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FEDERAL SUBSISTENCE BOARD

REGULATORY MEETING

VOLUME II

EGAN CONVENTION CENTER
Anchorage, Alaska
February 1, 2023

MEMBERS PRESENT:

Anthony Christianson, Chairman
Charles Brower, Public Member
Rhonda Pitka, Public Member
Sara Boario, U.S. Fish and Wildlife Service
Sarah Creachbaum, National Park Service
Steve Cohn, Bureau of Land Management
Glenn Chen, Bureau of Indian Affairs
David Schmid, U.S. Forest Service

Ken Lord, Solicitor's Office

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P R O C E E D I N G S

(Anchorage, Alaska - 2/1/2023)

(On record - 9:00 a.m.)

CHAIRMAN CHRISTIANSON: Good morning, everybody, and welcome to the second day of the Federal Subsistence Board. I'm Anthony Christianson. I'm the Federal Board Chair. We'd like to welcome you here today.

This morning on the agenda we'll open up with public comment period, non-agenda items. To be recognized we have these blue cards. You can get them at the front desk out there and make their way up here so you can be spoken. Again, this is an opportunity for the public to testify on non-agenda items so we get an opportunity to hear about issues that might be outside of what's listed on the agenda.

We'll go ahead and do roll call and make sure we establish quorum and then we'll move on to accepting testimony.

Thank you.

MS. DETWILER: Thank you, Mr. Chair. Good morning. Roll call of Federal Subsistence Board members.

Bureau of Indian Affairs, Glenn Chen.

MR. CHEN: Present.

MS. DETWILER: Bureau of Land Management, Steve Cohn.

MR. COHN: Good morning. Present.

MS. DETWILER: Fish and Wildlife Service, Sara Boario.

MS. BOARIO: Good morning, Sue. Present.

MS. DETWILER: National Park Service, Sarah Creachbaum.

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1 MS. CREACHBAUM: Good morning, Sue.

2 I'm here.

3

4 MS. DETWILER: U.S. Forest Service,

5 Dave Schmid.

6

7 MR. SCHMID: Good morning, Sue.

8 Present.

9

10 MS. DETWILER: Public Member Rhonda

11 Pitka.

12

13 MS. PITKA: Here.

14

15 MS. DETWILER: Public Member Charlie

16 Brower.

17

18 MR. BROWER: Uvlaalluataq. (In

19 Inupiaq).

20

21 MS. DETWILER: Thank you. Chair

22 Anthony Christianson.

23

24 CHAIRMAN CHRISTIANSON: Present.

25

26 MS. DETWILER: You have a quorum, Mr.

27 Chair.

28

29 MR. BROWER: Mr. Chair.

30

31 CHAIRMAN CHRISTIANSON: You have the

32 floor, Charlie.

33

34 MR. BROWER: Good morning. Good
35 morning, Board Members. Mr. Chair, I'm going to give
36 my proxy to Rhonda this morning for a couple hours
37 starting about 9:30 till 11:00. I have an engagement
38 to go to, but I'll be back just to let you know.

39

40 CHAIRMAN CHRISTIANSON: Thank you for
41 stating it on the record, Charlie. We'll see you when
42 you come back.

43

44 MR. BROWER: Thank you.

45

46 CHAIRMAN CHRISTIANSON: Okay. Again
47 this morning it's public comment period and non-agenda
48 items. First up we have Chris Price. You can come up
49 and sit and turn the mic on.

50

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1 Thank you.

2

3

4 MR. PRICE: Good morning. Thank you
5 for your time this morning. Hi, my name is Chris
6 Price. I'm the CEO for the Qawalangin Tribe of
7 Unalaska and I'm here representing myself and the
8 community of Unalaska. I would like to thank you guys
9 for what you do and the importance of the subsistence
10 program that we have in the state of Alaska and under
11 OSM and the work that you guys do here.

12

13 I would like to comment just briefly
14 today, probably less than three minutes, to talk about
15 subsistence issues in Unalaska. Halibut is a really
16 important resource for our community. We have a small
17 fleet of subsistence users, probably less than 10
18 skiffs mostly, that fish halibut and cod in our local
19 bay. We also occasionally will get a king crab. We
20 used to be able to get six king crab per person per day
21 back in the '90s and we're lucky to see one king crab
22 now. We rarely see king crab anymore, but we are
23 allowed one per day now if we can find one. We do get
24 some tanner crab. Tanner crab are starting to come
25 back in our bay a little bit.

26

27 For our community, if you can get
28 subsistence, you're considered the wealthy person. To
29 be able to afford to put a boat together and all the
30 equipment, gear and bait that it requires to go out and
31 provide for your family is really an expensive ordeal.
32 But those people that do it for our community they
33 focus on the elders and take care of them first, which
34 is really one of the great things about our community
35 that we do take care of our elders and their food
36 needs.

