

1 SOUTHCENTRAL REGIONAL ADVISORY COUNCIL MEETING

2

3 PUBLIC MEETING

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5

6 VOLUME II

7

8 Gorsuch Commons, University of Alaska Anchorage

9 Anchorage, Alaska

10 October 18, 2016

11 8:30 a.m.

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17

18 COUNCIL MEMBERS PRESENT:

19

20 Greg Encelewski, Chairman

21 Lee Adler

22 Judy Caminer

23 Tom Carpenter

24 Ricky Gease

25 Andrew McLaughlin

26 Mary Ann Mills

27 Michael Opheim

28 Gloria Stickwan

29

30

31

32

33 Regional Council Coordinator, Donald Mike

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1 P R O C E E D I N G S
2
3 (Anchorage, Alaska - 10/18/2016)
4
5 (On record)
6
7 CHAIRMAN ENCELEWSKI: Okay. Good
8 morning, everyone. I'm going to go ahead and call the
9 Southcentral Regional Advisory Council back in session.
10 We've got October 18 and I've got 8:33. We're on Fish
11 Proposal 9. I think Judy wanted to make a statement of
12 clarification before we get to that proposal.
13
14 Go ahead, Judy.
15
16 MS. CAMINER: Thank you, Mr. Chair.
17 Welcome back everybody. Sorry everything got a little
18 bogged down yesterday and in our long discussions on
19 FP17-10 I really feel like I didn't state clearly
20 enough why I and the rest of the RAC supported the
21 proposal with modification. So looking at our
22 criteria, we do feel it benefits subsistence users.
23
24 I am sensitive to the fact that Cooper
25 Landing maybe feels that the amount of fish would be
26 reduced from their allocation of fish, so I would
27 request that OSM and the Interagency Staff Committee
28 look at that 4,000 number on the Kenai for sockeye and
29 whether that's still a reasonable number or whether
30 that could be modified or whether we start looking at
31 household harvest levels instead. But the proposal
32 does benefit subsistence users.
33
34 I believe the net can be set up and
35 prosecuted in a way that would not cause conservation
36 concerns. I feel there are enough checks and balances
37 on that. I think we have good data to work with, so
38 that's among the reasons that I supported the proposal.
39
40 Thank you, Mr. Chair.
41
42 CHAIRMAN ENCELEWSKI: Thank you, Judy.
43 I need to verify if the phone people could identify
44 yourself and let us know who's all there.
45
46 MS. MILLS: Mary Ann Mills,
47 Southcentral RAC Council.
48
49 MR. CARPENTER: Tom Carpenter.
50

1 CHAIRMAN ENCELEWSKI: Thanks, Tom.
2 Anyone else out there?
3
4 (No comments)
5
6 CHAIRMAN ENCELEWSKI: Hearing none.
7 Donald, are we ready to proceed. We're going to start
8 with the first proposal 17-09. It's a revised gillnet
9 regulation on the Kasilof River. We'll get the
10 introduction and the presentation by the analyst.
11
12 Thank you.
13
14 MS. HARDIN: Good morning, Mr. Chair.
15 Jennifer Hardin, Office of Subsistence Management.
16 Before I begin I just wanted to let you know that we've
17 revised our PowerPoints and clarified OSM preliminary
18 conclusion. What we'll do this morning is do a brief
19 summary of the analysis and then Scott will tell you
20 the overall preliminary conclusion from OSM. If there
21 are any modifications to the regional proposal, what
22 those are and how they've been modified and then turn
23 it over to you all for your discussion.
24
25 Thank you.
26
27 CHAIRMAN ENCELEWSKI: Thank you.
28
29 You guys go right ahead. Thank you,
30 Scott.
31
32 MR. AYERS: Mr. Chair. Members of the
33 Council. Good morning. This is Scott Ayers for the
34 record, fisheries biologist at OSM. I will now be
35 presenting the Staff analysis of FP17-09, which deals
36 with the Kasilof River experimental community gillnet.
37 This can be found on Page 136 of your Council book. A
38 map of the area in question can be found on Page 144 of
39 your book. We have made some changes to our
40 presentation and hope to have a more straightforward
41 approach today.
42
43 Similar to the last proposal we
44 discussed, FP17-09 was submitted by the Ninilchik
45 Traditional Council. The proponent is seeking a number
46 of changes to the Kasilof River experimental community
47 gillnet fishery that they believe would provide
48 security for a continued fishery, regulatory clarity
49 and meaningful subsistence fishing opportunity for
50 Federally qualified subsistence users from Ninilchik.

1 The proposal contains seven separate
2 requests to changes to the Kasilof River experimental
3 community gillnet fishery. This proposal, if adopted
4 in full, will result in a wholesale replacement of all
5 current regulatory language for this fishery.
6

7 A customary and traditional use
8 determination was made in 2006 for all fish in the
9 Kasilof River by the residents of Ninilchik. In 2007,
10 the dipnet and rod and reel salmon fisheries were
11 established in the Kasilof River as well as household
12 and annual total harvest limits for salmon. An
13 additional winter fishery in Tustumena Lake was
14 established. Proposals submitted in 2007 to classify
15 gillnet as a gear type for the Kasilof River were not
16 adopted.
17

18 In 2008, fishwheel was classified as a
19 gear type for the Kasilof River. In 2015, the Board
20 adopted Proposal FP15-11 to establish a five-year
21 experimental community gillnet for the river. A
22 request for reconsideration was submitted to the Board
23 related to adoption of FP15-11, but the Board found
24 that none of the claims met the threshold for
25 reconsideration.
26

27 Various strains of salmon and other
28 fish species are in the Kasilof River during the time
29 of year in question under Proposal FP17-09. However,
30 there are three species that Federal and State managers
31 have raised concerns related to this proposal. A small
32 fall run of steelhead exist in the Kasilof River. They
33 enter freshwater in the fall for overwintering, much of
34 which takes place just downstream of Tustumena Lake.
35 They spawn in the spring in the mainstem Kasilof
36 tributaries and tributaries to Tustumena Lake.
37

38 Finally they return to the marine
39 environment between May and late June. This run was
40 greatly enhanced through hatchery production for many
41 years, but has since returned to much smaller
42 population. Estimates of harvest in the State sport
43 fishery between 2005 and 2014 have ranged between 0 and
44 111.
45

46 Coho salmon are likely the second most
47 abundant salmon species in the Kasilof River drainage.
48 The primary spawning location in the drainage is the
49 mainstem of the river in the Tustumena Lake boat ramp
50 at approximately river mile 18, downstream to river

1 mile 15. There's additional spawning that occurs
2 between the boat ramp of Tustumena Lake within the
3 boundaries of the experimental community gillnet
4 fishery.

5
6 Lastly, there are two runs of chinook
7 salmon in the Kasilof River draining. The early run,
8 which includes a hatchery-produced component, spawns
9 primarily in the headwaters of Crooked Creek and is
10 thus not generally available for harvest in Federal
11 public waters. The smaller late run spawns in the
12 upper mainstem of the Kasilof River during August and
13 September and is available for harvest in the Federal
14 public waters.

15
16 Chinook salmon use the same area of the
17 river that coho salmon use for spawning from river mile
18 18 downstream to river mile 15. Spawning chinook salmon
19 have also been captured upstream of this area within
20 the boundaries of the experimental community gillnet
21 fishery.

22
23 Estimates of harvest of late run
24 chinook salmon in the State sport fishery between 2003
25 and 2012 ranged between 55 and 2,164. Escapement
26 estimates generated for the run between 2006 and '08
27 were all in the 8,000 fish range.

28
29 In 2015, the fishery was conducted on
30 15 days between July 13 and 31, a total of 15 Federally
31 qualified users signed up and 223 sockeye salmon and
32 one incidentally caught lake trout were distributed.
33 Additionally, 22 sockeye, 15 pinks and one Dolly Varden
34 were released. Preliminary results of the 2016 fishery
35 are 93 sockeye salmon and one chinook salmon were
36 retained.

37
38 OSM's preliminary conclusion is support
39 FP17-09 with modification. We're going to go through
40 each request and show how we've modified the original
41 request and pause between each request to provide
42 opportunity for the Council to ask questions or discuss
43 the issue with us.

44
45 For request 1, which is to remove the
46 experimental condition of the fishery, our preliminary
47 conclusion is to oppose. The quantity of information
48 provided to date does not provide enough data as a
49 basis to remove the experimental nature of the fishery.
50

1 Does the Council have any questions
2 before I move on to request 2.
3
4 CHAIRMAN ENCELEWSKI: Any questions
5 from the Council members. I just want to note Lee
6 Adler just showed up, so he's joining the Council.
7
8 Judy, go ahead.
9
10 MS. CAMINER: Thank you, Mr. Chair.
11 Scott, on the map that you mentioned, I was just
12 wondering what that olive green area is indicating
13 along the river and it's above the gillnet area.
14
15 MR. AYERS: The hatched area?
16
17 MS. CAMINER: No, the colored area.
18
19 MR. AYERS: Oh, okay. That is the area
20 of the river. It's Federal public waters downstream of
21 the boat launch. That's outside of the area that's
22 been approved for the community gillnet, but it's still
23 within the subsistence dipnet area. The whole area in
24 yellow Page 144 is the boundary of the Refuge.
25
26 MS. HARDIN: Ms. Caminer, it's the
27 subsistence dipnet area, the olive area. It shows up
28 olive on your map.
29
30 CHAIRMAN ENCELEWSKI: Thanks, Judy.
31 We'll go ahead and move on to the next one.
32
33 MR. GEASE: So in terms of experimental
34 fisheries, is that a standard procedure that the
35 Federal Subsistence Board does for new fisheries to get
36 other data or is that something just specific to this
37 fishery?
38
39 MS. HARDIN: The experimental
40 designation more specific to this fishery. Through the
41 Chair. My understanding is the Board's purpose was to
42 have an overall assessment of how the fishery made out
43 and to give the opportunity to work out any kinks in
44 the process, work out logistical questions, operational
45 questions and those sorts of things.
46
47 CHAIRMAN ENCELEWSKI: Okay. Now if
48 you'd go ahead and move on.
49
50 Thank you.

1 MR. AYERS: Okay. For request 2, which
2 proposes to alter the dates of the community fishery
3 from the current July 1 to 31 dates to an expanded May
4 1st through November 15th timeframe, OSM's preliminary
5 conclusion is to support with modification to expand
6 the fishery to match the current dates allowed
7 for chinook and sockeye salmon under the Kasilof River
8 dipnet/fishwheel/rod and reel fisheries in the same
9 location, which is June 16 to August 15.

10
11 Does the Council have any questions
12 before I move on to request 3.

13
14 CHAIRMAN ENCELEWSKI: Any questions.

15
16 (No comments)

17
18 CHAIRMAN ENCELEWSKI: Hearing none, I
19 think we're good.
20 Go ahead, Rick.

21
22 MS. MILLS: Excuse me. I do have a
23 question, but mine is on the removal of the
24 experimental -- this is Mary Ann Mills. It's on the
25 removal of the experimental conditions of this fishery.
26 Would you explain why they want to remove the
27 experimental conditions. What scientific data is
28 available?

29
30 CHAIRMAN ENCELEWSKI: Mary Ann, I think
31 you're going to get that explanation as we go through
32 in more detail on this.

33
34 MS. MILLS: Oh, okay. Thank you.

35
36 CHAIRMAN ENCELEWSKI: Rick just asked
37 that question earlier on experimental, but go ahead.
38 We were having a little bit of phone problem, Mary Ann,
39 you don't hear us. Rick just started talking at the
40 same time. I'm going to let him talk now, okay.

41
42 MS. MILLS: Thank you.

43
44 MR. GEASE: So can you clarify in the
45 report the initial July 1 through 31 was based on -- I
46 think there was some fishery conservation issues and
47 you're now recommending it from June 16th through
48 August 15th. Can you explain what concerns are no
49 longer concerns in terms of fishery conservation.
50

1 MR. AYERS: I believe that the concerns
2 were that steelhead that are in the river there's a
3 limitation on harvest of those fish after July 15 --
4 pardon me, August 15 and there were also concerns about
5 harvest of chinook prior to the dates in question. The
6 dates were specifically worked out between the
7 proponent and the Federal in-season manager and the
8 Kenai Refuge Manager during the initial discussion, so
9 I would let them speak specifically to that. However,
10 we believe that based on information that we've seen to
11 match the other fishery was just fine.

12
13 MR. GEASE: Forgive my ignorance, but
14 why does it need to match? Why couldn't it go on to
15 September?

16
17 MR. AYERS: Part of the reason is for
18 regulatory clarity, the dates that are set already for
19 fisheries for specific species such as the steelhead
20 fishery. It prohibits any retention of steelhead after
21 that specific date, so we'd create a regulatory
22 conflict if we allowed for harvest after that time.

23
24 CHAIRMAN ENCELEWSKI: Anyone have any
25 questions. Go ahead.

26
27 MS. STICKWAN: Are there other Federal
28 fisheries that have gillnets in the river that catch
29 incidental harvest through when they have a gillnet in
30 the river?

31
32 MR. AYERS: I don't believe I'm
33 qualified to speak to that at this point in time.

34
35 CHAIRMAN ENCELEWSKI: Okay. I think we
36 can move on. We'll go ahead and maybe ask the agent to
37 answer that when they get up here, okay.

38
39 Thank you.

40
41 Go ahead.

42
43 MR. AYERS: Request 3, which asks to
44 replace the operational plan requirement of the fishery
45 with specific permit conditions. OSM's preliminary
46 conclusion is to oppose. This requirement should remain
47 in place for the duration of the experimental
48 time period for this fishery to address conservation
49 concerns and logistic issues prior to the start of this
50 fishery each year.

1 (No comments)
2
3 CHAIRMAN ENCELEWSKI: None. I guess
4 we'll go ahead.
5
6 MR. AYERS: Request 4, which asks to
7 make OSM the issuer of the registration permit for the
8 fishery. OSM's preliminary conclusion is to oppose.
9 The Board delegates its authority to agency field
10 officials so that decisions can be more responsive to
11 the needs of in-season management and to address
12 conservation and safety concerns at a local level.
13 Administering the fishery through OSM and the Board
14 would likely not provide for responses that are
15 possible through the in-season management structure.
16 Any questions?
17
18 CHAIRMAN ENCELEWSKI: Anyone got a
19 question.
20
21 (No comments)
22
23 MR. AYERS: All right. Request 5,
24 which proposes to deem the Ninilchik Traditional
25 Council as the fishery coordinator in regulation. OSM's
26 preliminary conclusion is to support with modification
27 to name NTC as the coordinator of the community
28 gillnet fishery for the duration of the experimental
29 period. This would allow time for community input on
30 NTC's role prior to a decision by the Board on whether
31 to make this fishery permanent.
32
33 CHAIRMAN ENCELEWSKI: Questions from
34 the Council.
35
36 Judy, go ahead.
37
38 MS. CAMINER: Thank you, Mr. Chair. I
39 have a comment on point number two under issue 5, that
40 it may discourage Federally qualified subsistence users
41 not associated with NTC from participating. A Federal
42 program has many regulations where it designates an
43 organization, I mean for potlatches and other such
44 things, so I guess I don't find it that unusual to have
45 NTC listed as the organization or entity.
46
47 Thank you.
48
49 CHAIRMAN ENCELEWSKI: Thank you, Judy.
50

1 Go ahead.

2

3 MR. GEASE: Is there data to allay that

4 concern? I mean on the fish that are distributed from

5 the Kasilof net over the last couple years. Is there

6 wide distribution in the Ninilchik between NTC members

7 and non-NTC members within the broader Ninilchik

8 community?

9

10 MR. AYERS: I don't personally have any

11 information related to that at this point in time.

12 Perhaps the in-season manager can speak to that more

13 appropriately or the proponent.

14

15 MS. HARDIN: Through the Chair. We are

16 not aware of any issues that have arisen, but as Scott

17 suggested the in-season manager or the proponent could

18 probably speak to that issue better than we can.

19

20 CHAIRMAN ENCELEWSKI: Okay. Go right

21 ahead.

22

23 MR. AYERS: Thank you. For request 6,

24 which proposes to remove the annual reporting

25 requirement, OSM's recommendation is to oppose. Given

26 the biological concerns that have been raised for this

27 fishery, OSM believes that any additional information

28 provided in an annual post season report would be

29 important for assessing the fishery and helping to

30 direct future research.

31

32 Are there any questions.

33

34 CHAIRMAN ENCELEWSKI: Judy, go ahead.

35

36 MS. CAMINER: So we touched on this a

37 little bit yesterday. So in the daily report

38 cumulative totals are basically shown. Is there any

39 significant difference between a final report and the

40 last day's report?

41

42 MR. AYERS: Again, I believe the in-

43 season manager can appropriately speak to the specific

44 differences between what's required in the annual

45 report and the daily reporting, but I believe there are

46 some bits of information regarding number of permits

47 and fish distributed in the annual report that are not

48 necessarily reported on the daily reportings at this

49 time. Does that answer the question?

50

1 CHAIRMAN ENCELEWSKI: Okay. I think
2 she's good. Should we try to get clarification as we
3 go on.

4
5 MR. AYERS: For request 7, which
6 proposes to establish a collective process through
7 which NTC and the Southcentral Council are informed and
8 consulted prior to any potential closures or other
9 actions by the Federal in-season manager, OSM's
10 preliminary conclusion is to oppose. The Federal in-
11 season manager, via delegated authority from the Board,
12 is required to perform notification/consultation with
13 affected Regional Advisory Council members and engage
14 in government to government consultation with affected
15 tribes. Additional regulatory language is unnecessary.

16
17 So OSM's preliminary conclusion is to
18 support FP17-09 with modification to only change the
19 current fishery dates and to match those in place for
20 chinook and sockeye salmon. And NTC is coordinator of
21 the community gillnet fishery for the duration of the
22 experimental period. At this point in time, unless
23 there's further questions, we'd turn this over to you.

24
25 CHAIRMAN ENCELEWSKI: Is there any last
26 questions from anyone.

27
28 (No comments)

29
30 CHAIRMAN ENCELEWSKI: Hearing none.
31 Jennifer and Scott, thank you. You did an excellent
32 presentation.

33
34 Thank you, much.

35
36 Okay. We're going to go ahead and move
37 on to Agency comments. The first one, according to my
38 list, is Alaska Department of Fish and Game.

39
40 Thank you.

41
42 MS. KLEIN: Good morning, Mr. Chair and
43 members of the RAC. My name is Jill Klein with the
44 Alaska Department of Fish and Game. Our State comments
45 on Proposal 17-09 going through the list of issues,
46 like you just did, I can share some comments. I think
47 we would agree with OSM on issue 1, that it's still in
48 the experimental phase and that's how the Federal
49 Subsistence Board has called it or classified it at
50 this point and would agree with keeping it that way for

1 the five-year duration.

2

3 Issue 2, the dates, I think we would
4 possibly just be neutral on this aspect of it and
5 understand the desire for the regulatory coordination
6 of the different fisheries and their dates and trying
7 to keep things aligned and simple for users and address
8 conservation concerns.

9

10 Issue 3, the operational plan versus
11 the permit. I think like you mentioned yesterday with
12 the Kenai request we are just interested in seeing
13 parameters and different conditions specified if it's a
14 permit, it's regulatory or an annual operational plan.
15 We're open to either option.

16

17 Issue 4, I think agree with OSM's
18 analysis to stay with the U.S. Fish and Wildlife
19 Service, the Refuge as the issuer of the permit and
20 hope that that relationship will develop further
21 between NTC and the Refuge.

22

23 And more neutral on Issue 5. Issue 6,
24 the reporting. I think as Ms. Caminer mentioned
25 yesterday if the daily reporting is still in place, it
26 kind of let's you to believe about the season would
27 work towards an annual report at the end of the season
28 and would be good to share that information.

29

30 So overall we just continue to support
31 coordination for all groups to work together through an
32 upper mechanism, the RAC and the Federal Subsistence
33 Board choose and hope that no issues and conservation
34 concerns are addressed through, again, whatever
35 mechanism you feel is appropriate to work through.

36

37 Thank you.

38

39 CHAIRMAN ENCELEWSKI: Thank you much.

40

41 Questions.

42

43 Rick.

44

45 MR. GEASE: So on Issue 7 on the Kenai
46 and Kasilof Rivers, typically if there are conservation
47 concerns how long does the Department usually follow
48 those concerns based on in-season management prior to
49 taking restrictive actions?

50

1 MS. KLEIN: Through the Chair, Mr.
2 Gease. You're asking a question, if I understand it
3 correctly, just about in-season management, how long it
4 might take to make decisions? I don't have the book in
5 front of me. I could go get it.

6
7 MR. GEASE: Issue 7 deals with any
8 potential closures and other actions by the Federal in-
9 season manager. Typically those management decisions,
10 in-season closures would be triggered by actions taken
11 by the Department of Fish and Game on the Kenai and
12 Kasilof Rivers. In this case, the Kasilof River for
13 closures. What this is asking for is there's
14 coordination now between Fish and Game and the in-
15 season manager and this is asking for coordination
16 between two additional parties, the Southcentral RAC
17 and NTC.

18
19 In the timeframes currently in which
20 decision making is made for in-season closures based on
21 in-season data, do you think there's time for
22 meaningful dialogue coming from the Southcentral RAC
23 and NTC for closures? Typically it's notification pay
24 and three days we're going to close this, dot dot dot.
25 I'm just talking about from your experience the
26 timeframes in which in-season decisions are made, so it
27 helps people on the RAC understand the time sensitive
28 nature of these decisions.

29
30 Thank you.

31
32 MS. KLEIN: Through the Chair, Mr.
33 Gease. I don't have so much experience on the Kenai
34 River with their in-season management. Unfortunately
35 our supervisor isn't here today, but from experience on
36 other river systems there are in-season mechanisms
37 where user groups do give input. Usually it's on a
38 weekly basis. Some groups, like on the Kuskokwim now
39 with the intertribal fish commission and the
40 subcommittee partnership that's going to be formed,
41 there will be members of the RAC I think that are
42 designated to work in-season.

43
44 So if the RAC could designate a couple
45 of members in some kind of structure whereby you could
46 give input on a weekly basis or perhaps you could be
47 available to receive daily information and daily
48 outreach if you have a process in place by which you
49 can establish and receive communication and then give
50 it back out so that people who need to be involved I

1 think something like that would work.
2
3 CHAIRMAN ENCELEWSKI: Okay. Very good.
4 I think your answer was satisfactory and is good. Any
5 other questions.
6
7 MR. CARPENTER: I have a question.
8 This is Tom. I was just curious. Could you tell me
9 under State regulations -- I'm talking about Issue 2
10 now, I'm sorry -- do sport fishermen have the ability
11 to harvest steelhead and coho in the areas of concern
12 after August 15th?
13
14 MS. KLEIN: Through the Chair. I
15 apologize in advance. I don't have the regulatory
16 information in front of me and, again, I'm not an in-
17 season manager. I don't know if there's someone here
18 in the audience who would have that information. I
19 would need to look that up and get back to you.
20
21 MR. CARPENTER: Okay. If you could do
22 that, that would be great. Thanks.
23
24 CHAIRMAN ENCELEWSKI: Tom, I think
25 there's going to be a couple people coming up to tell
26 you that. Try and bring it back up, okay.
27
28 MR. CARPENTER: Okay. Thanks.
29
30 CHAIRMAN ENCELEWSKI: Next we've got
31 Federal agencies. Jeff, you don't need that whole
32 stack. Come on.
33
34 (Laughter)
35
36 MR. ANDERSON: I kept hearing more
37 questions. Good morning, Mr. Chair. Members of the
38 RAC. I did hear a bunch of questions that are going to
39 be coming at me, so I'm trying to be prepared with
40 answers. I guess I can start a little bit by just
41 talking about a little bit more of the fishery and how
42 it was -- the experimental nature of it and how it came
43 to be back in 2015. Part of it was -- I guess I can
44 better read here.
45
46 The Service had numerous concerns with
47 implementing this officially initially with a non-
48 selective gear type. It has the potential to harvest
49 large numbers of fish in relatively short periods of
50 time, but we supported initiating the experimental

1 fishery based on our assessment that the Service's
2 three primary concerns associated with the use of this
3 non-selective gear type in the Kasilof River could be
4 addressed.

5
6 These concerns were fishing with
7 gillnet in a known spawning area, specifically in this
8 case for late run chinook; potential for take of
9 steelhead, which were in very low abundance in the
10 watershed and cannot sustain much harvest; and, three,
11 establishing a fishery that conflicts with existing
12 Federal subsistence regulations.

13
14 Service Staff worked hard on this.
15 Developed recommendations for modifying the 2015
16 Kasilof River Fisheries Proposal FP15-11 to address
17 these primary concerns. They included establishing
18 time and area restrictions for the fishery to avoid
19 fishing again in important salmon spawning areas and
20 the harvest of spawning fish and restricting the
21 gillnet use to a period of time when steelhead are not
22 present in the system.

23
24 A major factor that allowed the Service
25 to approve the operational plan for the Kasilof fishery
26 in 2015 and again the operational plan for 2016 was
27 that all fish captured in the experimental community
28 gillnet fishery, regardless of species or size, are
29 legal to harvest under existing Federal subsistence
30 regulations.

31
32 A lot of our recommendations were based
33 on work that my office did that was actually funded
34 through the Fisheries Resource Monitoring Program
35 looking at steelhead spawning distribution and
36 abundance in the Kasilof watershed including some of
37 the tributaries of Tustumena Lake.

38
39 As Scott mentioned, they start entering
40 the river in the late summer and fall and they'll
41 actually spend winter in the Kasilof River and then
42 they'll disperse in the spring into spawning areas
43 either in the mainstem Kasilof River or in some of the
44 tributaries to Tustumena Lake.

45
46 Steelhead aren't like other Pacific
47 salmon that actually Pacific salmon actually spawn and
48 die. Once they complete spawning they die. They do
49 not return to the ocean. Steelhead on the other hand
50 they can spawn and return to the ocean and come back

1 and spawn again. We've documented instances where
2 they've done that at least three times in some of the
3 scale samples we collect fish in the Kasilof.

4
5 So a big part of their life or what
6 makes them unique is they can spawn many times and
7 return to the ocean and come back to freshwater. It's
8 that outmigration part after they're done spawning is
9 the primary reason we came up with that July 1-8/4
10 initial experimental fishery. To protect those kelps
11 that are outmigrating and would be going into the ocean
12 and would spawn and come back again. So that was part
13 of the reason for that June 1st date.

14
15 The July 31st date was put in place
16 mainly to -- what we came up with the area of
17 consideration for the fishery was above the Tustumena
18 Boat Launch and that was based on our best information
19 that there aren't any late run chinook that spawned.
20 Late run chinook pretty much spawn primarily -- well,
21 almost exclusively in the mainstem Kasilof River
22 including up on the Refuge from Silver Salmon Rapids on
23 upstream.

24
25 The radio telemetry information we're
26 basing our recommendations on was conducted in the late
27 1980s and it actually showed spawning locations of fish
28 that actually spawned below the boat launch. That's
29 old information we actually put in the proposal to try
30 and get some updated information on that, but it wasn't
31 successfully on the last Fisheries Resource Monitoring
32 Program process.

33
34 Our support for the experimental nature
35 of the fishery is based on old information and it may
36 or may not be correct. This year, as we saw yesterday
37 during the presentation, they did actually capture a
38 chinook in a gillnet in probably mid July, so maybe our
39 information isn't perfect and maybe there are fish that
40 actually spawn up there. We just don't know. The best
41 information we have indicates that don't spawn above
42 the boat launch, but if we're wrong, the late run
43 chinook are entering that stretch of river in greater
44 numbers in late July.

45
46 We believe that July 31st date probably
47 should stay in place for a couple more years until we
48 actually get some more time fishing and the operational
49 plan for the Kasilof does allow for drift gillnet as
50 well and a pole, which are more likely to actually

1 encounter fish that are spawning if it's actually
2 fished that way, the setnet where it's currently
3 operated.

4

5 We actually looked at other locations
6 that might be more effective for the fishery this
7 summer. The net didn't end up getting moved. It's not
8 restricted to the spot that it's in in current
9 regulation or fished anywhere in that area. We just
10 don't have perfect knowledge of what's there and when
11 it's there.

12

13 So I can pause now and field some more
14 questions.

15

16 CHAIRMAN ENCELEWSKI: Okay. Questions
17 for Jeff.

18

19 MR. ANDERSON: Or I can probably find
20 the answer to Judy's question may be easiest as far as
21 what's required in the annual report versus daily
22 reports and what Darrel and I think would be a good
23 working system. I don't envy his hours because it
24 seems like getting the emails for the harvest reports
25 early evening, late in the evening sometimes when they
26 get off the water. He does report the catch for the
27 day and everything else. What's required actually in
28 the annual report I believe is more -- just a second.

29

30 After the season the organization --
31 I'm reading from the regulations in the Handy Dandy on
32 Page 62. After the season, the organization will
33 provide written documentation of required evaluation
34 information to the Federal fishery manager including
35 but not limited to persons or households operating the
36 gear, hours of operation and number of species caught
37 and retained or released. So those are harvest numbers
38 themselves are the only thing required to be reported
39 in 72 hours per regulation.

40

41 I can answer another question while
42 we're all thinking about that too. When I issue a
43 Federal subsistence permit, I ask for proof of rural
44 residence of Ninilchik. That's all I need.

45

46 CHAIRMAN ENCELEWSKI: Okay. Thanks for
47 answering those. Do we have any questions here?
48 Rick's got a question for you.

49

50 MR. GEASE: So can you explain just a

1 little bit of difference between how the Kenai River
2 monitors king salmon escapements and how king salmon
3 escapements are monitored on the Kasilof River, what
4 data is generated in-season and how do you get your
5 general -- besides radiotelemetry where there's
6 spawning beds, the number of fish actually spawning
7 from year to year?

8

9 MR. ANDERSON: Through the Chair. Mr.
10 Gease. Yes, we rely heavily on the Alaska Department
11 of Fish and Game for in-season monitoring on the Kenai
12 River. They operate a sonar down at river mile 14 now
13 I believe and a netting assessment program in-season
14 that provides daily information for management.

15

16 On the Kasilof River there are no
17 direct in-season escapement numbers or abundance
18 numbers. I think there's reliance on the management of
19 the Kenai and then stepping down to the Kasilof itself.
20 I could be mistaken.

21

22 MR. GEASE: Yeah, just to clarify. So
23 there is no in-season data for kings on the Kasilof for
24 the late run basically, the second run, the mainstem
25 spawners, is that accurate?

26

27 MR. ANDERSON: I think the Department
28 did some work in like 2005 through 2008 to estimate
29 abundance. I think that was the last mark/recapture
30 estimate that's been generated on the Kasilof.

31

32 CHAIRMAN ENCELEWSKI: Okay. Are there
33 any questions.

34

35 (No comments)

36

37 CHAIRMAN ENCELEWSKI: Thank you.

38

39 MR. ANDERSON: Mr. Chair, one more. It
40 is in regards to the new proposed dates of the fishery.
41 Again, as I mentioned, the window of time that the
42 Service was supportive of for the experimental fishery
43 took into consideration our concerns for out-migrating
44 steelhead kelts and spawning of late run chinook
45 salmon. The expanded window is areas we don't have
46 much information on.

47

48 I think we've done some work for where
49 they're spawning a little later in the year. Again,
50 there's a lot of unknowns in that stretch of river and

1 we'd still like to get a few more years of actual
2 numbers within the experimental timeframe.

3

4 MR. CARPENTER: Mr. Chairman.

5

6 CHAIRMAN ENCELEWSKI: Yeah, go ahead.

7 Is it Tom?

8

9 MR. CARPENTER: Yeah, I had a question.

10 So similar to the question I asked the State
11 representatives, maybe you could answer this for the
12 record on the Federal side. Qualified subsistence
13 users on the Kasilof, which would be people from
14 Ninilchik, what are the timeframes that they're allowed
15 to harvest fish on the Kasilof outside the experimental
16 gillnet fishery. So rod and reel, et cetera, can you
17 give me the current regulatory dates that they're
18 allowed to participate in the fishery.

19

20 MR. ANDERSON: Through the Chair, Mr.
21 Carpenter. I guess reading from the regulation booklet
22 for the household limits for dipnet/rod and reel
23 fisheries on the Kasilof River the chinook salmon dates
24 are from June 16 to August 15th. Sockeye from June 16th
25 to August 15th. Coho from June 6th to October 31st.
26 Pink salmon from June 16th to October 31st.

27

28 The harvest of rainbow trout/steelhead,
29 and the steelhead I believe is defined as a rainbow
30 trout over 20 inches in length, is allowed until up to,
31 in dipnet and rod and reel fisheries, and I would
32 whole-heartedly agree with -- I believe Mr. Starkey
33 made the comment yesterday about how these regulations
34 could be improved and made a little bit easier.

35

36 I'm trying to find them here too. Up
37 to the date of August 15th or after 200 had been taken
38 in other fisheries they must be released. Rainbow
39 trout and steelhead cannot be harvested in a fishwheel
40 fishery. I did fail to mention the dates of the
41 fishwheel fishery as well eligible for qualified rural
42 residents of Ninilchik.

43

44 CHAIRMAN ENCELEWSKI: Did that answer
45 your question there, Tom?

46

47 MR. CARPENTER: Well, I think it kind
48 of does. I tend to agree with Mr. Starkey and the
49 comments just made that you have to have a law degree
50 from Harvard Law to understand the Federal regulations

1 on the Kenai Peninsula. I just wanted to put it on the
2 record there are obvious times after the current
3 regulations that are in place for this experimental
4 fishery currently that are outside the boundaries of
5 what OSM is recommending.

6

7 That's why I asked the question about
8 are State sport fishermen allowed to fish outside the
9 August 15th deadline because I think we have to try and
10 make this as uniform as possible, but also show
11 somewhat of a preference for subsistence fishermen.
12 I'm not sure that that's happening right now. I'll
13 stand down for now.

14

15 CHAIRMAN ENCELEWSKI: Okay, Tom. I
16 just got a couple pieces of information here. I got a
17 note, State clarification from Jill Klein, that trout
18 fishing is open year round but no intention. Also I
19 wanted to mention here that there was an incidental
20 harvest of all rainbow trout/steelhead I'm thinking
21 after August 15th or after 200 trout have been taken in
22 the fishery or at least what it says.

23

24 Judy.

25

26 MS. CAMINER: Thank you. I guess to
27 follow up on Tom's point, on Page 154 at the bottom is
28 an alternative for consideration that was put forward
29 and that is to do just what Tom was saying, perhaps the
30 Board will direct or this Council will support that OSM
31 take a look at all these regulations and try to provide
32 some consistencies or fewer conflicts in the regs
33 themselves just to make maybe everybody's job easier.

34

35 CHAIRMAN ENCELEWSKI: That's a good
36 point. Okay. We're going to move on.

37

38 Jeff, you got anything else now?

39

40 MR. ANDERSON: That's it. Thank you.

41

42 CHAIRMAN ENCELEWSKI: Okay. Thank you,
43 much.

44

45 Oh, hold on.

46

47 Rick's got a question.

48

49 MR. GEASE: So it seems like the August
50 15th date there's some concerns on steelhead. What's

1 the population of steelhead that habitat inhabit the
2 Kasilof River and overwinter? What's kind of the
3 range?

4

5 MR. ANDERSON: Through the Chair, Mr.
6 Gease. I think our projects we had a weir on Nikolai
7 Creek, we had a weir on Shantatalik Creek, we've had a
8 weir on in the video system at the State's facility on
9 Crooked Creek over time and we counted a couple hundred
10 fish and the Tustumena tribes. We're guessing less than
11 1,000 fish watershed wide in that system. We haven't
12 run an abundance estimate. We don't quite have enough
13 information to couple with our telemetry information.

14

15 CHAIRMAN ENCELEWSKI: Go ahead. Rick's
16 got a follow up he wants to ask.

17

18 MR. GEASE: So it seems like extending
19 the season for the gillnet fishery the more abundant
20 species would be coho salmon. Do you have any
21 population estimates for coho salmon in the Kasilof
22 drainage in August, September, October?

23

24 MR. ANDERSON: I do. It's actually in
25 another folder, but I can find it. My office ran weirs
26 on Nikolai Creek and Shantatalik Creek and we counted
27 adults returning to those systems. We did a
28 combination of radio telemetry and a mark/recapture
29 abundance estimate to try to come up with an overall
30 basin-wide number. I want to say it's like 20,000 fish
31 or 30,000, somewhere in there and I think like 12,000
32 or so spawned in the mainstem Kasilof, but I could be
33 mistaken. I think ballpark is close.

34

35 CHAIRMAN ENCELEWSKI: I've got a
36 question for you, Jeff. My question would be with this
37 experimental net in the Kasilof, will that have
38 benefits to the Feds to be able to get us the data from
39 an extended season for the Ninilchik fishery and report
40 on a day-by-day basis. As you stated, you actually got
41 some good data on one king. It seems to me that would
42 be a good way to get more information.

43

44 MR. ANDERSON: Mr. Chair. We could
45 also get that information with gear types that would
46 allow non-target fish to be released with less harm
47 including dipnets as an approved method as is the
48 fishwheel in trying to get information on either end of
49 those dates to try and improve our information and
50 knowledge.

