconnected and she's calling in.
3
4 (Pause)
5
6 ACTING CHAIR MS. STICKWAN: We could
7 take a minute while we're waiting.
8
9 (Pause)
10
11 MR. MIKE: Mary Ann, are you back on
12 line with us.
13
14 (No comments)
15
16 (Pause)
17
18 MR. JOHNSON: Madame Chair. I think
19 procedurally at some point in time we just have to
20 close the vote. We can't keep the vote open
21 indefinitely.
22
23 ACTING CHAIR MS. STICKWAN: Is Mary Ann
24 on line.
25
26 (No comments)
27
28 MR. MCLAUGHLIN: So if she's not on
29 line then we do -- it's four.
30
31 MR. JOHNSON: If she's not on line then
32 she's not present, which means your quorum is seven.
33
34 MR. MCLAUGHLIN: Which means four
35 passes.
36
37 MR. JOHNSON: In which case four
38 passes.
39
40 ACTING CHAIR MS. STICKWAN: Okay.
41
42 MR. MCLAUGHLIN: The motion passes.
43
44 ACTING CHAIR MS. STICKWAN: The motion
45 passes. So we can move on.
46
47 MS. CAMINER: Uh-huh.
48
49 ACTING CHAIR MS. STICKWAN: Whew. So
50 we're on to what proposal then.

1 MS. CAMINER: So are we going back to
2 the Cooper Landing ones.
3
4 ACTING CHAIR MS. STICKWAN: It's 6:00
5 o'clock, do you guys want to break.
6
7 MR. MCLAUGHLIN: Let's just go
8 tomorrow.
9
10 MS. CAMINER: Let's just keep going a
11 little bit anyways and try to get through the analysis.
12
13 ACTING CHAIR MS. STICKWAN: Go to
14 tomorrow. So we can go to the next proposal, which one
15 is that, 06. 17-09, right.
16
17 MS. CAMINER: Why don't we just.....
18
19 ACTING CHAIR MS. STICKWAN: Go ahead.
20
21 MS. HARDIN: Madame Chair. At this
22 point we would go back to FP17-06 and 07, or did you
23 want to go to FP17-09.
24
25 ACTING CHAIR MS. STICKWAN: This -- we
26 said that we were going to do 17-09 and 17-010 [sic]
27 today, this morning, my understanding was, that's what
28 we said didn't we.
29
30 MS. CAMINER: Maybe we did.
31
32 ACTING CHAIR MS. STICKWAN: Okay. We
33 should go back to what we said this morning, 09.
34
35 MR. MIKE: Madame Chair. Since we're
36 getting on Proposal 17-09, it's from the Ninilchik
37 Traditional Council requesting remove of experimental
38 title expansion of seasonal dates, numerous other
39 changes to regulations for the Kasilof River, since
40 it's no longer a part of the litigation we can Mr.
41 Ricky Gease and Mr. Greg Encelewski back on the table.
42
43 ACTING CHAIR MS. STICKWAN: Thank God.
44 That's my seat.
45
46 (Pause)
47
48 CHAIRMAN ENCELEWSKI: Okay, point of
49 order, I got the Chair now and thank you Gloria for
50 covering that. I know it was really tumultuous and it

1 was very up and down. The first order of business is
2 we're going to get ready to resign for the night and
3 we're going to reconclude in the morning. So you guys
4 have a good night, you did a good order of business.
5 Rest up and come back tomorrow.

6

7

So I declare we stand adjourn.

8

9

Thank you.

10

11

Okay, let's recess for the record.

12

13

(Off record)

14

15

(PROCEEDINGS TO BE CONTINUED)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 176 contain a full, true and correct Transcript of the SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically on the 17th day of October at 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 11th day of November 2016.

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