37

38 I'd like to thank the BIA Resilience
39 Program that's provided funding opportunity for our
40 community, our tribe to build food security components
41 into our community and it's also made a big difference
42 for us to support the tribe and what we're trying to do
43 here as far as rebuilding some of the stocks that we
44 have in our local bay.

45

46 Also I'd like to thank the Partners
47 Program and explain to you guys -- I'm sure you
48 understand, but how important that is for our local
49 management. In Unalaska, you know, we have a State
50 commercial fishing office, but we don't have any

50

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1 subsistence management, so the Partners Program
2 provided an opportunity for the tribe, the State and
3 Fish and Wildlife in a sense to provide the resources
4 to provide a management structure for McLees Lake and
5 also other subsistence fisheries that we have in our
6 community.

7

8 So I want to thank whoever came up with
9 the idea for that Partners Program. It's really
10 brilliant because it provides out-of-the-box approach
11 to solving some of those program needs that our
12 communities need.

13

14 So that's about all that I have today.
15 I want to thank you guys for your time. Appreciate
16 what you do.

17

18 CHAIRMAN CHRISTIANSON: Thank you,
19 Chris. Any comments from the Board for Chris.

20

21 (No comments)

22

23 CHAIRMAN CHRISTIANSON: Thank you,
24 Chris, for that presentation. Next we have Jimmy
25 Hurley, Sr.

26

27 MR. HURLEY, SR.: Good morning. My
28 name is Jimmy Hurley, Sr. I live in Ekwok on the
29 Nushagak River. I've lived there pretty much most of
30 my life. I've been in every political arena there is.
31 I sat on our corporation that stood up against -- the
32 very first person here who stood up against Pebble
33 Mine. I'm the person who -- because the risks are --
34 kind of stand away from all that. So I worked on IGAP.
35 I've done pretty much everything I have been able to
36 do, so I kind of got out of the political picture.

37

38 But when I see the bycatch and Area M
39 -- I sat on Nushagak Advisory and came in and we pretty
40 much shut down quite a bit of Area M. This was 15, 20
41 years ago. I don't remember exactly when. You know,
42 it's come to a point to where it looks like northern
43 Bristol Bay is going to be going against southern.
44 There's no limits to what we eat. Subsistence is the
45 most important thing. If you don't have nothing on the
46 table, where are you? What are you going to eat? I
47 hear it from the Yukon people. I hear it from the
48 Kuskokwim.

49

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1 I've testified quite a few times on
2 bycatch even before because I saw the Yukon River was
3 going down. I preach to anybody to say that, you know,
4 we need to -- it's affecting us now. Just this last
5 summer I had to -- I put away quite a few reds, but we
6 didn't get any chum. A creek right below us called
7 Klutuk maybe had 10, 15 chums in it and that's it. So
8 we're getting impacted by Area M, that part of the
9 Nushagak River. The red salmon are really -- you know,
10 are really doing good. So what's happening? I think
11 it's happening in Area M.

12
13 I worked on the CDQ program to help get
14 that kick-started with Ted Stevens and Harvey Samuelson
15 and the bycatch parts. I worked out there 13 contracts
16 out there in the Bering Sea, 16-hour days. The thing
17 to me is that throwing away kings and it's recorded
18 that out there in the Bering Sea in 2001 or something
19 like that they threw away 120,000 kings heading for
20 Yukon River, Kuskokwim River.

21
22 With all this being thrown overboard
23 what's going to come back? There's no logical person
24 who will say what's on the table here. It's people's
25 lives here that we're looking at. You know, I don't
26 want to see that happen on the Nushagak river. That's
27 why I'm talking here. I don't want anything like what
28 these people are going through.

29
30 It's pretty bad if you -- I work on
31 fish every summer now and our kings are really the best
32 fish in the world, but it didn't come away with -- I'm
33 sorry, I'm getting a little long-winded. You know, we
34 shut down the Nushagak. I was on the Nushagak Advisory
35 Committee. We shut down the commercial fisheries on
36 the Nushagak Advisory. I helped craft that with
37 working with the Board of Game. That's why we have
38 kings on the Nushagak River.

39
40 All I want to say is that, you know,
41 anybody who can stand up for these people on the
42 Yukon-Kuskokwim, stand up and fight for this, I
43 appreciate their time. I'm not too sure I -- I don't
44 have any -- I'm just talking for myself. I'm glad to
45 be here. Thanks for listening.

46
47 CHAIRMAN CHRISTIANSON: Thank you,
48 Jimmy. I appreciate that. That's a big concern for
49 the Board here. Again, we're letting people know the
50

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1 North Pacific Salmon Council meets this week on
2 Thursday at 3:00 o'clock taking testimony. We're
3 encouraging that as well.