1 CHAIRMAN ENCELEWSKI: Well, that's
2 debatable. I could debate that. I think it was a
3 selective gear type and I think it works and I think
4 you got good information, good reporting, but we'll
5 talk about that.
6
7 Thank you.
8
9 That's really good.
10
11 Is there any other questions.
12
13 (No comments)
14
15 CHAIRMAN ENCELEWSKI: Hearing none.
16 Thank you.
17
18 Judy wanted to make a general comment.
19
20 MS. CAMINER: Just a heads up for the
21 Fisheries Information Resource Monitoring Program
22 folks. Maybe this wasn't exactly right, but I thought
23 I heard that the steelhead study was funded through the
24 Monitoring Program. I'd like to discuss that when we
25 get the Fisheries Monitoring if that's the case.
26
27 Thank you.
28
29 CHAIRMAN ENCELEWSKI: Okay. Next, are
30 there any other Federal agencies.
31
32 (No comments)
33
34 CHAIRMAN ENCELEWSKI: If not, we're
35 going to go on to Native, tribal, villages.
36
37 MR. ENCELEWSKI: Thank you, Mr.
38 Chairman. Members of the RAC. For the record, my name
39 is Ivan Encelewski. I'm the executive director for the
40 Ninilchik Traditional Council. Also a Federally
41 qualified subsistence user from Ninilchik.
42
43 We're here today to testify. NTC
44 obviously strongly supports FP17-09. We fished for two
45 years now straight. As you're aware, just pointing out
46 the harvest numbers, 93 sockeye this year, 223 sockeye
47 in 2015. During that time as mentioned we caught and
48 successfully released one chinook and one Dolly was
49 successfully released as well in 2015. Otherwise we
50 didn't encounter any resident species other than that.

1 We believe, obviously, that we've
2 provided enough data after two years to show that this
3 fishery is not going to create a conservation concern
4 or any harm to any species. I heard a comment about
5 the experimental nature. Half joking, I think
6 experimental from the Federal Subsistence Board just
7 applies to Ninilchik. When it comes to any proposal
8 that we submit, it's always experimental. The
9 fishwheel was experimental, the gillnets were
10 experimental. When we submitted our proposal for C&T
11 in 2001, they were deferred for years and years to even
12 consider them.

13
14 So it seems like there's a different
15 burden of proof and reasoning for establishing
16 experimental fisheries for Ninilchik versus other
17 subsistence users. I think that's pretty clear. Where
18 on the Kuskokwim and Yukon have fishnets for
19 individuals up and down the river and so I think that's
20 kind of a more of a Ninilchik thing to be honest with
21 you.

22
23 The other thing is that having to go
24 back through this process it creates a burden on the
25 subsistence users. We're here today to testify. We
26 have to provide reports, provide more onerous
27 requirements for OSM to re-analyze these proposals and
28 regulations for a fishery that should just be simply
29 authorized. So it creates a huge burden on the
30 subsistence user to have to continue to go through this
31 process every time to get a permanent regulation. So
32 we obviously think that two years is certainly plenty
33 enough time of data to show that this fishery works.

34
35 As noted on the dates, we wouldn't have
36 a problem on June 16th to August 15th. OSM supports
37 those dates. Obviously, as we've always said, we're
38 conservation-minded people, you know, and I think Tom
39 makes a good point. There's other fisheries that are
40 occurring, other methods and means during that
41 timeframe, so why wouldn't you allow a subsistence
42 gillnet during that time period.

43
44 I'll just reincorporate our testimony
45 on FP17-10 regarding the rationale and reasoning for
46 wanting to have OSM issue the permit. We want to be
47 treated like every other user, like a sport user or any
48 other user where there's a finite set of regulations.
49 If we go in and get a permit, we can go fish. Having
50 to develop 17, 18-page operational plans to provide

1 conservation concern s for one chinook in two years
2 seems like an overly onerous requirement for
3 subsistence users.

4

5 So I won't belabor that issue, but I
6 think that being consistent with what the RAC has
7 decided on the Kenai saying that this process and
8 approving that process I think in the manner of being
9 consistent I think it would behoove the RAC or we would
10 ask the RAC to continue to support that process
11 consistent with what was decided on the Kenai.

12

13 Remember this was unanimously supported
14 by the Federal Subsistence Board and the RAC in the
15 past. I don't think there's been any evidence to
16 contract or to say that there's any conservation
17 concerns.

18

19 On the issue of the reporting I just
20 want to say this. We're certainly willing to do an
21 annual report. That can be kept in the process. If
22 it's an issue that's going to create a negative
23 connotation or a hold-up for our proposal to be able to
24 fish, that's fine, but I just want to reiterate that
25 we're quadruple reporting currently.

26

27 So the subsistence user like Darrel who
28 goes fish, they're reporting daily to Jeff and then the
29 individual who receives the fish is also calling in on
30 the hotline reporting. That's the second requirement.
31 The third requirement is the designated fisher permit
32 who has to report their allocation. The fourth report
33 is an annual report and again the subsistence user
34 should not be held to higher burdens of proof and
35 higher burdens of onerous requirements in sport and
36 other fisheries.

37

38 So that is why it was taken out. We
39 have an excellent relationship with Jeff on getting
40 data to him and we are more than willing to come here
41 as shown in the presentation yesterday to report on our
42 activities and very open and honest about what we do
43 and how we do it.

44

45 I'd like to also mention the issue with
46 the chinook. I think it was greatly pointed out that
47 there is no conservation concerns that we're aware of.
48 One of the interesting things, as pointed out, unlike
49 the Kenai, there is no sonar escapement for chinook,
50 there's no current in-season management data. They

1 haven't okayed it to even manage the chinook, so it's
2 just open.

3
4 So the issue where you would say, well,
5 we need to maintain in-season management so we can make
6 quick decisions on issues that come about, if you don't
7 even count chinook or escapement numbers, you have
8 nothing to manage. So the issue that would somehow
9 create an undue burden of conservation because there
10 would be nothing to in-season manage we're talking
11 about the only data that's available is telemetry and
12 radio tagging and studies from years ago, '80s.

13
14 In-season management can't be operated
15 on 20, 30-year-old studies. It needs to have absolute
16 current up-to-date data to be able to manage those in-
17 season fisheries. So they can't even theoretically or
18 technically or logistically be implemented in that way.
19 As you know, the Kuskokwim and other rivers have a lot
20 of individual nets. This is just one net.

21
22 Anyway, we've shown that we've had the
23 interest in this. I think as some people from Cooper
24 Landing may have testified yesterday, I think we have a
25 good financial and technical capacity to implement
26 these fisheries as the person named on the permit.
27 We've never had anyone come to us to say that we've not
28 opened it up to the community.

29
30 I think you can see, as in our video,
31 that we have Native/non-Native. It's for the community
32 absolutely. I think if you look at the number of
33 permits and I could give you an analysis probably that
34 there's a lot more non-Native, non-tribal community
35 members signed up than Native community members.

36
37 In Kasilof, it's hard to distribute 93
38 fish. There's not a lot of fish. So the process that
39 we use and will continue to use is that we put a notice
40 in the paper this year and also notices around town
41 that people can sign up. They go in there, they get
42 their fishery permit and then they're signed up on a
43 list, on a first come first serve basis.

44
45 We do not provide any preference or
46 priority for tribal members or for Natives and we
47 absolutely have what we feel is a flawless sign-up
48 sheet that provides a really reasonable fair and
49 equitable distribution for the fish. So we don't think
50 that it's any concern to name NTC as the permit holder.

1 It's done in other areas on the Kuskokwim.
2
3 So, anyway, I'll try and just finish
4 that up. I don't think there's a lot more we want to
5 say. Just that we support this proposal. I think if
6 the RAC -- getting back to process, I think as the
7 proponent of this proposal we would recommend to the
8 RAC to adopt this proposal as written with modification
9 to amend the fishery timeframe to read from June 16th
10 through August 15th and to include in the permit
11 conditions that an annual report will be provided to
12 OSM within 30 days of the close of the season. That
13 makes it pretty clear of our desire as the proponent
14 and moves this issue forward from our end.
15
16 Thank you.
17
18 CHAIRMAN ENCELEWSKI: Thank you, Ivan.
19 Did you have anything, Darrel? You're good.
20
21 MR. WILLIAMS: (Nods affirmatively)
22
23 CHAIRMAN ENCELEWSKI: Okay. Judy.
24
25 MS. CAMINER: Thank you, Mr. Chair.
26 Thank you both. Just a question on Issue 7 where you
27 mentioned that Southcentral Council will be informed.
28 Were you envisioning a formal meeting or did you mean
29 phone call consultation with Chair or other affected
30 members just for clarification.
31
32 Thanks.
33
34 MR. ENCELEWSKI: Thank you. Through
35 the Chair, Ms. Caminer. This is something that's kind
36 of come up as an issue in the past. As you know, the
37 Federal regulations have a provision in their
38 consultation with the Chair and it is ambiguous. I
39 think the intention from the proponent, Ninilchik
40 Traditional Council, was that there would be more
41 opportunity to have the direct interaction on in-season
42 management or things that would affect our fishery so
43 that it wasn't just one person making decisions so that
44 there was more input.
45
46 My understanding of the analysis is
47 that the reason for opposing that provision is because
48 it's pretty much moot or it's redundant because it
49 already requires consultation with the RAC Chair. I'm
50 not a lawyer and I don't know what the interpretation

1 is in consultation, whether that's telephonic.

2

3 Rationale, the reason why we, as the
4 proponent, put in there was so that we could provide
5 more of a safeguard from our end to say, look, we need
6 to have some input from you guys that have been through
7 this testimony, heard where we're coming from and can
8 help guide those decisions when it comes to closing our
9 fisheries for conservation concerns.

10

11 CHAIRMAN ENCELEWSKI: Any other
12 questions. Rick, go ahead.

13

14 MR. GEASE: A clarification on the
15 chinook stuff. Actually the Department of Fish and
16 Game has a DIDSON sonar kind of right at the bridge and
17 they can differentiate based on size and they could
18 figure out how many chinook are going into the Kasilof
19 River. It's just chosen not to at this point and
20 that's one of the fishery -- I take that as an issue
21 because it's one of the fishery assessment issues that
22 we want to talk about in terms of funding so there
23 would be a potential to get a better sonar system down
24 there and actually count them and they do have a
25 catalogue of back data. It's just kind of a library
26 getting to that as an issue at some point down the
27 line. So I did want to point that out.

28

29 The regulations, if approved, are going
30 to be extended from 30 days to 60 days so you're
31 financially in a position to support that. So if both
32 the Kenai and Kasilof Rivers go with gillnet fisheries
33 for 60 days each, you're in position to fish both those
34 nets 60 days on both river systems with crews or how do
35 you guys plan on fishing both the Kasilof and the Kenai
36 simultaneously?

37

38 MR. ENCELEWSKI: Thank you. Through
39 the Chair, Mr. Gease. Yeah, it's twofold I guess you
40 could say. One, if we do have the opportunity able to
41 utilize two boats on the Kenai at one point if we need
42 to. We could look at that as a possibility. We're
43 looking at purchasing another boat, but we would have
44 to allocate resources between rivers. I think the nice
45 thing about it is that it gives you the opportunity
46 when obviously the run -- say the Kasilof is an earlier
47 run than the Kenai, so that would allow us to go back
48 and forth between the river.

49

50 And, yes, we would have the capacity

1 potentially to be able to fish both rivers at once, but
2 of course we're going to have to allocate resources and
3 time and effort to when the fish are in there. So we
4 kind of had envisioned a timeframe where we would start
5 potentially here on the Kasilof earlier and kind of
6 move to the Kasilof and maybe I'll let Darrel kind of
7 follow up on that because he had some ideas on kind of
8 explaining from NTC the logistics of that.

9

10 MR. WILLIAMS: Mr. Chairman. Mr. Gease.
11 We did. We had a lot of discussion. We were trying to
12 figure out how to put this into a framework and one of
13 the things that we'd envisioned was, for example, the
14 sockeye coming into Kasilof River earlier than the
15 Kenai River. So we envisioned the Kasilof River effort
16 being earlier in the year and then when the -- for
17 example, the sockeye, whether it be the first run or
18 the second run, whenever we were allowed to fish, would
19 start running Kenai, then we could shift the effort to
20 the Kenai.

21

22 We even talked about in the later
23 season maybe doing some of the exploration at Skilak,
24 kind of following fish. We didn't go real far with
25 that because we got hung up in these dates and
26 timeframes and trying to figure out when these
27 fisheries could happen, but we thought if we had the
28 option, that may be a better way to -- you know, as a
29 designated fisher community gillnet, to be able to
30 actually get fish to people.

31

32 For example, the run in the Kasilof was
33 half of what the run was in 2015 and we caught about
34 half the fish. Since we started fishing we've had more
35 people get permits or give us permits and say fish for
36 us. So we were trying to think of a way to be able to
37 engage that because before the special action request
38 withdrew we'd only filled two permits, you know, and a
39 lot of people were disappointed, so we were trying to
40 think of ways we were able to engage them. That was
41 one of our solutions, was to be able to move with the
42 fishery.

43

44 CHAIRMAN ENCELEWSKI: Thanks, Darrel.

45

46 MR. GEASE: So just to clarify if I
47 can. So you're planning on fishing at this point one
48 net on either river system but not fully deployed two
49 nets on both river systems, is that accurate?

50

1 MR. ENCELEWSKI: We have the capacity
2 to fish a net in the Kasilof and a net in the Kenai at
3 the same time right now. We could actually go in the
4 office -- we do have about 12 hours. It could be done,
5 but I think what I'm trying to express here is I think
6 we need to be responsible in engaging our effort to the
7 most appropriate.

8
9 I think that's one of the things that
10 we're trying to have an option for because if there's
11 no fish in the Kasilof, you want to have that option to
12 go somewhere else or vice versa. May the run in the
13 Kenai is poor and it gives us an option to try to
14 harvest those fish and then be able to support the
15 community through the community effort.

16
17 CHAIRMAN ENCELEWSKI: Gloria's got a
18 question. Hopefully we wrap this up, guys. Go ahead.

19
20 MS. STICKWAN: Has anybody from Cooper
21 Landing or Hope asked about this fishery since it's
22 been over two years now, expressed an interest in
23 having their own permit?

24
25 MR. ENCELEWSKI: Mr. Chair. Ms.
26 Stickwan. Because the C&T is only for Ninilchik on the
27 Kasilof, I'm not aware of anybody from Cooper Landing,
28 but I'm not an expert. Personally, I don't know if --
29 no, there has not been anyone because they don't have
30 C&T on the Kasilof.

31
32 CHAIRMAN ENCELEWSKI: You can ask one
33 more. Go ahead.

34
35 MR. GEASE: Just to clarify a point.
36 On the Kenai you had made a point yesterday that
37 somehow a subsistence fishery Ninilchik is qualified
38 for all the subsistence fisheries on the Kenai River,
39 is that accurate?

40
41 (No audible response)

42
43 MR. GEASE: Okay. Thank you.

44
45 MS. MILLS: Mr. Chair.

46
47 CHAIRMAN ENCELEWSKI: Mary Ann.

48
49 MS. MILLS: Thank you. You mentioned
50 that one of your goals was the Southcentral RAC to be

1 informed on these issues, you know, the process is
2 lacking. Are you suggesting that the Southcentral RAC
3 work on a process or help or maybe uphold the process
4 when we're dealing with issues?

5

6 MR. ENCELEWSKI: Mr. Chairman. Ms.
7 Mills. You know, I don't think we're, as the
8 proponent, requesting very specific interactive,
9 ongoing management so to speak with the in-season
10 manager. What the intention was is that when there's
11 potentially adverse decisions to restrict or close
12 subsistence opportunities specifically with regard to
13 this gillnet, that the RAC Chair or the RAC be engaged
14 as a partner in helping make that decision. It's not
15 so much micro-managing so to speak, but having the
16 opportunity to be heard and to have some input into
17 those decisions. Again, it's going to be nebulous
18 without specific criteria, but that was the intention.

19

20 MS. MILLS: Thank you.

21

22 CHAIRMAN ENCELEWSKI: Hopefully that
23 covered that. Hearing no more questions, thank you
24 guys for your presentation.

25

26 Donald.

27

28 MR. MIKE: Thank you, Mr. Chair.

29

30 I was just wondering quickly if we have
31 any Agency comments online.

32

33 (No comments)

34

35 CHAIRMAN ENCELEWSKI: Hearing none.
36 Moving on to advisory group comments. Is there other
37 Regional Councils, other fish and game advisory
38 committees or resource committees.

39

40 (No comments)

41

42 CHAIRMAN ENCELEWSKI: The answer was
43 no. Is there any summary of written public comments.
44 Do you want to make a summary on that in the Kasilof.

45

46 MR. MIKE: Thank you, Mr. Chair. We
47 received six written public comments all in opposition
48 of FP17-09. Mr. Michael Adams from Cooper Landing
49 opposed the proposal and states that increased
50 steelhead mortality, a species of very low abundance

1 that is currently very conservatively managed. It also
2 threatens to undermine the extensive management and
3 conservation measures that have been implemented
4 through the use of scientific data and an understanding
5 of species abundance and spawning strength locality and
6 timing.

7
8 Chris Degernes believes that the
9 conservation and sustainable management of our
10 anadromous and resident fish is paramount to providing
11 for the long term sustainability of our fisheries,
12 thereby supporting our continued quality of life.

13
14 Kenai River Sportfishing Association do
15 not support the use of non-selective gear, such as
16 gillnets and that selective gear, as opposed to
17 non-selective gear, allows for the live release and
18 high probability of survival for fish that are
19 designated for non-retention for conservation purposes,
20 such as the continued viability of specific fish
21 stocks. And they do not support the proposed expansion
22 of the timeframe due to fishery conservation concerns
23 relating to the retention of chinook salmon and
24 steelhead trout during the expanded timeframe.

25
26 George Heim of Cooper Landing was
27 concerned about bycatch of non-targeted species in both
28 waters including rainbow trout, dolly varden and king
29 salmon in the Kenai and steelhead and king salmon in
30 the Kasilof.

31
32 Kathryn Recken of Cooper Landing
33 opposes FP17-09. She states that operating a community
34 gillnet on the Kasilof River for six and a half months
35 a year to harvest of all salmon species and retention
36 of non-salmon fish violates the requirements of ANILCA
37 Section 802. The use of a non-selective fishing tool
38 like a gillnet in the Kenai River is not consistent
39 with sound management principles and the conservation
40 of health populations
41 of fish and wildlife and is not consistent with
42 management of fish and wildlife in accordance with
43 recognized scientific
44 principles. Additionally, it violates Section 815 of
45 ANILCA.

46
47 Finally we have Joyce Koppert from
48 Cooper Landing opposes FP17-09. These proposals go
49 against conservation efforts to maintain a healthy
50 number of salmon for future generations.

1 That concludes the written public
2 comments, Mr. Chair.
3
4 CHAIRMAN ENCELEWSKI: Thank you,
5 Donald. Public comments. Is there anyone signed up?
6
7 MR. MIKE: No, Mr. Chair.
8
9 CHAIRMAN ENCELEWSKI: The Regional
10 Council is going to do their recommendation. A motion
11 to adopt is in order.
12
13 MS. STICKWAN: Move to adopt.
14
15 CHAIRMAN ENCELEWSKI: It's been moved
16 by Gloria to adopt. Is there a second.
17
18 MR. OPHEIM: I'll second.
19
20 MS. MILLS: Second.
21
22 CHAIRMAN ENCELEWSKI: It's been
23 seconded by Michael. Mary Ann, thank you. Okay, it's
24 on the table. It's open for discussion.
25
26 MS. CAMINER: Mr. Chair.
27
28 CHAIRMAN ENCELEWSKI: Go ahead, Judy.
29
30 MS. CAMINER: Thank you. I would like
31 to make an amendment to the dates on this motion to be
32 June 16th through August 15th for fishing.
33
34 MR. CARPENTER: Second.
35
36 CHAIRMAN ENCELEWSKI: It's been moved
37 and seconded to modify the dates from June 16th to
38 August 15th and seconded by Tom. Discussion. Go
39 ahead.
40
41 MR. GEASE: I think in the discussion
42 from the conservation concerns on steelhead it's wise
43 to not go from a one through November 15th. There was
44 data suggesting that the steelhead population is maybe
45 up to 1,000. In the later fall, we're targeting a
46 fish, coho. There's more of that. We can look at
47 other tools that are more selective, rod and reel. If
48 people don't find the rod and reel limits worthwhile to
49 go out and catch four, maybe we should adjust the rod
50 and reel limits upwards to a household limit and use

1 rod and reel as a method to provide subsistence
2 opportunity along those lines.

3
4 I agree with the amendment in terms of
5 conservation reasons.

6
7 Thank you.

8
9 CHAIRMAN ENCELEWSKI: Thank you, Ricky.
10 I would like to comment to that. Rod and reel to me is
11 not a traditional method, but I do agree that if you
12 guys want to move the dates, that's fine.

13
14 Is there any other comments here.

15
16 Andrew.

17
18 MR. MCLAUGHLIN: One through seven I'd
19 support, support, support. Except on the one the only
20 thing I can come up with is we're changing season
21 dates, so now it is kind of experimental. I think it's
22 already proved that it's -- I'd be all in supporting
23 removal of experimental, but now that we're changing
24 some dates we don't really know what's going to happen
25 in that window of time. That's just a thought process
26 I'm having, but I do support removal of experimental.

27
28 CHAIRMAN ENCELEWSKI: Okay. Is there
29 any other comments.

30
31 MR. CARPENTER: Mr. Chairman.

32
33 CHAIRMAN ENCELEWSKI: Go ahead, Tom.

34
35 MR. CARPENTER: I'll just make a quick
36 comment. I asked some questions earlier in regards to
37 if Alaska sports fishermen under State regulations and
38 Federally qualified subsistence users were allowed to
39 harvest fish in these areas outside the existing dates
40 that are required for the experimental permitting. I
41 think it's been shown that there is access and the
42 ability to harvest fish, so I'm in favor of this
43 amendment.

44
45 The Ninilchik Tribal Council was okay
46 with adjusting the dates to June 16th to August 15th,
47 so I think this is a good way to give a little bit more
48 opportunity and maybe gather some information on the
49 later timings. So I'll be in favor of the amendment.
50

1 CHAIRMAN ENCELEWSKI: Thanks, Tom. Any
2 more discussion on the amendment.
3
4 (No comments)
5
6 CHAIRMAN ENCELEWSKI: Hearing none. A
7 vote is in order on the amendment.
8
9 MR. CARPENTER: Question.
10
11 CHAIRMAN ENCELEWSKI: The question has
12 been called. All in favor of the amendment for
13 amending the dates from June 16th to August 15th
14 signify by saying aye.
15
16 IN UNISON: Aye.
17
18 CHAIRMAN ENCELEWSKI: Any opposed.
19
20 (No opposing votes)
21
22 CHAIRMAN BANGS: Carries unanimous.
23 Now we'll go to the main motion.
24
25 MR. MIKE: Mr. Chair. I just want to
26 clarify that we have Council Members online. I didn't
27 hear their voice vote.
28
29 MR. CARPENTER: I voted aye.
30
31 CHAIRMAN ENCELEWSKI: I've got bad
32 ears, but I heard them, but that's okay. Just for the
33 record, Mary Ann, how did you vote?
34
35 MS. MILLS: I voted aye.
36
37 CHAIRMAN ENCELEWSKI: Thank you. Okay,
38 Donald. Now we're back to the main motion.
39
40 Is there other amendments.
41
42 MS. CAMINER: Mr. Chair. Thinking of
43 Mr. Carpenter's concern yesterday on the daily versus
44 the annual report. Tom, how do you feel about that
45 today?
46
47 MR. CARPENTER: Well, I did have some
48 concern yesterday and I don't think that it's a whole
49 lot to ask if the managing body thinks they can get
50 some pertinent information from an annual report. It's

1 a little bit of a burden on the Ninilchik Tribal
2 Council, but I don't think it's anything horrendous, so
3 I'm not opposed to an amendment that would make them
4 create this report at the end of every year. It may be
5 better information for us in the long term to make
6 decisions if this topic comes up again.

7

8 So I would move to include that an
9 annual report be submitted at the completion of each
10 fishing season.

11

12 CHAIRMAN ENCELEWSKI: Okay. If I'm
13 procedurally right, I've got a motion to include an
14 annual report at the end of each fishing season. Is
15 there a second to that motion.

16

17 MS. CAMINER: I'll second the
18 amendment.

19

20 CHAIRMAN ENCELEWSKI: It's been
21 seconded by Judy. We've got an amendment on the table
22 and been seconded. Is there discussion on the matter.

23

24 (No comments)

25

26 CHAIRMAN ENCELEWSKI: Hearing none.
27 The question is in order.

28

29 MR. CARPENTER: Question.

30

31 CHAIRMAN ENCELEWSKI: The question has
32 been called. All in favor of the second amendment of
33 making an annual report or three or four annual reports
34 from NTC say aye.

35

36 IN UNISON: Aye.

37

38 MR. CARPENTER: Aye.

39

40 CHAIRMAN ENCELEWSKI: Any opposed.
41 Mary Ann, we didn't hear you. I heard just Tom. Mary
42 Ann, did you go to the other side?

43

44 MS. MILLS: Can you hear me now?

45

46 CHAIRMAN ENCELEWSKI: I hear you now.
47 Are you in favor of the amendment?

48

49 MS. MILLS: I voted aye.

50

1 CHAIRMAN ENCELEWSKI: Thank you. Okay.
2 We did have two opposed. I didn't catch them, but we've
3 got Gloria and Andy. I think the motion carries.

4
5 Thank you.

6
7 We're back to the original motion. Is
8 there any more discussion. It's been moved and second
9 and on the table. Discussion. Go ahead, Rick.

10
11 MR. GEASE: So the Issue 5, Ninilchik
12 Traditional Council as the fishery coordinator in
13 regulation. Can we have more discussion about that.
14 If it's an experimental fishery, if it's on the Kasilof
15 River, Ninilchik is the only qualified community that
16 can necessarily do it. On the Kenai, you've got more
17 complexity because you've got two other communities
18 that are qualified. I think it would be good just to
19 have more discussion on the benefits of having that in
20 regulation and why it's necessary to make that change
21 because I haven't necessarily heard it.

22
23 CHAIRMAN ENCELEWSKI: Well, we could
24 discuss it more if you haven't heard it. You know, I'm
25 not sure how you want to deal with it.

26
27 MR. GEASE: So are we supporting the
28 modification or are we supporting the request because
29 the request.....

30
31 CHAIRMAN ENCELEWSKI: Oh, good point.
32 So the modification is NTC is named as the coordinator
33 in the community gillnet fishery and I don't know if I
34 need to bring Scott or Jennifer back up here, but is
35 everyone okay with that modification that we're voting
36 on. Carl, come on up.

37
38 MR. JOHNSON: Again, assuming my role,
39 this is Carl Johnson, as the person keeping track of
40 things procedurally, the original motion was on the
41 proposal as submitted. There have been no amendments
42 yet that incorporate the OSM modification, which is to
43 name NTC as the coordinator for the remainder of the
44 experimental period. The underlying proposal itself
45 eliminates the experimental nature of the fishery.

46
47 So the only thing you would be
48 discussing is whether or not you wanted to now formally
49 name NTC as a coordinator in regulation while keeping
50 in mind that the proposal itself eliminates the

1 experimental nature of the fishery.
2
3 CHAIRMAN ENCELEWSKI: Thanks for the
4 clarification. I totally missed that. You're correct.
5 Okay. Now we got that all straight. Hearing no more
6 discussion, the question's in order.
7
8 MS. STICKWAN: Question.
9
10 CHAIRMAN ENCELEWSKI: The question's
11 been called. Now we're going to take a vote. All in
12 favor of the original motion, aye.
13
14 IN UNISON: Aye.
15
16 CHAIRMAN ENCELEWSKI: Any opposed.
17
18 (No opposing votes)
19
20 CHAIRMAN ENCELEWSKI: Passing
21 unanimously. That concludes the Fish Proposal 09.
22 Thank you. I think we're going to have to switch hats
23 here again, Ricky. I'm going to turn the Chair over to
24 Gloria. Before I turn the Chair over to her I just
25 want to make a couple comments. We have a long agenda.
26 I know we're going to try and keep it on the move
27 today. Gloria is going to take up 6, 7 and 8 and then
28 I will come back for the conclusion of the agenda. We
29 have to finish up today one way or the other.
30
31 Thank you.
32
33 MS. CAMINER: Mr. Chair. Just one
34 comment on all these proposals. It has brought up the
35 need for a really good look at the existing Cook Inlet
36 regulations. I'll suggest and we'll talk about it
37 later that this be part of our annual report. Again,
38 just a heads up to OSM. I think it's something that
39 really needs to be reviewed.
40
41 CHAIRMAN ENCELEWSKI: Yeah, I think we
42 could put that in our annual report. What we don't
43 want to do is add any more agenda items today. We do
44 have a few extra on there. We've got a delegation of
45 authority one that we approved on the agenda and we
46 also have one thing we're going to do.
47
48 Thank you. Let's go ahead and take a
49 10-minute recess. Gloria will take up the next
50 proposal.

1 Thank you, Gloria.

2

3 (Off record)

4

5 (On record)

6

7 ACTING CHAIR MS. STICKWAN: Call this
8 meeting back to order. Please sit down. I have
9 introduction and presentation of analysis.

10

11 MS. HARDIN: Madame Chair. Jennifer
12 Hardin for the Office of Subsistence Management. As a
13 reminder, yesterday afternoon we presented a brief
14 summary of the analysis for FP17-06/07 in order to
15 provide an opportunity for public testimony. Would you
16 like us to present another summary of the analysis or
17 to simply summarize what the proponent has requested
18 and what the OSM preliminary conclusions are?

19

20 ACTING CHAIR MS. STICKWAN: Just a
21 summary.

22

23 MR. DECOSSAS: All right. With that
24 out of the way, Madame Chair, Members of the Council,
25 my name is Gary Decossas. I'm a biometrician with OSM
26 fisheries. So I'll present just a brief overview
27 basically covering the issues, the preliminary
28 conclusions and then the justifications.

29

30 The issues. There are two proposals
31 submitted in which the proponents are requesting the
32 same action from the Board. Because of this the two
33 proposals will be analyzed together. Proposal FP17-06
34 was submitted by the Cooper Landing and Hope Federal
35 Subsistence Community Group while Proposal FP17-07 was
36 jointly submitted by the Assistant Regional Director
37 for Fisheries and Ecological Services, and the Regional
38 Chief of Refuges, U.S. Fish and Wildlife Service,
39 Region 7.

40

41 The proponents request the Federal
42 Subsistence Board to eliminate gillnets as a method for
43 harvest in the waters under Federal subsistence
44 jurisdiction of the Kenai River. The Cooper Landing and
45 Hope Federal Subsistence Community Group provides six
46 reasons for submitting this proposal are listed at the
47 top of Page 38, while U.S. Fish and Wildlife Service's
48 reasons are listed in the middle of Page 39.

49

50 The Cooper Landing and Hope Community

1 Group believes that the Kenai River gillnet regulations
2 aggrieves their Federal subsistence priorities and
3 rights as well as violation various sections of ANILCA
4 and recognized principles of sound fisheries
5 management.
6

7 U.S. Fish and Wildlife Service contends
8 that the subsistence gillnet fishery in the Kenai River
9 conflicts with existing regulatory language and because
10 of the nature and placement of the gear type does not
11 allow for proper conservation of salmon and resident
12 species of fish.
13

14 Just as a reminder, OSM is offering two
15 potential courses of action for consideration depending
16 on the status of the request for reconsideration
17 process.
18

19 Option 1 is to defer. We discussed
20 those in detail yesterday as well as today, so I will
21 skip to Option 2, which is oppose Proposals FP17-06/07.
22

23 To date, given the best available data
24 obtained by the deployment of the experimental
25 community gillnet fishery adopted and opened under
26 Federal Special Action 16-02, a single community
27 gillnet on the Kenai River does provide an additional
28 subsistence opportunity with minimal incidental harvest
29 of species of concern. However, since this
30 experimental gillnet fishery has only been executed
31 once from July 28th to August 15th with 20 and
32 60-foot nets, inferences made from this single data
33 point need to be approached with careful consideration.
34
35

36 Currently the only data that exists for
37 a subsistence gillnet fishery on the Kenai River is the
38 data that was gathered by the Ninilchik Tribal Council
39 in association with the experimental community gillnet
40 fishery. Additional data will allow for better
41 inferences about the effects of a subsistence
42 community gillnet fishery on the Kenai River. The
43 collection of additional data can be controlled through
44 an operational plan, which is already provided for
45 under current Federal regulations.
46

47 The only way that this process will
48 occur is with the continued implementation of the
49 community subsistence gillnet fishery. This provides a
50 fair and reasonable balance between managing fish

1 populations with conservation in mind while also
2 providing for continued subsistence opportunity when it
3 can be provided.

4
5 Additionally, there needs to be
6 consideration on an acceptable level of mortality for
7 all species of salmon and resident species in the
8 subsistence community gillnet fishery and the sport
9 fishery, while also considering subsistence priorities
10 for Federally qualified subsistence users.

11
12 That concludes my summary.

13
14 ACTING CHAIR MS. STICKWAN: Thank you.

15
16 Are there any questions.

17
18 Judy.

19
20 MS. CAMINER: Thank you, Madame Chair.
21 Thank you both for the brief summary. Did you work
22 with either of the proponents on this? I guess I'm
23 curious on Cooper Landing feeling aggrieved about this
24 and just maybe give an explanation about how sharing
25 and subsistence works along the river or amongst
26 populations.

27
28 Thank you.

29
30 MR. DECOSSAS: Thank you for the
31 question. Through the Chair. So, let me -- no? Okay.

32
33 MS. HARDIN: Through the Chair. We did
34 speak with the proponents of Proposal FP17-06 and their
35 feeling was that the community gillnet fishery provides
36 additional opportunities for residents of Ninilchik
37 that are not available to others and they believe it
38 also introduces conservation concerns that could affect
39 the abundance of sockeye at their preferred dipnetting
40 sites as well as some other concerns that are outlined
41 in the analysis.

42
43 MR. DECOSSAS: Through the Chair.
44 About that topic. Under the effects of the proposal
45 the discussion about the potential that annual total
46 harvest limits for the Kenai River fishery could be
47 obtained through the community gillnet fishery before
48 residents of Hope and Cooper Landing area are able to
49 harvest at their preferred location. It all has to do
50 with how the annual harvest limits and household limits

1 how they're all interconnected between the Kasilof and
2 Kenai. So as you've noted before in your
3 conversations, these regulations are complicated and
4 regulatory conflicts which may or may not seem very
5 apparent on reading it.

6

7 Thank you.

8

9 ACTING CHAIR MS. STICKWAN: I have a
10 question. Yesterday on page 68 there was somebody that
11 expressed an interest in gillnet. Do you know what
12 happened to that?

13

14 MR. DECOSSAS: Through the Chair. That
15 was not very apparent as to why. I think it was Mr.
16 Gibson of Cooper Landing put in for the gillnet. Is
17 that what you're talking about?

18

19 ACTING CHAIR MS. STICKWAN: I think it
20 is.

21

22 MR. DECOSSAS: Yes, that was the
23 regulatory history that was discussed yesterday.
24 Outside of that proposal actually being brought up I
25 don't know what was discussed about that.

26

27 MS. HARDIN: Madame Chair. We can
28 check the regulatory history on that and get you that
29 information.

30

31 ACTING CHAIR MS. STICKWAN: Are there
32 any other questions on that.

33

34 MR. CARPENTER: I have a question,
35 Gloria.

36

37 ACTING CHAIR MS. STICKWAN: Go ahead.

38

39 MR. CARPENTER: I guess the question I
40 have as I read through all these proposals and the
41 recommendations from OSM, how come you haven't -- I
42 just don't understand why you can't tell the Council
43 what you prefer. You give us a defer recommendation
44 and you give us either an oppose or in favor of
45 recommendation. I mean both of them have merit, I
46 guess, depending on how you look at it.

47

48 I mean what does OSM -- do they want --
49 you recommended this be deferred because of all the
50 court action and everything else that's taken place or

1 do you really oppose the proposal? Which one is it?

2

3 ACTING CHAIR MS. STICKWAN: Go ahead.

4

5 MS. HARDIN: Madame Chair. Through the
6 Chair. Jennifer Hardin for Office of Subsistence
7 Management. If this proposal was to go in front of the
8 Federal Subsistence Board today, because the RFR
9 process is ongoing as well as litigation remaining in
10 place, the OSM conclusion would be to defer FP17-06/07
11 until the RFR is completed.

12

13 However, we recognize that there's
14 always a possibility that the request for
15 reconsideration process could be completed before the
16 Board meeting in January. If that was to occur, as a
17 result of the completion of that process, the community
18 gillnet fishery regulations remained -- if they
19 remained in place, unchanged, the OSM conclusion to the
20 Federal Subsistence Board at that time may be to oppose
21 FP17-06/07 for the reasons that Gary covered in his
22 presentation.

23

24 ACTING CHAIR MS. STICKWAN: Are there
25 any other questions.

26

27 (No comments)

28

29 ACTING CHAIR MS. STICKWAN: So I guess
30 we can move on with Agency comments. Fish and Game.
31 Go ahead.

32

33 MS. KLEIN: Good morning, Madame Chair.
34 Members of the Council. My name is Jill Klein with the
35 Alaska Department of Fish and Game. We have the
36 following comments. Fishery Proposals FP17-06/07 would
37 remove the community gillnet or authorization for the
38 community gillnet on the Kenai River.

39

40 We've heard the Cooper Landing and Hope
41 Community folks provide reasoning, as you've also
42 heard, as to why they would like to support removal of
43 the gillnet and they mentioned their continued ability
44 to continue to harvest their subsistence resources
45 above the location of the community gillnet.

46

47 We also have read in the OSM analysis
48 the Fish and Wildlife Service's results on why they
49 support removal of the gillnet and three reasons that
50 they mention. Focus on the gillnet being a non-

1 selective gear type that's being used in an important
2 spawning area for early and late run chinook salmon and
3 also the conflicts that exist within the Federal
4 regulations.

5
6 The State of Alaska through Department
7 of Fish and Game also has some conservation concerns
8 with respect to the early run chinook salmon. We have
9 State regulations that prohibit the harvest of larger,
10 older age five ocean tributary-spawning chinook salmon,
11 which are no longer at their historical levels.

12
13 The slot limit regulation and concern
14 over this unique age class of tributary-spawning fish
15 remains in effect even when the Kenai River early run
16 king salmon escapement goals were met or exceeded. In
17 addition to this, rainbow trout are managed more
18 conservatively than the statewide regulations under the
19 wild trout policy and include closed seasons during
20 historical spawning activity.

21
22 So prohibiting the use of the community
23 subsistence gillnet could decrease the potential or
24 harvest of a stock of chinook salmon that does display
25 the genetic trait and is currently below historic
26 abundance levels. However, at the same time, the State
27 does support Ninilchik Traditional Council's desire to
28 participate in subsistence activities that are
29 meaningful to them under the Federal regulations.

30
31 So it is possible that elimination of
32 the community gillnet is not necessary to address the
33 conservation concerns if the approved operational plans
34 or the permit conditions move forward and try to avoid
35 encounters with year five ocean tributary spawning king
36 salmon and actively spawning rainbow trout.

37
38 While this past season's operational
39 plan was limited in scope due to the late timing of the
40 special action, we were able to see the harvest numbers
41 that included minimal incidental harvest of chinook
42 salmon and resident species.

43
44 The fishery takes place in Federal
45 waters, therefore the State has not been a main
46 participant in the development or review of the
47 operational plan, but nevertheless we would like to
48 offer our fisheries management knowledge and experience
49 in this process as our cooperative effort as we've
50 mentioned before.

1 That's all my comments.
2
3 Thank you.
4
5 ACTING CHAIR MS. STICKWAN: Are there
6 any questions.
7
8 (No comments)
9
10 ACTING CHAIR MS. STICKWAN: I have a
11 question. I read a report by Fish and Game about catch
12 and release and the damage to them. Do you know what
13 the numbers are for the damage to catch and release? I
14 read a report that it kills the fish, serious harm to
15 the fish. There was a number that potential salmon are
16 being killed because of catch and release. Do you have
17 the number of how many?
18
19 MS. KLEIN: Madame Chair. Thank you
20 for your question. I don't have that information in
21 front of me. I know there's some information in the
22 OSM analysis that we could look at and I could try to
23 find more information. You're talking about rod and
24 reel, catch and release.
25
26 ACTING CHAIR MS. STICKWAN: Catch and
27 release, the damage to bycatch, catch and release to
28 salmon. I just remember it's a very huge number that
29 catch and release damage to salmon is very huge.
30
31 MS. KLEIN: Okay. Well, thank you for
32 your question and we'll see.....
33
34 ACTING CHAIR MS. STICKWAN: It does
35 serious harm and it kills the fish.
36
37 MS. KLEIN: Madame Chair. Well, we'll
38 see if OSM has some information here to answer your
39 question and if not I can look into that and share that
40 with you.
41
42 ACTING CHAIR MS. STICKWAN: I remember
43 it's probably hundreds of thousands or a million,
44 something like that. I read the report, but I just
45 don't remember the numbers. To me, that's just doing
46 more damage to fisheries than Ninilchik's proposal of
47 700 king salmon.
48
49 MR. ADLER: Madame Chair. So you
50 oppose or defer the proposal or oppose but defer it?

1 MS. KLEIN: Madame Chair. Mr. Adler.
2 At this point we have not created a specific position
3 on the proposal, so we're just sharing our comments,
4 mainly that we do want to be supportive of the fishery.
5 We do have some conservation concerns and we'd like to
6 make sure that they're addressed and through the RAC
7 process and we'll go through listening today to the
8 rest of the meeting and then formulate our specific
9 position.

10
11 MR. ADLER: Thank you.

12
13 ACTING CHAIR MS. STICKWAN: Are there
14 any other questions. Any questions online.

15
16 MS. MILLS: This is Mary Ann.

17
18 ACTING CHAIR MS. STICKWAN: Mary Ann,
19 go ahead.

20
21 MS. MILLS: Yes, I do have some
22 questions and that's regarding ANILCA and the customary
23 and traditional use. You know, one of the traditional
24 and customary uses was to use the nets. It seems that
25 after listening to a lot of this conversation it
26 appears there's not enough scientific information to
27 really justify opposing Ninilchik's fisheries.

28
29 You know, the decisions I really
30 believe should be driven by scientific data rather than
31 politically driven. It just seems that there's an
32 unfair burden on Ninilchik in their fishery. The
33 proposal shows how the escapement would work and it is
34 experimental. Not only to see if there's a better way
35 of obtaining the fish needed for subsistence and
36 leaving those fish that are not used or those fish that
37 are in danger a better way of.....

38
39 ACTING CHAIR MS. STICKWAN: Mary Ann,
40 do you have a question?

41
42 MS. MILLS: Well, my question would be
43 why the denial for the net. You know, after reading
44 some of the letters from the people from Cooper
45 Landing, I know one of the letters expressed that they
46 thought Ninilchik was going to spread the net across
47 the Kenai River, so it's these things that bother me.
48 My question is why there is a problem with the gillnet.

49
50 MS. KLEIN: Through the Chair, Mary

1 Ann. If that question is specific to the State, I
2 guess I'm not entirely sure, but in the past the State
3 had not supported the gillnet originally because of
4 conservation concerns and I think we've showed that
5 information. Like she mentioned, we're here learning
6 about the recent season and how it went and looking to
7 the future to see how it can work.

8

9 ACTING CHAIR MS. STICKWAN: Go ahead.

10

11 MS. HOWARD: Madame Chair, Council
12 Members. Amee Howard. Just for clarification and for
13 Mary Ann I wanted to make sure that -- the proposal
14 asks to remove the net and OSM preliminary conclusion
15 opposes the removal of the net. So just to add that
16 clarification.

17

18 ACTING CHAIR MS. STICKWAN: Judy.

19

20 MS. CAMINER: Madame Chair.

21

22 MS. MILLS: Thanks for that
23 clarification.

24

25 MS. CAMINER: Thanks, Mary Ann. This
26 is Judy. Madame Chair, you asked the question earlier
27 about the previous proposals from Cooper Landing that
28 involved nets and it was just pointed out to me that on
29 Page 50 and top of Page 51 is where you probably read
30 about proposals that came in back in 2007 and those
31 were not approved at the time.

32

33 ACTING CHAIR MS. STICKWAN: Okay. Are
34 there any other questions.

35

36 (No comments)

37

38 ACTING CHAIR MS. STICKWAN: So we can
39 move on to Federal agencies.

40

41 MR. ANDERSON: Good morning, Madame
42 Chair. Members of the Council. For the record again,
43 my name is Jeff Anderson. U.S. Fish and Wildlife
44 Service, Kenai Fish and Wildlife Conservation Office,
45 field supervisor. I'd like to first state that the
46 Service does support OSM's recommendation to defer this
47 proposal, our Proposal FP17-07, until after the RFR
48 process has a chance to play through how that's going
49 to happen. So we are supportive of that option.

50

1 I would like to provide some additional
2 information about our proposals if the Council does
3 choose to address them and discuss them. I guess I'll
4 start by highlighting the second sentence that Gary
5 just talked about in OSM's justification. This
6 experimental gillnet fishery has only been executed
7 once from July 29th to August 15th with 20-foot and 60-
8 foot net lengths. An inference is made on this single
9 data point needs to be approached with careful
10 consideration. It's on Page 73 of the book.

11
12 Along those lines I'd like to talk a
13 little bit about what we know about the biology of
14 chinook salmon in the Kenai River. According to the
15 telemetry studies done by the Alaska Department of Fish
16 and Game, that's where we have most of our information
17 and knowledge about run timing, spawning, distribution
18 and abundance of chinook salmon.

19
20 Up to 28 percent of fish that entered
21 the river prior to July 1st spawned in the mainstem
22 Kenai River. Some have actually established site
23 fidelity between the Soldotna bridge and Moose River in
24 late June. June 21st for one date and June 28th for
25 another. Some have likely spawned and died as early as
26 July 17th in this stretch of river. Moose Range
27 Meadows is between the Soldotna bridge and Moose River.
28 That's about the finest resolution of information as
29 far as spawn timing and when fish actually entered the
30 act of spawning.

31
32 These are the fish that we're concerned
33 with, so they're fish according to the most recent work
34 by the Department with their stock specific abundance
35 and run timing model between 28 percent and 74 percent
36 of the inriver run between June 16th and June 30th are
37 actually destined to spawn in either the mainstem river
38 or Juneau Creek. That's from a 2016 report. Adam
39 Reimer is the lead author on that one.

40
41 So these fish are entering the river in
42 June and are counted as part of the early run
43 escapement. They are establishing -- early and late
44 run fish are actually spawning in the area of Moose
45 Range Meadows where NTC has proposed the fishery and
46 where the fishery occurred this past year.

47
48 I went into a little bit of information
49 yesterday trying to answer a question for Mr.
50 McLaughlin about how many fish we actually think are

1 spawning in that area. Again I'll use our information
2 from 2016 as an example. About 25 percent of the early
3 run actually spawns in the mainstem. That comes out to
4 about 2,500 fish of 9,000 and some, so round that up to
5 10,000. So five percent of those fish actually would
6 likely spawn in the mainstem. That comes out to 125
7 fish.

8

9 The late run might be about 900 fish as
10 well. So, in total we're looking at -- and five
11 percent of that comes out to about 750. So, in total,
12 we're looking at less than 1,000 chinook that may spawn
13 in the Moose Range Meadows area this past year. Again,
14 where the fishery is proposed to occur it's about half
15 of that area, so take half of that fish it's like about
16 450 fish that spawned in this area.

17

18 The Department's telemetry work from
19 earlier years is in the 2013 Adam Reimer report. It
20 does identify where individual fish were tracked to
21 spawn in that section of river over three years and
22 it's varied. There's a couple of years where fish were
23 tracked to spawning areas close to where the net was
24 fished this past year and one year they weren't, so
25 it's a little bit of variability year to year on where
26 fish are. Again, it's sort of the question Ms. Caminer
27 asked yesterday if we would expect similar results this
28 year.

29

30 Last year there was one chinook that
31 was harvested. Next year might be more, might be less.
32 We don't know. It's just a small number of fish that
33 actually spawn in that area would be vulnerable to this
34 fishery over time. That's part of our concern. The
35 regulation as adopted in 2015 did not limit it to a
36 setnet fishery from a specific bank area in Moose Range
37 Meadows. It was in all Federal waters of the Kenai
38 River, which does actually include a bigger spawning
39 component in a spawning area below Skilak Lake. That's
40 actually approved in regulation as well.

41

42 I think it's also approved in the
43 regulation that the RAC supported yesterday. There
44 wasn't a setnet fishery in Moose Range Meadows. It was
45 a gillnet fishery in all Federal waters of the Kenai
46 River, which might include a driftnet, might include
47 other methods besides setnet from shore. So I think
48 that's part of where we still think there are some
49 concerns.

50

1 So the biology, as Ms. Klein mentioned,
2 there have been concerns with managing the early run in
3 the Kenai River since the early 2000s, I think, is when
4 some of these slot limit first came into place. My
5 office runs monitoring projects on Funny River and
6 Keely River to the major tributary areas where early
7 run fish spawn on the Kenai National Wildlife Refuge
8 and we have seen declining trends of size and age for
9 the early run fish.

10
11 We still have concerns with these large
12 or older fish. That's partly why the Federal
13 regulations were adopted back in 2007 was to include
14 those protections for early run chinook. The early run
15 fisheries as Ms. Klein mentioned for the State have
16 always been managed more conservatively for sport
17 anglers. The Federal subsistence fisheries for early
18 run chinook have also been managed more conservatively
19 for Federal subsistence users.

20
21 The only fishery authorized in
22 regulation that can target early run chinook is the rod
23 and reel fishery and that actually includes parameters,
24 so fish between 46 and 55 inches must be released with
25 a rod and reel. The existing Federal regulations do
26 not allow for harvest of early run chinook with a
27 dipnet.

28
29 The long term conservation of these
30 fish over time the gillnet fishery in this area is
31 still a concern especially as the regulations are
32 adopted that just specify Federal waters of the Kenai
33 River doesn't limit it to specific areas.

34
35 I would like to.....

36
37 ACTING CHAIR MS. STICKWAN: Judy has a
38 question.

39
40 MS. CAMINER: Excuse me, Jeff. I just
41 thought maybe before we went on to another topic. The
42 regulation is broad, but wouldn't the permit be more
43 specific in terms of location, which is what was being
44 discussed, I think?

45
46 MR. ANDERSON: A permit could be more
47 restrictive as far as times and locations.

48
49 ACTING CHAIR MS. STICKWAN: Yes, go
50 ahead.

1 MS. CAMINER: This is another thought
2 trying to picture all these fish. If chinook were
3 caught in Moose Meadows, it's not necessarily spawning
4 there. I guess it could also be heading upriver and
5 just made a little bit of a wrong turn onto the net. So
6 if you have a net out there, you're not necessarily
7 catching all spawners would be my question.

8
9 MR. ANDERSON: Through the Chair, Ms.
10 Caminer. You are correct, yes.

11
12 ACTING CHAIR MS. STICKWAN: Go ahead.

13
14 MR. ANDERSON: Also on Page 73 there's
15 a statement by OSM that currently the only data that
16 exists for a subsistence gillnet fishery on the Kenai
17 River is the data that was gathered by the Ninilchik
18 Tribal Council in association with the experimental
19 community gillnet fishery. That is correct. That is
20 the only data that exists for a subsistence gillnet
21 fishery.

22
23 There are data available from the
24 Alaska Department of Fish and Game on a mark/recapture
25 study they did for coho salmon using similar gear and
26 they fished a drift gillnet and a set gillnet from
27 August 9th to a time in October in 1999 from the
28 Soldotna bridge to the Moose River, which did encompass
29 the Moose Range Meadows area, and they did encounter
30 293 chinook during that time. So there is information
31 from other net fisheries in the river at that time,
32 but, yes, there are chinook in that area the later you
33 get.

34
35 ACTING CHAIR MS. STICKWAN: I have a
36 question.

37
38 MR. ANDERSON: Yes.

39
40 ACTING CHAIR MS. STICKWAN: With the
41 data that they had provided you with, was there concern
42 with the level of harvest that they provided you with?
43 I'm talking about Ninilchik.

44
45 MR. ANDERSON: 723 sockeye salmon was
46 not a concern. We have concerns with not just harvest
47 with Federal subsistence users, we also have proposals
48 for the State Board of Fish to actually close portions
49 of the river to fishing for all users to protect
50 spawning chinook salmon and also to change regulations

1 that would provide more protections for early run fish,
2 the large five ocean fish that Ms. Klein discussed
3 throughout their residency in freshwater. We have
4 concerns with harvest in that spawning area with all
5 users.

6
7 I have a little bit more information to
8 discuss.

9
10 ACTING CHAIR MS. STICKWAN: Yes, go
11 ahead.

12
13 MR. ANDERSON: Again, the information
14 we have indicates that there are chinook in the area
15 that we're concerned with and they are vulnerable to
16 capture with a net.

17
18 Some information presented on OSM's
19 recommendations on Page 74 mentions that as the
20 experimental subsistence gillnet fishery only was
21 implemented from July 29 to August 15, which is well
22 out of the timeframe in which early run chinook have
23 shown to stage or spawn in the mainstem of the Kenai,
24 no concerns can be substantiated about the impacts of a
25 single subsistence community gillnet fishery.

26
27 I'd just like to correct that
28 information. There's information from the Alaska
29 Department of Fish and Game, the report in 2013 that
30 indicates early run fish that spawned in the mainstem
31 Kenai River actually the peak timing from their study
32 was actually on August 8th. So the fish are still in
33 the river and spawning during that time period, not
34 done spawning.

35
36 I'd also like to mention further in
37 that paragraph it's stated The harvest of staging or
38 spawning late-run chinook salmon
39 is already permissible under current Federal
40 regulations in the Kenai River with different gear
41 types, dip net and rod and reel, up to 1,000 fish, so
42 harvest of staging or spawning late-run chinook salmon
43 already occurs under an acceptable level of mortality
44 and would still continue to be accepted with the
45 keeping or removal of a single community gillnet on the
46 Kenai River.

47
48 I'd also like to mention we'll likely
49 get into that more so in FP17-08. We have a proposal
50 that actually questions that harvest limit and sort of

1 as Mr. Starkey mentioned with the 4,000 fish limit for
2 sockeye that's still a number that's appropriate. We
3 have the same question about chinook in the Federal
4 subsistence fishery based on where that harvest would
5 occur and when is that actually sustained because it
6 would primarily be focused on where chinook are
7 actually spawning. So is that sustainable over time?
8 We don't know.

9

10 I would like to mention again the
11 current regulation as adopted in I think FP15-10 does
12 not allow for the harvest of chinook salmon with the
13 gillnet fishery. I guess that regulatory conflict
14 still exists. Other regulatory conflicts likely exist
15 for the proposals adopted yesterday or supported
16 yesterday by the RAC.

17

18 MR. MIKE: Could the people online
19 please identify yourselves and then hit the mute button
20 or star 6. We're getting some background interference.

21

22 Thank you.

23

24 MR. CARPENTER: This is Tom in Cordova.
25 I'm on mute.

26

27 MR. WHITFORD: Hi, Donald. This is Tom
28 Whitford, Forest Service. My phone is on mute.

29

30 MR. ADAMS: This is Mike Adams, Cooper
31 Landing Advisory Committee of Fish and Game and my
32 phone is on mute

33

34 MS. MILLS: This is Mary Ann and my
35 phone is on mute.

36

37 ELIZABETH: This is Elizabeth
38 (indiscernible) and my phone is on mute.

39

40 MR. MIKE: Thank you. Anyone else.

41

42 MS. RECKEN: This is Kathy Recken from
43 Cooper Landing and my phone is on mute.

44

45 MR. DOROFF: This is Keith Doroff from
46 Cooper Landing. My phone is on mute.

47

48 MS. PEARSON: This is Heather Pearson
49 from Cooper Landing and my phone is on mute.

50

1 MR. MIKE: Do we have anyone else
2 online.
3
4 (No comments)
5
6 MR. MIKE: Thank you all for placing
7 your phones on mute.
8
9 ACTING CHAIR MS. STICKWAN: Please
10 continue.
11
12 MR. ANDERSON: Yes, Madame Chair. I
13 have just one more point I'd like to discuss and it
14 will come up again during FP17-08. One of our reasons
15 for opposing extension of the dates to provide more
16 protection for early run fish, including the slot
17 limit, is because of that July 15th date. Prior to
18 July 15th, a 50-inch chinook salmon in Moose Range
19 Meadows area would be protected from harvest in Federal
20 subsistence and State sport fisheries, whereas on July
21 16th that fish would then be vulnerable to harvest both
22 fisheries. We think those fish need further protection
23 to avoid potential harvest pressure on these fish.
24
25 ACTING CHAIR MS. STICKWAN: Are you
26 finished?
27
28 MR. ANDERSON: That's all I have,
29 Madame Chair.
30
31 ACTING CHAIR MS. STICKWAN: Are there
32 any questions.
33
34 (No comments)
35
36 ACTING CHAIR MS. STICKWAN: Are there
37 any questions online.
38
39 (No comments)
40
41 ACTING CHAIR MS. STICKWAN: I thought
42 you were finished.
43
44 MR. LORANGER: Madame Chair. Andy
45 Loranger, Refuge Manager at Kenai National Wildlife
46 Refuge. Members of the Council. Thank you for allowing
47 us to be here. I think the only thing that I would add
48 to Mr. Anderson's testimony in regards to our
49 conservation concerns and issues that are specific to
50 early run chinook that from a conservation standpoint

1 conservation of diversity, meaning not just in the
2 genetic diversity, but temporal diversity, geographic
3 diversity, overall life history diversity is an
4 important component from a conservation standpoint that
5 is not necessarily addressed simply looking at numbers
6 of fish in a harvest limit or in a total escapement.

7
8 Mr. Anderson mentioned differential
9 harvest pressure. One of the potential effects of
10 differential harvest pressure is when you get to these
11 smaller spawning aggregates is to effect that overall
12 diversity that those stocks have within them. The
13 overall biocomplexity can be affected. Again, simply
14 looking at management by numbers doesn't necessarily
15 address those concerns.

16
17 One of the reasons that we believe that
18 protecting that diversity, whether it's genetic
19 diversity, whether it's overall biocomplexity, spawning
20 timing, timing of entrance into the river, protecting
21 all aspects of a stock is because we don't know which
22 of these characteristics might be most important to the
23 long-term sustainability of those stocks.

24
25 In other words, the more diversity you
26 can conserve over the long term, the more likely that
27 you have a stock that's resilient to environmental
28 change, which we all know is happening rapidly. So
29 that's one of the major areas that does not get
30 necessarily discussed or considered in management
31 simply by looking at total escapement or total harvest
32 is that protection of diversity. We think it's
33 important.

34
35 We also have a mandated purpose for the
36 Kenai National Wildlife Refuge under ANILCA to manage
37 for natural diversity and we think managing for
38 biocomplexity is a reasonable part of that mandate. So
39 those are important issues for us and that's part of
40 the concern that we have, is maintaining that
41 diversity.

42
43 Thank you.

44
45 MR. CARPENTER: Gloria, I have a
46 question for Andy.

47
48 ACTING CHAIR MS. STICKWAN: Go ahead,
49 Tom.

50

1 MR. CARPENTER: Andy, do you know any
2 studies that have been done in regards to the
3 biodiversity that we're talking about that have shown
4 to have an impact on king salmon?

5
6 MR. LORANGER: Through the Chair, Mr.
7 Carpenter. I'll try to answer that question. I think
8 there's some data that would indicate that peak spawn
9 timing for early arriving fish has shifted from an
10 earlier timeframe to a later timeframe or early run
11 fish and I think that is a possible indicator of loss
12 of diversity.

13
14 We also know that as an example in the
15 lower Kenai River there are no longer spawning chinook
16 salmon in Eva Creek where we believe they once existed
17 and it has been documented. An example of some of that
18 diversity that harvest pressure may have played a role
19 in that is a reasonable assumption in my opinion.

20
21 MR. CARPENTER: Okay. Thank you for
22 that. Nobody is going to deny that diversity is a good
23 thing in regards to salmon populations, but the last
24 part of your statement you made you talk about harvest.
25 We haven't had any harvest. I guess that's what I
26 don't understand why you're so concerned.

27
28 Listen, if there was a huge amount of
29 harvest that would have taken place, I could totally
30 understand how you would be kind of up in arms about
31 this whole idea, but there hasn't been any yet. So I
32 guess I don't understand what you're so worried about.

33
34 ACTING CHAIR MS. STICKWAN: Do you have
35 an answer?

36
37 MR. LORANGER: Through the Chair, Mr.
38 Carpenter. This is not a concern that's unique, you
39 know, to myself or the Refuge. There hasn't been
40 harvest in the Federal subsistence fishery, but there's
41 certainly harvest that's occurring on early run
42 chinook. The conservative approach that's been taken
43 has become increasingly conservative both in the State
44 management of the sport fishery and has been
45 conservative since its inception in the Federal
46 subsistence fisheries.

47
48 The only difference between now and in
49 2007 when the original Federal subsistence fishery for
50 chinook salmon in the Kenai River were established was

1 the stock has declined. We've learned more about the
2 stock that has increased our level of concern about
3 these smaller spawning aggregates and components and
4 we've seen a decrease in age and size through
5 monitoring at our weirs.

6
7 So the concerns for conservation going
8 forward have been in place for some time. I think
9 they're heightened under the recent trends in Kenai
10 River early run chinook.

11
12 ACTING CHAIR MS. STICKWAN: I guess I
13 have a question.

14
15 MR. CARPENTER: Well, thank you for
16 that. I think.....

17
18 ACTING CHAIR MS. STICKWAN: Go ahead,
19 Tom.

20
21 MR. CARPENTER:yes, there is
22 harvest and I think the question is where does the
23 harvest take place. It takes place well before this
24 gillnet fishery is going to be initiated. So I think
25 you have to take that into account too. Harvest is
26 taking place in the commercial fishery and the other
27 fisheries prior to getting to this area of the river.
28 I don't necessarily know that because there's a 10-
29 fathom net, which is really insignificant in regards
30 to how big a gillnet, how effective a gillnet should be
31 if you've ever done it. That's what I do for a living.

32
33
34 I think that -- I understand why
35 Ninilchik is frustrated. They're the last one down the
36 line that wants to harvest fish and they're the ones
37 getting the most push-back when there's harvest to take
38 place in other fisheries before it. So I just don't
39 think there's enough credence given to that.

40
41 ACTING CHAIR MS. STICKWAN: I guess I
42 have a question or a comment. I'm not sure which. I
43 know in our area they have seen king salmon in areas
44 where supposedly they weren't there before.
45 I've heard that Katie John said she's never seen king
46 salmon in Tanada Creek. Now they have reports of king
47 salmon in Tanada Creek. So you say one creek, I can't
48 remember what you just said, no longer has king salmon
49 there. Is it possible for the king salmon to go back
50 there? I mean it has in our area. So to say it's no

1 longer there you don't really know that.

2

3 Is that true?

4

5 MR. LORANGER: Madame Chairman. We
6 don't really know. We know what the current condition
7 is as opposed to the past condition.

8

9 ACTING CHAIR MS. STICKWAN: So it's not
10 true to say that it's no longer there. You really
11 don't know.

12

13 Judy.

14

15 MS. CAMINER: Thank you. And thank you
16 for being here and, Tom, for your comments as well. So
17 are you saying ideally, besides you prefer not to have
18 a net there, but ideally you wouldn't want to see any
19 early chinook fishing in that part of the river at all,
20 part of the river and up?

21

22 MR. LORANGER: I think from my
23 perspective there can be some fishing. The proposals
24 that Mr. Anderson mentioned further up in a very
25 important spawning area that we should probably not
26 have any fishing under either Federal subsistence or
27 the sport fishery in that area and that's the proposal
28 we put in front of the Board of Fish.

29

30 I think a very conservative approach
31 for the harvest, as Mr. Anderson mentioned, continuing
32 the protections that are in place up until mid July
33 with the slot limit being extended through the end of
34 the fishing season and a more restrictive fishery from
35 the standpoint of the gear type that can be used would
36 provide some additional protections that we think
37 important to long-term sustainability of that stock.

38

39 ACTING CHAIR MS. STICKWAN: Judy.

40

41 MS. CAMINER: One more question having
42 to do with the current daily monitoring that goes to
43 every 72-hour reporting. Were you worried or concerned
44 if let's say five chinook were taken in the net and you
45 then had the authority to say, okay, that's it, no more
46 fishing, is that sort of not a good enough -- I mean is
47 the daily reporting or 72-hour reporting, is that not a
48 good enough tool to manage concerns on chinook?

49

50 MR. ANDERSON: Through the Chair, Ms.

1 Caminer. I guess our challenge with that is it depends
2 on what those five fish represent. If those were five
3 fish that were actually spawning in that area, they're
4 harvested, that harvest pressure would continue over
5 time. It's a long-term concern over what might happen,
6 the harvest of that specific fish that might be
7 spawning.

8

9 ACTING CHAIR MS. STICKWAN: Are there
10 any other questions.

11

12 (No comments)

13

14 ACTING CHAIR MS. STICKWAN: Are there
15 any questions online.

16

17 (No comments)

18

19 ACTING CHAIR MS. STICKWAN: So we can
20 move on to Native, tribal, village.

21

22 MR. ENCELEWSKI: Thank you, Madame
23 Chair. Members of the board. For the record, my name
24 is Ivan Encelewski. I'm the executive director for the
25 Ninilchik Traditional Council. Also a Federally
26 qualified subsistence user from Ninilchik.

27

28 Obviously I'm here to speak in
29 opposition to FP17-06/07. Just remind the RAC, as you
30 know has previously and unanimously supported the
31 opportunity for a gillnet in the Kenai and the Kasilof
32 Rivers, so we oppose this as well. I think a deferral
33 continues to move this -- drag this issue on when I
34 think the RAC has been pretty unanimous. I think
35 that's also consistent with your previous analysis of
36 the proposals that have moved forward for the Kenai in
37 regards to this issue.

38

39 OSM, as you know, opposes this on both
40 levels of potentially creating conservation concerns,
41 so we stand with the OSM analysis and oppose this even
42 without an operational plan there's harvest limits and
43 restrictions in place through permit conditions that
44 can provide conservation measures as previously
45 discussed, so I won't issue anything there.

46

47 The evidence actually supports that
48 there is no conservation concerns with this fishery on
49 the Kenai through the fishery this year as well as the
50 evidence I think was reiterated here just a minute ago

1 regarding actual harvest. I think our concerns as
2 reiterated all along we feel like we're being the most
3 restricted fishery when it kind of turns ANILCA on its
4 face when we're king of the last ones to provide all
5 the conservation measure and at zero harvest or harvest
6 of one or two species does not create a conservation
7 concern.

8
9 There is more data I'd just point out
10 on the State of Alaska runs, the gillnet fishery, every
11 day in the Kenai River. So there is data and they
12 harvested 218 or encountered 218 chinook
13 in 2016.

14
15 I'd also point out that the fishing is
16 occurring on the spawning grounds and that was part of
17 the OSM analysis that the harvest and staging or late
18 run chinook salmon is already permissible under current
19 Federal regulations. As the video showed from our
20 fishery, there's ongoing sport fishing occurring in the
21 Moose Range Meadows. So it's kind of hypocritical to
22 say that sport fishermen can fish in this area and they
23 harvested 6,504 chinook in the Kenai River in 2016 and
24 we harvested one.

25
26 So, again, getting back to Mr.
27 Carpenter's point, we would reiterate that we're
28 feeling like we share the brunt of the conservation
29 burden when we're constantly being trying to take away
30 our subsistence opportunities.

31
32 Just real quickly. We have proven that
33 this is the meaningful preference. It is customary and
34 traditional to use nets. We've proven that as our
35 community. That's our meaningful preference and
36 opportunity to use this method. As you can see with
37 the 723 sockeye that were harvested with the gillnet
38 and the zero harvest we had in rod and reel from years
39 before, this is a meaningful opportunity.

40
41 If you were to take away one
42 subsistence user's meaningful opportunity at the
43 request of another subsistence user, then it would
44 aggrieve our rights under ANILCA and under the
45 subsistence process. So we feel that is inappropriate.
46 As you know, the escapement in the Kenai is pretty
47 heavy with the sockeye with 1.3 to 1.5 million, so
48 there's a lot of sockeye harvest available.

49
50 So I don't want to belabor this issue

1 anymore. I think we pretty much stand on some things.
2 One of the things that I do want to address real
3 quickly and I know we didn't want to get into some of
4 these things, but I have to point out a couple of
5 things that were mentioned.

6
7 In the analysis that we did with Dr.
8 Ruggeroni, who is previously mentioned as an expert in
9 this fisheries field, and it was mentioned the Reimer
10 study in 2013 that was mentioned provided tagging data
11 that is consistent with the Berger study in 1985.
12 Those were the studies that the State did. It reported
13 that the most heavily utilized sections of the mainstem
14 spawning were River Mile 14 to 15, 17 to 21 and 46 to
15 47 based on the radio tagged chinook salmon.

16
17 So these heavily utilized areas do not
18 include the proposed subsistence areas. And then the
19 total number of radio-tagged chinook spawn in the
20 proposed fishing area of River Mile 24 to 28 there was
21 13 fish and that gets back into the five percent of the
22 mainstem total. So that value is consistent with the
23 analysis using spawner data like by Berger in 1985.

24
25 So, in summary, this data indicates the
26 proposed fishing operation could potentially encounter
27 five percent of the mainstem spawners assuming the
28 entire four mile -- you'd have to fish that entire
29 four-mile period at one time to encounter that five
30 percent. So that's pretty small in the grand scheme of
31 things as far as potential harvest in that area.

32
33 One more thing that I would point out.
34 We're talking about this early run chinook issue. In
35 the conclusion, the large majority of evidence
36 indicates that a single population of chinook salmon in
37 the mainstem rather than the distinct populations as
38 suggested by U.S. Fish and Wildlife Service.

39
40 With this issue of what we're talking
41 about, just to put this in perspective, we're talking
42 about five percent of the mainstem spawners. If you
43 had fished the entire area and then you're talking
44 about not being able to have a differentiation of
45 mainstem spawning and then you're talking about
46 conservation concerns with one fish harvested, one
47 chinook, then we shouldn't bear the brunt of that
48 conservation concern to eliminate a meaningful
49 opportunity for us.

50

1 Anyway, again, we oppose the proposal.
2 We'd rather see that the RAC be consistent regardless
3 of the RFR process. It's not our fault. I don't think
4 we should be burdened with the fact that it takes two
5 years to consider an RFR on a proposal. I think the
6 RAC has held consistent in their support of our
7 fishery.

8
9 I'd just maybe turn it over to Sky. He
10 wanted to make a few comments on a couple things.

11
12 MR. STARKEY: I think first of all what
13 we just heard fully develops the record for why
14 Ninilchik put in the proposal not to have an
15 operational plan anymore. It definitely shows an
16 incredibly hard position that I think the most
17 revealing aspect of what we heard in the last few
18 minutes is the question that would five fish -- would
19 your ability to stop fishing after you catch five fish
20 make you more comfortable with the fishery. The answer
21 was, no, five fish is too many because it might affect
22 -- the new reason now -- the biocomplexity.

23
24 I suggest if five fish is too many,
25 we're in an Endangered Species Act scenario. If five
26 fish from the Kenai River is going to impact
27 biocomplexity to the point where it's going to
28 jeopardize stocks, somebody needs to put in an ESA
29 protection.

30
31 I want to draw your attention to Table
32 7 on Pages 66, 67 and 68 only to point out that from
33 2007 to 2015 the catch of chinook for every single
34 community, Hope, Cooper Landing and Ninilchik, is zero.
35 I think there might be one mistake because it may not
36 note the run first that was caught. So to say that the
37 Refuge has done their responsibility, which is to, yes,
38 manage for conservation but balance that with providing
39 subsistence opportunity for chinook salmon.

40
41 The table shows if you can't catch a
42 single chinook that the dipnet fishery and the rod and
43 reel fishery and all the other limits they put on
44 subsistence users are just restricted to the place
45 where they can't even get one, I find it ironic that
46 the Fish and Wildlife Service would come up here and
47 denigrate the value of the -- and that was done in the
48 fishery in 2015 by saying, well, we can't rely on the
49 data that was demonstrated in that fishery. In other
50 words, the ability to catch their fish without catching

1 kings because it happened late. Well, the other reason
2 it happened late was because of Fish and Wildlife
3 Service.

4
5 The reason it started now is because we
6 went to the Board. I would tell you that I spent every
7 second at that Board meeting and Fish and Wildlife
8 Service made exactly the same argument that they made
9 right here today that if that fishery started even at
10 that late date it was going to have real consequences
11 for the chinook salmon. We can't use that data because
12 it started late and the kings weren't in there as much,
13 but during that Board meeting, and you can look at the
14 transcripts, that was certainly not what they were
15 arguing there.

16
17 In fact, what's ironic is they
18 suggested that Ninilchik should look at fishing in
19 Moose Range Meadows or Skilak Lake, which now they want
20 to close to all fishing, so very curious.

21
22 I just want to also -- the way we look
23 at subsistence and the law is there's a balance between
24 conservation and providing for subsistence use. There
25 needs to be a balance. So the Fish and Wildlife
26 Service testimony we heard right now is all about
27 resilience of the fish stock, but a little bit is also
28 about resilience of a way of life.

29
30 The position that we just heard is so
31 extreme that if it was taken to the Copper River, to
32 the Kuskokwim River, to the Yukon River, to the
33 fisheries of Cordova, to the commercial fisheries, to
34 sport fisheries, every single fishery in Alaska could
35 be shut down with that amount of data, which is
36 basically zero, and cited biocomplexity, where that
37 goes is of a (indiscernible) probably to a lot of
38 fishermen throughout the state.

39
40 And if I was the State of Alaska -- I
41 mean I do not think the Board of Fish has bought into
42 this biocomplexity argument that they're making for the
43 Kenai and if they have, that will have dramatic impacts
44 for how they're going to regulate that sport fishery.

45
46 The other thing about the testimony
47 that we just heard is a variable issue, that there's a
48 lot of other fish in that river. Their focus on
49 denying subsistence opportunity and saying they're
50 going to the Board of Fish to do something about it,

1 the Refuge can shut down fish in the Federal waters
2 without going to the Board of Fish. They can use
3 extraterritorial jurisdiction and impact fisheries
4 beyond Federal waters. It's easier -- there's
5 political repercussions if they do that. It's much
6 easier for them just to try to shut down the
7 subsistence fishery.

8

9 It just demonstrates why it has made
10 the proposals that it has. That's all I have to say.

11

12 ACTING CHAIR MS. STICKWAN: Are there
13 any questions.

14

15 (No comments)

16

17 MR. STARKEY: Thank you.

18

19 MR. WILLIAMS: Madame Chair. I just
20 have one more very important additional thing to make
21 and it's the idea of accuracy and precision,
22 evaluations of data. This idea that there's only one
23 dataset that's ever been used in the Kenai River to
24 evaluate effectiveness of a fishery simply is
25 inaccurate. This idea of research and the use of nets
26 in the river is ongoing. I mean we showed a film on it
27 that's on National Geographic for how this works and I
28 really think this process needs to be careful when
29 presenting things in a framework.

30

31 We're not evaluating the proposals.

32

33 Thank you.

34

35 ACTING CHAIR MS. STICKWAN: Were there
36 any questions.

37

38 (No comments)

39

40 ACTING CHAIR MS. STICKWAN: I have a
41 question. Is dipnet your traditional customary and
42 traditional way of getting fish?