4
5 Thank you. Hope we can help.

6
7 Any more public comment, this is your
8 opportunity.

9
10 (No comments)

11
12 CHAIRMAN CHRISTIANSON: Okay. We'll go
13 ahead and move on to the next part of the agenda.
14 Operator, is there anyone online who would like to be
15 recognized at this time for public comment now would be
16 their opportunity.

17
18 OPERATOR: At this time I'm showing
19 nobody on the line for public comment, but if you would
20 like to speak, just press star, one. I'm showing no
21 callers at this time.

22
23 CHAIRMAN CHRISTIANSON: Thank you,
24 Operator. We'll move on to 2021-2023 Subparts C&D
25 Proposals and Closure Reviews. We'll call on the Staff
26 to provide the Tribal Government-to-Government and
27 ANCSA Corporation Consultation Summary.

28
29 MR. CHEN: Mr. Chair, BIA.

30
31 CHAIRMAN CHRISTIANSON: You have the
32 floor.

33
34 MR. CHEN: Thank you, Mr. Chair. It's
35 come to our attention with regards to the deferred
36 walleye proposal 22-40 that there are some people from
37 tribes and other users out in Bristol Bay that really
38 want to testify on that proposal when we take it up at
39 3:00. Unfortunately some of them are not arriving in
40 Anchorage at the airport until 3:00 p.m. and they're
41 concerned that they're going to miss their opportunity
42 to talk to the Board.

43
44 I realize it's kind of a fluid
45 situation in terms of how long the discussion will take
46 and whether or not -- how long it will take to get to
47 the point where we make a Board motion. I just want to
48 make the Board aware of that and I want to ask if it's
49 possible to consider our scheduling this afternoon for
50

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1 that discussion to allow some of these people to
2 testify again. Some of them won't actually show up at
3 the airport until 3:00 o'clock. They're flying into
4 Anchorage today.

5
6 So I just wanted to mention that.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN CHRISTIANSON: Thank you,
11 Glenn. We want to make sure we provide all that
12 opportunity, so we'll make sure that we can provide an
13 opportunity for them to testify when they get here.
14 Thank you.

15
16 Orville, you have the floor. Thank
17 you.

18
19 MR. LIND: Quyana, Mr. Chair. Good
20 morning, Council Members, Board Members. This is a
21 summary of the tribal consultation held yesterday
22 morning. I'll start off with the Kuskokwim area
23 resident. They have been looking at nets. She knows
24 that if they will be allowed -- she's wondering if she
25 -- if they will be allowed to fish. Nets are
26 expensive. Deciding to purchase gear, nets, motors, et
27 cetera, costs money. The chair asked when we get
28 information about the Kuskokwim salmon run. Our
29 fisheries department said that the in-season manager
30 for the Kuskokwim would have that information later in
31 the winter or possibly early spring.

32
33 We had another resident from the Lower
34 Yukon asked if the 4-inch nets were allowed. Our
35 fisheries department noted that the information will be
36 released in the near future. They also noted that you
37 can expect that the season this year will be similar to
38 last year. There were plenty of chinook salmon in the
39 parents days, but resources are getting fewer. People
40 are catching lots of chinook now by the coast, by the
41 mouth of the Kotlik.

42
43 Fish and Wildlife Service noted that
44 the Fish and Wildlife Service is concerned about the
45 hardship people are seeing and having along the Yukon
46 River. They are doing all they can to assist.

47
48 A resident from NANA said they're
49 watching what is happening in other parts of Alaska and
50

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1 they're encouraged to see that the money is available
2 to address some fish issues. They also asked if the
3 Board looked at what is happening in those changes.

4
5 The Western Arctic Caribou Herd Working
6 Group is tracking the caribou issue in the region also.
7 There have been questions about wolves. The Chair
8 noted emergency special actions and communications with
9 the Board and forms to address the immediate issues
10 that these can happen relatively quickly.

11
12 National Park Service noted that
13 they're working on the issue for caribou and is very
14 concerned about subsistence users having the time and
15 capacity to help the tribes provide to the indigenous
16 knowledge. The Park Service also acknowledged that the
17 burden that is placed on rural residents and OSM ARD
18 noted that the Board's authority relates to the taking
19 of fish and game for subsistence and is not to predator
20 control.

21
22 We had a person ask Bristol Bay salmon
23 runs are really strong and how is it that the Kuskokwim
24 and the Yukon are down. Chinook have been diminishing
25 slowly and the chums are way down also. The chair said
26 that they don't have those answers right now.

27
28 Ahtna resident. The Copper River
29 cannot feed the entire state. Sustainability of the
30 salmon, moose and caribou is critical. This year the
31 State issued caribou permits despite a very small
32 Nelchina herd. Salmon C&T was issued to local
33 residents who historically used the Copper River
34 salmon. Some went back to their home to fish.
35 Long-term use of the salmon isn't recognized now.
36 There has to be some longevity in this determination
37 process.