43

44 MR. ENCELEWSKI: Madame Chair. No. As
45 we've repeatedly stated on the record and proposed that
46 our traditional way of getting fish is gillnets. We
47 made that clear. To note, you know, Alaska Native
48 people, we've been around for thousands and thousands
49 of years, our people in Ninilchik, and we are generally
50 not dipnet people.

dipnet regulation and rod and reel are in
3 regulations is because they refused to give us our
4 traditional methods and means, which was a gillnet. So
5 they said, well, let's just give you an extra hook, an
6 extra piece of bait. How about a dipnet. Things that
7 were not customary and traditional to us.

8
9 So those other ancillary regulations
10 that allow harvest reportedly we have not fully taken
11 advantage of, which is not true. Those are not
12 traditional methods and means for us and they're not
13 successful, nor meaningful. So our meaningful
14 preference is gillnets and it's customary and
15 traditional.

16
17 ACTING CHAIR MS. STICKWAN: I have
18 another question. Do you perceive this fishery
19 increasing to a limit of 4,000 chinook or a large
20 increase in harvest in the future? I know it's hard to
21 think about the future, but can you give us something.

22
23 MR. ENCELEWSKI: Well, I think a couple
24 things on that. The allocation can be set in the
25 registration permit and I think one of the things that
26 in the special action request that happened this year
27 through the Federal Board is they set a limit of
28 potential 50 kings and Dolly Varden, rainbow trout.
29 That allocation specifically for the gillnet fishery as
30 well.

31
32 But our preference, and I think has
33 been mentioned here before, would be to eliminate the
34 annual limit for the Kenai River of 4,000 sockeye and
35 it should just go back to the daily and household
36 limits for sockeye salmon especially. Especially the
37 fact that there's millions of fish harvested in the
38 commercial fishery and the sport fishery and then
39 escape in the Kenai. The sockeye I don't think anyone
40 is arguing is a conservation concern.

41
42 I think that's the way that we would
43 like to see that moved forward at some point in the
44 process is to eliminate the annual limit for the
45 sockeye salmon. It certainly could be a restriction
46 permit so that we don't take more fish because our
47 shared allocation is with Cooper Landing.

48
49 ACTING CHAIR MS. STICKWAN: Was there
50 any other questions.

1 (No comments)
2
3 ACTING CHAIR MS. STICKWAN: So we could
4 move on to Interagency Staff Committee.
5
6 MR. ADAMS: Good morning, Madame Chair.
7 Is this the opportunity for AC comment?
8
9 ACTING CHAIR MS. STICKWAN: You're on
10 next. We didn't get to Interagency Staff Committee,
11 which is the next on the list.
12
13 MR. ADAMS: Okay. I'm sorry.
14
15 MS. HOWARD: Madame Chair. Amee
16 Howard, acting ISC chair. At this time we do not have
17 an ISC recommendation for FP17-06/07 as we like to
18 attend the Council meetings and hear what the Councils
19 have to say before we form our recommendation report.
20
21 Thank you.
22
23 ACTING CHAIR MS. STICKWAN: So we can
24 move on to Fish and Game Advisory Committee. Online,
25 do you have.....
26
27 MR. ADAMS: Yes. Good morning, Madame
28 Chair and Council Members. My name is Mike Adams. I'm
29 a member of the Cooper Landing Advisory Committee Fish
30 and Game. As you know, Cooper Landing is a Federally
31 recognized subsistence community and I'm calling on
32 behalf of the AC's report for Proposal FP17-06.
33
34 Most of our points are, I think -- we
35 agree with the points made in the proposal and I did
36 want to just stress that we believe a meaningful
37 priority already exists without gillnetting through
38 previously approved methods and means, which are
39 discriminate in nature, so they do not result in
40 unintentional bycatch of non-target species.
41
42 ACTING CHAIR MS. STICKWAN: Thank you.
43 Is anyone else online want to speak for the AC.
44
45 (No comments)
46
47 ACTING CHAIR MS. STICKWAN: So we can
48 move on to Subsistence Resource Commission.
49
50 (No comments)

1 ACTING CHAIR MS. STICKWAN: Summary of
2 written public comments.

3
4 MR. MIKE: Thank you, Madame Chair.
5 Proposals FP17-06/07 are requests to remove gillnet
6 regulation from the current Federal subsistence
7 fisheries management regulations. Seventeen written
8 comments were received commenting on FP17-06 and 07.
9 Eleven comments commented on FP17-06, six commented on
10 FP17-07 in support of the proposals.

11
12 Support the proposal. It provides a
13 meaningful access and opportunity for subsistence and
14 recreational use. It follows fishery conservation
15 principles and use of selective gear to allow for
16 release and survival for fish. And they opposed
17 non-selective gear. They also opposed gillnetting on
18 the Kenai River. It will impact the current fishery.
19 Other opportunities are available with the use of non-
20 selective gear. Gillnets will adversely affect chinook
21 and other salmon species and they oppose gillnetting.
22 Support the proposals to disallow gillnets that will
23 impact future fish of the Kenai River. The proposal
24 ensures conservation of rainbow, Dolly, (indiscernible)
25 habitat. Other accepted methods are available. They
26 also stated that bycatch concerns cause mortality.
27 They also oppose gillnets on the Kenai River. It goes
28 against conservation efforts to maintain healthy
29 populations for future generations. Finally, they
30 support the (indiscernible) of Kenai. Gillnets on the
31 Kenai River for conservation and management for salmon
32 for long-term sustainability of fish stocks. Those
33 were the comments received for 17-06/07.

34
35 In addition, 21 written comments were
36 received from the Cooper Landing/Hope proposal to
37 remove the gillnet regulations for subsistence harvest
38 for salmon in the Kenai River by gillnet. These
39 comments refer to FP17-06/07, but they are in support
40 of the Cooper Landing/Hope proposal. Allow gillnets on
41 the Kenai River. They also are concerned of bycatch of
42 Dolly Varden and trout in dipnets are currently
43 allowed. Gillnets are harmful to Dolly Varden and
44 threaten chinook and other resources on the river.
45 Available Kenai River fisheries.

46
47 Madame Chair, 22 general comments were
48 in opposition of gillnets in the Kenai River. Other
49 means are available to obtain subsistence salmon,
50 (indiscernible) and protect resources for the future.

1 Gillnets on the Kenai River (indiscernible) is an
2 allowed method for harvest of salmon. This will allow
3 for survival of incidental catch. Gillnets are
4 indiscriminate on species and harvest bycatch
5 conservation of species are under current threat by
6 gillnet use. Rod and reel method currently works and
7 (indiscernible).

8

9 ACTING CHAIR MS. STICKWAN: Would you
10 mute your phone or do star six, please.

11

12 MR. MIKE: Thank you. Conservation of
13 non-selective not be permitted in conflict with other
14 recreation users.

15

16 Madame Chair, that completes the
17 written public comments and there are at least 61
18 written public comments received we have the full
19 comments on the back table for the public to review.
20 These comments were also mailed out to the Regional
21 Advisory Councils for their review and these will also
22 be part of the public record for this meeting and for
23 the Federal Subsistence Board.

24

25 Madame Chair, that concludes the
26 written public comments.

27

28 ACTING CHAIR MS. STICKWAN: I still
29 hear background noises. Is there anybody online.

30

31 MS. RECKEN: Yes. Hello.

32

33 ACTING CHAIR MS. STICKWAN: Go ahead.

34

35 MS. RECKEN: This is Kathy Recken. I'm
36 a member of the Subsistence Community of Cooper Landing
37 and Hope. Can you hear me? I can barely hear you.

38

39 ACTING CHAIR MS. STICKWAN: We can hear
40 you.

41

42 MS. RECKEN: All right. Thank you. As
43 a full-time resident and qualified subsistence user
44 from Cooper Landing I'm speaking in support of the
45 approval of FP17-06. This proposal was submitted by
46 the members of the Subsistence Community of Cooper
47 Landing and Hope -- hello?

48

49 ACTING CHAIR MS. STICKWAN: We can hear
50 you.

1 MS. RECKEN: All right. And the
2 Ninilchik Tribal Council's ability to operate a
3 community gillnet on the Kenai River. Our Subsistence
4 Community maintains that by allowing Ninilchik
5 exclusive priority to place a gillnet in the river
6 adversely affects our subsistence priority, which
7 should be equal to the priority given to the Ninilchik
8 community.

9
10 The efficiency and effectiveness of
11 fishing with a net certainly allows Ninilchik to
12 potentially catch the annual limit of 4,000 sockeye in
13 the Kenai before we have an opportunity to harvest our
14 share using nets or rod and reel. The net is downriver
15 where our community members traditionally fish Russian
16 River Falls. The non-selective nature of the gillnet
17 is not allowed or fish harvest by other than
18 subsistence users for river management of 72 hours
19 before a report is required. It is extremely difficult
20 to ensure that (indiscernible - background noise) a
21 maximum harvest opportunity for all subsistence users.

22
23
24 Number two, the (indiscernible). As
25 Federally qualified subsistence community, the
26 residents of Cooper Landing and Hope recognize it is
27 their right to demand (indiscernible) to the harvest
28 part of the subsistence quota on the Kenai River.
29 However we do not believe allowing all three
30 communities to place a gillnet in the Kenai would
31 rectify this problem. We believe that such a move
32 would be inconsistent with the policy requirements of
33 (indiscernible) and maintain that allowing any gillnet
34 fishery on the Kenai is a violation of recognized
35 practices of fish and wildlife management.

36
37 Community members agree that
38 conservation concerns (indiscernible) of the Kenai
39 River and its ecosystem outweighs any (indiscernible)
40 for subsistence fishing and that includes putting a
41 gillnet in the Kenai River. Allowing a gillnet in the
42 Kenai is not consistent with ANILCA Section 801,
43 subsection (4) that states in order to fulfill the
44 policies and purposes of the Alaska Native Claims
45 Settlement Act and as a matter of equity, it is
46 necessary for the Congress to invoke its constitutional
47 authority over Native affairs and its constitutional
48 authority under the property clause and the commerce
49 clause to protect and provide the opportunity for
50 continued subsistence uses on public lands by Native

1 and non-Native rural residents.

2

3 Our proposal FP17-06 strongly supports
4 the intentions in the spirit and requirements of
5 ANILCA. It is, (1) consistent with sound management
6 principles, and the conservation of healthy populations
7 of fish and wildlife. It is consistent with management
8 of fish and wildlife in accordance with recognized
9 scientific principles. These are stated in ANILCA
10 Section 802.

11

12 Our proposal also protects and provides
13 the equal opportunity for continued subsistence uses on
14 the public land by Native and non-Native rural
15 residents. Effectively, conservation concern is
16 critical to our continued ability to successfully meet
17 our subsistence needs. We believe it is the RAC's and
18 Federal Subsistence Board's duty to do just that.

19

20 ACTING CHAIR MS. STICKWAN: Are you
21 finished?

22

23 MS. RECKEN: Yes, I am.

24

25 ACTING CHAIR MS. STICKWAN: Is there
26 anyone else online that wants to give public testimony.

27

28 MS. BOND: Yes, Madame Chair. This is
29 Angel Bond from Cooper Landing. I wasn't able to be
30 there yesterday due to children being in the school and
31 working, but just a couple comments.

32

33 We fully support here in Cooper Landing
34 the subsistence fishing rights of the residents of
35 Ninilchik and their right to harvest their annual
36 allotment of fish from Kasilof and Kenai Rivers. We
37 do, however, oppose the use of gillnets on the Kenai as
38 a means of subsistence. We believe the non-selective
39 nature of fishing with gillnets threatens the continued
40 viability of certain fish populations and could have
41 significant adverse effects on the Kenai River
42 (indiscernible - background noise).

43

44 It stated that approximately 723 fish
45 were caught and that was in a very short timeframe, so
46 if that was the case, you know, they could potentially
47 have the whole allotment of 4,000 for our entire
48 subsistence communities of Cooper Landing, Hope and
49 Ninilchik.

50

1 I did want to ask Ivan a question as
2 far as he said the fishwheel was not a means of
3 subsistence fishing and I wanted to know why he thought
4 that -- they caught no fish and why it is not a
5 meaningful subsistence fishing when it's proven to be
6 successful across the state in many subsistence
7 communities and it is their means of fishing.

8
9 ACTING CHAIR MS. STICKWAN: We're
10 hearing public testimony right now. Ivan can get back
11 to you offline.

12
13 MS. BOND: Okay. Thank you. Is there
14 any other public testimony? Are you finished?

15
16 MS. PEARSON: Hi, this is Heather
17 Pearson in Cooper Landing. Can you hear me, Madame
18 Chair?

19
20 ACTING CHAIR MS. STICKWAN: Yes.

21
22 MS. PEARSON: Hi, I just had one quick
23 comment. I did make public testimony yesterday. I
24 wanted to point out that in the proposal FP17-06 there
25 were two data tables included in a proposal that did
26 not make it in the printed version of the proposal
27 book. There was some clerical error with OSM and it
28 got scanned funny. So I just want to encourage anyone
29 considering this proposal to please look at the online
30 version of this proposal because those data tables were
31 included.

32
33 The data I'm referring to are the
34 number of Federal subsistence permits issued to the
35 three communities. The data came from the Department
36 of Interior Cook Inlet area Federal subsistence fishery
37 summary. I just want everyone to see those numbers
38 showing the levels of participation in these
39 communities exercising their rights to Federally
40 subsistence fish and I think that is an important part
41 of this discussion.

42
43 I thank the members of the RAC that
44 came to Cooper Landing, Ricky and Donald. I appreciate
45 you guys coming down and giving us some outreach and
46 helping us to be involved in the process. I would
47 encourage the RAC to continue outreach to all of our
48 communities. I think this is a very important part of
49 this process and we just really appreciate the
50 opportunity to be involved.

1 Thank you.

2

3 ACTING CHAIR MS. STICKWAN: Anyone else

4 that wants to give public testimony online.

5

6 MR. DOROFF: Hello, Madame Chair. My

7 name is Keith Doroff and I was there yesterday and I

8 have a few more concerns if I may.

9

10 ACTING CHAIR MS. STICKWAN: Go ahead.

11

12 MR. DOROFF: Yesterday we discussed

13 possible rural/non-rural designations for towns like

14 Moose Pass and otherwise. I guess my concern is over

15 the next five, ten years or so we need to keep looking

16 forward to what could possibly happen. Moose Pass

17 could put in a proposal. Nikolaevsk could put in a

18 proposal. Sterling could put in a proposal to go

19 rural. We could end up having six different

20 communities possibly going rural fishing on the Kenai.

21

22 At this time we're only talking about

23 one gillnet in the Kenai. In 8 to 10 to 12 years we

24 may be up to five or six gillnets if everybody has a

25 chance to use a gillnet. So I think as a board it's

26 probably a time to reflect on this is a very big

27 decision you have in front of you. You must think

28 about what precedent are you going to be setting on a

29 number of gillnets to be put into the Kenai. There's a

30 good chance in nine years we could be back at this

31 where there's a number of communities including

32 possibly Cooper Landing in nine years depending on

33 people leaving the community and coming into the

34 community, they might want a gillnet. Hope may want a

35 gillnet if Moose Pass becomes a rural designated

36 subsistence area, they might want a gillnet.

37

38 I guess I wasn't online when Ivan was

39 there, but I'm just wondering are they considering more

40 gillnets for Ninilchik? You know, what about

41 Nikolaevsk? What about Anchor Point? All these

42 communities could be turned into rural and then we

43 could have who knows how many gillnets on the Kenai.

44

45 ACTING CHAIR MS. STICKWAN: We're not

46 talking about -- focus on 17-06 and 07.

47

48 MR. DOROFF: I'm giving public comment

49 that I'm concerned if they do get a gillnet, what

50 precedence is that setting in the future. It has a

1 direct impact of what we're talking about. If we allow
2 one, in nine years Ninilchik will probably be saying,
3 oh, no, we're the only one that can get one. We don't
4 want any more. So I think the board needs to consider
5 what precedent they're going to be putting because one
6 gillnet could be two, three, four gillnets on the Kenai
7 River.

8

9 Thank you for your time.

10

11 ACTING CHAIR MS. STICKWAN: thank you.
12 Is there anyone else online that wants to give public
13 testimony.

14

15 (No comments)

16

17 ACTING CHAIR MS. STICKWAN: Okay. No
18 other ones speaking, this adjourns our public
19 testimony. Donald Mike, you have the floor.

20

21 MR. MIKE: Thank you, Madame Chair.
22 I'd like to introduce a guest, Greg Siekaniec. He's
23 our Regional Director for Alaska Region 7. I think the
24 Council would like an address from you, Mr. Siekaniec.

25

26 MR. SIEKANIEC: Good morning, Madame
27 Chair and Council Members. Thank you for the
28 opportunity to come here. I apologize. I intended to
29 be here yesterday, but I ended up with some travel
30 issues, but I did manage to make it back.

31

32 Thank you very much for allowing me the
33 opportunity to visit a little bit. I'm keenly
34 interested obviously in the issue you have in front of
35 you. The conservation of fish stocks in the Kenai
36 River are very important to obviously the Fish and
37 Wildlife Service and National Wildlife Refuges there as
38 well as the State of Alaska and, of course, to you as
39 individuals and members of the subsistence community.

40

41 I've had an opportunity to meet with
42 Ivan and with Greg after their report was finalized and
43 for how their fishing season went for this year. I'm
44 keenly interested also in sitting down with them and
45 trying to figure out how we could come to an
46 operational plan that would be successful for the
47 fishery.

48

49 MR. MIKE: Folks online, please mute
50 your phones.

1 MR. SIEKANIEC: Thank you. That sounds
2 perhaps better. I personally have not studied the
3 operational plan that's been submitted. I know we do
4 have people in our fisheries, particular I believe Jeff
5 who is looking at it and will be providing thoughts on
6 that. I look forward to the opportunity to sit down
7 with him and see what is proposed and whether or not
8 there is an opportunity that we can address that also
9 addresses the conservation concerns that we have with
10 the stock of fish that are in the river at that
11 particular location.

12
13 I am a person who certainly looks for
14 solutions. I don't think conservation is served well
15 when we are all at sort of disadvantage in regards to
16 proposals and things that are being made. That river
17 unfortunately is experiencing a tremendous amount of
18 use. How it all will come together is of particular
19 interest and great concern to me and I think that
20 everyone who is interested in the Kenai River itself.

21
22 It's an extremely difficult issue. I
23 will recognize that right up front. Can you imagine
24 being a fish that's expected to spend five to seven
25 years in the ocean where everything that's in the ocean
26 also wants that fish. I think it's particularly
27 important that we think about when that fish manages
28 after that amount of time to get to the spawning
29 grounds what perspective you leave for that fish to be
30 successful at reproduction and providing for future
31 generations of those fish stocks. I know that's one of
32 the keen interests that we have and we hope you give
33 that consideration when you're thinking about these
34 proposals.

35
36 I also value and appreciate the
37 interest you have in subsistence use and that Title
38 VIII of ANILCA provides for a rural subsistence
39 priority within the user area. It's not an easy spot
40 we're in. I'll be the first one to admit that. I look
41 forward to gaining much more education in and around
42 the issue.

43
44 I look forward to having discussions
45 with Ivan and Greg in regards to their proposed plan
46 for the river for this next season and to see where we
47 might be able to land that addresses both the
48 subsistence harvest interest as well as the
49 conservation of the fish in the river.

50

1 With that a little background from me.
2 I've been here now about six weeks. I'm relatively
3 new, but I am experienced with Alaska. I spent about
4 12 years working in and around the state of Alaska at
5 Alaska Maritime National Wildlife Refuge. I spent a
6 lot of time in the coastal area, the Aleutian Islands,
7 Pribilof Islands, all the way up Icy Cape on the North
8 Slope. Also I was the manager of Izembek National
9 Wildlife Refuge out at the end of the Alaska Peninsula.
10 Mostly migratory bird focus as far as migratory habitat
11 for many of the species that depend on the Izembek
12 Lagoon.

13
14 I was very familiar working with
15 Subsistence Board Regional Advisory Council there
16 relative to Southern Alaska Peninsula Caribou Herd. So
17 this is not a new process to me, but obviously in 15
18 years things change a lot and issues come up. In
19 consideration of rural and non-rural it's certainly
20 changed over time.

21
22 So, with that, again, this was an
23 opportunity for me to introduce myself.....

24
25 ACTING CHAIR MS. STICKWAN: Can you
26 press the mute button or star six.

27
28 MR. SIEKANIEC: Again, an opportunity
29 to certainly introduce myself and if anyone had any
30 questions or anything, I would certainly entertain them
31 at this point in time.

32
33 ACTING CHAIR MS. STICKWAN: Judy.

34
35 MS. CAMINER: Well, thanks so much for
36 being here. We're glad to have a chance to meet you or
37 meet you again as the case might be. It does make a
38 difference to the Councils if Board members show up to
39 meetings so you can hear some of these discussions
40 firsthand. Thanks for making the effort and we had
41 heard you were delayed yesterday.

42
43 MR. SIEKANIEC: Thank you very much.

44
45 Anything else?

46
47 ACTING CHAIR MS. STICKWAN: Any other
48 questions.

49
50 (No comments)

1 ACTING CHAIR MS. STICKWAN: Thank you
2 for coming.
3
4 MR. SIEKANIEC: Thank you, Madame
5 Chair. I'll be around for a little while here and I do
6 appreciate that because I think one of the best ways of
7 learning the significance of the issue is to hearing
8 the discussions that take place. So thank you very
9 much.
10
11 ACTING CHAIR MS. STICKWAN: With that,
12 I think we should take a lunch break and come back for
13 deliberations after lunch at 1:30, the same as
14 yesterday.
15
16 (Off record)
17
18 (On record)
19
20 ACTING CHAIR MS. STICKWAN: Hello.
21 Please sit down. We're going to begin with the
22 deliberations where we left off. We have a motion to
23 adopt the proposal 17-06 and 07.
24
25 MR. MIKE: Thank you, Madame Chair. I
26 just want to make sure that Mr. Tom Carpenter and Ms.
27 Mary Ann Mills are still with us online. Tom, Mary
28 Ann.
29
30 MR. CARPENTER: I'm here.
31
32 ACTING CHAIR MS. STICKWAN: Does
33 someone want to make a motion. Judy.
34
35 MS. CAMINER: Madame Chair. I know we
36 have two options here. One is to defer this proposal,
37 which I would suggest we not do that. I think we'd
38 prefer to take some action on it. Since we make our
39 motions in the affirmative, I will move to adopt this
40 proposal and then we can talk to it after we get a
41 second.
42
43 MR. OPHEIM: I'll second.
44
45 ACTING CHAIR MS. STICKWAN: There's
46 been a motion to adopt. Is there discussion.
47
48 MR. CARPENTER: I have a question.
49
50 ACTING CHAIR MS. STICKWAN: Yes, Tom.

1 MR. CARPENTER: Are we taking 06 and 07
2 together?
3
4 ACTING CHAIR MS. STICKWAN: Yes.
5
6 MR. CARPENTER: Okay.
7
8 ACTING CHAIR MS. STICKWAN: Judy.
9
10 MS. CAMINER: Thank you, Madame Chair.
11 Well, I think from what we've seen from the short time
12 of the experimental fishery it was successful in the
13 sense of taking some sockeye, minimizing the risk to
14 chinook. What I noticed in the video was that a
15 60-foot net with all the curves in it really didn't
16 look quite nearly as long and because of the strong
17 current I guess I asked the question too not all of it
18 was all the way to the bottom. Certainly the net is
19 placed obviously closest to shore where more likely to
20 catch some of the sockeye and less likely to catch
21 chinook.
22
23 I feel that this does obviously benefit
24 subsistence users and banning a net would not be
25 warranted at this point. There has to be some
26 allowance for some incidental mortality because the
27 fish aren't going to be used. So I think that because
28 the Kasilof is not necessarily -- has not delivered the
29 best kind of sockeye for Ninilchik, I think the
30 opportunity in the Kenai is warranted. So I'll be
31 voting against this proposal.
32
33 ACTING CHAIR MS. STICKWAN: Go ahead,
34 Andrew.
35
36 MR. MCLAUGHLIN: Through the Chair.
37 Hearing lots of great testimonies, I think ANILCA
38 protects the opportunity to harvest resources for
39 subsistence users that are qualified. I don't think
40 anybody more than the subsistence users is concerned
41 about biodiversity of the environments in which we
42 live. Gillnet in my waters at home are saltwater. I
43 believe gillnet can be a selective gear type.
44
45 I look on the map over here. A tiny
46 speck on that river for Moose Meadows and then looking
47 at the photographs of where that little piece of net
48 sticks out in the edge of a river is so minuscule.
49 I've caught many kings on the Kenai. I've fished the
50 early run, the late run, rod and reel reds, floated

1 from all the way up through the Canadian down from
2 Skilak Lake. I don't have a problem with them using
3 that as a gear type and I would oppose this 17-06/07
4 trying to limit that. I think they should be allowed
5 to use the gillnet.

6
7 ACTING CHAIR MS. STICKWAN: I just want
8 to state that in Tanada Creek they do allow a five
9 upstream of the weir with National Park Service and
10 that does seem to be working, working with individual
11 agencies. That's a spawning creek as well, so I don't
12 see why this can't occur in that area as well.

13
14 Donald.

15
16 MR. MIKE: Just for the record, Madame
17 Chair, thank you. There's a motion on the table
18 currently to adopt Proposal 17-06/07 as submitted by
19 the proponents.

20
21 Thank you.

22
23 ACTING CHAIR MS. STICKWAN: There's a
24 motion on the floor. Is there any comment from Tom or
25 Mary Ann.

26
27 MR. CARPENTER: Yeah, I have a comment.
28 Well, I'd just like to state that we've heard a lot of
29 great testimony. This has been an ongoing situation
30 for quite a long time. The fishery was executed. It
31 showed the first year to have very little impact on
32 species other than sockeye salmon. I think it's quite
33 evident that the Board and everybody in the room and
34 all the people that testified publicly don't want to
35 see anything happen to the long term populations of any
36 fish species in the Kenai.

37
38 Right now you have to look at, at least
39 for me, how much harvest takes place before this
40 fishery is executed, what's the catch and release
41 mortality rates in some of the State and other rod and
42 reel fisheries before this. If you take all that into
43 account, it seems to me that if there's something that
44 happens in the future, the Federal managers through
45 action, the abilities they have through this process
46 are going to react if they see something abnormal.

47
48 I think the big fear in a lot of the
49 managers' eyes are is that I think they're worried
50 about what's going to happen in the future, that Hope

1 and Cooper Landing come and ask for a gillnet because
2 they're probably going to do that and we're going to
3 have to react as a Council and the Board is going to
4 have to react to that in the future.

5
6 But the way it stands right now I don't
7 see any problems or there seems to be no conservation
8 concerns with this gillnet fishery as it stands right
9 now. So I think we need to let this process develop
10 over time and we'll just have to monitor to keep a
11 close eye on things and if something needs to be
12 changed, then we'll do it.

13
14 For that reason I'll be opposed to 06
15 and 07.

16
17 ACTING CHAIR MS. STICKWAN: Are there
18 any other comments. Mary Ann.

19
20 (No comments)

21
22 ACTING CHAIR MS. STICKWAN: Call the
23 question.

24
25 MR. CARPENTER: Question.

26
27 ACTING CHAIR MS. STICKWAN: All in
28 favor say aye.

29
30 (No aye votes)

31
32 ACTING CHAIR MS. STICKWAN: All opposed
33 say aye.

34
35 IN UNISON: Aye.

36
37 ACTING CHAIR MS. STICKWAN: Okay. So
38 we're done with that proposal. Number 08.
39 Introduction and presentation of analysis. Go ahead.

40
41 MR. AYERS: Madame Chair. Members of
42 the Council. For the record again, this is Scott Ayers
43 from OSM. I'll be presenting the Staff analysis of
44 FP17-08. The analysis can be found on Page 80 of your
45 Council books. Proposal FP17-08, submitted by the U.S.
46 Fish and Wildlife Service requests revisions to the
47 sections of Federal subsistence regulations of the
48 Kenai River that authorize a dip net/rod and reel
49 fishery, which is Section (D) and also.....
50

1 (Music on phone)
2
3 ACTING CHAIR MS. STICKWAN: Would you
4 mute your phone.
5
6 MR. MIKE: I just want to remind the
7 public online please make sure your phone is on mute.
8 We're picking up some background interference. Please
9 ensure your phones are on mute. Hit star six to mute
10 your phone.
11
12 MR. AYERS: Okay. Carrying on. Again
13 they're requesting revisions to the section of Federal
14 subsistence regulations for the Kenai River that
15 authorize a dipnet/rod and reel fishery, which is
16 Section (D) and also to a section that authorizes a
17 separate rod and reel salmon fishery, which is Section
18 (E).
19
20 The dipnet/rod and reel fishery for
21 residents of Hope, Cooper Landing, and Ninilchik allows
22 fishing at one site on the Russian River and two sites
23 on the Kenai River below Skilak Lake. The requested
24 changes to this section include removing language
25 distinguishing the early and late run chinook salmon;
26 closing a section of the Federal public waters on the
27 Kenai River below Skilak Lake to chinook salmon
28 harvest; removing the 1,000 chinook salmon annual total
29 harvest limit for the Kenai River fishery; reducing the
30 annual household chinook salmon harvest limit from 10
31 to 4 of the Kenai River fishery; and specifying that
32 salmon taken in the Kasilof River experimental gillnet
33 fishery by residents of Ninilchik will be included in
34 each household s annual limit for the Kenai and Russian
35 River s dipnet/rod and reel fishery.
36
37 So that was all to Section D. The
38 separate rod and reel fishery for residents of Hope,
39 Cooper Landing, and Ninilchik, which is Section (E)
40 allows fishing in the Federally managed waters of the
41 Kenai River and its tributaries. The requested changes
42 to this section include removing language
43 distinguishing the early and late run chinook salmon,
44 so that's similar for both sections; specifying chinook
45 salmon harvest locations periods, harvest and bag
46 limits, and instituting size restrictions for the Moose
47 Range Meadows area and closing a section of Federal
48 public waters of the Kenai below Skilak Lake to chinook
49 salmon harvest.
50

1 The proponent states that the intent of
2 all these changes is to provide protections for Kenai
3 River chinook salmon. Currently the State does not
4 have an authorized subsistence fishery on the Kenai
5 River. The Kenai River Federal subsistence fishery was
6 created in 2002. Dipnet and rod and reel fisheries for
7 the Kenai River were established in 2007 as well as
8 regulations for time and areas opened, harvest and
9 possession and annual limits for salmon and select
10 resident species.

11
12 All Pacific salmon species are
13 distributed within the Kenai River drainage as well as
14 resident species such as rainbow trout and Dolly
15 Varden. Kenai River chinook salmon are currently
16 categorized into early and late runs. Abundance of
17 chinook salmon in the Kenai River has been on a mostly
18 declining trend since the last peak in 2004, prompting
19 at least 12 Federal special actions and 20 State
20 emergency orders since 2010 to restrict the closed
21 fishing on the run.

22
23 The 2016 season appeared to deviate
24 from this trend however. The State sport fishery began
25 closed in 2016 as it had in 2014 and '15, but
26 restrictions were incrementally removed as assessment
27 projects indicated that run strength was improved from
28 past years and there were no Federal special actions
29 issued to close chinook salmon on the fishery in 2016.

30
31 Again, as a reminder, OSM is offering
32 two potential courses of action for consideration
33 depending on the status of the request for
34 reconsideration process. All of this starts on Page
35 119 of your books.

36
37 Option 1 is to defer Proposal FP17-08
38 until the request for reconsideration process is
39 complete. Additionally, the proponent for this
40 proposal has submitted two companion proposals to the
41 Alaska Board of Fisheries to close 4.5 miles of the
42 Kenai River below Skilak Lake to sport fishing for
43 chinook salmon, which is Proposal 155.

44
45 (Background noise on phone)

46
47 ACTING CHAIR MS. STICKWAN: Would you
48 please mute your phone or press star six online,
49 please.

50

1 MR. AYERS: And to extend the time of
2 the protective slot limit and single hook/no bait
3 restrictions through July 31st upstream of the Slikok
4 Creek closure area, which is Proposal 159. These
5 proposals will be taken up by the Alaska Board of
6 Fisheries during its February through March 2017
7 meeting in Anchorage, more than a month after the
8 January 2017 meeting of the Federal Subsistence Board.
9

10 For Option 2, OSM's preliminary
11 conclusion is support with modification. Similar to
12 FP17-10, I'm going to go through each request to show
13 how we've modified the original request and then pause
14 between to offer questions.
15

16 For Request 1, which proposes to remove
17 all language distinguishing the early and late runs of
18 chinook salmon from the dipnet/rod and reel fishery
19 regulations, which is Section (D), OSM's preliminary
20 conclusion is to support. Removal of the early and
21 late run language clarifies regulations and this change
22 would have no distinct impact on users or the resource.
23

24 Does the Council have any questions.
25 ACTING CHAIR MS. STICKWAN: Any
26 questions.
27

28 (No comments)
29

30 ACTING CHAIR MS. STICKWAN: Any
31 questions online.
32

33 (No comments)
34

35 MR. AYERS: For Request 2, which
36 proposes to prohibit harvest of chinook salmon below
37 Skilak Lake from River Mile 48 downstream to River Mile
38 45.5 in the dipnet/rod and reel
39 fishery regulations, OSM's preliminary conclusion is to
40 oppose. Closing this section of the river to
41 subsistence harvest of chinook salmon would impose
42 stricter regulations on Federally qualified subsistence
43 users within Federal public waters that are currently
44 in place for non-subsistence users in those same
45 waters.
46

47 Does the Council have any questions.
48

49 ACTING CHAIR MS. STICKWAN: Do you have
50 any questions online.

1 (No comments)
2
3 ACTING CHAIR MS. STICKWAN: Is there
4 any questions here.
5
6 MR. CARPENTER: I have a question,
7 Gloria. So I guess that statement basically means that
8 the Federal manager is asking for this part -- it
9 wouldn't be closed, but it would be still apparently
10 and it would be currently open to State sport fishing,
11 is that correct?
12
13 MR. AYERS: Through the Chair. Yes,
14 that is correct at this point in time. They do have
15 proposals in to the Alaska Board of Fisheries to close
16 the same area, but that meeting would be after the
17 Federal Subsistence Board meeting.
18
19 MR. CARPENTER: Thank you.
20
21 ACTING CHAIR MS. STICKWAN: Continue.
22
23 MR. AYERS: Request 3, which asks to
24 specify that chinook salmon may be harvested in the
25 Moose Range Meadows area from approximately River Mile
26 29 downstream to River Mile 26.5 between July 16 and
27 September 30 in the dipnet/rod and reel fishery
28 regulations, OSM's preliminary conclusion is to oppose.
29 This would limit harvest opportunity for chinook salmon
30 by Federally
31 qualified subsistence users to 2.5 miles of the Kenai
32 River drainage, and would impose stricter regulations
33 on Federally qualified subsistence users within Federal
34 public waters than are currently in place for
35 non-subsistence users.
36
37 ACTING CHAIR MS. STICKWAN: Are there
38 any questions online.
39
40 (No comments)
41
42 ACTING CHAIR MS. STICKWAN: Any
43 questions.
44
45 (No comments)
46
47 MR. AYERS: For Request 4, which
48 proposes to remove the 1,000 fish annual total harvest
49 limit for chinook salmon, and
50 decrease the annual household limit from 10 to four in

1 the dipnet/rod and reel regulations, OSM's preliminary
2 conclusion is oppose. Annual household limit
3 regulations for the Kenai and Kasilof River fisheries
4 are overly complex. Removing the annual total harvest
5 limit may actually increase harvest of chinook salmon,
6 and lowering the annual household limit for the Kenai
7 River dipnet/rod and reel fishery will create lower
8 annual household limits for Hope and Cooper Landing
9 residents compared to Ninilchik Residents. This
10 harvest in the Kenai River dipnet is linked to
11 household limits established for the Kasilof River.

12
13 ACTING CHAIR MS. STICKWAN: Are there
14 any questions online.

15
16 (No comments)

17
18 ACTING CHAIR MS. STICKWAN: Any
19 questions here.

20
21 (No comments)

22
23 ACTING CHAIR MS. STICKWAN: Move on.

24
25 MR. AYERS: For request 5, which asked
26 to specify in the dipnet/rod and reel fishery
27 regulations that salmon taken in the Kasilof River
28 experimental community gillnet fishery by the residents
29 of Ninilchik be included in each household s annual
30 household limit for the Kenai River dipnet/rod and reel
31 fishery, OSM's preliminary conclusion is to oppose.
32 This change would create more regulatory complexity.
33 The Board should consider creating a single annual
34 household limit in regulation for residents of all
35 three communities with customary and traditional
36 determinations, and striking the limits that are listed
37 in other sections of the Cook Inlet regulations.

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

41
42 MR. CARPENTER: Yeah, just a
43 clarification. So am I to take that to mean if you are
44 a qualified user, somebody from Ninilchik let's say, on
45 the Kasilof and the Kenai the total household limit is
46 not cumulative between the two?

47
48 MR. AYERS: The limits are not
49 cumulative, that is correct.

50

1 MR. CARPENTER: Thank you.
2
3 ACTING CHAIR MS. STICKWAN: Any
4 questions here.
5
6 (No comments)
7
8 ACTING CHAIR MS. STICKWAN: You can
9 move on.
10
11 MR. AYERS: For Request 6, which
12 proposes to remove all language distinguishing the
13 early and late runs of chinook
14 salmon from the separate rod and reel fishery
15 regulations in that Section(E), OSM's preliminary
16 conclusion is to support. Removal of the early run and
17 late run language clarifies regulations,
18 and this change would have no distinct impact on users
19 or the resource.
20
21 ACTING CHAIR MS. STICKWAN: Are there
22 any questions online.
23
24 (No comments)
25
26 ACTING CHAIR MS. STICKWAN: Any
27 questions here.
28
29 (No comments)
30
31 ACTING CHAIR MS. STICKWAN: You can
32 move on.
33
34 MR. AYERS: For Request 7, which asked
35 to specify that chinook salmon harvest under the
36 separate rod and reel fishery regulations be restricted
37 to the Moose Range Meadows area between July 16 and
38 August 31, with daily harvest and possession limits of
39 two per day and four in possession, and only if fish
40 are less than 46 inches or 55 inches or longer. OSM's
41 preliminary conclusion is to oppose. These changes
42 would impose stricter regulations on Federally
43 qualified subsistence users within Federal public
44 waters than are currently in place for non-subsistence
45 users in those same waters.
46
47 ACTING CHAIR MS. STICKWAN: Any
48 questions online.
49
50 (No comments)

1 ACTING CHAIR MS. STICKWAN: Any
2 questions here.
3
4 (No comments)
5
6 ACTING CHAIR MS. STICKWAN: You can
7 move on.
8
9 MR. AYERS: Request 8, which proposes
10 prohibit harvest of chinook salmon below Skilak Lake
11 from River Mile 50 downstream to River Mile 45.5 in the
12 separate rod and reel fishery regulations OSM's
13 recommendation is oppose. Closing this section of the
14 river to subsistence harvest of chinook salmon would
15 impose stricter regulations on Federally qualified
16 subsistence users within Federal public waters than are
17 currently in place for non-subsistence users in those
18 same waters.
19
20 ACTING CHAIR MS. STICKWAN: Any
21 questions online.
22
23 (No comments)
24
25 ACTING CHAIR MS. STICKWAN: Any
26 questions here.
27
28 (No comments)
29
30 MR. AYERS: So, in summary, the OSM
31 preliminary conclusion is to support Proposal 17-08
32 with modification only to remove language
33 distinguishing between early and late run chinook
34 salmon. At this point, unless there are any further
35 questions, we turn this back to you.
36
37 ACTING CHAIR MS. STICKWAN: Are there
38 questions.
39
40 (No comments)
41
42 ACTING CHAIR MS. STICKWAN: Are there
43 questions online.
44
45 (No comments)
46
47 ACTING CHAIR MS. STICKWAN: We can move
48 on.
49
50 MR. AYERS: Thank you.

1 ACTING CHAIR MS. STICKWAN: We have
2 Fish and Game.

3
4 MS. KLEIN: Good afternoon, Madame
5 Chair, Members of the RAC. My name is Jill Klein with
6 Alaska Department of Fish and Game. As we've been
7 discussing, this is a proposal submitted by U.S. Fish
8 and Wildlife Service and a similar proposals that
9 contain some of the issues addressed in this proposal.
10 So two proposals were submitted to the Alaska State
11 Board of Fisheries addressing some similar issues in
12 this proposal.

13
14 The State of Alaska Staff have not yet
15 developed their Staff comments on those Board of
16 Fisheries proposals. We would like to see those two
17 proposals go through the Board of Fisheries process.
18 We understand that meeting is taking place after the
19 January Federal Subsistence Board meeting where this
20 will be addressed.

21
22 At this time we don't have State
23 comments on all the issues being presented here and
24 we'll have those ready for the Interagency Staff
25 Committee meeting in November or for the comments to go
26 into the report to the Federal Subsistence Board.
27 They'll be developed for late November.

28
29 ACTING CHAIR MS. STICKWAN: Judy.

30
31 MS. CAMINER: Thanks. I heard what you
32 just said, but I wondered if you did have any thoughts
33 yet on changing the language about early/late run and
34 just going to dates instead.

35
36 MS. KLEIN: Through the Chair, Ms.
37 Caminer. I would want to find out some background on
38 the issue. I've heard, and it could be incorrect, that
39 those are different stocks that have been genetically
40 differentiated and so I'd want to clarify if that's the
41 case before removing the language.

42
43 ACTING CHAIR MS. STICKWAN: Any other
44 questions.

45
46 (No comments)

47
48 ACTING CHAIR MS. STICKWAN: Any
49 questions online.

50

1 (No comments)

2

3 ACTING CHAIR MS. STICKWAN: Thank you.

4

5 Federal agencies.

6

7 MR. ANDERSON: Madame Chair. Members
8 of the Council. My name is Jeff Anderson for the
9 record. I'm the field supervisor at Kenai Fish and
10 Wildlife Conservation Office. I'd like to start out by
11 saying that Fish and Wildlife Service supports OSM's
12 option number one to defer this proposal until after
13 consideration of the request for reconsideration
14 through the Federal subsistence process and to allow
15 the State Board of Fish to act on our similar proposals
16 we have in front of the State Board of Fish. I think
17 it's the timing of how these are being considered and
18 will be considered.

19

20 It's partly at issue because if the RAC
21 recommends and the Federal Subsistence Board does
22 recommend moving forward with some of our proposals, it
23 would result in making Federal subsistence fisheries at
24 least somewhat more restrictive than State sport
25 fisheries. The Federal Board will react before the
26 State Board has a chance to act.

27

28 I do want to make it clear that our
29 intent for all of these was not to make Federal
30 subsistence regulations more restrictive than State
31 Alaska sport fishing regulations. If the RAC does
32 decide to discuss this proposal in more detail, I would
33 like to provide a little bit more information and
34 background on our overall goals of this proposal. It
35 is because chinook salmon abundance in the Kenai river
36 and throughout Alaska has been declining since around
37 2007.

38

39 Some stocks are also exhibiting
40 declining trends in size and age, including Kenai River
41 chinook salmon that spawn on the Kenai National
42 Wildlife Refuge either in tributary streams or the
43 mainstem Kenai River. Several mechanisms have been
44 identified as potential drivers of these trends,
45 including harvest, competitive interactions and
46 changing environmental conditions, but the evidence is
47 not conclusive for a specific cause.

48

49 Given what we know about current
50 abundance of observed declining trends and size and

1 age, we believe a cautionary approach to management is
2 appropriate and prudent in order to try and maintain
3 life history, diversity for the long-term
4 sustainability of all stocks, the Kenai River and also
5 fisheries that are dependent on those stocks.

6
7 So the overall effects of our proposal
8 are actually close an important area of the Kenai River
9 downstream of Skilak Lake fishing for chinook salmon.
10 That's one of the highest density areas of spawners in
11 the whole river. We're looking to try and extend
12 conservative size regulations for chinook salmon at the
13 Moose Range Meadows fishing site. Looking to remove
14 confusing regulatory language about the early and late
15 runs and also modify seasonal and daily harvest and
16 possession limits for chinook salmon.

17
18 Taken as a whole, we think these
19 actions will help achieve better management and provide
20 more protections for chinook salmon throughout the
21 residency and freshwater providing additional
22 protections on the spawning grounds.

23
24 So I'd like to go issue by issue with
25 OSM's conclusions and recommendations for our proposal
26 and what we're asking for. I guess I'll start with
27 Request No. 2 or Issue No. 2 as it was presented.
28 Again we're looking to actually -- as OSM's points to
29 consider, No. 1, if implemented, a large portion of
30 chinook salmon spawning habitat in the drainage would
31 be protected. That's our goal with closing this
32 stretch of the river to fishing for chinook salmon with
33 dipnet and rod and reel fisheries. So closing that
34 area below Skilak Lake we think is important to protect
35 the spawning area and the spawners in that area.

36
37 We have a similar proposal in to the
38 State Board of Fish to close that stretch of river to
39 sport anglers at the mouth. Our intent is not to
40 impose stricter regulations on Federally qualified
41 subsistence users and State sport fishers.

42
43 My comment on Request No. 3 or Issue
44 No. 3 is the same. We're looking to actually protect a
45 large portion of the spawning habitat with this closure
46 by not allowing fishing in Skilak.

47
48 For Issue No. 4, requesting to remove
49 the 1,000 fish annual total harvest limit for chinook
50 salmon and decrease the household limit from 10 to 4 in

1 Kenai River I think OSM's analysis and some of the
2 issues that this brings up actually speak to the
3 over-complexity of the regulations as they currently
4 exist. Our intent for proposing this was actually to
5 take a good look at the 1,000 fish harvest limit or
6 chinook salmon in the Kenai River based on where it
7 actually happened for where the Federal subsistence
8 fisheries take place and it is in the spawning areas.

9
10 The 1,000-fish number was developed
11 during the implementation of these fisheries back in
12 2007 and that was during a period of high abundance
13 throughout the state including the Kenai River;
14 however, chinook salmon abundance has been declining in
15 the Kenai River and we question whether these harvest
16 limits are actually sustainable. We're requesting a
17 subsequent analyses can identify sustainable harvest
18 limits. Perhaps a cautionary approach to management.

19
20 I think one way our proposal was
21 analyzed was that if you look at the 950 eligible
22 residents in all communities, if everyone were to
23 partake in the fishery, it could end up with a harvest
24 of over 7,800 fish. If we applied the same logic to
25 the sockeye limit, if there's 950 households, each
26 harvest 25 sockeye per household, that's 25,000
27 sockeye. So is that sustainable too. I don't think
28 that's necessarily a fair way to analyze that number
29 either. But it does bring into question the whole
30 harvest limit number and likely the need to revisit
31 that.

32
33 The total unintended portion of the
34 analysis, which I don't doubt it at all, but point
35 number 2 for consideration in OSM's analysis that
36 decreasing the annual household limit from 10 to 4
37 would only decrease that limit for Hope and Cooper
38 Landing residents and not Ninilchik. So that's how
39 some of these fishery harvest numbers are tied to
40 different rivers for Ninilchik residents and that's
41 sort of what we were trying to achieve with the other
42 one. I'll get to that point in a second, but it speaks
43 to the regulatory complexity and maybe even over-
44 complexity of how these were developed and how
45 confusing it can be.

46
47 Again, Issue No. 5 or Request No. 5 it
48 brings up similar issues. I think we'd ask to have the
49 Kasilof River experimental community gillnet fishery
50 linked to the Kenai River dipnet rod and reel

1 fisheries. That's because how the fishwheel was on the
2 Kasilof. Somehow they just don't make sense.

3

4 So OSM's recommendation at the bottom
5 of that issue is I think very appropriate that the
6 Board should consider maybe single annual household
7 limits for residents of all three communities. Maybe
8 that's a better way actually. It would be more direct
9 and come up with a number that everybody can
10 understand.

11

12 For Item No. 7, again it's to extend
13 the slot limit, provide additional protections for
14 early run fish in the mainstem Kenai River again. Our
15 goal is not to have Federal subsistence fisheries more
16 restrictive than State sport fisheries. We have a
17 proposal in place before the State Board of Fish to
18 achieve the same goal.

19

20 For Issue 8 or Item No. 8, requiring
21 immediate release of chinook in the rod and reel
22 fishery. Again, we're focused on OSM's point to
23 consider, Point No. 1 if implemented. A large portion
24 of chinook salmon spawning habitat in the drainage
25 would protect. That's our goal for this, again not to
26 further restrict subsistence users than State sport
27 fish users.

28

29 Our similar proposal into the Board of
30 Fish is asking for the same closure of sport fishing.
31 With that, Madame Chair, I'd be happy to answer any
32 questions.

33 ACTING CHAIR MS. STICKWAN: Are there
34 any questions online.

35

36 MR. CARPENTER: Yeah, a couple, Gloria.

37

38 ACTING CHAIR MS. STICKWAN: Okay. Go
39 ahead.

40

41 MR. CARPENTER: I guess I'm a little
42 curious because this is U.S. Fish and Wildlife's
43 proposal and you've just now come before the Council
44 and said that you recommend that we follow OSM's
45 recommendation to defer because you want the State
46 Board of Fisheries to react to these similar proposals.
47 How come you don't just withdraw the proposal and
48 resubmit it?

49

50 MR. ANDERSON: Madame Chair. Through

1 the Chair, Mr. Carpenter. I think it's the timing of
2 the regulatory cycle. We believe having these
3 proposals in front of the State Board of Fish and
4 Federal Subsistence Board with potential for action
5 prior to the coming fishing season is important and
6 timely and we don't want to wait another two years.

7

8 MR. CARPENTER: I understand that, but
9 for instance if the Council decides to defer this
10 proposal, that's basically taking no action on it and
11 before the Federal Subsistence Board can react, this
12 Council is going to have to hear this whole thing over
13 again and make a recommendation up or down. So that's
14 not going to happen until the spring anyway.

15

16 Just one other question in regards to
17 the 1,000 fish number that you were talking about. Do
18 you know what the total harvest was in the subsistence
19 rod and reel and dipnet fishery on king salmon in this
20 area that we're talking about this last year?

21

22 MR. ANDERSON: Through the Chair, Mr.
23 Carpenter. Through this area that we're talking about
24 there actually was one chinook salmon harvested in the
25 Federal subsistence rod and reel fishery below Skilak
26 Lake this year. I have the numbers for harvest in the
27 rod and reel fishery in my report, which is at the back
28 table, there was minimal harvest of sockeye salmon, no
29 harvest of chinook salmon in the rod and reel fishery
30 in Moose Range Meadows this year as reported to date.
31 I will continue to receive harvest reports through the
32 middle of January.

33

34 MR. CARPENTER: I guess my question is
35 if the harvest is so minimal why do we need to -- you
36 know, it seems to me like by changing this number to a
37 household limit going from 10 to 4 and taking out the
38 1,000 fish total, are we even close to reaching that
39 goal? It just seems to me like there's so few fish
40 harvested that this is kind of a moot point.

41

42 MR. ANDERSON: Through the Chair, Mr.
43 Carpenter. Yes, there has been. I think the chinook
44 salmon harvested in the rod and reel fishery in the
45 Kenai River this year is the first reported harvest in
46 that fishery of chinook salmon. I think our question
47 for the whole number is it actually, if it were to
48 happen, is it sustainable of that number. If it stays
49 in regulation as 1,000 fish limit, there may come a
50 point in the future when that is the goal, harvesting

1 1,000 fish. We're questioning whether that's
2 sustainable and we'd like to see some analyses that
3 support what actually could be a sustainable number of
4 fish harvested in that area.

5
6 MR. CARPENTER: Thank you for that. I
7 kind of look at things a little differently than that.
8 I kind of look at it like I'd like to see some harvest
9 numbers that approach the ceiling that we're dealing
10 with now before we need to react. When we're talking
11 about harvest less than one percent of what the total
12 allowable catch is, it just doesn't seem apparent to me
13 that we have to react to something before we know.
14 There's a lot of things that could happen 25 years from
15 now, but changing something that hasn't occurred yet it
16 just doesn't seem warranted.

17
18 Anyway, that's all I have.

19
20 ACTING CHAIR MS. STICKWAN: Are there
21 any questions here. Andy.

22
23 MR. MCLAUGHLIN: Through the Chair.
24 What would your stance be on number one part, removal
25 of distinction between the early versus late on kings?

26
27 MR. ANDERSON: Through the Chair, Mr.
28 McLaughlin. That would actually align the Federal
29 subsistence regulations with State sportfish
30 regulations. There is no mention of early run or late
31 run chinook in actual regulations for State-managed
32 fisheries. There are separate management plans that
33 are established based on dates and locations in the
34 Kenai River, not early versus late.

35
36 MR. MCLAUGHLIN: So in the spirit of
37 this biodiversity thing, are you into managing those
38 two runs separately?

39
40 MR. ANDERSON: Through the Chair. Our
41 proposals to the Federal Subsistence Board that the RAC
42 is considering now and to the State of Alaska Board of
43 Fish are to continue or extend, I guess, the slot limit
44 and harvest restrictions for what would be the early
45 run fish in the mainstem Kenai River.

46
47 ACTING CHAIR MS. STICKWAN: Are there
48 any other questions.

49
50 (No comments)

1 ACTING CHAIR MS. STICKWAN: No other
2 questions. Do we have Native, tribal, village.

3
4 MR. ENCELEWSKI: Thank you, Madame
5 Chair. For the record, my name is Ivan Encelewski.
6 I'm the executive director of the Ninilchik Traditional
7 Council. Also a Federally qualified subsistence user
8 from Ninilchik.

9
10 Ninilchik Traditional Council opposes
11 FP17-08 in its entirety. Some of the rationale for the
12 reasons we oppose this. As OSM says, the changes would
13 impose stricter regulations on Federally qualified
14 subsistence users within the Federal public lands than
15 are currently placed for non-subsistence users.
16 Obviously we believe that the intent of ANILCA and the
17 preference requirements in ANILCA that really flips
18 ANILCA on its head.

19
20 While we appreciate that the Fish and
21 Wildlife Service comments that it's not the intent to
22 create stricter regulations, that the tangible reality
23 of this proposal at current under this process. We
24 believe it's not in the interest of furthering
25 subsistence to restrict at any time any proposal for
26 consideration that would somehow create a more
27 conservation burden for one group, especially the
28 subsistence user.

29
30 We are opposed to combining the chinook
31 early run and late run distinctions in regulation. As
32 you're aware, one of the issues is that the early run
33 has had some escapement issues. I'll just read from an
34 analysis that since 1990 through 2015 the optimum
35 escapement goal has been met for 70 percent of the
36 years in the early run chinook. The sustainable
37 escapement goal was actually lower than the optimal
38 escapement goal has been met 85 percent of the years.
39 In the late run chinook, the escapement goal has been
40 met every year since 1990.

41
42 So I think there's a little bit too
43 much emphasis at times being put on this dramatic
44 drastic early run chinook escapement issue. In fact,
45 in 2016, this year, the escapement for early run
46 chinook was 9,851, which exceeded the optimal
47 escapement goal. So the actual goal was not met, it
48 was exceeded. So that's a pretty healthy return this
49 year.

50

1 So we view it as an end-around to
2 potentially create more restriction to subsistence
3 users when you can corporate both stocks as one
4 distinct regulation.

5
6 This whole idea of creating a need to
7 provide conservation measures for one chinook is
8 preposterous. I think as was mentioned that we would
9 like to see management not be on all this postulation
10 and conjecture. What if, what if. What ifs are great,
11 but the reality is that we've not been catching for
12 years and years. There is no harvest or almost nil
13 when it comes to chinook in both the dipnet and rod and
14 reel fisheries.

15
16 So why we say that OSM says there's no
17 distinct impact to the users on differentiation of
18 stocks, we believe that there is through the management
19 objectives, which have been used against us in the past
20 to deny us an operational plan in the fishery and we
21 believe that this would potentially further that
22 objective.

23
24 This idea that somehow we're going to
25 have all these nets in the river and that's what it
26 really comes down to, the actual scientific and
27 biological and catch and harvest data shows one thing,
28 which is no harvest, no conservation concern. The only
29 thing that's ruled out against us is always what if,
30 what if, what if and those what ifs never come to
31 fruition.

32
33 First of all other communities have to
34 apply to be even recognized as a rural community. Then
35 they would have to apply for a methods and means. In
36 order to be approved it has to be customary and
37 traditional. I think other communities of Cooper
38 Landing has testified that a gillnet is not customary
39 and traditional. We have testified over and over that
40 this is a customary and traditional method for
41 Ninilchik. So I think from a legal and logistical
42 standpoint I don't think those other communities are
43 even eligible to have a gillnet because they've been on
44 record as saying that that's not their customary and
45 traditional way of harvesting fish.

46
47 So again I think the State has said on
48 record the State management continues to do those
49 things and I think that this proposal should be voted
50 down and brought back before the Board if there's

1 concerns in the future and actual concerns instead of
2 based on postulation and conjecture.

3
4 I don't really have anything more to
5 add. I would just reincorporate our testimony in
6 regards to the Kenai gillnets and our opposition to
7 taking away the gillnets and prior testimony for the
8 record.

9
10 MR. WILLIAMS: Madame Chair. My name
11 is Darrel Williams with Ninilchik Traditional Council.
12 I just had one follow-up comment from Ivan. He got
13 pretty much everything. I think the other information,
14 the escapement goals and the success of escapement
15 goals over all the years is also that we're not getting
16 any subsistence harvest.

17
18 So if you look at these tables that
19 start on Page 111 there is no harvest and I think that
20 we also have to be aware when we see this kind of stuff
21 the escapement goals are happened and the subsistence
22 users aren't harvesting fish. Something is wrong. So
23 I do want to make that comment because the sportsmen
24 were able to catch fish, the guides were catching fish,
25 the commercial fish were catching fish. How come
26 subsistence users aren't catching fish.

27
28 And then trying to put the early/late
29 run kings together in regulation. For all the
30 proposals we've heard all day yesterday and today
31 that's a management tool and now it's not.

32
33 So I think that we need to think about
34 this.

35
36 Thank you.

37
38 ACTING CHAIR MS. STICKWAN: Are there
39 any questions online.

40
41 (No comments)

42
43
44 ACTING CHAIR MS. STICKWAN: Are there
45 any questions here.

46
47 (No comments)

48
49 ACTING CHAIR MS. STICKWAN: Thank you.
50 So we can move on to Interagency Staff Committee.

1 (No comments)
2
3 ACTING CHAIR MS. STICKWAN: No
4 comments. We can move on to other Regional Councils.
5 There are none. Fish and Game Advisory Committees.
6
7 (No comments)
8
9 ACTING CHAIR MS. STICKWAN: Summary of
10 written comments.
11
12 MR. MIKE: Thank you, Madame Chair. We
13 received four written public comments. Three support,
14 one in opposition and one no comment from the Kenai
15 River Sportfishing Association stating that FP17-08 is
16 a complex proposal that seeks to both streamline and
17 change regulations, and we have no comment on each of
18 the subcomponents.
19
20 Chris Degernes believes that the
21 conservation and sustainable management of our
22 anadromous and resident fish is paramount to providing
23 for the long term sustainability
24 of our fisheries.
25
26 Michael Adams of Cooper Landing
27 supports 17-08 saying that FP17-08 clearly defines the
28 scientific reasons for a more conservative approach to
29 fishing specific areas of the Kenai River for Chinook
30 salmon at a time when we are facing a statewide
31 decline.
32
33 George Heim of Cooper Landing supports
34 Proposal 17-08 and is concerned about bycatch of
35 non-target species in both waters including rainbow
36 trout, dolly varden
37 and king salmon in the Kenai and steelhead and king
38 salmon in the Kasilof Rivers.
39
40 Finally, Joyce Koppert is opposed to
41 Proposal 17-08 that restricts when and where a person
42 may take the late run chinook.
43
44 That concludes the written public
45 comments, Madame Chair.
46
47 ACTING CHAIR MS. STICKWAN: On to
48 public testimony. Is there anyone online, public
49 testimony.
50

1 MS. PEARSON: Thank you, Madame Chair.
2 This is Heather Pearson. I'm a Federally qualified
3 subsistence user from Cooper Landing. Can you hear me?
4

5 ACTING CHAIR MS. STICKWAN: Yes, we
6 can.
7

8 MS. PEARSON: Thank you. I would like
9 to express support for this proposal. I think that
10 with all these proposals it is important to look to the
11 future. I believe that we are in a time of change in
12 our chinook stocks in the Kenai, around the state. I
13 think everyone will agree that it's a scary time for
14 our environment and oceans and anadromous populations.
15 We have huge issues securing out in the ocean. The
16 conservation for these species across all user groups
17 is responsible and I support conservation measures for
18 sport fishermen and commercial fishermen.
19

20 Just to speak to a question I heard
21 earlier about why aren't subsistence users harvesting
22 chinook and that is because I believe most subsistence
23 users are very conservative and we're concerned about
24 these stocks probably more than anyone, so we aren't
25 harvesting chinook because we don't think that's a
26 responsible thing to do right now.
27

28 It's a two-year cycle process. Two
29 years is a long time to catch up on a bad decision that
30 you were reactive instead of proactive. I think if any
31 time we should be proactive I think it's now. It's a
32 critical juncture for the whole earth. We've got to
33 admit that. So let's just look to the future. I would
34
35 really like for my children to know what the Kenai
36 River king salmon looks like, hopefully grandchildren
37 to experience that too. Please let's consider that.
38

39 Thank you very much.
40

41 ACTING CHAIR MS. STICKWAN: Were there
42 any other public comments.
43

44 (No comments)
45

46 ACTING CHAIR MS. STICKWAN: So we can
47 move on to deliberate with Regional Council's
48 recommendations. Motion to adopt. Judy.
49

50 MS. CAMINER: Thank you, Madame Chair.

1 Yes, I will move that we adopt 17-08 and we'll have
2 some discussion after that.

3

4 MR. CARPENTER: Second.

5

6 ACTING CHAIR MS. STICKWAN: Second.

7 Discussion.

8

9 MS. CAMINER: Madame Chair, thank you.

10 I guess just to reflect a little bit sort of on
11 history. There's been several occasions where the
12 Federal Board was asked to act on proposals that were
13 also going to the Board of Game or Board of Fisheries
14 and I guess it depends on the question, but for the
15 most part, certainly where possible restriction to
16 subsistence users was proposed the Federal Board would
17 not proceed with any actions until they saw what Board
18 of Game or Board of Fisheries might do and likewise the
19 opposite.

20

21 In this case, I would definitely
22 recommend that we wait and see what happens to this
23 with the Board of Fisheries. I am actually personally
24 concerned to go ahead and agree on the changing of the
25 terms of distinguishing between late and early run
26 because of what the State said that they're not so sure
27 yet about that being a good idea either.

28

29 At this point I would oppose in its
30 entirety and take it up next time should someone ask
31 about till the Board of Fisheries makes its decisions.

32

33 ACTING CHAIR MS. STICKWAN: Any other
34 comments.

35

36 (No comments)

37

38 ACTING CHAIR MS. STICKWAN: Are there
39 comments online.

40

41 MR. CARPENTER: I have a comment,
42 Gloria.

43

44 ACTING CHAIR MS. STICKWAN: Go ahead.

45

46 MR. CARPENTER: I'd like to reiterate
47 what Judy said. I personally think that we're getting
48 a little bit ahead of ourselves. If the State Board of
49 Fish and Game decides to take action in regards to a
50 similar proposal, I think this Council can hear this

1 again. Personally, the merits right now I don't see
2 quite a few of these issues that have been brought
3 before us in this proposal as being something that we
4 need to react to. I think the conservation concerns
5 and the harvests that have taken place are quite
6 minimal. So I am going to be opposed to the proposal
7 right now also.

8

9 ACTING CHAIR MS. STICKWAN: Judy.

10

11 MS. CAMINER: I think this goes along
12 with what we've said several times in this meeting that
13 the current regulations having to do with numbers of
14 catch really need to be reviewed. So I think we've
15 made that message come across pretty strongly to OSM
16 and to the agencies. This is just a reinforcement of
17 that.

18

19 ACTING CHAIR MS. STICKWAN: Any other
20 comments.

21

22 MR. CARPENTER: Question.

23

24 ACTING CHAIR MS. STICKWAN: The
25 question is called. All in favor say aye.

26

27 (No aye votes)

28

29 ACTING CHAIR MS. STICKWAN: Opposed.

30

31 IN UNISON: Aye.

32

33 ACTING CHAIR MS. STICKWAN: Okay. So
34 we're done with that proposal. The Chair can come back
35 up here now.

36

37 Thank you.

38

39 (Laughter)

40

41 CHAIRMAN ENCELEWSKI: We'll take five
42 minutes.

43

44 (Off record)

45

46 (On record)

47

48 CHAIRMAN ENCELEWSKI: We'll go ahead
49 and get started.

50

1 MR. CARPENTER: Mr. Chairman.
2
3 CHAIRMAN ENCELEWSKI: Go ahead, Tom.
4
5 MR. CARPENTER: Yeah, I just wanted to
6 let you know I have a meeting that I can't miss at
7 3:45, so I'm going to stay on the phone until the very
8 last minute I can, but if there's an action item that
9 needs to take place we might need to get it done before
10 then just in case we don't have a quorum problem.
11
12 CHAIRMAN ENCELEWSKI: Okay, Tom,
13 appreciate that. We've got 17-11, a request for C&T
14 action, a couple other actions on here, a fish resource
15 management, a State MOU, issues for 2016 report and
16 Charter review and a Tongass submerged land proposed
17 rule. Not much. We'll be done with it in a little
18 bit.
19
20 (Laughter)
21
22 CHAIRMAN ENCELEWSKI: I appreciate you
23 staying as late as you can, Tom. In case you were
24 worried about a quorum, we have enough people still
25 here.
26
27 MR. CARPENTER: Okay.
28
29 CHAIRMAN ENCELEWSKI: Carl, you've got
30 the floor.
31
32 MR. JOHNSON: Yes, Mr. Chair. Thank
33 you. Carl Johnson for the record. I just wanted to
34 correct the Council's understanding on the timing of
35 how different fisheries issues will be discussed.
36 Council Member Caminer was suggesting a possibility
37 that this Council could address this issue again in its
38 next meeting. However, this Council's next meeting is
39 February 13th. The Board of Fisheries meeting is after
40 that, so there will not be a Board of Fisheries
41 decision before this Council meets again.
42
43 So the likelihood is if the Federal
44 Subsistence Board does not address this proposal at its
45 January meeting, the likelihood is this matter will be
46 deferred until the next regulatory cycle if the Board
47 chooses not to take action unless this Council
48 reschedules until after the Board of Fishery meeting
49 and the Board reschedules to address that issue after
50 the Board of Fisheries meeting and also keeping in mind

1 that the regulatory year for fisheries begins April
2 1st. Which means all the Federal Register things that
3 have to happen to get a published regulation.

4

5 So if the Board doesn't address this at
6 its January meeting it likely won't be until the next
7 cycle. There's always a special action process
8 available if adjustments need to be made. I just kind
9 of wanted to lay out all those dates for the Council.

10

11 CHAIRMAN ENCELEWSKI: I appreciate
12 that, Carl. Thanks, Carl. It's good to know. Okay. We
13 are ready to go to FP17-11 and it's a salmon request
14 for C&T. I'm going to turn it over to Robbin.

15

16 MS. LAVINE: Thank you. Good
17 afternoon, Mr. Chair. Members of the Council. My name
18 is Robbin LaVine and I'm an anthropologist with the
19 Office of Subsistence Management and I am presenting
20 Fisheries Proposal 17-11. It starts on Page 273 of
21 your Council books. I've also passed out a revised map
22 showing all communities or areas with customary and
23 traditional use determination for salmon in the
24 Glennallen Subdistrict.

25

26 Proposal FP17-11, submitted by the Dry
27 Creek Community Corporation, requests that the
28 residents of Dry Creek be added to the customary and
29 traditional use determination for salmon in the
30 Glennallen subdistrict of the Upper Copper River
31 District. The proponent states that residents of Dry
32 Creek have harvested Copper River salmon for over forty
33 years and that harvest usually took place at Chitina
34 above the bridge by fishwheel with a State subsistence
35 permit. In recent years, the course of the Kotsina
36 River changed making access to the wheel site difficult
37 and dangerous.

38

39 Currently, residents of the Prince
40 William Sound area and residents of Cantwell,
41 Chickaloon, Chisana, Dot Lake, Healy Lake, Northway,
42 Tanacross, Tetlin, Tok, and those individuals living
43 along the Alaska Highway from the U.S./Canada border to
44 Dot Lake, along the Tok Cutoff from Tok to Mentasta
45 Pass, and along the Nabesna Road have customary and
46 traditional use designation for salmon in the
47 Glennallen subdistrict.

48

49 Dry Creek is a Census Designated Place
50 located along the Alaska Highway in the Upper Tanana

1 watershed north of Tok. It was established in 1973 by
2 four families from the contiguous United States who
3 came to Alaska with the intention of living communally
4 off the land and local wild resources. By 1975 the
5 community had grown to about 88 residents, all of whom
6 helped to homestead the property. In 2012, the Alaska
7 Department of Fish and Game verified 91 year-round
8 residents living in a total of 30 households. The
9 population had remained stable over the last 20 years.

10
11 A community's customary and traditional
12 use is generally exemplified through the eight factors
13 found in regulation and included in the full analysis
14 found in your RAC books. The factors are not a
15 checklist. The Board makes customary and traditional
16 use determinations based on a holistic application of
17 these eight factors and takes into consideration the
18 reports and recommendations of the Council.

19
20 I will summarize some of the highlights
21 from the full analysis. Dry Creek has a recognizable
22 long-term pattern of harvesting salmon in the Copper
23 River watershed extending back over 40 years with
24 unique patterns of processing, sharing and
25 distribution. Salmon is the second-most harvested
26 resource in the community and residents rely heavily
27 upon salmon to meet their subsistence needs.

28
29 Dry Creek harvesters usually make at
30 least one trip a year to the Chitina fishwheel and try
31 on average to harvest at least 300 salmon a season.
32 Long-time Dry Creek residents recall first using the
33 fishwheel on the Copper River in the early 1970s. At
34 that time a large group of men and women would travel
35 to the wheel together each summer to harvest, process
36 and can the fish on the banks of the river.

37
38 Since Dry Creek's community house was
39 built in the late '70s, salmon are now only minimally
40 processed at the wheel site. The remainder are brought
41 back to Dry Creek where freezing and canning are
42 completed. When the harvesters returned with the fish,
43 most able-bodied members of the community put aside
44 their immediate work until all the fish are processed
45 and the community kitchen is cleaned. Both at the
46 wheel and back in the kitchen knowledge of harvesting
47 and processing is shared from one generation to the
48 next. Over the years the fishwheel remained the
49 preferred and most efficient method of harvest for Dry
50 Creek.

1 The pattern of sharing and distribution
2 of wild resources in Dry Creek is quite distinctive.
3 The majority of wild and domestic foods are harvested
4 and processed communally and shared daily through meals
5 held in their public building. In addition to
6 community meals, all cooperatively harvested and ground
7 foods are available to each household and are
8 considered essential for community survival.
9

10 All households participate in some
11 stage of food production whether hunting, gathering,
12 gardening, animal husbandry or the various efforts of
13 food processing preservation and storage. These
14 products of communal labor are stored in the shared
15 facilities and made available for residents to use in
16 their own homes as well as in the preparation of shared
17 daily meals in the community building. Residents take
18 turns preparing meals in the community kitchen for all
19 members. It is during shared meals that moose, salmon,
20 and wild berries are eaten most regularly. In this way,
21 sharing and receiving is seen as intrinsic to the
22 community and something that almost everyone does in
23 some way whether or not they actually harvested the
24 food themselves.
25

26 If the Board adopts this proposal, the
27 community of Dry Creek would have an opportunity to
28 harvest salmon under Federal subsistence management
29 regulations in the Copper River watershed. Residents
30 would have access to other fishwheels in Federal
31 waters along the Copper River such as a fishwheel in
32 Slana, which is significantly closer to Dry Creek, in
33 addition to their traditional harvest location of
34 Chitina above the bridge. Regardless of location or
35 the type of regulations under which the community would
36 fish, the average annual community harvest of 300 to
37 500 fish would likely not change.
38

39 If the Board does not recognize the
40 customary and traditional use of Copper River salmon by
41 the rural residents of Dry Creek, the community would
42 not be able to fish in Slana under Federal subsistence
43 regulations, but could continue to harvest under State
44 regulations at Chitina.
45

46 The OSM preliminary conclusion is to
47 support Proposal FP17-11.
48

49 Thank you and I will take questions.
50

1 CHAIRMAN ENCELEWSKI: Thank you,
2 Robbin. Open it up for the board to ask questions.
3
4 (No comments)
5
6 CHAIRMAN ENCELEWSKI: Tom, you don't
7 have any questions. Left a little early.
8
9 MR. CARPENTER: No, I'm still here. I
10 don't have any questions.
11
12 CHAIRMAN ENCELEWSKI: Okay. I knew I'd
13 get you going. Robbin, you must have done a hell of a
14 job because they don't have any questions for you, so
15 we're going to go ahead and move on.
16
17 Thank you.
18
19 Next on the list is Agency reports and
20 comments. Alaska Department of Fish and Game.
21
22 MS. KLEIN: Good afternoon, Mr. Chair.
23 Members of the Council. My name is Jill Klein with
24 Alaska Department of Fish and Game. Our comments for
25 Proposal FP17-11 are to say that we thought the OSM
26 analysis was thorough and appropriately cited. The
27 Alaska Department of Fish and Game, Division of
28 Subsistence work throughout the analysis. At this
29 point I think we would be neutral on the proposal.
30 It's a Federal subsistence determination.
31
32 CHAIRMAN ENCELEWSKI: I'm really
33 impressed with the State lately.
34
35 Thank you.
36
37 (Laughter)
38
39 CHAIRMAN ENCELEWSKI: Anyway, I
40 shouldn't say that. Man, okay, I'm sorry. I better
41 shut up. I'll get myself in trouble. Any questions for
42 Jill.
43
44 (No comments)
45
46 CHAIRMAN ENCELEWSKI: Hearing none.
47 Thank you. Let's see if the Feds could outdo that.
48 Come on up.
49
50 Federal agencies.

1 MS. CELLARIUS: Thank you, Mr. Chair.
2 For the record, I'm Barbara Cellarius, subsistence
3 coordinator for Wrangell-St. Elias National Park and
4 Preserve. I'm going to be presenting a comment from
5 the Wrangell-St. Elias National Park Subsistence
6 Resource Commission, which is an advisory committee
7 similar to a RAC which advises the Park Service on
8 subsistence issues. The SRC met last week. We were
9 fortunate that a couple people from Dry Creek were able
10 to attend the meeting and answer some questions that
11 the SRC had after we presented the analysis that Robbin
12 had done.

13
14 Just to let you know the SRC supported
15 the proposal. They feel that the OSM Staff analysis
16 supplemented by the testimony that they received from
17 the members of Dry Creek community demonstrate a long-
18 term customary and traditional pattern of use of salmon
19 by Dry Creek residents in the Glennallen Subdistrict of
20 the Upper Copper River.