38
39 Commercial fisheries takes 60 to 90
40 percent of the salmon headed into the Copper River.
41 Smaller fish produce less eggs. We need to look at the
42 conservation of the resource, but are not seeing this
43 under the State. Elders know the difference between
44 the fish in the run and where they're going.

45
46 The Board cannot continue to look at
47 the State for management to look at what happened on
48 the Yukon. They don't want to fight over the last
49 salmon. Fishermen on the Yukon didn't get hardly any
50

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1 fish. Treaty obligations are not being met on the
2 Yukon.

3

4

5 There were problems with the process on
6 the new dipnet fishery for Cordova. The Copper River
7 can't feed the entire state of Alaska. Her personally
8 got 200 salmon this year and shared with the other
9 folks. At every time in her life she ate salmon from
10 the Copper River. It is in her DNA to eat resources
11 from her home. Fish from other places don't taste the
12 same. Hardship in rural Alaska is a huge challenge.

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A resident from the Ketchikan Indian Community stated that the history of subsistence management in Alaska this isn't a settled issue for Ketchikan and some other areas in Alaska. In 2015 the Secretaries adjusted the regulations for more flexibility for making rural determinations. This Board needs to fulfill responsibilities to the tribes.

European green crab are invasive to Southeast Alaska and have been found in Metlakatla and all concerns about this invasive species. The concerns are growing. The problems need to be addressed quickly. Ketchikan is looking on how they can address it. Management of this invasive species is possible and we need to get on it.

Park Service and the Chair noted that issue and the Fish and Wildlife Service will work with the tribes on this issue. Tribes have been working with the paralytic shellfish poisoning also, PSP, and there needs to be an awareness that it could be an issue with green crab also.

A resident also from Kuskokwim: Is this Board going to help to open subsistence fishing? What are we doing? How can you help subsistence users? The Chair responded that the Board will work to help and assist subsistence fisheries.

A resident from Kasaan: Bycatch outside our bay is a concern. This affects the Karta River salmon. They want to get commercial crabbers out of the bay. Some hunt and fish. Others fish. The Chair also replied they talked about the positivity about the relationship with the Ketchikan tribes.

A resident again of Ketchikan Indian

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1 Community: How much can we take into the consideration
2 of local subsistence community areas. These thoughts
3 are that there are a lot more fish that can be
4 harvested by subsistence users. How do we gather this
5 information from subsistence users. The Chair
6 recommended that they look into the FRMP process. The
7 resident asked how local tribes can help with that. He
8 noted that this -- that he wants to get the Board this
9 information. The other agencies noted that this is
10 important to get this information, this data.

11

12 That concludes the summary from the
13 consultation yesterday, Mr. Chair, Council Members and
14 Board Members.

15

16 CHAIRMAN CHRISTIANSON: Thank you,
17 Orville. Any questions from the Board for Orville.

18

19 (No comments)

20

21 CHAIRMAN CHRISTIANSON: Thank you for
22 that.

23

24 MR. LIND: Quyana.

25

26 CHAIRMAN CHRISTIANSON: Next we have
27 the announcement of the consensus agenda. Scott, you
28 have the floor.

29

30 MR. AYERS: Thank you, Mr. Chair. This
31 is Scott Ayers, Fisheries Division Supervisor at OSM.
32 The consensus agenda contains all proposals and closure
33 reviews for which there is agreement among the affected
34 Advisory Councils, the InterAgency Staff Committee and
35 the Alaska Department of Fish and Game concerning Board
36 action. The consensus agenda can be found in your
37 books following the meeting agenda on page iii. The
38 analyses for these are contained in Volume I of the
39 meeting materials. I'm just going to read a list
40 through of those items real quick.

41

42 Support Fisheries Proposal FP23-02.
43 Revision to the customary and traditional use
44 determination for salmon in the Yukon River Management
45 Area by adding residents of Chevak, Hooper Bay and
46 Scammon Bay.

47

48 Retain status quo for deferred
49 Fisheries Closure Review FCR21-08 Unalaska Lake salmon.

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Retain status quo for deferred
Fisheries Closure Review FCR-21-08 Unalaska Lake
salmon.

Retain status quo for deferred
Fisheries Closure Review FCR21-09 Summers and Morris
Lakes salmon.

Retain status quo for deferred
Fisheries Closure Review FCR21-11 McLees Lake salmon.

Retain status quo for Fisheries Closure
Review FCR23-11 Unalaska Bay Area Freshwater salmon.

Oppose Fisheries Proposal FP23-05a
revisions to the customary and traditional use
determination for salmon in the Kodiak area.