21
22 The Commission heard testimony that a
23 few young people are specifically included in the group
24 traveling each year to the Copper River to harvest
25 salmon in order to hand down fishing knowledge and
26 traditions to the next generation.

27
28 CHAIRMAN ENCELEWSKI: Very good,
29 Barbara. Is there questions for Barbara.

30
31 (No comments)

32
33 CHAIRMAN ENCELEWSKI: Tom, anything
34 from you?

35
36 MR. CARPENTER: No, not at this time.

37
38 CHAIRMAN ENCELEWSKI: Thank you,
39 Barbara. Federal agencies that want to comment.

40
41 (No comments)

42
43 CHAIRMAN ENCELEWSKI: Hearing none.
44 Native, tribal, village, any comments.

45
46 (No comments)

47
48 CHAIRMAN ENCELEWSKI: Hearing none.
49 Advisory group comments, other Regional Councils or
50 Fish and Game Advisory Committees or Subsistence

1 Resource Committees.

2

3 (No comments)

4

5

6 CHAIRMAN ENCELEWSKI: Hearing none.

7 Summary of public comments. Donald.

8

9 MR. MIKE: Thank you, Mr. Chair. I
10 received one written public comment and you can refer
11 to Pave 284 in your book. This was received from
12 Ahtna, Incorporated on Proposal 17-11. They state that
13 the community of Dry Creek does not meet criteria for
14 C&T and they do not have customary and traditional use
15 patterns that is consistent, long-term and re-occurring
16 in specific seasons for numerous years. They brought
17 up a concern they will be trespassing and they do not
18 qualify for a positive C&T determination for salmon in
19 Upper Copper River District to residents of Dry Creek.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN ENCELEWSKI: Thank you, Donald.

24 That brings up an interesting situation. Do we have
25 any comments or questions on that summary of public
26 comments.

27

28 (No comments)

29

30 CHAIRMAN ENCELEWSKI: How about public
31 testimony.

32

33 (No comments)

34

35 CHAIRMAN ENCELEWSKI: anyone online
36 that wants to testify to FP17-11.

37

38 (No comments)

39

40 CHAIRMAN ENCELEWSKI: Hearing none.
41 Regional Council recommendation. A motion to adopt for
42 discussion is in order.

43

44 MR. GEASE: Motion to adopt.

45

46 CHAIRMAN ENCELEWSKI: Motion to adopt
47 by Ricky Gease. Is there a second.

48

49 MR. OPHEIM: I'll second.

50

1 MR. CARPENTER: Second.
2
3 CHAIRMAN ENCELEWSKI: Seconded by both
4 Michael and Tom. Thank you.
5
6 Discussion on the matter to adopt.
7
8 MR. CARPENTER: I have a question. I
9 was looking at the list of communities that as far as I
10 can remember have been intact and since this Federal
11 process has really started at least most of them and
12 I'm curious if there's anyone on the Federal staff that
13 can answer why Northway, Tetlin, Tok, Tanacross and Dot
14 Lake have always been the users of the Glennallen
15 subdistrict but Dry Creek was not included.
16
17 CHAIRMAN ENCELEWSKI: Tom, Robbin is
18 going to come up and try to answer it.
19
20 MS. LAVINE: Mr. Chair. The Eastern
21 Interior communities were added at a later date,
22 Chickaloon as well, but it was because they asked. At
23 the time, Dry Creek was not a part of that request and
24 we are responsive to proposals when they come forward.
25
26 CHAIRMAN ENCELEWSKI: Good answer.
27 Tom, does that satisfy you?
28
29 MR. CARPENTER: Yes, it does. Thank
30 you.
31
32 CHAIRMAN ENCELEWSKI: Thank you. Any
33 other questions.
34
35 MS. CAMINER: Mr. Chair.
36
37 CHAIRMAN ENCELEWSKI: Go ahead, Judy.
38
39 MS. CAMINER: I feel this is a good
40 analysis and appreciate the time and effort that went
41 into it. I'll be supporting the proposal, but I wanted
42 to ask Gloria, since you have many different roles,
43 including being on the SRC, but also working for Ahtna
44 if the letter that Ahtna wrote and what you heard at
45 the SRC, I just wanted to see how you felt about this
46 proposal.
47
48 MS. STICKWAN: I sit at the SRC meeting
49 and I supported the proposal because I felt like they
50 met the eight criteria and that they have used it and

1 they are passing down and used many years. There was a
2 lot of discussion about where they're going to put a
3 wheel, but that doesn't matter or the impact on the
4 fisheries. I told them that we can't be concerned. We
5 have to look at the eight criteria and base our
6 decisions on that.

7

8 While I worked for Ahtna, and I do have
9 two hats, I think my position here is to represent
10 Southcentral Region, not Ahtna only. I represent Ahtna
11 because they're part of the community and look at the
12 eight criteria and that's what I said at the meeting
13 and I supported the proposal.

14

15 CHAIRMAN ENCELEWSKI: Thank you,
16 Gloria. Good question, good answer.

17

18 Any other questions on it.

19

20 (No comments)

21

22 CHAIRMAN ENCELEWSKI: Hearing none.
23 We've got a motion on the table and a second.

24

25 Go ahead, Lee.

26

27 MR. ADLER: Since these other villages
28 along the same highway have been included, I see no
29 reason to discriminate against Dry Creek. So I think
30 we should go ahead and approve that.

31

32 That's my opinion.

33

34 CHAIRMAN ENCELEWSKI: Thank you, Lee.

35

36 MS. STICKWAN: Question.

37

38 CHAIRMAN ENCELEWSKI: The question has
39 been called for. All in favor of the proposal 17-11
40 signify by saying aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN ENCELEWSKI: Tom.

45

46 MR. CARPENTER: Aye.

47

48 CHAIRMAN ENCELEWSKI: Any opposed.

49

50 (No opposing votes)

1 CHAIRMAN ENCELEWSKI: Thank you. It
2 carries unanimously. 17-12 has been withdrawn.
3 Donald, that's correct?

4
5 MR. MIKE: Yeah, that's correct.
6

7 CHAIRMAN ENCELEWSKI: Okay. What's the
8 wishes of the Council. We've got two things, the
9 delegation of authority, a bypass issue we added to the
10 agenda under new business. We could take those up now
11 and then move on to Fisheries Monitoring.

12
13 Okay. We're going to start out with
14 the delegation of authority. I think Andy wanted to
15 address that. So, Andy, I'm going to let you talk to
16 the Council.

17
18 MR. MCLAUGHLIN: Thank you, Mr. Chair.
19 So recently this caribou season extension thing came
20 across and I'm reading the letter there. It's kind of
21 like, hey, we're also wanting a delegation of
22 authority. So that resurfaced something that I was
23 already planning bringing up at this meeting. I'd like
24 to first add historically Milo Burcham has done 100
25 percent excellent job consulting with people in the
26 region and myself.

27
28 It seems when a delegation of authority
29 occurs or requested, it's always said this is a
30 reversible process. I think the delegation of
31 authority is at the root of the problems of many issues
32 that we're dealing with here that make things more
33 complex.

34
35 I haven't been on the RAC that long,
36 but I remember the late Mr. Blossom speaking with him
37 about the Kenai things. I know the delegation of
38 authority was kind of a bone of contention. I kind of
39 wish Mr. Showalter were here or Ms. Mills was on the
40 phone. Perhaps we could even consult
41 Ninilchik/Kenatzie Tribes.

42
43 I recall at the Homer meeting we had
44 quite a while back, two years ago or more, Kenai
45 meeting, this Council deliberated for hours about
46 delegation of authority. In particular, the one time
47 when it affected my home region, about Unit 6D deer and
48 moose, we had put a sunset clause in there or a two-
49 year limit type thing. Now is the time for that two
50 years to be up. It was specifically about the deer and

1 moose.

2

3 I remember thinking about, jeez, it
4 didn't seem like the due process was really followed,
5 so I talked to Tim Towarak about it and he said, jeez,
6 we never heard about that at the Board level, about the
7 sunset clause on 6D deer and moose thing for a
8 delegation of authority. Knowing that was three years
9 ago when that bad winter happened, two mild winters in
10 a row, deer population doing good, no conservation
11 concern. On top of even if there was a conservation
12 concern, historically the amount of deer harvested in
13 6D under Federal subsistence users harvest rates is
14 negligible anyhow.

15

16 The moose aspect of that is in Kings
17 Bay of Prince William Sound. We talked quite a bit
18 about that, the 804 analysis and all the other
19 business, Tatitlek and Chenega. Mild winters mean deer
20 and moose move over mountains. It's all a smell load
21 thing. The moose get to Kings Bay through the Nellie
22 Juan River pass that comes over from Seward and the
23 lakes over there, Paradise Lakes and whatnot. That's
24 the same way in those really mild winters the people in
25 Anchorage can even see a deer down here in Potter
26 Marsh.

27

28 So I think Federal subsistence harvest
29 being so minimal it's kind of like this number of reds
30 being asked to be harvested in the Kenai. It's a drop
31 in the bucket. So there should be a consultation
32 process that happens prior to closures that I believe
33 delegations of authority in the name of streamlining
34 things and making more fast and efficient doesn't
35 happen or has the potential not to happen, has happened
36 in Milo's case. Thank you very much.

37

38 So I wanted to bring up some discussion
39 here. I would be entertaining even the potential of
40 making a motion to at least remove the delegation of
41 authority in Unit 6D for deer and moose. Perhaps maybe
42 it would solve problems in regions just rescinding a
43 blanket all delegations of authority, so this
44 consultation process occurs for each of us on the
45 resource of concern.

46

47 CHAIRMAN ENCELEWSKI: Thank you, Andy.
48 That brings us to a good discussion. I'm going to
49 leave it to the board here. I guess I'll make a little
50 comment and maybe we can get someone to help clarify

1 this for me. Delegations of authority, I know we've
2 brought it up quite a few times at this RAC since I've
3 been here and the consultation process.

4

5 One of the things that I personally as
6 a RAC member am not real clear on is how long they've
7 been given it to what. Some of them seem like they're
8 unending and go on forever. I'm not sure if in each
9 one you've got to make it as each area in each
10 delegation of authority. I think it needs attention.
11 If there's anyone that can explain a little bit on that
12 delegation of authority to us, Donald, or whatever, it
13 might help us a little bit.

14

15 Here comes Amee.

16

17 Thank you.

18

19 MS. HOWARD: Mr. Chair. Council
20 Members. Thank you. So the one question that you just
21 asked how long do the delegation of authority letters
22 last. They last until they're rescinded by the Board.
23 So, in actuality, they do go on until they are
24 rescinded by the Board. Recently at OSM we've gone
25 through several of our wildlife delegation of authority
26 letters as a result of the April regulatory meeting and
27 updated those. I know that's in the works and plans
28 for fishery delegation of authority letters too. More
29 of a housekeeping and administrative move. There is no
30 end date put on the delegation of authority letters.

31

32 MS. STICKWAN: I have a question.

33

34 MR. CARPENTER: Mr. Chairman, I have a
35 comment.

36

37 CHAIRMAN ENCELEWSKI: Go ahead, Tom.

38

39 MR. CARPENTER: Yeah, I to have some
40 misgivings with the delegations of authority. I think
41 since I've been on the Council 15 years we've given out
42 few. The one that I specifically remember is when we
43 had the meeting in Cantwell when we gave the delegation
44 of authority to the U.S. Forest Service Cordova
45 District Ranger in regards to Unit 6 and we
46 specifically put in there that there was to be a sunset
47 clause, but it was supposed to be reviewed and it kind
48 of got thrown by the wayside.

49

50 I think my suggestion would be that the

1 OSM Staff compile list of all the delegation of
2 authorities for the Southcentral Region and present
3 them all to us at our spring meeting in Anchorage and
4 we can view them and have a little bit longer and
5 better discussion about it and we can go through one by
6 one.

7

8 I would also like them to go back and
9 look at the Cantwell record because I've asked about it
10 several times over the last three or four years and
11 nobody seems to recollect that being in the record and
12 I would like to see a transcript if possible that shows
13 the Council's request that that be included.

14

15 So that's just my recommendation, but
16 if Andy or somebody else wants to make a motion, then
17 we can discuss it further.

18

19 CHAIRMAN ENCELEWSKI: Okay. Thanks,
20 Tom. Gloria, go ahead.

21

22 MS. STICKWAN: I have a question.
23 Delegations of authority I usually give them because
24 there's a concern about whatever wildlife or fisheries,
25 right? That's why we've been giving them in the past.
26 That's the only reason why.

27

28 MS. HOWARD: So the intent of the
29 delegation of authority is to be responsive. The
30 thought is that local land managers in the areas
31 because we know how expansive the state of Alaska is,
32 the local land managers have a closer tie and that
33 action can be taken quicker than going through the
34 special action process with the Federal Subsistence
35 Board. That's why delegation of authority is utilized
36 by the Board just as a tool to be responsive to users.
37 Then also respond to conservation concerns that may
38 come up or public safety.

39

40 Does that answer your question?

41

42 MS. STICKWAN: what do you mean by
43 public safety?

44

45 MS. HOWARD: At times there have been
46 public safety concerns. One of the more recent public
47 safety situations that wasn't necessarily taken care of
48 through delegation of authority, but the board had to
49 deal with was there was a proposed caribou hunt.
50 However, that caribou had been -- I think the season

1 prior had gone under a dart or a sedation population
2 study. So there was a fear or concern that the meat
3 needed more time to work all that sedation out of it,
4 so that opportunity was an extended -- forgive me for
5 my very loose paraphrasing of that, but that's just an
6 idea of a public safety concern.

7
8 So public safety under ANILCA can be
9 pretty broadly used by the Board and it would come up
10 from any user concern, land manager concern, anything
11 that could present itself. So one thing that
12 delegation of authority is intended to address is if a
13 public safety concern comes up. It could even stem
14 from a natural landslide, fire, things of that nature
15 making the substrate unstable. So it could be a wide
16 variety of issues.

17
18 CHAIRMAN ENCELEWSKI: Judy.

19
20 MS. CAMINER: Thank you, Mr. Chair. I
21 like Tom's idea of putting some information together
22 for next time and have a dedicated amount of time to
23 speak to it. I appreciate Andy bringing it up.

24
25 I wanted to follow up. Amee, you said
26 you just completed a review of the wildlife delegation
27 and what happened with that review?

28
29 MS. HOWARD: So on the proposals that
30 were adopted by the Board during the regulatory meeting
31 in April, some of them had delegation of authority
32 letters, so those were updated. They were updated to
33 reflect the changes in regulations and new changes. So
34 that's what I mean by they've been updated and we went
35 through a round of those because we just finished out
36 our wildlife regulatory cycle.

37
38 CHAIRMAN ENCELEWSKI: Thank you, Amee.

39
40 MR. HOWARD: Mr. Chair. Can I ask Mr.
41 Carpenter one question of clarification.

42
43 CHAIRMAN ENCELEWSKI: You may if we can
44 keep it moving, please.

45
46 MS. HOWARD: Thank you, sir. Mr.
47 Carpenter, you referred to the Cantwell transcripts.
48 I'm fairly new to the program. I've only been here a
49 little over a year. If you wouldn't mind, can you tell
50 me what species or fisheries that Cantwell thing was in

1 reference to so then I may be able to find it a bit
2 easier.

3

4 MR. CARPENTER: Well, I believe it had
5 to do with Unit 6 deer. It could have been moose, but
6 I don't think so. I believe the delegation of
7 authority was kind of expanded to include moose if I'm
8 not mistaken. There was a long discussion at the
9 Cantwell meeting and the Council decided that they
10 would go ahead and grant the delegation of authority or
11 recommend to the Board that we do it, but that we
12 wanted it to be reviewed. It's never come up ever
13 since.

14

15 MS. HOWARD: Through the Chair. Thank
16 you, Mr. Carpenter. I will definitely assist your
17 Council coordinator in looking into that. I also
18 recommend adding kind of this topic to your annual
19 report as well.

20

21 CHAIRMAN ENCELEWSKI: Okay. Thank you.

22

23 MR. CARPENTER: Mr. Chairman. I make a
24 motion then that we have OSM compile a list of all the
25 delegation of authorities in the Southcentral Region,
26 present that to the Council at the spring meeting in
27 Anchorage. Also try to do some research on the sunset
28 clause for Unit 6 that was granted at the Cantwell
29 meeting and we can discuss it more appropriately at
30 that time.

31

32 CHAIRMAN ENCELEWSKI: Tom, I'm going to
33 go ahead and ask for a second, but I want a point of
34 order here. I wasn't ready for the motion. We were
35 still under discussion and I have a public testimony
36 request form to talk on delegation of authority also
37 here.

38

39 MR. CARPENTER: Okay.

40

41 CHAIRMAN ENCELEWSKI: Can I take that
42 up first?

43

44 MR. CARPENTER: Sure.

45

46 CHAIRMAN ENCELEWSKI: Okay. Your
47 motion dies. Bring it right back up when we're done
48 here. Ivan, will you come forward please. Before you
49 do, I just want to speak on my, as a RAC, letter on
50 delegation of authority. One thing that I would

1 request if we do have this put together for our next
2 RAC meeting some of this information I would like to
3 see in the delegation of authority not only how many
4 times they were used and for what, what the
5 consultation was, because otherwise we really don't
6 have a good picture. Go ahead, Ivan.

7

8 MR. ENCELEWSKI: Thank you, Mr. Chair
9 and Members of the RAC. For the record, my name is
10 Ivan Encelewski, executive director of Ninilchik
11 Traditional Council, Federally qualified subsistence
12 user. Being that this item was added to the agenda, I
13 did fill out a card and asked to have public testimony,
14 so I thank you for having the opportunity to be able to
15 testify on this subject.

16

17 We're as an organization both and
18 myself personally are very familiar with this
19 delegation of authority issue. Basically nothing that
20 -- you know, our position is not meant to impugn the
21 integrity of the work of any in-season management. We
22 are ardently opposed to delegation of authority without
23 proper frameworks.

24

25 What I mean by this is that the reason
26 why we have quite a bit of knowledge on this issue is
27 because this is a central tenet of one of the issues of
28 our lawsuit with the Federal Subsistence Board and I
29 don't want to get into legalese and that kind of stuff,
30 but I think the RAC needs to understand some of the
31 history and the actual regulation that pertains to this
32 specific issue and where it is at somewhat with a legal
33 basis and I can provide some update on that.

34

35 So one of the things is that we --
36 basically 50 CFR 100.10(b)(6) provides regulations for
37 the Federal Subsistence Board and as part of that
38 regulation that reads that the Board may delegate to
39 agency field officials the authority to set harvest and
40 possession limits, define harvest areas, specify
41 methods and means of harvest, specify permit
42 regulations and open or close specific fish or wildlife
43 harvest seasons within frameworks established by the
44 Board and that's a key central plain language that's
45 required in the Federal CFR.

46

47 So what has been done over the years
48 now is that there's been a lot of these delegation of
49 authority that have been approved by the Federal
50 Subsistence Board, but there's been no frameworks

1 attached to those delegations of authority. In our
2 area on the Kenai, there's a 2002 delegation of
3 authority that was given to the in-season manager,
4 especially with regards to fish and wildlife.

5
6 As a general rule, we support science
7 and biology dictating management decisions, not
8 politics and whatnot, but I can assure you that this
9 issue was very concerning because it has the potential
10 to have negative effects. I'll just give you an
11 example of it and it's not to impugn the integrity of
12 anyone.

13
14 For example, in the past, prior to Mr.
15 Anderson, Mr. Doug Palmer issued a special action on
16 his delegation of authority too close subsistence use
17 for subsistence users prior to even state closures, so
18 that's just an example of how it can be used in a
19 negative way against subsistence users. It's a lot of
20 authority.

21
22 So just for your information, and again
23 I'm not here to talk about the legalese, but this is
24 the reality. In our lawsuit, Judge Sedgwick issued his
25 decision on April 17th, 2016 and in his decision he
26 says that if 50 CFR 100.10(b)(6) were ambiguous, the
27 Board's interpretation of its own regulation would be
28 given deference. It is not. It plainly requires the
29 Board to create frameworks to guide its delegate these
30 actions. The delegation powers permissive, but the
31 frameworks are mandatory if the Board exercises that
32 power. Because this is a discreet action demanded by
33 law, NTC has standing to seek or compelling the Board
34 to issue 100.10(b)(6) frameworks.

35
36 So essentially frameworks that the
37 delegation of authority that have been issued without
38 proper frameworks are illegal. So when the government
39 defended this issue, they didn't defend it on the
40 premise that they had issued frameworks to guide those
41 delegation. They defended it on a statute of
42 limitations issue and they also defended it on an issue
43 that they felt that the Board should have deference to
44 be able to interpret their own regulation and the judge
45 ruled that that was incorrect because the plain meaning
46 of the language requires frameworks in the Federal CFR.
47 They cannot interpret a regulation to essentially
48 overrule the Federal law.

49
50 Clearly, basically the government

1 argued that they did not establish frameworks because
2 that was not a defense. So this is an issue that is
3 ongoing from a legal perspective and we believe in our
4 opinion and I think this is substantiated through Judge
5 Sedgewick's opinion that lack of frameworks on
6 delegation of authority are absolutely illegal.

7
8 So, like I said, this is something that
9 really needs to be addressed because it has the
10 potential for good and bad and we've worked with the
11 in-season manager and I'll give you an example on a
12 positive note some of the things that have come to us
13 say on moose hunting. In our area we have units, 15A,
14 B and C. So in Unit 15C the moose population is fairly
15 healthy and Unit 15A it's not, so we've had some
16 discussion with the Kenai National Wildlife Refuge
17 Manager about giving the delegation of authority and
18 allowing more authority because some subsections of
19 those units are healthier than others.

20
21 If you had a delegation of authority,
22 he could actually open, help us, by having more
23 subsistence opportunity because the way the regulation
24 reads is that if there's a concern or something they
25 would just have to close the whole unit. So there's an
26 idea or an example of where the delegation can be
27 potentially used as positive for subsistence users.

28
29 But when an in-season manager is giving
30 carte blanc authority with no direction from the
31 Federal Subsistence Board as far as frameworks, what is
32 there delegation of authority just allowing them as
33 essentially came to issue any decision without any
34 guidance from the Board and that creates concerns if
35 they oppose a regulation as is happened in our case for
36 subsistence use.

37
38 So that's just an update and opinion
39 from us on where we're at and I wanted to clarify on
40 the delegation of authority that certain, again, we're
41 not here to impugn the integrity of in-season managers.
42 We generally believe that's a good premise. Biology,
43 science should be dictating in-season management. But
44 this is a legal issue that's ongoing and without those
45 frameworks these delegation of authorities are illegal.

46
47 CHAIRMAN ENCELEWSKI: Thank you, Ivan.

48
49 Gloria.

50

1 MS. STICKWAN: I just want to say that
2 the delegation of authority should be brought up. BLM
3 recently opened a hunt on October 15th and the State of
4 Alaska for caribou and the State of Alaska opened it on
5 October 1st because there's an overabundance of
6 caribou. BLM was more restrictive than the State. The
7 reason they said that, it was told at a public meeting
8 at the SRC, was because the caribou weren't there when
9 the hunt took place.

10
11 I've heard through co-workers that
12 their caribou was in the Tangle Lakes area. Well, they
13 were probably on Federal land. I just think that the
14 negativity of them not opening the hunt while the State
15 provided more opportunity that was best, not right or
16 wrong. I had to actually send them an email to get a
17 response from BLM because I told them I can get this
18 information out to the villages. I was scared if they
19 would give me this information. They emailed me after
20 that, but it needs to be addressed.

21
22 CHAIRMAN ENCELEWSKI: Okay. Tom, I
23 don't know if you're still with us, but it looks like
24 we need some homework done on delegation of authority.

25
26 MR. CARPENTER: Okay, Mr. Chairman.
27 I'd make the same motion that we have OSM Staff compile
28 a list of all the delegations of authority letters that
29 have been granted by the Federal Board in the
30 Southcentral Region and specifically includes
31 information in this packet in regards to the sunset
32 clause in Unit 6 as was discussed at an earlier RAC
33 meeting and we can discuss this at our spring meeting
34 in a normal agenda setting in Anchorage.

35
36 MR. MCLAUGHLIN: Second.

37
38 MS. STICKWAN: Did he say blanket or
39 just Unit 6.

40
41 CHAIRMAN ENCELEWSKI: Tom, yours was
42 for all of them, correct?

43
44 MR. CARPENTER: For all of them.

45
46 CHAIRMAN ENCELEWSKI: We've got a
47 motion and a second for OSM to give us a complete
48 detailed report of all stuff outstanding, okay, and we
49 could discuss it when we have a little bit more time.

50

1 Judy.
2
3 MS. CAMINER: Mr. Chair. Maybe OSM
4 could also look at some specific language that would
5 make some of the parameters more clear as to what the
6 in-season manager can do or could do with respect to
7 consultation or some actions.
8
9 CHAIRMAN ENCELEWSKI: I'm pretty sure
10 that OSM is hearing Ivan's testimony. I think they
11 better look at their parameters and their frameworks
12 because I think that's what's missing and causing a lot
13 of the problem.
14
15 MR. CARPENTER: Question.
16
17 CHAIRMAN ENCELEWSKI: The question has
18 been called. All in favor of the motion, aye.
19
20 IN UNISON: Aye.
21
22 CHAIRMAN ENCELEWSKI: Any opposed.
23
24 MR. CARPENTER: Aye.
25
26 CHAIRMAN ENCELEWSKI: You're in favor,
27 right?
28
29 MR. CARPENTER: Aye.
30
31 CHAIRMAN ENCELEWSKI: Okay. Thank you.
32
33 MR. MCLAUGHLIN: Going for a solution
34 right now on the 6D thing. I'd like to make a motion
35 to rescind the deer and moose delegation of authority
36 for Unit 6D.
37
38 MR. OPHEIM: Second.
39
40 CHAIRMAN ENCELEWSKI: We've got a
41 motion on the table and we will discuss it. Amee.
42
43 MS. HOWARD: Mr. Chair, through the
44 Chair. Just a clarification. Delegation of
45 authorities come from the Federal Subsistence Board.
46 So, Mr. McLaughlin, do you mean to recommend to the
47 Board that they rescind? Just for clarification and to
48 make sure we're all.....
49
50 MR. MCLAUGHLIN: Through the Chair.

1 That is indeed correct. It's always been said it's
2 reversible. To add the intent of the delegation of
3 authority that we talked to, I don't think it was
4 Cantwell because that was one meeting prior to when I
5 got on the RAC. Kenai or Homer maybe. The 6D deer and
6 moose was kind of a crisis management thing because of
7 bad winter, population down at 25 percent. Let's
8 revisit this in two years, see if a conservation
9 concern still exists. If it doesn't anymore, there's
10 always some form of focus on conservation, but there's
11 not a conservation concern in the forefront right now.
12 So that's to the Board, yes.

13

14 Thank you.

15

16 CHAIRMAN ENCELEWSKI: Yeah, thanks,
17 Amee. We don't get to make the decisions. We get to
18 make the recommendations. Okay. I've got a motion,
19 I've got a second, we've had discussion to recommend to
20 the Board to rescind the delegation of authority to
21 Unit 6 on moose and deer.

22

23 MR. CARPENTER: Mr. Chairman.

24

25 CHAIRMAN ENCELEWSKI: Go ahead, Tom.

26

27 MR. CARPENTER: While I don't disagree
28 with Andy, I think that we're probably going to make a
29 rush to judgment right now and I'm not sure if we have
30 the appropriate Staff in the audience. I don't know if
31 the Cordova District Ranger is available. I don't know
32 if the area biologist or the Forest Service is
33 available.

34

35 But I think when we talk about
36 rescinding something, we do need to hear from the
37 manager's perspective on why it's important to them
38 even though I may or may not agree with it. I just
39 think we'd be better off to wait until this spring,
40 look at the full list, go through each one at a time
41 and make a determination at that point. I just think
42 that by rushing this motion through right now and
43 sending it to the Federal Board to react to I just
44 don't think the Federal Board is going to react.

45

46 CHAIRMAN ENCELEWSKI: Thank you, Tom.

47

48 Any other comments.

49

50 Ricky, go ahead.

1 MR. GEASE: On this issue because we
2 don't have data in front of us and we do try to make
3 decisions based on data and information that we have
4 not had testimony, I tend to agree with Tom on this
5 issue on this one. I do think by springtime we can
6 come back and get the information and then at that
7 point then I think the people who do have the
8 delegation of authority could come, have time to do the
9 presentation, say, yes, this is good to rescind, I
10 don't need this authority or for this reason I think we
11 need to hold onto it because of XYZ reasons. I just
12 think it would be cleaner at that point.

13

14 Thank you.

15

16 CHAIRMAN ENCELEWSKI: Okay. That may
17 be the case. I'm going to have to vote on this
18 regardless. Go ahead, Judy.

19

20 MS. CAMINER: Well, at the risk of
21 setting off the parliamentarian again, can we defer on
22 Andy's motion?

23

24 CHAIRMAN ENCELEWSKI: No, you may not.
25 I've got a motion on the table, we've got a second and
26 we're going to vote on it. We're going to vote it up
27 or down, no deferral.

28

29 MS. STICKWAN: Question.

30

31 CHAIRMAN ENCELEWSKI: The question has
32 been called. All in favor of the motion to rescind
33 signify by saying aye.

34

35 (No audible votes)

36

37 CHAIRMAN ENCELEWSKI: We've got two.
38 Opposed.

39

40 IN UNISON: Aye.

41

42 MR. CARPENTER: Nay.

43

44 CHAIRMAN ENCELEWSKI: I think it was
45 one, two, three, four, five. Two to five. Failed. We
46 are going to move on to the bypass. We had it put on
47 our agenda, a proposed route around Cooper Landing.
48 I'm going to let Mr. Gease address that, please.

49

50 MR. GEASE: I'll try and make this

1 brief. I know we've got time issues. After working
2 through the motion, you've got 15 pages, the first part
3 of it is the letter from the Kenai Peninsula Borough to
4 the Alaska Department of Transportation and Public
5 Facilities requesting that -- there are two routes
6 around Cooper Landing that DOT is looking at the
7 issues.

8
9 It's been on the table for
10 approximately 40 years or so. DOT has narrowed it down
11 to two options. One is called the G South option which
12 just bypasses Cooper Landing. The Juneau Creek option
13 bypasses both Cooper Landing and the Kenai River.

14
15 There are a whole bunch of groups on
16 the Kenai Peninsula who are signatory to this and then
17 at the end of it also are the whereases, resolutions
18 from the Kenai Peninsula Borough, the City of Kenai,
19 the City of Soldotna and then I believe the City of
20 Homer is also signed on to it. The individual groups
21 that have signed on to it are pretty varied, diverse
22 groups. Cook Inlet Aquaculture, Cook Inlet Keeper, the
23 Watershed Forum, KPFA, KRSA. I believe the teamsters
24 have now signed on to it. The Kenai River Special
25 Management Area Board, the Cooper Landing Advisory
26 Planning Commission and I believe both chambers have
27 signed on to it also.

28
29 The main issues are is that on the
30 Kenai River the potential for an accident of the people
31 who have driven on the Kenai Peninsula. We have quite
32 a bit of double trailer truck traffic on the Kenai
33 River, probably 50 or more double trailer trucks per
34 day moving back and forth. It is the sole route
35 between Anchorage and the Central Peninsula. We
36 potentially have more industry coming in to the area
37 depending on the timeline of the LNG plant in Nikiski.

38
39
40 This will set the footprint for this
41 highway section for at least the next 50 years
42 potentially. So the question is do we want major
43 highway traffic, increasing highway traffic along the
44 Kenai River for about a five-mile stretch of the river
45 or do we want it moved off the Kenai River Corridor.
46 The Juneau Creek alternative has the advantages. It
47 puts a larger percentage of the highway up to safe
48 highway standards and it gets it off the -- within 500
49 feet of the Kenai River watershed and it's just an
50 overall better design construction.

1 The G South alternative is more
2 expensive. It provides less protection and I think
3 there are some definite long-term risk conservation
4 concerns to the Kenai River. We can do all we want
5 with regulations and management plans, but if we do
6 have an environmental accident on the Kenai River where
7 we have a double tanker filled with noxious chemicals
8 going into the Kenai. It would be catastrophic for the
9 Peninsula.

10
11 So I would simply request that we
12 support -- we authorize the Southcentral RAC Chair to
13 become a signatory to the letter and if we wanted to go
14 a step further, we could recommend to the Federal
15 Subsistence Board to review the resolutions at the back
16 that the Kenai Peninsula Borough, the City of Kenai and
17 the City of Soldotna so that could potentially come
18 from the Federal Subsistence Board at their next
19 meeting.

20
21 This is time sensitive in that DOT has
22 indicated that they want to come to a record of
23 decision by the end of the year so it's fast-tracked
24 for whatever reason. There is a land exchange that was
25 authorized by the Russian River Lands Act between CIRI
26 and the Kenai National Wildlife Refuge. The lands in
27 question that would be exchanged are CIRI has title to
28 lands along the Kenny River, which is the primary
29 tributary for the early run chinook salmon population
30 and it's also prime brown bear habitat.

31
32 Those lands would be exchanged for the
33 Mystery Creek Wilderness Lands within the Mystery Creek
34 Wilderness between where Skilak Loop Road comes into
35 the Sterling Highway and the Russian River Ferry. So
36 there's a stretch of area there. That would then
37 become not a wilderness area, it would become private
38 lands with CIRI and then they would authorize the
39 highway construction through that area.

40
41 If the land exchange doesn't go through
42 the G route does go through back behind the Princess
43 Lodge. Those are culturally sensitive lands for CIRI
44 and the Kenatzie Tribe. They are pushing for the
45 Juneau Creek Alternative. So I do believe those
46 cultural sensitivity to their lands that come into
47 question. The land exchange would, I think, bring in
48 higher value, environmental habitat, fish habitat, and
49 wildlife habitat into the wildlife refuge and it would
50 provide a buffer from any accidents along the Kenai

1 River border.

2

3 Thanks.

4

5 CHAIRMAN ENCELEWSKI: Thank you, Rick.
6 It was a good presentation. Questions from the Council
7 on support of a letter or signing a recommendation to
8 the Federal Subsistence Board.

9

10 MS. CAMINER: Thank you, Mr. Chair.
11 Thanks, Ricky. I know we've talked about this issue at
12 some of our fisheries information, but appreciate your
13 work on this. I'm not sure if any Cooper Landing folks
14 are still online, but I see that they're also
15 signatories, so it's really appropriate for this
16 meeting and certainly support if we're able to, at
17 least the RAC recommending that it be supported.

18

19 CHAIRMAN ENCELEWSKI: Any other
20 comments from the RAC members.

21

22 (No comments)

23

24 CHAIRMAN ENCELEWSKI: How about a
25 motion for support letter from the RAC to sign on and
26 send a letter to the Federal Subsistence Board.

27

28 MS. CAMINER: Mr. Chair. I guess
29 before we do that can we verify that this is within the
30 purview of the RAC to comment on.

31

32 Thank you.

33

34 MR. MIKE: Thank you, Mr. Chair. You
35 can send letters to the Subsistence Board. As far as
36 being a signatory of this document, I'm not certain,
37 but I'll have to check with our leadership at OSM
38 unless we have Staff here to provide us guidance, but
39 I'll double check on being part of the signatory of
40 this letter. We can correspond with the Federal
41 Subsistence Board and request that they put this on
42 their agenda for fast track.

43

44 CHAIRMAN ENCELEWSKI: Would that be a
45 good start, Rick?

46

47 MR. GEASE: Could we make it if we are
48 allowed to do it that we sign on or we basically follow
49 the contents of the letter. It is time sensitive.
50 Unless the Federal Subsistence Board is planning to

1 meet prior to the end of the year, which I don't know
2 that's the case, it is time sensitive, so I would
3 recommend that we find out sooner rather than later
4 whether or not this RAC can send a letter in.

5

6 Thank you.

7

8 MR. MIKE: Thank you, Mr. Chair. This
9 Council can support this document and we can forward it
10 on to the Federal Subsistence Board. We have Amee
11 here. So the technical questions if we're allowed to
12 be a signatory of this document, but we'll go forward
13 with the letter of correspondence to the Federal
14 Subsistence Board that this Council endorses the plan
15 in the cover letter.

16

17 Thank you.

18

19 CHAIRMAN ENCELEWSKI: Amee.

20

21 MS. HOWARD: Through the Chair. My
22 recommendation would be what Donald did say, is to
23 write a letter to the Federal Subsistence Board, but
24 the Council also can write a comment letter regarding
25 this document. As far as becoming a signatory onto
26 this letter, Donald is correct, we would have to do a
27 little more research on that. But to author your own
28 comment letter that has been done before. Again, this
29 is going through the NEPA process, so they have an 810
30 analysis associated and it should have been brought to
31 the RAC's attention through that process as well. So a
32 comment letter from the RAC is appropriate.

33

34 The other thing I wanted to comment on
35 was at this time there are no Board meetings scheduled
36 prior to January 10th, 11th and 12th. That's the net
37 regulatory meeting. So it might be best for the RAC or
38 the Council to author your own letter because then that
39 for sure can get to the agencies in question prior to
40 the end of the year.

41

42 CHAIRMAN ENCELEWSKI: Okay. I think I
43 got it right unless you want to.....

44

45 MS. CAMINER: One follow-up, Amee.
46 Thank you, Mr. Chair. If we write a letter to the
47 Board, could that not be circulated by email to see if
48 they would through email approve sending a letter on as
49 a comment of their own?

50

1 MS. HOWARD: That can occur as well,
2 however there's no guarantee on the timeline there.
3 With so many shifting priorities occurring right now
4 I'm not sure where that would fall. We would do our
5 best, but there's no guarantee on that timeline. So
6 the timeline that the Council here would have
7 definitely more control over is to author up a letter
8 from the Council. I don't want to dissuade you from
9 also enlisting that same help from the Board just to
10 have your options.

11
12 CHAIRMAN ENCELEWSKI: Yeah, that could
13 be a problem. How about we author our own letter from
14 the RAC and we also send a request to the Federal
15 Board. Is there unanimous agreement?

16
17 MS. CAMINER: Yes.

18
19 (Council nodding affirmatively)

20
21 CHAIRMAN ENCELEWSKI: It's unanimous
22 consent. Thank you. Thank you, Rick. Fisheries
23 Resource Monitoring Program information needs.

24
25 Please come forward.

26
27 MS. LAVINE: Good afternoon, Mr. Chair.
28 Members of the Council. For the record, my name is
29 Robbin LaVine with the Office of Subsistence Management
30 and my associate Scott Ayers, a fisheries biologist
31 with OSM.

32
33 The Fisheries Resource Monitoring
34 Program materials begin on Page 286 of your Council
35 book. Copies can also be found on the table in the
36 back of the room. I'm going to provide you with a
37 brief overview of the Fisheries Resource Monitoring
38 Program. This portion of my presentation is not an
39 action item.

40
41 The Fisheries Resource Monitoring
42 Program was established in 2000. One of its purposes
43 is to provide information for the management of
44 subsistence fisheries on Federal public lands in
45 Alaska. We encourage partnerships between tribes,
46 rural organizations, universities and Federal and State
47 agencies. Since 2000 the Monitoring Program has funded
48 453 projects statewide. You can see a list of
49 completed or ongoing projects in this region in your
50 Council book.

1 The state is divided into six regions
2 for the purposes of the Monitoring Program, which are
3 the following: Northern Alaska, the Yukon Drainage,
4 Kuskokwim Drainage, Southwest Alaska, Southcentral
5 Alaska and the Southeast Alaska Regions. For each of
6 the six regions OSM Staff works with the Regional
7 Advisory Councils, Federal and State fishery managers
8 and land managers to ensure the Monitoring Program
9 focuses on the highest priority information needs for
10 management of Federal subsistence fisheries.

11
12 This is where you come in. Input and
13 guidance from the Regional Advisory Councils are used
14 to develop the priority information needs by
15 identifying issues of local concern and knowledge gaps
16 related to subsistence fisheries. The Program requests
17 new projects every two years. When the call for
18 proposals is issued, two primary types of research
19 projects are solicited. Harvest monitoring/Traditional
20 Ecological Knowledge and Stock, Status and Trends
21 projects. Selected projects can run for two to four
22 years.

23
24 A Technical Review Committee evaluates
25 and rates each proposed project using five criteria.
26 Strategic priority, technical-scientific merit,
27 investigator ability and resources,
28 partnership-capacity building and the cost benefit of
29 the project.

30
31 Regional Advisory Councils provide
32 recommendations and public comment is invited. The
33 Federal Subsistence Board takes into consideration
34 recommendations and comments from the process and
35 forwards the successful proposals on to the Assistant
36 Regional Director of OSM for final approval and
37 funding.

38
39 We are here today to work with you and
40 lead up to the new notice of funding opportunity for
41 projects starting in 2018. During the all-Council
42 meeting this last spring we began addressing the
43 priority information needs for your region. Staff took
44 notes from the discussions during the spring meetings
45 and some Councils formed working groups to better
46 address the needs of their area.

47
48 So your Council formed a working group
49 and those members include Judy Caminer, Gloria Stickwan
50 and Ricky Gease. We met a couple of times over the

1 course of the summer in between the all-Council meeting
2 and our meeting today and many of those meetings were
3 actually led by my associate Scott Ayers and was
4 attended by all three working group members.

5
6 At this point in time I thought I would
7 pass the ball to Judy Caminer, who could then discuss
8 with you the priority information needs. You have a
9 list in front of you as far as a rough draft and
10 she'll tell you a little bit about the work of the
11 group over the last couple of months.

12
13 CHAIRMAN ENCELEWSKI: Thank you,
14 Robbin.

15
16 Go ahead, Judy.

17
18 MS. CAMINER: Thanks, Robbin and
19 thanks, Mr. Chair. We had several teleconferences.
20 Tom Carpenter was in on one of those and we either met
21 or did teleconference a few times over the summer. You
22 have in front of you on Page 1 our draft priority
23 information needs. The first four are quite similar to
24 what you've seen in past meetings.

25
26 We did strike out coho because we
27 thought it wouldn't be needed under two and three.
28 However I know there's also some comments that say it
29 would be helpful to have coho in there, so I think we
30 can probably go either way on that. These are general
31 information needs and people who prepare proposals will
32 be responding to these general needs.

33
34 We did remove number five. We just
35 thought it didn't rise to a high enough priority to be
36 included in this list. We also added in the need for
37 in-season harvest monitoring of salmon and Staff also
38 suggested in-season monitoring of chinook salmon from
39 Kenai, Kasilof based on some of the discussions that
40 came up today.

41
42 So we see these as the general
43 information needs. They're not listed in any sort of
44 priority, but these would be a good guide hopefully for
45 good proposals to come to fill some of the data needs.

46
47
48 I guess I just want to point out in
49 terms of the actual studies. If you look at Page 289,
50 you'll see the last three studies from 2014 are the

1 ongoing studies. Two of them are pretty expensive. So
2 knowing that we'll have a very small budget and I don't
3 know whether these will be continuing in the next cycle
4 or not. That's another decision we need to be involved
5 in later on. If these are continuing studies, it just
6 doesn't leave much money left for these priority
7 information needs. So it's kind of a heads up on that.

8
9 MS. LAVINE: Thank you, Mr. Chair.
10 Thank you, Judy. Just to remind you all that once
11 again we are waiting to hear from you on these priority
12 information needs and those that you feel are most
13 critical for the upcoming call. We encourage you keep
14 your list of needs brief. Be mindful, as Judy said, of
15 the ongoing projects that continue to remain a priority
16 for your region and the monitoring program.

17
18 This is an action item.

19
20 Thank you.

21
22 MR. GEASE: Two points. One was in the
23 comments from Robert Begich, who is now the research
24 biologist for the Alaska Department of Fish and Game
25 for the Kenai River. He recommended that we strike
26 chinook because we just had I think three or four years
27 of funding both research between ADF&G and the Kenai
28 fishery office on chinook salmon along the Kenai River.
29 So we might want to do that.

30
31 I mentioned that on the Kasilof king
32 salmon escapement goals, that number two priority there
33 in terms of potentially there is data in a digital
34 library or potentially updating the sonar from the
35 DIDSON 10 sonar potentially on the Kasilof so we can
36 start counting king salmon on the Kasilof River.

37
38 The second thing was I want to go
39 reemphasize what Judy just said about the Copper river
40 chinook in-river abundance estimate. It's an expensive
41 project, about \$400,000 a year. I think our area gets
42 about \$500,000 a year for studies so it was mentioned
43 to us that that level of funding most likely is not
44 going to continue for that study and there will have to
45 be other funding partnerships forged and I just want to
46 bring that to the attention of everybody.

47
48 I do believe that is a very important
49 ongoing baseline study for all fisheries that are
50 prosecuted commercial, sport, personal use and

1 subsistence fisheries in the Copper River Basin. It's
2 an expensive study and I would hope that ongoing
3 discussions with the State and other funding partners
4 are helping out to strategize if there is a cutback on
5 the Federal funding for it where the shortfalls could
6 come from so that we can maintain the same level of
7 baseline understanding that we have through this study.

8

9 Thank you.

10

11 CHAIRMAN ENCELEWSKI: We would like
12 Barb to come forward. She has SRC report.

13

14 MS. CELLARIUS: Thank you, Mr. Chair.
15 Gloria. The Wrangell-St. Elias SRC discussed its
16 priorities for research and monitoring related to
17 subsistence. This wasn't a specific discussion of the
18 Fisheries Resource Monitoring Program because we didn't
19 have this list in front of us. The Commission's
20 highest priority for fisheries research and monitoring
21 is the escapement of Copper River salmon to the
22 spawning beds.

23

24 CHAIRMAN ENCELEWSKI: Thank you. Any
25 other comments, Robbin, Scott. Okay.

26

27 Gloria.

28

29 MS. STICKWAN: We have number six on
30 there. I think it's important because this year we
31 didn't meet the escapement goal for chinook. In
32 previous years that has been down. I think it would be
33 useful information to get voluntary reporting of
34 personal use harvest because nobody is going in-season
35 monitoring of how many -- what the harvest level is.
36 They say the escapement goal has been hit for sockeye,
37 but not chinook this year.

38

39 The upriver people are saying they're
40 not catching their level of harvest for sockeye and
41 chinook is low, so I think we need to have that study.
42 I also think we need to keep that Tanada study because
43 that's where the first fish goes up the river. I think
44 NPS should be talking to this proposal. It's their
45 project.

46

47 I say that's important because that's
48 the first fish that goes up the Copper River. It's a
49 spawning area for chinook or sockeye and I'd like to
50 see that continued. I'd like to see the SRC

1 recommendation for our project be considered too and
2 added to this list to be considered. I'd like to see
3 those first two that I talked about be considered
4 seriously.

5
6 CHAIRMAN ENCELEWSKI: I'd like to make
7 sure that six is promoted on that list. Judy.

8
9 MS. CAMINER: Well, for today I think
10 we only need to discuss information needs and not
11 ongoing projects. We'll talk about that as proposals
12 come in for projects. I appreciate what you're saying
13 about the Tanada Creek one. I think that's very
14 important. Just for today we want to focus on -- so it
15 sounds like we're keeping in one and two, four, six,
16 seven and then, Rick, you mentioned Kasilof counting
17 sonar or can that be folded into number two?

18
19 MR. GEASE: That's fine.

20
21 MS. CAMINER: So I feel like that's
22 good for today. These are five important information
23 needs or are you looking for more from us?

24
25 MS. LAVINE: Yes, through the Chair. A
26 quick question. I know that in some of our discussions
27 we had first struck coho from number two and number
28 three. I understand that we are striking number three,
29 but through later discussions there was a thought that
30 maybe we would keep and coho salmon on item number two.
31 Is that something that you -- again, for the benefit of
32 the record, we're also discussing these points based
33 off of some of the feedback as well that we've received
34 from the land managers we solicited as part of the
35 working group. So there's been some way in. That's
36 attached to the priority information needs. Based on
37 some of the feedback, do we want to include and coho
38 again in number two or keep it struck?

39
40 CHAIRMAN ENCELEWSKI: I don't know if I
41 want to ask Jeff. He did give us some numbers earlier
42 on coho.

43
44 MR. GEASE: So considering there's a
45 small pool of money, there have been two coho studies
46 done in 2007 on the Kasilof watershed. The Department
47 of Fish and Game used to do abundance estimates for
48 coho, but since they did not find necessarily a
49 relationship between escapements and returns, they have
50 not done that for coho on the Kenai River. So when

1 you're looking at abundance run timing, coho are
2 entering the river every month typically except June,
3 July timeframe. There's a break there.

4
5 I'm not exactly sure what additional
6 information we're going to get that's going to be
7 useful for in-season management. So my recommendation
8 in this time of shorter budgets is that we keep it
9 short and focus on the information needs that are going
10 to move the needle on in-season management.

11
12 CHAIRMAN ENCELEWSKI: Okay, Rick.
13 Thanks. Just for a point I'd like to put out is that
14 Jeff did have a comment in here and it was Anderson,
15 Fish and Wildlife Service, he got up and started
16 striking through the coho and number two and three. If
17 they extended dates and that hasn't happened. The same
18 thing he said for sockeye depending on that. So I'm
19 cool with going ahead and one site needs the money and
20 time and effort if we can. I'm looking for a wink from
21 Jeff, but he's got nothing.

22
23 (Laughter)

24
25 CHAIRMAN ENCELEWSKI: Thank you. Okay.
26 We're ready to go to -- the Council is going to give me
27 the recommendation.

28
29 MS. STICKWAN: Question. So we're
30 saying that this project here they have to have -- this
31 number, 14-505. It's an existing project, so it's
32 being funded for next year, but he was just saying that
33 in the future they should look for more monies. It's
34 hard to remember which projects remain.

35
36 CHAIRMAN ENCELEWSKI: Scott, do you
37 want to clear us up on our action good.

38
39 MR. AYERS: Yeah, I just wanted to note
40 through the Chair that those three projects listed at
41 the bottom that are all 14 are all funded through the
42 year 2017, so they all have one more season left on
43 them, but they would be eligible again for the 2018
44 funding. So I hope that clarifies that.

45
46 CHAIRMAN ENCELEWSKI: Thank you. Good
47 point. We need to get this going.

48
49 MS. CAMINER: Is this enough action?
50 Do you want a motion? Do you have enough direction from

1 us?

2

3 CHAIRMAN ENCELEWSKI: We'll give you
4 unanimous consent if you want, but we've given you this
5 list of one, two, three with cohos, but Lee struck out.
6 Lee struck out completely than mine. Four keep in, five
7 struck out, six in, seven in and don't forget for SRC.

8

9 MS. LAVINE: I believe the action taken
10 is just this. I don't think a motion -- Donald, you
11 can correct me if a motion is required. So the action
12 is just that you forward your recommendations. We have
13 a record of them here and they will then be forwarded
14 on to the Board.

15

16 CHAIRMAN ENCELEWSKI: Okay. Very good.
17 Thank you, Robbin and Scott. Donald, you got it
18 because you heard me. I put it on record in case you
19 try and change it.

20

21 (Laughter)

22

23 MR. MIKE: Mr. Chair. I believe there
24 was unanimous consent.

25

26 CHAIRMAN ENCELEWSKI: Yes, there was.
27 Thank you. We've been sitting here at a 45-degree
28 angle with our knees not moving, so we're going to take
29 a five-minute break. We do have to be out of here
30 tonight really soon, so it's going to have to be very
31 short. Just a stretch and back.

32

33 (Off record)

34

35 (On record)

36

37 CHAIRMAN ENCELEWSKI: Let's all take
38 our seats. The Native Village of Eyak. Hello, Matt.
39 The floor is all yours. You've got five minutes, but
40 we'll allow six.

41

42 (Laughter)

43

44 MR. PICHE: Okay. So thank you for
45 this opportunity to present. My name is Matt Piche.
46 I'm the fisheries biologist and natural resources
47 coordinator for the Native Village of Eyak, Cordova.
48 My position was funded through OSM Partners Program and
49 the research I'm presenting today is funded through the
50 FRMP fund.

1 If you'd please turn to Page 290 in
2 your meeting book, you'll see the summary charts with
3 our data on it. Since 2003, the Native Village of Eyak
4 in partnership with LGL has operated fishwheels for
5 mark/recapture tagging study on the Copper River
6 mainstem. The study is made possible through
7 cooperative agreements and land leases with Ahtna and
8 Chugach Corp and with funding from U.S. Fish and
9 Wildlife, OSM through FRMP.

10
11 Page 290 depicts how data is used to
12 manage chinook salmon fisheries on the Copper River.
13 In a nutshell, NVE's mark/recapture project establishes
14 an inriver abundance estimate as you can see there on
15 the chart. In this inriver abundance estimate,
16 managers add total ocean harvest, which is subsistence
17 gillnet, commercial, educational fisheries to NVE's
18 abundance estimate to determine the total chinook
19 salmon run size.
20 Additionally, by subtracting the inriver harvest from
21 NVE's inriver abundance managers can determine annual
22 chinook salmon escapement.

23
24 So if you turn to Page 291, this graph
25 summarizes the status of Copper River chinook salmon
26 run since the mark/recapture monitoring began back in
27 2003 on Page 291. The red line on this graph
28 represents the minimum value for the sustainable
29 escapement goal of 24,000 or more chinook salmon
30 established by the Board of Fish. Since 2003 the
31 escapement goal has been missed four times; 2005, 2010,
32 2014 and 2016.

33
34 2016 was the lowest abundance yet with
35 a preliminary estimate around 18,000 chinook salmon.
36 Remember this does not include inriver harvest at this
37 time, which averages about 4,500 chinook per year. The
38 preliminary escapement number for 2016 roughly 10,000
39 fish below the minimum escapement goal.

40
41 You can also see that since 2009
42 escapement has remained near within 5,000 or below the
43 mandated escapement goal. With continued escapement
44 levels at or near the established minimum SEG it has
45 become absolutely imperative to continue monitoring the
46 species so we cannot only maintain current fishing
47 opportunities but in periods of high abundance have the
48 data required to increase the fishing opportunity.

49
50 If you turn the page onto Page 292, the

1 two graphs here depict the overall decreasing trend in
2 harvest for all user groups since 1996. With that in
3 mind, I just wanted to let you know NVE's fishwheel
4 mark/recapture project is the sole study on the Copper
5 River assessing system-wide escapement and total run
6 size.

7
8 The data obtained here is the primary
9 tool used for the overall management of the salmon
10 population post-season and is also used as an indice
11 for in-season management for the Federal and State
12 subsistence, personal use and sport fisheries.

13
14 The in-season data is uploaded online
15 daily. The public can view a summary dataset and
16 State/Federal managers can access and download our full
17 dataset at any point throughout the season.

18
19 In 2016, our catch and recapture data
20 was one of the indices used to close the king salmon
21 personal use fishery on June 20th in the Copper River.
22 It also restricted sport fishing to catch and release
23 only on June 18th and closed catch and release sport
24 fishing for king salmon on June 25th.

25
26 Despite the closures of sport and
27 personal use fisheries and restrictions on the
28 commercial fishery, both the State and Federal
29 subsistence fisheries remained open and unrestricted
30 throughout the 2016 season.

31
32 So with all of this information in mind
33 I simply wanted to make the Council aware that our FRMP
34 funding is scheduled to end after 2017. So what's next
35 for Southcentral's Copper River chinook salmon stock
36 2018 and beyond. I'll just give you a brief history if
37 I've got another minute or two to talk.

38
39 Prior to the development of
40 mark/recapture studies, the Alaska Department of Fish
41 and Game used aerial and ground-based surveys on clear
42 water tributaries as escapement indices to manage the
43 Copper River stock of chinook salmon. Unfortunately,
44 more recent radio telemetry studies conducted by the
45 Alaska Department of Fish and Game discovered that
46 these historical escapement indices were ineffective
47 and were not a viable monitoring tool. So, therefore,
48 reinstating any of the clear water tributary indices
49 would not provide the data required to monitor and
50 manage the salmon stock. So alternatives to the

1 indices must be explored.

2

3

4 At this time, the only other options
5 for monitoring chinook salmon on the Copper River are
6 option 1, mark/recapture study, which NVE is currently
7 doing or 2, look into sonar. So for option 1
8 mark/recapture, this technique has been refined by NVE
9 and we've demonstrated how to obtain consistent,
10 reliable and defensible results. NVE is prepared to
11 continue this project if continued funding can be
12 obtained.

12

13 Option 2 sonar. Currently sockeye
14 salmon are enumerated by the Miles Lake sonar. Ninety
15 percent of all the salmon migrating past the sonar are
16 sockeye. Species differentiation is being explored on
17 the Kenai River, but no effort has been put in the
18 development on the Copper River. Given the current
19 status of ADF&G's budget, there is shortfalls. We do
20 not expect an effort to be made towards sonar
21 differentiation on the Copper River in the near future.
22 It would likely take several years to fully develop.
23 Unfortunately, this technology cannot be developed by
24 2018.

25

26 So what's in store? The sonar is where
27 we see great opportunity to reduce the overall amount
28 of funding required to monitor the stock, but we need
29 to develop a comp river specific study to design and it
30 needs to be independently tested. It's probably going
31 to be at least another two to four years out at this
32 point if that technology can be developed.

33

34 So that leaves us with two scenarios.
35 A mark/recapture study continues on the Copper River,
36 whether it's NVE or someone else. Ideally that will
37 work towards developing sonar species apportionment as
38 an effort to ultimately reduce the total annual cost
39 for monitoring the species. It's cheaper to run a
40 sonar than it is to run fishwheels in a mark/recapture
41 study especially when you're already running a sonar to
42 count sockeye salmon.

43

44 So there's a lot of potential there,
45 but again we're probably talking two to four years out
46 before something like that can even begin to be
47 implemented.

48

49 Scenario two is Copper River chinook
50 salmon mark/recapture study is not funded. Copper

1 River chinook salmon escapement and total run size
2 can't be determined after 2017. The sustainable
3 escapement goal established by the Board of Fish cannot
4 be determined. Based on similar occurrences throughout
5 the state of Alaska in the absence of data, the chinook
6 fisheries are likely to be managed conservatively until
7 data suggesting otherwise can be obtained.

8
9 All of Southcentral Alaska should be
10 concerned with this last scenario because apparently
11 the Copper River chinook salmon stock is considered
12 fully allocated by the Alaska Department of Fish and
13 Game and Federal managers.

14
15 Having a fully-allocated salmon stock
16 with no escapement or run size data is unprecedented
17 and could lead to depletion of the stock. So, because
18 of this NVE is aggressively pursuing funding sources
19 outside of the FRMP process, but if these alternate
20 funding sources fail to recognize the importance of
21 Copper River chinook salmon monitoring, it is possible
22 we will need to request funding once again from FRMP.

23
24 So I'd ask the Council please consider
25 recommending chinook salmon escapement monitoring as a
26 2018 priority information need. Just to update you on
27 our status, there are a couple other alternative
28 funding sources that we're pursuing and we're pretty
29 excited about one or two of them and we think some
30 serious potential exists.

31
32 One of the problems is these funding
33 sources are outside of the state of Alaska, so we're
34 looking at the entire nation. I feel like the further
35 away you get from Alaska the tougher it is to get
36 someone to invest in that kind of money into a salmon
37 stock such as the Copper River chinook salmon. So
38 we're working on it. We're trying to find partners and
39 hopefully this project can continue.

40
41 I'd be happy to answer any of your
42 questions at this time.

43
44 CHAIRMAN ENCELEWSKI: You had a very
45 good report. Quite eloquently put. Lee, would you
46 like to ask the first question.

47
48 MR. ADLER: I'd like to ask a question.
49 Do you have similar data for the sockeyes? I noticed
50 this last year the run seemed to be much less than the

1 two previous years.

2

3 Do you have that data?

4

5 MR. PICHE: I don't have the sockeye
6 salmon data with me right now. We just focus on the
7 chinook salmon. The sockeye salmon are studied using
8 the sonar at Miles Lake. The State publishes that
9 data. I know that they exceeded the escapement for
10 sockeye, but I don't want to tell you that number
11 off.....

12

13 MR. ADLER: I can probably get that
14 from the local office then.

15

16 MR. PICHE: Yeah. And it is available
17 online if you look up the Miles Lake sonar count.

18

19 MR. ADLER: Thank you.

20

21 CHAIRMAN ENCELEWSKI: Barbara is going
22 to give us the numbers, I guess, real quick here.

23

24 MS. CELLARIUS: The sonar count at
25 Miles Lake is included in the NPS report that I'll
26 speak to when we get to Agency reports.

27

28 CHAIRMAN ENCELEWSKI: Gloria.

29

30 MS. STICKWAN: Have you noticed that
31 the king salmon are smaller? Because I've heard a lot
32 of reports, but people are getting what they call jack
33 salmon. They don't see the large salmon. There used
34 to be really large salmon that we used to catch, but
35 now they're just catching the little jack. All of our
36 salmon, sockeye salmon are smaller. The ones I've seen
37 are about this size. The ones we caught in the wheel
38 were about this size. Most of them were small.

39

40 MR. PICHE: Council Member Stickwan,
41 through the Chair. We have been tracking overall size.
42 We sample roughly 4-5,000 chinook salmon every single
43 season and we have that data dating all the way back to
44 actually 2001. We've run some regression equations and
45 looked at the length frequencies and whatnot. We're
46 able to get data on the average size.

47

48 However one thing that makes it
49 difficult for us to interpret that data is our
50 fishwheels have excluder panels, escapement panels,

1 that allow the jack chinook to escape, so they're not
2 included in our sample size, that range of fish. I
3 believe it is 485 millimeters mid-eye to fork.
4 Anything below that we do not sample effectively.

5
6 But we have been tracking it and it's
7 something I could give a full report on at the next
8 meeting if you'd like. But as far as sockeye we don't
9 measure the sockeye. We're just looking at the chinook
10 salmon.

11
12 MR. GEASE: Have you seen any?

13
14 MR. PICHE: In chinook salmon? Not a
15 significant one. We've seen a lot of fluctuation over
16 the years since 2003, but I'd love to have a more
17 formal report for you guys on that.

18
19 MR. GEASE: Have you seen the
20 difference between the sex ratio between males and
21 females?

22
23 MR. PICHE: Council Member Gease,
24 through the Chair. We stopped taking sex data on the
25 fish back in 2006 based on the location of our
26 sampling. We're sampling solo in the river. They
27 haven't begun to morph out at that point yet. We
28 really try to minimize the amount of handling time
29 because we are handling so many fish. We try to keep
30 it less than 30 seconds per fish handling time. So,
31 no, I do not have that data, but that data is available
32 through the commercial fishery. ADF&G sexes and
33 measures and takes lengths and data off all the
34 commercially-caught fish.

35
36 CHAIRMAN ENCELEWSKI: Thank you very
37 much, Matt. Great report.

38
39 Rick, you've got a quick one.

40
41 MR. GEASE: Yeah. In terms of saving
42 money with sonar, the Kenai River went to an ARI sonar,
43 a longer-range sonar. I believe the Kenai is not as
44 wide as the Copper River. You might have some
45 difficulties in that. The reason why they went to the
46 ARI sonar counter is that it has more resolution for
47 length and the Board of Fisheries and the State are
48 looking at going to a big fish goal in terms of over 34
49 or 32 inches. So the species appointment issue is
50 taken off the table and you just have a large fish goal

1 for the chinook.

2

3 CHAIRMAN ENCELEWSKI: Good. Thank you.

4

5 MR. PICHE: Thank you.

6

7 CHAIRMAN ENCELEWSKI: The next item we
8 have is the MOU. Amee, go right ahead.

9

10 MS. HOWARD: Mr. Chair, Council
11 members. For the record, I'm Amee Howard, policy
12 coordinator at OSM. I'm just going to do a brief
13 presentation on the Memorandum of Understanding between
14 the Federal government and the State.

15

16 On Page 293 of your meeting materials,
17 the MOU begins. This document builds upon the July
18 18th, 2012 draft MOU, which incorporated recommended
19 changes from all of the Regional Advisory Councils, the
20 SRCs and the Advisory Committees. The subcommittee
21 currently working on this MOU is made up of
22 representatives from OSM, BLM and the Forest Service
23 and our State partners.

24

25 The intent of this MOU is to provide a
26 foundation to build on with the State to coordinate the
27 management of fish and wildlife resources for
28 subsistence uses on Federal public lands in Alaska. It
29 is not expected to address the variety of issues
30 between the Federal program and the State, but to
31 provide a framework so that specific issues may be
32 worked on in the future between the Federal program and
33 the State.

34

35 What we would like you to do as an
36 action item today is we would like for you to review
37 this document. It's from Page 293 to 299, provide your
38 comments and recommendations that can be reported both
39 to the subcommittee working on it and also to the
40 Federal Subsistence Board.

41

42 At this time I'd turn it back over to
43 you to provide comments and recommendations for the
44 current state of it.

45

46 CHAIRMAN ENCELEWSKI: Go ahead, Judy.

47

48 MS. CAMINER: Thank you, Mr. Chair.
49 Amee, maybe you can tell us what's been changed.
50 That's sort of a tall order to go look through this in

1 25 minutes or less that we have left here.

2

3 CHAIRMAN ENCELEWSKI: One thing I know
4 that's been changed is I heard that it's where they
5 could work on the resources together not necessarily
6 align with them, so I like that.

7

8 MS. HOWARD: Absolutely. I am not on
9 the subcommittee working on the MOU, but we do have
10 Jill Klein and Dan Sharp in the audience today. If the
11 Council wouldn't mind them joining and if they wouldn't
12 mind joining me to give a brief summary if that would
13 be good.

14

15 CHAIRMAN ENCELEWSKI: Yeah, that would
16 be helpful if you guys want to come up.

17

18 MS. HOWARD: Thank you, Jill. Thank
19 you, Dan.

20

21 MS. KLEIN: Mr. Chair, Members of the
22 Council. At this time we didn't necessarily prepare a
23 walkthrough with all the changes and I anticipate that
24 this is something -- and I'd let OSM speak to it more
25 so -- that will be on the agenda again in the spring
26 and perhaps that's a good time or a good request is to
27 ask for a walkthrough.

28

29 At this point this version is pretty
30 much for the most part where the teams left off in
31 2013. There's no so many substantive changes, but
32 there will be further additional suggested revisions
33 possibly throughout the process. So you would want to
34 know kind of section by section what might be revised
35 or added or deleted from the document.

36

37 Anything else to add, Dan?

38

39 MR. SHARP: I agree. The RAC has seen
40 this I think on three different occasions. All their
41 changes have been incorporated and the Staff and Board
42 agreed with them. It was hung up, I believe, on
43 intensive management issues previously. We're sort of
44 working past that now and trying to not make policy
45 decisions with the MOU. So it would be nice if you
46 folks could look at it, but some of you have seen it
47 before. There are probably going to be some changes
48 with the new Administration language changes.

49

50 Thus far there's been nothing

1 objectionable from the Federal side of the equation,
2 but we're still working on that and going through the
3 RAC process.

4
5 CHAIRMAN ENCELEWSKI: Thank you. That
6 explains a lot.

7
8 Judy has a question.

9
10 MS. CAMINER: Yeah, I didn't realize it
11 wasn't going final between now and our next meeting.
12 So I think for our next meeting it would be really
13 helpful to show not only what changes this RAC has
14 suggested before, maybe what other RACs have suggested
15 too, but as you say, something highlighted or deleted
16 so we have a sense of what's different from 2013.

17
18 Thank you.

19
20 CHAIRMAN ENCELEWSKI: If you could
21 accommodate us with that, that would be great.

22
23 MS. HOWARD: I think that's a great
24 suggestion and recommendation for the next meeting. At
25 this time, I would recommend if anyone on the Council
26 has points that they would like to see in an MOU from
27 the State, even in the most general sense, so that we
28 can have that on the record too as we're moving forward
29 just so that we know kind of the direction or just
30 important guidelines that you would like to see in an
31 MOU so those can be taken into consideration as these
32 changes continue.

33
34 CHAIRMAN ENCELEWSKI: Does anyone want
35 to start.

36
37 (No comments)

38
39 CHAIRMAN ENCELEWSKI: I don't want to
40 step on -- I mean I don't want to say something that I
41 shouldn't say. One thing that I do appreciate -- Dan
42 and Jill, you've heard it before. One thing that I do
43 like is working in collaboration on projects and
44 different policies.

45
46 I know there's a reason for the Federal
47 program and there's a reason for the State program. As
48 subsistence users, one of the things that we really
49 have a hard time with is when everyone says that's the
50 State or we're waiting for the State to do this or

1 that. So I'd like to see it in the MOU that it's a
2 cooperative work, your consensus of things that agree
3 with the subsistence user.

4
5 That's my thought.

6
7 Thank you.

8
9 MS. HOWARD: Thank you.

10
11 CHAIRMAN ENCELEWSKI: Thank you.

12
13 Barbara, did you want to make that,
14 I'm sorry.

15
16 MS. CELLARIUS: Thank you, Mr. Chair.
17 Barbara Cellarius with Wrangell-St. Elias again sharing
18 some feedback from the Wrangell-St. Elias SRC. The SRC
19 was particularly concerned about paragraph two under
20 the guiding principles with regard to wildlife
21 management in general for subsistence, they feel that
22 wildlife management should be set by the Federal
23 Subsistence Board and the Alaska Board of Game, not by
24 individual Federal agencies.

25
26 They're also concerned that changes to
27 regulations be made in compliance with the
28 Administrative Procedures Act especially in terms of
29 notifying public of regulations and providing
30 opportunities for public comment.

31
32 The SRC feels strongly that the
33 authority of the Boards to manage wildlife to provide
34 for subsistence needs through increased abundance also
35 needs to be included in the MOU.

36
37 CHAIRMAN ENCELEWSKI: Very good. Good
38 stuff. Thank you.

39
40 If there's no more on that, we're going
41 to move on the agenda.

42
43 MS. STICKWAN: Did you say that we'd be
44 part of our comments on this? I'd like to see that as
45 part of our comments.

46
47 CHAIRMAN ENCELEWSKI: Yeah, I think
48 it's going to be part of the comments that are going to
49 come back to us at our next meeting.

50

1 MS. STICKWAN: Okay.
2
3 CHAIRMAN ENCELEWSKI: That's my
4 understanding. Thank you. Okay. The next item before
5 the board for action is identify issues for the 2016
6 annual report. Donald, how long a time we've got to
7 identify those?
8
9 MR. MIKE: Thank you, Mr. Chair. First
10 of all, let's go through some briefing and reports.
11 ANILCA established the Annual Reports as the way to
12 bring regional subsistence uses and needs
13 to the Secretaries' attention.
14
15 Both Title VIII Section 805 and 50 CFR
16 100.11 describe what may be contained in an Annual
17 Report from the Councils to the Board. These include
18 identification of current and anticipated subsistence
19 uses of fish and wildlife populations within the
20 region, an evaluation of current and anticipated
21 subsistence needs for fish and wildlife populations
22 from the public lands within the region, and a
23 recommended strategy for the management of fish and
24 wildlife populations within the region to accommodate
25 such subsistence uses and needs related to the public
26 lands, and recommendations concerning policies,
27 standards, guidelines, and regulations to implement the
28 strategy.
29
30 So this is a report that I'd like for
31 the Council to consider, but it's up to the Board.
32 Councils can submit annual report items to the Board
33 for their consideration. We have Judy.
34
35 CHAIRMAN ENCELEWSKI: Judy, do you want
36 to go ahead.
37
38 MS. CAMINER: Just a few notes I took
39 during the meeting of things that came up which I wrote
40 down and some of them maybe we went past and probably
41 don't need to be in the annual report. A comment was
42 made when we were talking about rural and non-rural
43 determinations about the use of fish and game and other
44 household surveys that had been done and that that be
45 perhaps listed as one of the criteria when rural
46 determinations are being made.
47
48 Another thing that we talked about
49 several times to include in the annual report was
50 reviewing the Cook Inlet fisheries regulations and try

1 to make them not only more consistent but trying to
2 clarify them too.

3

4 We also brought up delegation of
5 authority. I know we'll take that up as an item at our
6 next meeting, so I don't know if we want that in the
7 annual report, but I guess things we talked about was
8 having specifics in delegation of authority and
9 defining what consultation meant just in general so
10 there's a clearer understanding by all parties of
11 actions.

12

13 Then most recently we talked about the
14 preferred option for the Sterling Highway.

15

16 CHAIRMAN ENCELEWSKI: Ricky, go ahead.

17

18 MR. GEASE: I'd like to follow up on
19 Gloria's comment about the size of salmon that are
20 returning to river systems. We've seen halibut or
21 marine species they're stuck in their growth pattern.
22 I think they're about one-third or one-half the size
23 that they were typically about a decade ago.

24

25 The down-turn in king salmon on the
26 Copper River around 2008. It's the same time on the
27 Kenai River in Cook Inlet. We've started having king
28 salmon in-season management restrictions. We're
29 starting to see sex ratio changes in king salmon.
30 There seems to be something happening out in the marine
31 waters. We had seabird die-offs happening. We've had
32 really poor returns of coho salmon, pink salmon. So it
33 seems that this marine productivity is expanding beyond
34 king salmon and it's impacting other species.

35

36 We can spend a lot of money on
37 freshwater conditions and freshwater issues in terms of
38 research. I think it would be helpful potentially in
39 our report to earmark this issue and state that some
40 outreach with NOAA, their Auke Bay lab, which does
41 Federal research on waters, the IPHC, which deals with
42 halibut, the University of Alaska system dealing with
43 school of fisheries. We need some sort of program to
44 get research monies focused on marine productivity that
45 can give management some factors about where the
46 bottlenecks in the Gulf of Alaska and the Bering Sea
47 for salmon species and other marine species.

48

49 Are there any in-season factors for run
50 size and run timing. That seems to be issues that we

1 hear quite a bit, that the run timing has changed.
2 That the abundance and size of fish are changing. If
3 we had some marine indicators of kind of the leading
4 edge of that. We know that when populations in the
5 ocean are healthy, it's great to focus solely on
6 freshwater conditions and get datasets. But when those
7 datasets indicate that something -- when your returns
8 are one-half to one-third the size of what they
9 typically are, then I think we need to expand our
10 search for research and it's a bigger issue than just
11 focusing in on freshwater systems.

12

13 Thank you.

14

15 CHAIRMAN ENCELEWSKI: Yeah, very good
16 items. I think we could all add to the fact that
17 there's definitely some drastic changes going on.
18 Smaller and smaller kings, the timings are screwed up.
19 Some really strange stuff is going on out there, the
20 patterns are really weird. There's something more
21 going on than what we realize. Those are good points.

22

23 Anything else we want in the annual
24 report.

25

26 Michael.

27

28 MR. OPHEIM: Just something maybe to
29 add to what Ricky was saying. Ocean acidification and
30 maybe some plankton work, things like that. Stream
31 temperature data would be good to have. I don't know
32 how many places are taking that data now. It all works
33 into the whole climate change thing. There's
34 temperatures that fish can and can't spawn at. Ricky
35 probably knows these numbers more than I. Something
36 like 13 to 16 degrees C, something like that. If we
37 could get research happening, it would be helpful.