Oppose Fisheries Proposal FP23-05b
revisions to the descriptions of the Kodiak area.

Rescind Fisheries Closure Review
FCR23-19 Selief Bay salmon.

Support Fisheries Proposal FP23-08 and
take no action on Fisheries Proposals 23-09 and FP23-12
based on the action on FP23-08.

Revisions to the customary and
traditional use determination for salmon in the Kenai
River Peninsula District waters north of and including
the Kenai River drainage within the Kenai National
Wildlife Refuge and Chugach National Forest by adding
residents of Moose Pass.

Support Fisheries Proposal FP23-20.
Revisions to the customary and traditional use
determination for shellfish for the Southeastern Alaska
Yakutat area.

Anyone may request that a proposal or
closure review be removed from the consensus agenda and
considered individually by the Board. However, only a
Board member may actually remove a proposal or closure
review from the consensus agenda.

After the Board acts individually on

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1 all the non-consensus proposals and closure reviews,
2 the Board will take up the consensus agenda and vote on
3 it collectively.

4
5 Thank you, Mr. Chair. That concludes
6 my announcement of this consensus agenda.

7
8 CHAIRMAN CHRISTIANSON: Thank you. Any
9 questions for Scott from the Board.

10
11 (No comments)

12
13 CHAIRMAN CHRISTIANSON: Thank you,
14 Scott. This is an opportunity for the public on
15 consensus agenda items. This will be your opportunity
16 to comment on anything OSM has put on the consensus
17 agenda. Operator, anybody online?

18
19 OPERATOR: I'm showing no comments at
20 this time. As a reminder, if you would like to make a
21 comment at this time, please press star, one. Please
22 record your first and last name clearly when prompted.

23
24 (No comments)

25
26 CHAIRMAN CHRISTIANSON: All right. At
27 this time hearing none online, hearing none here in the
28 room, we'll go ahead and move on to the non-consensus
29 agenda. We'll call on the staff to start to provide
30 the information.

31
32 MR. GRAHAM: Hello, Mr. Chair. Members
33 of the Board. For the record, my name is Cory Graham
34 and I'm a fisheries biologist with the Office of
35 Subsistence Management. I'll start by presenting
36 Fisheries Proposal 23-01, which can be found on page
37 223 of your Board book.

38
39 Proposal FP23-01 was submitted by the
40 Western Interior Regional Advisory Council and requests
41 the Board rescind the closure to the harvest of
42 non-salmon fish in the Jim River drainage and modify
43 regulations to allow rod and reel gear only and an
44 arctic grayling harvest and possession limit of 10 per
45 day.

46
47 The proponent states this proposal
48 would continue subsistence uses by allowing harvest of
49 non-salmon fish by federally qualified subsistence
50

1 users in an area that is currently closed. The Council
2 believes there is verifiable traditional use of
3 non-salmon fish in this drainage and a limited harvest
4 by rod and reel should be allowed.

5
6 The proponent adds if subsistence users
7 are going to travel for arctic grayling, the harvest
8 limit should be increased to justify time and expense.
9 Allowing for a reasonable harvest of arctic grayling
10 would re-establish a subsistence priority use of fish.
11 Limiting harvest to rod and reel gear only would ensure
12 continued viability of fish in the area.

13
14 While the Council also believes there
15 is a verifiable traditional use of salmon in this
16 drainage, it does not believe the salmon runs can
17 support any harvest at this time and the closure should
18 be rescinded only for non-salmon fish.

19
20 The Jim River drainage is closed to
21 subsistence fishing under both Federal and State
22 regulations; however, sport fishing is allowed. The
23 Federal closure was reviewed during the last fisheries
24 regulatory cycle. Western Interior and Seward
25 Peninsula Regional Advisory Councils recommended
26 eliminating the closure and modifying regulations as
27 requested in the current proposal. The Eastern
28 Interior, Yukon-Kuskokwim Delta and North Slope
29 Regional Advisory Councils deferred to Western
30 Interior.

31
32 The Board determined the proposed
33 modifications were not possible through the closure
34 review process because they would not allow appropriate
35 notice and opportunity for public comment. Therefore,
36 the Board voted to maintain the closure with the
37 expectation that a proposal could be submitted to
38 eliminate the closure. That's the proposal that is
39 currently before you.

40
41 The Jim River drainage crosses the
42 Dalton Highway. Approximately three miles of Jim River
43 exists within the Kanuti Refuge boundary managed by the
44 U.S. Fish and Wildlife Service. The remainder of the
45 drainage is general domain land managed by the Bureau
46 of Land Management.

47
48 Chinook, chum and coho salmon spawn and
49 rear in the Jim River but aerial surveys indicate
50

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1 relatively low numbers in the drainage. Arctic
2 grayling, burbot, humpback and round whitefish,
3 longnose sucker and northern pike have been documented
4 in the drainage. Stock assessments indicate the Jim
5 River supports one of the largest regional stocks of
6 arctic grayling.

7
8 If this proposal is adopted,
9 subsistence fishing for salmon would remain closed
10 under Federal regulations. Non-salmon fish could be
11 taken by rod and reel only. Subsistence rod and reel
12 harvest limits would match State sport fishing harvest
13 limits except for arctic grayling, which would have a
14 harvest limit of 10 per day. The current sport fish
15 harvest limit is five per day.

16
17 If this proposal is not adopted,
18 subsistence fishing will remain closed. Federally
19 qualified subsistence users could continue to harvest
20 fish under State sport fish regulations.

21
22 The OSM conclusion is to support
23 Proposal FP23-01. The drainage is currently closed to
24 subsistence fishing but open to other uses, which OSM
25 has concluded contradicts ANILCA. Allowing a limited
26 subsistence harvest using rod and reel only would
27 provide subsistence opportunity and protect populations
28 from overharvest. Increasing harvest and possession
29 limits of arctic grayling would provide a subsistence
30 priority for federally qualified subsistence users and
31 maintaining the closure to salmon will protect small
32 populations within the drainage.

33
34 That concludes my presentation. I'll
35 stand by for any questions the Board may have regarding
36 this analysis.

37
38 Thank you.

39
40 CHAIRMAN CHRISTIANSON: Thank you. Any
41 questions from the Board.

42
43 (No comments)

44
45 CHAIRMAN CHRISTIANSON: Thank you.
46 We'll move on to the summary of written public
47 comments.

48
49 MR. GRAHAM: Mr. Chair. No written
50

0081

1 public comments were received or submitted for this
2 proposal. Thank you.

3

4 CHAIRMAN CHRISTIANSON: This is an
5 opportunity to open the floor to the public. Anybody
6 online or here in attendance? This is your opportunity
7 to speak to the proposal.

8

9 (No comments)

10

11 OPERATOR: As a reminder, please press
12 star, one on your phone and record your name if you
13 have a question. One moment, please.

14

15 (No comments)

16

17 OPERATOR: I show no questions at this
18 time.

19

20 CHAIRMAN CHRISTIANSON: Thank you,
21 Operator. Hearing none and seeing none. We'll go
22 ahead and move on to the tribal/Alaska Native
23 corporation comments. We'll call on the Native
24 Liaison, Orville.

25

26 MR. LIND: For the record, Orville
27 Lind, Native Liaison for the Office of Subsistence
28 Management. During the consultations conducted, Chair
29 and Board Members, we didn't have any questions or
30 comments on this.

31

32 Thank you.

33

34 CHAIRMAN CHRISTIANSON: Thank you.
35 Regional Advisory Council recommendation. Chair or
36 designee.

37

38 MR. REAKOFF: Mr. Chair, this is Jack
39 Reakoff.

40

41 CHAIRMAN CHRISTIANSON: Yes, you have
42 the floor, Jack.

43

44 MR. REAKOFF: Thank you. Western
45 Interior Regional Advisory Council supported the
46 proposal, our proposal, with consideration of the OSM
47 analysis and felt it was a thorough analysis and agreed
48 that freshwater stocks can support the additional level
49 of increased harvest and bag limit under this proposal.

50

0082

1 Thank you, Mr. Chair.

2

3 CHAIRMAN CHRISTIANSON: Thank you,
4 Jack. Any other Council comments.

5

6 MS. MCDAVID: Mr. Chair. Brooke
7 McDavid, Council Coordinator for the YK Delta RAC. The
8 YK Delta RAC supported FP23-01. The Council stated
9 that this proposal would support subsistence uses in
10 the area and sport fishing should not be allowed when
11 subsistence uses are prohibited. There's no
12 conservation concern with the proposal.

13

14 Thank you.

15

16 CHAIRMAN CHRISTIANSON: Thank you. Do
17 we have additional RAC Chair comments.

18

19 MR. WRIGHT: Thank you, Mr. Chair. The
20 Eastern Interior RAC supported FP23-01. The Council
21 noted there's no conservation concern related to the
22 proposal and adopting it into regulation will benefit
23 subsistence needs of people in the area by creating
24 additional harvest opportunity for non-salmon species.

25

26 Thank you.

27

28 CHAIRMAN CHRISTIANSON: Thank you.
29 Additional comments.

30

31 MR. FRANTZ: Mr. Chair. Brower Frantz,
32 North Slope Regional Advisory Council. So the North
33 Slope RAC was in support unanimously for FP23-01 to
34 rescind Jim River non-salmon closure. So the North
35 Slope communities have a long history of customary and
36 traditional use of these fisheries, particularly
37 residents of Nuiqsut. Rescinding this closure would
38 benefit subsistence users, especially those of Nuiqsut,
39 who are close to the fisheries and traverse through
40 there.