38

39 CHAIRMAN ENCELEWSKI: Yeah, it would be
40 really helpful. This sounds really bizarre, but I
41 heard down Homer way there was 20 degrees warmer than
42 normal. That's just crazy. I mean I don't know if
43 that's even true.

44

45 Go ahead.

46

47 MR. GEASE: I know we spend a lot of
48 time on the concept of climate change and impacts with
49 carbon dioxide as a driver. I would not want to rule
50 out the impacts potentially of coal power plants in

1 Asia. When I grew up as a kid in the Midwest, there
2 was a high dependency on coal-burning plants. I do
3 remember acid rain in the northeast impacting fisheries
4 and food chains and food webs. We've had an explosion
5 of coal-burning power plants in Korea and China and
6 Southeast Asia.

7
8 We are on a weather pattern and the
9 Gulf of Alaska is in the drop zone of that weather
10 pattern. If we look at factors like that, that's when
11 that should be included on the Board.

12
13 CHAIRMAN ENCELEWSKI: Okay. We've got
14 quite a report that we're going to put together. Judy
15 is going to work on it and it's going to be really
16 good. It's going to be super. Anyone else have any
17 last-minute thing they'd like on there.

18
19 Lee, go ahead.

20
21 MR. ADLER: Regarding chinook salmon, I
22 talked to quite a few of the guides and the people that
23 fish for them most and they feel that one of the major
24 reasons that the chinook salmon has declined is --
25 there's two reasons. One is just simply overfishing in
26 the Klutina and Gulkana River. They closed them early.

27
28 Another thing is I know the people that
29 have some of the better fishwheels. In the last few
30 years there's been a higher catch of chinooks in the
31 fishwheel. Most of the fish they want is the sockeye
32 but they get the kings anyway. If this wheel gets 10 a
33 day and this wheel gets 10 a day, that's fish that
34 aren't going to get up to spawn, so it's a factor.

35
36 The sockeye were adequate this year,
37 but there were far less than there had been in the
38 previous two years. I, myself, was only able to get 15
39 sockeye. My friends with fishwheels just weren't
40 getting enough for themselves and closer friends.

41
42 Another issue is subsistence moose in
43 Unit 13. The biggest problem in the last few years has
44 been this community harvest time. It backfired because
45 it was supposed to help the local people and it would
46 have except that it was extended to all the people in
47 Alaska. They can shoot any bull. I can't shoot any
48 bull. My bulls have to be over 40-inch or four brow
49 tines or over 50. That's it.

50

1 If you drove by Eureka this fall, you
2 would know. Instead of a couple hundred or 150 people
3 there would be six or eight hundred people. Every
4 little niche between Glennallen and Palmer cars were
5 stacked in there. Some of those groups are so
6 efficient I heard from the Game Warden John Simeon that
7 they shoot a bull moose and within one hour that moose
8 is on its way to Anchorage.

9
10 So I don't think this is sustainable.
11 We simply have to get rid of the community harvest. It
12 just isn't working. I'd like to know what you think
13 about it, Gloria. I think some steps have already been
14 taken, haven't they?

15
16 CHAIRMAN ENCELEWSKI: Thanks, Lee.
17 We're going to need to get moving on to the agenda.
18 Those are good items to put in the report and figure
19 out what's going on.

20
21 MS. STICKWAN: There is an impact in
22 our area during the hunting season. A lot of people
23 coming from other areas to hunt. The community hunt
24 has been -- like I said, it's 73 groups. It was 43 and
25 then it jumped to 73 groups and there's 33,357 people
26 out there. There's 3,357 households that could hunt
27 for moose. So it is a problem.

28
29 CHAIRMAN ENCELEWSKI: Okay. We need to
30 look at the charter review. It says it's an action
31 item. And we've got another one after that, the
32 Tongass. We've got a lot of reports to do and we're
33 running out of time. Charter review.

34
35 MR. MIKE: Thank you, Mr. Chair.
36 During odd years the charter is reviewed and this is an
37 opportunity for the Council to review their charter.
38 If you have some comments or would like to see some
39 changes on the charter, now is the time to do it.

40
41 One thing of note is have a discussion
42 among the Council if you would like to see geographic
43 diversity representation on the Regional Advisory
44 Council. That's one option to look at. I'll compile
45 the other comments and send it to the Federal
46 Subsistence Board.

47
48 CHAIRMAN ENCELEWSKI: Sounds good,
49 Donald, but I'll tell you what, we're pretty doggone
50 geographically diverse on this Council, so that's

1 pretty good I think. If we come up with comments,
2 we're going to submit them to you unless we need to
3 come up with a list in the next five minutes.

4

5 MR. MIKE: Mr. Chair. It would be
6 beneficial to this Council if we have it on record. So
7 if you have anything specific you'd like to see on the
8 Charter, now would be a good time to do it.

9

10 CHAIRMAN ENCELEWSKI: Council, any
11 additions to the charter.

12

13 (No comments)

14

15 CHAIRMAN ENCELEWSKI: We're good with
16 the charter. Thank you, Donald. Tongass.

17

18 Thank you, Robert.

19

20 MR. LARSON: Thank you, Mr. Chair. My
21 name is Robert Larson. I'm the Southeast Council's
22 coordinator. There is a proposed rule that you could
23 turn to Page 306 in your Council book. The Proposed
24 Rule specifies that each of the Subsistence Regional
25 Advisory Councils will conduct a public meeting to take
26 testimony on changes to the submerged lands and the
27 Tongass National Forest lands that the United States
28 has retained an interest of at time of Statehood where
29 they may be subject to provisions of ANILCA.

30

31 My suggestion is that you convene a
32 public meeting, I provide a summary, and you would open
33 the floor to testimony from the public on this issue,
34 then you would close the public meeting and discuss
35 among yourselves whether the Council would like to make
36 a recommendation. It's up to you now. I think it
37 would be appropriate to formally open a public meeting.

38

39 CHAIRMAN ENCELEWSKI: Okay. We're
40 going to open up a public meeting on submerged lands
41 and we're going to start right now. It's open for
42 public comment on submerged lands. Do we have anyone
43 that would like to come up and comment on that.

44

45 MR. LARSON: Mr. Chair, if I could, I'd
46 provide a summary to set the stage.

47

48 CHAIRMAN ENCELEWSKI: That's the way it
49 should be.

50

1 Thank you.

2

3 MR. LARSON: The U.S. District Court
4 for Alaska in its October 17, 2011, order in
5 Peratrovich et al. v. United States and the State of
6 Alaska, enjoined the United States to promptly initiate
7 regulatory proceedings for the purpose of implementing
8 the subsistence provisions in Title VIII of ANILCA.
9 This is in respect to submerged public lands within
10 Tongass National Forest and the Court directed entry of
11 judgment. To comply with the order, the Federal
12 Subsistence Board must initiate a regulatory proceeding
13 to identify those submerged lands within the Tongass
14 National Forest that did not pass to the State of
15 Alaska at statehood and, therefore, remain Federal
16 public lands subject to the subsistence provisions of
17 ANILCA.

18

19 Following the Courts decision, the
20 Bureau of Land Management and the USDA Forest Service
21 started a review of hundreds of potential pre-statehood
22 withdrawals in the marine waters of the
23 Tongass National Forest. In April and October of 2015,
24 BLM submitted initial lists of submerged public lands
25 to the Board. This proposed rule before you that was
26 issued on June 8th would add those submerged parcels to
27 the subsistence regulations to ensure compliance with
28 the Court order.

29

30 Additional listings will be published
31 as the Bureau of Land Management and the USDA Forest
32 Service continue their review of pre-statehood
33 withdrawals. The Board will discuss and evaluate
34 submitted comments and public testimony on this
35 proposed rule during a public meeting scheduled for
36 January 17th in Anchorage, Alaska. Federal Subsistence
37 Regional Advisory Council Chairs or their designated
38 representatives will present their prospective
39 Council's recommendations at the Board meeting.

40

41 Additional public testimony may be
42 provided to the Board on this proposed rule at that
43 time. The Board will deliberate and make final
44 recommendations to the Secretaries on this proposed
45 rule.

46

47 If you look on Page 310, you will see a
48 list of the proposed parcels that were identified by
49 BLM as subject to provisions of ANILCA that are
50 previously thought to be State waters and now they are

1 potentially Federal waters. It doesn't say so in the
2 proposed rule, however we have looked at these sites
3 and they appear to be navigational aids.

4
5 Furthermore, if you look at Page 313,
6 you'll see that there's a letter that was submitted as
7 a public comment to the Board from the State of Alaska,
8 Department of Natural Resources and they do not object
9 to the inclusion of all except one of these areas. The
10 area they have an objection is the area surrounding
11 Makhnati Island. That area is an area that was a
12 military reserve during World War II where they
13 connected a series of islands to make the causeway for
14 some fortifications within Sitka Sound and to expand
15 their runway.

16
17 At this time it would be appropriate to
18 have public comments. That is my presentation.

19
20 CHAIRMAN ENCELEWSKI: Very good,
21 Robert. We're in a public meeting now and we just had
22 the introduction. We've got this list of all these
23 places to be discussed. If there's any public to come
24 up and give your opinion, any comments. Is there any
25 public comments on the proposed rule change.

26
27 (No comments)

28
29 CHAIRMAN ENCELEWSKI: Hearing none
30 here, Robert, what do I do? Amee.

31
32 MS. HOWARD: Maybe check online.

33
34 CHAIRMAN ENCELEWSKI: Is there anyone
35 online that wants to comment from the public.

36
37 (No comments)

38
39 CHAIRMAN ENCELEWSKI: I believe we have
40 no public comments, Robert. Thank you.

41
42 MR. LARSON: Mr. Chair. Hearing no
43 public comment, it would be appropriate to close the
44 public comment meeting and open the floor to possible
45 Council discussions and a recommendation. It's not
46 required that you make one. But we need to close the
47 public meeting.

48
49 CHAIRMAN ENCELEWSKI: Okay. I hereby
50 as the Chair declare the public meeting closed. We had

1 no participants. It was a very good meeting. Anyway,
2 it was short. Hearing that, we're going to open the
3 comments to the RAC to make any suggestions. Thank
4 you. Judy.

5
6 MS. CAMINER: Thank you, Mr. Chair.
7 Just a quick question, I guess. If this all goes
8 through, I guess the Forest Service and the Board will
9 have a lot of fisheries proposals coming up in these
10 areas.

11
12 MR. LARSON: Mr. Chair, Judy. If you
13 were to look closely at the descriptions of these
14 areas, the actual area that is encompassed as submerged
15 lands or each of these navigational aids I think could
16 be characterized as possibly very small. We're looking
17 at descriptions of 100 feet this way or 300 feet that
18 way. So they're not large areas and I don't expect
19 there to be any subsistence regulations specific to any
20 of those places.

21
22 Thank you.

23
24 CHAIRMAN ENCELEWSKI: Thank you,
25 Robert.

26
27 Anyone else have any comments.

28
29 (No comments)

30
31 CHAIRMAN ENCELEWSKI: Go into scuba
32 gear and do some proposals on submerged lands.

33
34 (Laughter)

35
36 CHAIRMAN ENCELEWSKI: Any comments.

37
38 (No comments)

39
40 CHAIRMAN ENCELEWSKI: Go ahead, Robert.

41
42 MR. LARSON: Mr. Chair. I would be
43 remiss if I didn't say that this is not the only
44 proposed rule. This is the initial proposed rule. The
45 process of identifying lands where the Federal
46 government has retained an interest at time of
47 statewide is a tedious program that requires some
48 considerable background research. I would suspect that
49 as time goes on that there will be other proposed rules
50 adding some different types of withdrawals.

1 Thank you.

2

3 CHAIRMAN ENCELEWSKI: Thank you,

4 Robert. We look forward to having another open public

5 meeting on those when the time comes. Thank you very

6 much. Hearing nothing else here we're going to go

7 ahead and close out that portion and move on.

8

9 Do we want feedback on the all-Council

10 meetings?

11

12 MR. MIKE: Yes, Mr. Chair. If we

13 briefly can provide feedback it will help OSM. Thank

14 you.

15

16 CHAIRMAN ENCELEWSKI: Gloria just

17 reminded me and I did make a pretty detailed comment on

18 that last meeting, so I don't know if that's changed.

19 I think if we could review that. If we come up with

20 anything else, we'll notify you. Is that okay?

21

22 Okay.

23

24 Thank you.

25

26 Under agency reports we've got a 15-

27 minute thing on them. I would like to drop that down

28 and kick off five if we could. We'll go ahead and

29 start on them. We had moved the tribal government

30 Kenatzie Tribal Council because it was on the

31 proposals, but you're on as an agency. Is the tribal

32 council here? He stepped out? Okay, he's got no

33 report.

34

35 Next, Native organizations. Anyone got

36 a report from Native organization.

37

38 (No comments)

39

40 CHAIRMAN ENCELEWSKI: How about special

41 actions? Come on up, Jesse.

42

43 MR. HANKINS: For the record, Jesse

44 Hankins, BLM Glennallen. I just wanted to take a

45 minute to report on the special action request that

46 took place here recently as it relates to the caribou

47 hunt in Unit 13. That hunt is managed as FC13-02, a

48 caribou hunt. A clarification to some previous

49 comments. The State did in fact extend their season by

50 10 days, which did line up with the end of the Federal

1 caribou season, ending on September 30th.

2

3 BLM took the approach of looking into a
4 special action request to add additional days to the
5 FC13-02 hunt. Within approximately 10 days the
6 delegation of authority was issued to the in-season
7 field manager at BLM with the idea if caribou did
8 approach the Federal lands the season would be open up
9 to 10 days. That would provide an opportunity for
10 harvest of that herd where 71 caribou were harvested at
11 the end of that first season. Ten years passed. That
12 harvest looks more like 400.

13

14 So just a quick report. That season
15 was opened on October 15 and it will go to October
16 20th, providing six additional days for that hunt. The
17 second season will take place on October 21st and go
18 through March 31st. Through the online reporting
19 process we have had approximately 30 caribou.

20

21 CHAIRMAN ENCELEWSKI: Thank you.

22

23 Donald, are there any other special
24 actions?

25

26 MR. MIKE: Not at the moment, Mr.
27 Chair. Thank you.

28

29 CHAIRMAN ENCELEWSKI: Thank you.

30

31 Next, ANSEP.

32

33 (No comments)

34

35 MR. MIKE: Mr. Chair. At our last fall
36 meeting the Council requested the Alaska Native
37 Engineering Science Program be here and do an
38 presentation of what they do, but I don't see any
39 representatives from ANSEP here, so we can move on.

40

41 CHAIRMAN ENCELEWSKI: U.S. Fish and
42 Wildlife.

43

44 MR. ANDERSON: Mr. Chair, Council
45 Members. Again, Jeff Anderson with Fish and Wildlife
46 Service, Kenai Fish and Wildlife Conservation Office
47 and the authority delegated to me in that position for
48 the Federal Cook Inlet Fisheries Management. I just
49 have a quick interim harvest summary report. This is
50 through last week and I will continue to get harvest

1 reports through the January 15th deadline.

2

3 We did issue 227 subsistence fishing
4 permits in 2016. I think that's a record. 102 to
5 Cooper Landing residents, 27 to Hope residents and 98
6 to Ninilchik residents, 48 for the Kenai River and 45
7 for the Kasilof River. That's on Table 1.

8

9 Subsistence harvest will continue to be
10 reported but as of October 12th there have been 1,280
11 fish harvested from Kenai River and seven fish from
12 Kasilof River dipnet and rod and reel fisheries.
13 Harvest of other species reported to date include the
14 one chinook salmon again in the Kenai River rod and
15 reel fishery below Skilak Lake.

16

17 As the Ninilchik Traditional Council
18 presented earlier, a detailed report on the gillnet
19 fisheries. I'll just highlight the summary again.
20 There were 94 sockeye salmon harvested in the Kasilof
21 River experimental gillnet fishery and 723 sockeye, 12
22 coho, 6 pink and 1 chinook salmon harvested. Through
23 the 12th, this is the highest we've seen to date for
24 the Kenai and Kasilof Rivers.

25

26 CHAIRMAN ENCELEWSKI: Go ahead, Judy.

27

28 MS. CAMINER: Thank you, Mr. Chair.
29 Thanks, Jeff. I certainly want to try to address the
30 Cooper Landing concerns about that operations further
31 down or subsistence use further down on the river
32 might take away some of their sockeye at the Russian
33 River Falls. It was my understanding that the Russian
34 River sockeye go up quick and relatively pretty early,
35 is that correct?

36

37 MR. ANDERSON: Through the Chair,
38 Member Caminer. There's actually two runs of sockeye
39 into the Russian River. There's an early run that
40 start on June 15th when that season opens. The late
41 run is also available to folks upriver that starts in
42 early July through the middle of August. So two
43 different runs that are utilized by folks at the dipnet
44 fishery.

45

46 CHAIRMAN ENCELEWSKI: Todd.

47

48 MR. ESKELIN: Thank you, Mr. Chair.
49 Members of the RAC. Todd Eskelin from the Kenai
50 National Wildlife Refuge. I monitor the subsistence

1 moose hunt on the Kenai FM15-05.

2

3 Just to keep this short, we so far have
4 issued 95 permits. We had the early season August 10th
5 to September 20th is completed. The late season begins
6 here in a couple days, October 20th to November 10th.
7 We've had nine moose harvested. The only thing
8 different compared to previous years we did have five
9 cows harvested from 15C this year. There was quite a
10 few of the hunters that were targeting cows early on.

11

12 Any questions.

13

14 (No comments)

15

16 CHAIRMAN ENCELEWSKI: No questions, but
17 we love the moose and I'm glad that we got to harvest
18 them. Thank you, Jeff. Thank you, Todd. How about
19 Andy, is he still here?

20

21 (No comments)

22

23 CHAIRMAN ENCELEWSKI: National Park
24 Service.

25

26 MS. CAMINER: Forest Service.

27

28 CHAIRMAN ENCELEWSKI: I skipped the
29 Forest Service. Well, you guys better come up here. I
30 just got new glasses too.

31

32 (Laughter)

33

34 MR. BURCHAM: Mr. Chair, Council. I'm
35 Milo Burcham from the Chugach National Forest. We'll
36 try to keep this really short, but we do have three of
37 us at the table here. I'll give you a quick update on
38 the Cordova district. My coworker on the Kenai, David
39 Pearson at the end here will give a quick update on the
40 Kenai and then David Fitz-Enz from the Supervisor's
41 Office will talk about our Forest Plan revision and
42 we'll try to do this fast.

43

44 First of all, from Cordova the Federal
45 subsistence fishery we issued over 100 permits again
46 this year, that's a growing fishery. We've been taking
47 over 500, maybe closer to 700 coho out of the fishery.
48 The moose population is doing very well. Just over
49 1,000 people put in for 71 tags. We typically have 100
50 percent success on that hunt and the population is

1 doing very well right now.
2
3 Deer, no Federal management actions
4 were taken this year. We did conduct transects. They
5 were maybe a little inconclusive this year because of
6 the mild winter and the early green-up. We showed deer
7 pellet densities lower than they had been in recent
8 years, but we know that with these mild winters that
9 the population has done nothing but grow.
10
11 Goats, no Federal management. We
12 contract with the State to do surveys in Unit 6D,
13 Prince William Sound, 252 over by Unakwik was just
14 surveyed and had a record high population.
15
16 The only other thing I wanted to talk
17 about is there has been a black bear concern in Prince
18 William Sound in recent years. I have partnered with
19 the State to start a black bear project in Prince
20 William Sound. We started on Esther Island and we
21 captured 25 bears and got 20 GPS collars out, so we're
22 starting to look at habitat use vulnerability to
23 hunting and going to take our first look at what's
24 going on with black bears in Prince William Sound.
25 We're excited to get that started and it went very
26 well.
27
28 CHAIRMAN ENCELEWSKI: Cool. You did
29 good. Also I notice, I'm not going to take time, but
30 your hair got pretty gray.
31
32 Thank you.
33
34 (Laughter)
35
36 MR. BURCHAM: Is that news since the
37 last meeting?
38
39 CHAIRMAN ENCELEWSKI: Go ahead.
40
41 MR. PEARSON: Dave Pearson, United
42 States Fire Service. For our Cooper Landing, Hope
43 moose hunt we had 48 permits, one successful harvest
44 and for our ongoing caribou hunt we had 43 permits, two
45 successful harvests.
46
47 I also wanted to touch briefly on FP17-
48 12, which was our proposal which we withdrew.
49 Currently so when you look in your handy-dandy you're
50 not going to see what you're allowed to do. So what

1 that meant to do is take the long-standing fish in the
2 permit and move them into regulation so you can look in
3 your handy-dandy and plan. So we went to do that, but
4 because it deals with all five species of salmon,
5 whitefish, trout, char and multiple kinds of harvesting
6 it was too big of a caseload to do in our analysis
7 period, so we're going to spend the next two years pre-
8 loading data, working it up, so when we do propose the
9 next time we're kind of ahead of the ball and we're
10 able to finish our analysis in that two-month period.

11
12 CHAIRMAN ENCELEWSKI: Sounds good.

13
14 MR. BURCHAM: I'll add just one quick
15 comment to that. The intent of that action when you
16 guys do finally see it in front of the Council is to
17 take existing conditions of the permit that have been
18 in place for 15 years untouched and roll them into
19 Federal regulation. I know it's not as simple as just
20 rolling, which we found out, but we don't attempt to
21 change anything. We'd like to keep it the way it is.

22
23 MR. PEARSON: As he said, our intent is
24 not to change anything once it's analyzed.

25
26 MR. FITZ-ENZ: Mr. Chairman. David
27 Fitz-Enz, U.S. Forest Service. I just want to provide
28 an update on the Forest Plan revision that we started
29 as a result of the 2012 planning rule change December
30 2015. That plan received 1,600 comments from various
31 organizations and members of the public. After review
32 of those comments and consolidation of those comments
33 into concern statements, we compiled a scoping report,
34 which is available to the public on Chugach National
35 Forest website. I have a web address here and left
36 that with your recorder.

37
38 The scoping report is a consolidation
39 of comments from Chugach Native Alaska corporations as
40 well as the public, the NGOs, State and Federal
41 agencies. The results of the reports is that it did
42 cause us to take a look at the plan and we have made
43 some substantive changes to the plan based on these
44 comments.

45
46 Primarily what we've done is originally
47 organized the plan around two goals. Those will
48 provide for ecological sustainability and contribute to
49 economic sustainability, also responsibility of the
50 forest. What we did is we found we had a real

1 shortcoming when it came to issues that were important
2 Native tribes, corporations, State of Alaska and some
3 of the non-government organizations.

4

5 As a result we created one more goal
6 and it's the initial goal of our plan and a new focus
7 and it is faster collaborative relationships. Under
8 that we're addressing government to government
9 relationships, areas of tribal ordinance, Alaska Native
10 youth education, working with the State of Alaska
11 community collaboration, community wildfire protection
12 and land ownership and interest.

13

14 We are conducting an internal review of
15 our goal one, goal two and goal three that have all
16 been written in response to comments in general. We
17 anticipate going forward once the review is done and we
18 have another review of another part of the plan, part
19 three, which addresses our management areas, the eight
20 management areas as well as our standards and
21 guidelines and addressing our special areas. From
22 there we are going to conduct an alternative analysis
23 to determine what alternatives we're going to address
24 in EIS and then go forward with preparation of the EIS
25 for public review and comment. I have no dates at this
26 point in time. I think you're familiar with how long
27 that process takes.

28

29 If you have any questions, I'll be
30 happy to answer them.

31

32 CHAIRMAN ENCELEWSKI: Any questions.

33

34 (No comments)

35

36 CHAIRMAN ENCELEWSKI: Very good. We'll
37 make sure we get that online report. Thank you, guys.
38 You guys did excellent. Very good.

39

40 Barbara.

41

42 MS. CELLARIUS: Thank you, Mr. Chair.
43 Barbara Cellarius with Wrangell-St. Elias National Park
44 and Preserve. Most of our report is available in
45 written form, so I am not going to go over that except
46 to say that that report includes reports on two of the
47 Fisheries Resource Monitoring funded fish weirs that
48 the Park has received an FRMP for.

49

50 I'd also note there is information

1 about the Miles Lake sonar. You had a question about
2 that. The last four years a million plus fish passed
3 the sonar. This last year it was closer to 800,000,
4 which is, in my understanding, closer to the long-term
5 average. So we saw some high years and then we dropped
6 down this current year.

7

8 I wanted to provide you an update on
9 the NPS subsistence collections regulation which is not
10 in your packet. This is NPS-wide. It's more than just
11 Wrangell-St. Elias, so I'll do that quickly. Can I
12 skip the background on what this proposed rule was and
13 just give you an update?

14

15 CHAIRMAN ENCELEWSKI: I think we
16 understand what it was if you just want to go ahead and
17 give an update.

18

19 MS. CELLARIUS: Okay. So we received
20 approximately 30 comments during the 90-day public
21 comment period that closed April 12th. We're working
22 on the final rule. It's often the case with regulatory
23 proposals that changes are made to a final rule based
24 on the comments received. It's unlikely that the final
25 rule will be published before the end of this calendar
26 year, but we anticipate that it will be published and
27 the regulations will be in effect sometime next spring.

28

29 So that's where we are with that. The
30 one other thing I wanted to mention is that the last
31 couple pages of our report are the briefing on the
32 status of our backcountry and wilderness stewardship
33 plan. That's something that the SRC has been paying a
34 lot of attention to. I was wondering if you would like
35 us to have the planning team come and give you a 15-
36 minute briefing on that plan at your next meeting. So
37 I will ask them to come to the meeting if you would
38 like that, but I wanted to make sure there was time.

39

40 CHAIRMAN ENCELEWSKI: That would be
41 great, but you've got to get with Donald to make sure
42 we make enough meeting time.

43

44 MS. CELLARIUS: So if there's no
45 question on our report, that's the end of my report.

46

47 CHAIRMAN ENCELEWSKI: Thank you for
48 being brief. I feel a little bad that when we get to
49 your reports we're just winding up in full speed.
50 We're on a roll now.

1 Thank you, Barbara.
2
3 We're going to skip real quick and set
4 our future meeting date and that's an action item in
5 case we get kicked out of this room. Donald.
6
7 MR. MIKE: Mr. Chair. For the Council,
8 just to confirm your February/March 2017 meeting that
9 was scheduled for February 13, 14 here in Anchorage, so
10 we need to confirm that with the Council. Our next
11 August to November 2017.
12
13 MR. GEASE: Question.
14
15 CHAIRMAN ENCELEWSKI: Just before we
16 get to Rick, one thing I'd request is that we'll never
17 schedule it again during AFN week and I've got that
18 from quite a few of our people. We're missing some of
19 them because of that, so I'd like to stay away from
20 that if we can.
21
22 Go ahead, Rick.
23
24 MR. GEASE: In that regard, if AFN is
25 on the 19, 20, 21, would it be helpful actually for
26 participation to schedule it on the 16th and 17th or is
27 that too long away from work.
28
29 CHAIRMAN ENCELEWSKI: I think we'd like
30 to stay away from that whole week. November 6th
31 through 9th would work for some of us.
32
33 MS. CAMINER: That would work for me, 6
34 and 7.
35
36 CHAIRMAN ENCELEWSKI: 6 and 7 November.
37
38 MR. GEASE: Second.
39
40 CHAIRMAN ENCELEWSKI: Second.
41
42 MR. GEASE: Question.
43
44 CHAIRMAN ENCELEWSKI: The question has
45 been called. All in favor aye.
46
47 IN UNISON: Aye.
48
49 (No opposing votes)
50

1 CHAIRMAN ENCELEWSKI: Okay, November
2 6th, 7th. Thanks, Judy. We tried to get to Seldovia,
3 Michael.
4
5 If you could make it work with
6 accommodations. What do you think, Donald?
7
8 MR. MIKE: Mr. Chair. We can work on
9 Seldovia, but that would require approval from our
10 office and cost analysis and stuff, but we can make
11 that as primary.
12
13 We need a secondary.
14
15 MS. CAMINER: Soldotna is an option.
16
17 CHAIRMAN ENCELEWSKI: Okay. We've got
18 Seldovia and Soldotna second. See how it comes out.
19 Thank you. I've got to get back on track here. No one
20 is throwing us out of the room yet.
21
22 We've got a couple other items left
23 here.
24
25 Alaska Department of Fish and Game.
26
27 MS. KLEIN: Mr. Chair. Just to
28 acknowledge, Fish and Game had been asked about two
29 presentations. One was related to I think run timing
30 and information or asking for predictions for the 2016
31 season and then the other one was related to moose
32 browse or vegetation, food patterns with moose. We did
33 look into those but got into a bind with timing. If
34 there's members of the RAC who would still like some
35 information, we're happy to share it as it becomes
36 available.
37
38 CHAIRMAN ENCELEWSKI: Thank you. Next
39 meeting, that would be great. Thanks.
40
41 We've got OSM here.
42
43 Stewart, come on up.
44
45 MR. SHARP: Thank you, Mr. Chair. I
46 just wanted to speak briefly to Jesse's comments with
47 respect to the special action that occurred and talk a
48 little bit more about special actions. One was that
49 BLM did not have a delegated authority to duplicate the
50 State's actions. As soon as the State put in that

1 request or extension, the BLM manager initiated steps
2 to have the authority to extend the season on the
3 Federal side.

4

5 To OSM's credit, that special action
6 was 10 days. That's probably the fastest special
7 action I've seen move. That's one of the reasons why
8 delegated authority is useful, so people can be
9 responsive.

10

11 That having been said, delegated
12 authority isn't a bad thing. It took me a while to
13 remember when Mr. McLaughlin was asking about the
14 sunset clause and I distinctly remember that being
15 discussed when it worked its way up to the Board. The
16 Board purposefully elected to not include that as part
17 of their motion. They didn't want sunset clauses on
18 delegations of authority. Your motion is appropriate
19 to rescind it. That's the action I think the Board
20 expects to come from the RACs.

21

22 That having been said, the Board will
23 probably look and say what did Milo do wrong or how did
24 he misuse that authority. If he didn't, they would
25 probably prefer to have him keep that in his desk
26 drawer for the next harsh winter in Prince William
27 Sound occurs so that another special action doesn't
28 have to be initiated. That eats up Staff time. Ten
29 days is real fast to get public comment, contact people
30 and stuff.

31

32 CHAIRMAN ENCELEWSKI: Gloria's got a
33 quick question for you.

34

35 MS. STICKWAN: Didn't that come from
36 BLM, right? They asked for the hunt to the Board,
37 right?

38

39 MR. SHARP: Yes, it did. I talked to
40 Dennis about generally would like to have a subsistence
41 user submit that request. He was trying to anticipate
42 that the State extended the season. Caribou aren't
43 readily accessible. If he could have duplicated the
44 State's action, his thought process was I still know
45 the caribou aren't accessible. It was right before the
46 season ended.

47

48 His approach was I'd rather wait and
49 try to track where the caribou are and when they
50 approach Federal lands to throw open the season then.

1 If he had delegated authority, he could have had a 10-
2 day season. It took 10 days for OSM and the process to
3 grant him that special action authority. Almost as
4 soon as they did it BLM opened up the hunt. BLM did
5 request it. Ideally it would have come from a
6 subsistence user, but I think the manager recognized
7 the State action and probably would be duplicated or
8 Federal users who appreciate that opportunity if
9 caribou move into Federal lands.

10

11 CHAIRMAN ENCELEWSKI: Okay. That's a
12 whole can of worms as you know. We're going to be
13 working on that one. We appreciate that.

14

15 Thank you.

16

17 Stewart, do you want to go ahead.

18

19 MR. COGSWELL: Mr. Chair, Members of
20 the Council. Stewart Cogswell, OSM. I've just got a
21 few things to cover and I'll be very brief. I love
22 brief. First of all, I want to make a correction on
23 our RFR update. We stated that we have sent out a news
24 release for the Board action on the Kasilof and
25 Makhnati Island RFRs. We did not. I apologize for
26 that. When we get back to the office this week we'll
27 try to get that out in short order. It was an
28 oversight on my part.

29

30 The second thing is I just want to
31 thank you for your patience and thank everyone
32 involved, the proponents with the presentations. The
33 analysis was done a little bit different this time. We
34 wanted it to be easier and less confusing. I'd
35 appreciate any feedback on that.

36

37 I've received some.

38

39 It's always great to go last because
40 we're almost done. I like that. So all I'm going to
41 do is talk to you about new staff. Gene Peltola, Jr.
42 is the Assistant Regional Director. He is the boss of
43 OSM and he's put together a very amazing staff. We have
44 good things in store.

45

46 I want to talk about three people who
47 left. Chuck Ardizzone was Gene's deputy. He moved on
48 to Texas. Deb Coble moved to the Park Service. She
49 was our outreach specialist. Melinda Burke some of you
50 may know was a Council Coordinator. She went to the

1 Forest Service. That has set in effect a cascade of
2 agony.

3
4 Now I am acting as Gene's deputy,
5 Jennifer Hardin is taking my position as a Fisheries
6 Division Chief, and Robbin LaVine is now the
7 Anthropology Division Chief.

8
9 So new arrivals. Scott Ayers in the
10 back. He's been amazing since he's been here. He's
11 been here since March or May and doing an amazing job.

12
13 Gary Decossas, I'm not sure if we're
14 happy to have him yet.

15
16 (Laughter)

17
18 MR. COGSWELL: No, we're very happy to
19 have him. Gary came from Louisiana where he did a lot
20 of statistical analysis for the State of Louisiana and
21 we have a biometrician at OSM now, so we're excited
22 about that and we're happy he's here.

23
24 One of our newest employees his name is
25 Srinath Doraiswamy. He is our IT database
26 administrator for our permits systems. He keeps track
27 of all that. He came over from Texas. We're very
28 happy to have that position filled.

29
30 Frank Harris actually is our newest
31 employee. It's his second day and he's in the back.
32 He worked for the Refuge and for Kenai fisheries office
33 for many years. Now he's coming in as a fish biologist
34 for OSM. He's going to be our Yukon River expert.

35
36 A new wildlife biologist, Megan
37 Klosterman and she came from Arapaho National Wildlife
38 Refuge in Colorado and we're happy to have her. Dr.
39 Joshua Ream is a new anthropologist in the Anthropology
40 Division and he came over from the State. We're very
41 excited to have Josh here.

42
43 Michelle St. Peters is a grants
44 management specialist, the FRMP program. It's been
45 very clunky the last two years because we haven't had
46 someone in that position. We're so excited to have
47 Michelle. She's amazing. She came from the grants
48 arena, so it's sort of seamless.

49
50 Khris Santos was hired as an IT

1 specialist. He's make sure everything functions in our
2 IT office, so we're happy to have him.

3
4 Sabrina Schmidt is our new
5 receptionist. She'll be the first person you see when
6 you walk in the door. We're happy to have her.

7
8 Zach Stevenson is our Council
9 Coordinator. He brings a lot of energy and experience
10 in the Northwest Arctic area. We're very happy to have
11 him. I just went through a meeting with him and he's
12 very good.

13
14 Jarred Stone is a graduate Pathways
15 student in fisheries and he's helping out doing a lot
16 of outreach stuff.

17
18 Last we have Katya Wessels. She's a
19 Council Coordinator and she came over from the Park
20 Service.

21
22 So we have six positions short to be
23 fully staffed, so we're very excited about that. It's
24 the first time in I think five years I have
25 anthropology and wildlife and fisheries fully staffed.

26
27 I like to be open about everything and
28 so I invite everyone here in the audience to come in
29 and see us at OSM. There's a lot of people that make
30 these meetings happen. There's a lot of effort that
31 goes into it. My short time here I'm very impressed
32 with the people and they're very dedicated.

33
34 I just want to state their names
35 because this meeting wouldn't have happened without
36 them. Donald Mike does an awesome job.

37
38 (Applause)

39
40 MR. COGSWELL: Amee Howard. I'd like
41 to thank her. She does an amazing job and is a real
42 asset to OSM.

43
44 (Applause)

45
46 MR. COGSWELL: Jennifer Hardin, who is
47 the Anthropology Division Chief but the Acting
48 Fisheries Division Chief. She does an amazing job with
49 fisheries. Very organized and I'm so impressed.

50

1 (Applause)
2
3 MR. COGSWELL: Gary Decossas did a lot
4 of analyses for this meeting as did Scott Ayers and
5 Robbin LaVine, so I want to give those guys a little
6 shout out.
7
8 (Applause)
9
10 MR. COGSWELL: And Carl Johnson, who is
11 the Council Coordination Division Chief, came here
12 today. I asked him to come down because this was going
13 to be very confusing and he did a great job.
14
15 So again I want to close and just say
16 thank you for your time and please come and see us and
17 meet the folks at OSM.
18
19 Thank you very much.
20
21 CHAIRMAN ENCELEWSKI: Thanks, Stewart.
22 I want to give one hell of a hand for our RAC. We went
23 through pure hell and we made it.
24
25 (Laughter)
26
27 CHAIRMAN ENCELEWSKI: Thank you very
28 much. Good job. Closing comments. It's optional.
29
30 Does anyone got a burning closing
31 comment.
32
33 If not, a motion to adjourn is in
34 order.
35
36 MS. STICKWAN: Just one. I appreciated
37 the video and it gave me a better understanding on the
38 proposals.
39
40 CHAIRMAN ENCELEWSKI: Thank you.
41
42 Any other closing comments.
43
44 (No comments)
45
46 CHAIRMAN ENCELEWSKI: Hearing none. A
47 motion to adjourn is in order.
48
49 MR. GEASE: So moved.
50

1 MR. OPHEIM: Second.
2
3 CHAIRMAN ENCELEWSKI: Thank you.
4
5 (Applause)
6
7 (Off record)
8
9 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the
state of Alaska and reporter for Computer Matrix Court
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THAT the transcript is a true and
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