41

42 Also, as stated earlier, there is no --
43 it's kind of backwards to where you have subsistence
44 blocked off, but you have sport fishermen allowed there
45 that it should be a subsistence priority.

46

47 Thank you.

48

49 CHAIRMAN CHRISTIANSON: Thank you. At

50

0083

1 this time we'll call on Alaska Department of Fish and
2 Game, State Liaison.

3

4 MR. MULLIGAN: Thank you, Mr. Chair.
5 For the record, Ben Mulligan, Alaska Department of Fish
6 and Game. At this time the Department opposes
7 rescinding the closure. We feel that Alaskans, both
8 Federally qualified and non-Federally qualified, are
9 able to harvest non-salmon species in the Jim River
10 under State regulations at a level that is sustainable.

11

12 However, if the Federal Subsistence
13 Board is so inclined to pass the proposal, ADF&G
14 recommends they amend the proposal to align it with
15 existing State regulations to avoid user and
16 enforcement challenges on that river.

17

18 One additional note. I would pose this
19 question. With the increase in grayling harvest, who
20 is going to be the responsible party to assess that
21 increased harvest and the sustainability of that stock?

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN CHRISTIANSON: Thank you, Ben.
26 InterAgency Staff Committee recommendation.

27

28 MS. LAVINE: Thank you, Mr. Chair.
29 Members of the Board. For the record my name is Robbin
30 LaVine, Subsistence Policy Coordinator for OSM and ISC
31 Chair. For this fisheries proposal the ISC provided
32 their standard comment. I'm going to read it once on
33 the record at this point in time. So in the future
34 I'll just announce standard comment if that's what the
35 ISC has provided.

36

37 The standard comment. The InterAgency
38 Staff Committee found the Staff analysis to be a
39 thorough and accurate evaluation of the proposal and
40 that it provides a sufficient basis for the Regional
41 Advisory Council recommendation and Federal Subsistence
42 Board action on the proposal.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN CHRISTIANSON: Thank you. The
47 floor is open for Board discussion with Council Chairs
48 and State Liaison, the opportunity to ask questions.

49

50

0084

1 MR. REAKOFF: Mr. Chair. I'd like to
2 speak on the proposal additionally.

3
4 CHAIRMAN CHRISTIANSON: Jack, you have
5 the floor.

6
7 MR. REAKOFF: Okay. Grayling is the
8 primary objective of this proposal. Grayling are
9 present from mid May through September. They vacate
10 the drainage. They go downstream and down in the
11 deeper holes later on. The primary harvest period for
12 local residents is in summer when the water is lower,
13 the grayling are feeding in the upper drainage. In
14 other portions of the area here grayling move out into
15 upper creeks, so the middle fork of the Koyukuk the
16 grayling are not as readily accessible.

17
18 So this is basically a summer fishery
19 for a very few local residents would have this priority
20 and then maybe people would pass by and catch grayling
21 there, but the majority of the harvest and incidental
22 harvest mortalities from catch and release fishing by
23 the general public is much higher than the subsistence
24 harvest or the rural subsistence users.

25
26 The Board of Fish -- Koyukuk River
27 Advisory Committee just submitted a proposal to the
28 Board of Fish. The Board of Fish just passed Proposal
29 79 to allow rod with line fishing in the Koyukuk
30 drainage outside of the closed area or outside of --
31 downstream of this affected proposal zone.

32
33 So the reality is the stocks can
34 support unlimited harvest for subsistence under the
35 State Board of Fish's ruling. So the in-season manager
36 can control -- if there was a catastrophic event, the
37 Federal in-season manager could control that. But the
38 reality is a questionnaire could be asked of the
39 subsistence users, but there's a lot of grayling there
40 and the harvest is going to be nominal. It's not going
41 to be a big problem and I remind the Federal Board that
42 there is a Federal subsistence priority for fisheries
43 also.

44
45 Thank you, Mr. Chair.

46
47 CHAIRMAN CHRISTIANSON: Thank you,
48 Jack. Any other Council Chair or State Liaison.

49
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0085

1 (No comments)

2

3

4

CHAIRMAN CHRISTIANSON: That opens it
up for Board motion, discussion and action.

5

6

7

MR. COHN: Mr. Chair. I move to adopt
Proposal FP23-01. If I get a second, I'll explain why
I intend to vote in support of my motion.

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MS. PITKA: This is Rhonda Pitka. I'll
second.

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MR. COHN: Mr. Chair. Allowing for a
limited Federal subsistence harvest would provide
opportunity for rural users where none currently exists
under Federal regulations. If this system is opened,
State fishing regulations would apply except for arctic
grayling where a Federal harvest and possession limit
of 10 fish per day would apply providing a subsistence
priority for federally qualified subsistence users.

21

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28

No conservation concerns exist for this
proposal and salmon fishing would remain closed and
non-salmon fishing would be restricted to rod and reel
only. This is also consistent with the recommendations
of the Yukon-Kuskokwim Delta, Western Interior, Eastern
Interior and North Slope Subsistence Regional Advisory
Councils.

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Thank you, Mr. Chair.

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CHAIRMAN CHRISTIANSON: Thank you.
That opens up the floor for Board discussion,
deliberation, comments.

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MR. SCHMID: Question.

MR. DETWILER: Bureau of Land
Management, Steve Cohn.

MR. COHN: For the Bureau of Land

0086

1 Management, I support this proposal.

2

3 MS. DETWILER: Thank you. BIA, Glenn
4 Chen.

5

6 MR. CHEN: The BIA supports this
7 proposal and motion with yes.

8

9 MS. DETWILER: Thank you. Fish and
10 Wildlife Service, Sara Boario.

11

12 MS. BOARIO: Fish and Wildlife Service
13 supports in deference to the WIRAC.

14

15 MS. DETWILER: Thank you. National
16 Park Service, Sarah Creachbaum.

17

18 MS. CREACHBAUM: National Park Service
19 supports in deference to the RAC.

20

21 MS. DETWILER: Thank you. Dave Schmid,
22 Forest Service.

23

24 MR. SCHMID: The Forest Service
25 supports the proposal in deference to all four RACs who
26 also supported this proposal as did OSM.

27

28 MS. DETWILER: Thank you. Public
29 Member Rhonda Pitka.

30

31 MS. PITKA: I support in deference to
32 the Regional Advisory Councils and also as laid out in
33 the justification provided. Thanks.

34

35 MS. DETWILER: Thank you. Public
36 Member Charlie Brower.

37

38 CHAIRMAN CHRISTIANSON: He stepped out.
39 His vote is his proxy.

40

41 MS. PITKA: Charlie Brower also
42 supports FP23-01. I'm voting as his proxy. Thank you.

43

44 MS. DETWILER: Thank you, Rhonda. I
45 forgot to note that. Finally Chair Anthony
46 Christianson.

47

48 CHAIRMAN CHRISTIANSON: I support.

49

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0087

1 MS. DETWILER: Motion passes
2 unanimously.

3
4 CHAIRMAN CHRISTIANSON: Thank you. For
5 the record, one of the situations you'll see here with
6 Charlie who had to step out for a little bit, some of
7 the public concern was about how to continue to keep
8 the rural vote on the record, so we found the process
9 to put a proxy vote down. So if you hear the proxy
10 here, it's because we're making sure that every vote
11 counts here today to fix a system failure we seen. So
12 Charlie voted.

13
14 Thank you.

15
16 We'll move on to the next item. Scott,
17 you have the floor.

18
19 MR. AYERS: Mr. Chair. Members of the
20 Board. Again, this is Scott Ayers, OSM Fisheries
21 Division. Before Mr. Graham starts with the next
22 presentation I'd like to take a few moments of your
23 time to introduce the Fisheries Closure Reviews that
24 you'll be contemplating this morning.

25
26 The Federal Subsistence Board's policy
27 on closures is that Federal public lands and waters
28 should be reopened as soon as practicable when the
29 closure is no longer necessary. OSM is directed to
30 review half of all closures during each applicable
31 regulatory cycle and to provide a recommendation to
32 retain, modify or rescind. Closure reviews follow a
33 similar pathway to the regulatory proposals and receive
34 input from the same groups.

35
36 Nineteen closures to Federal
37 subsistence fishing reviewed this regulatory cycle, a
38 number of which were deferred from the last cycle.
39 There's a common theme to all but two or three of these
40 closures. They were incorporated from State
41 subsistence regulations at the start of the Federal
42 program and they've not been previously reviewed. They
43 remain closed to Federal and State subsistence, but are
44 open to sport fishing.

45
46 That last common thread where these
47 areas are closed to subsistence but open to other uses
48 is inconsistent with ANILCA Title VIII Section 804,
49 which says that the taking on public lands of fish and
50

0088

1 wildlife for non-wasteful subsistence uses shall be
2 accorded priority over the taking on such lands of fish
3 and wildlife for other purposes. As such we believe
4 these closures should be rescinded and have made that
5 the OSM conclusion for all of them.

6
7 You'll recall that I spoke about the
8 closure reviews earlier in the meeting when I was
9 discussing the delegation of authority letters.
10 Specifically how the closure areas will generally
11 default to liberal area wide regulations if the
12 closures are rescinded. Our position is that Federal
13 fisheries managers can issue special actions to protect
14 populations in these areas if needed until proposals
15 are submitted to set harvest limits, gear types or
16 seasons.

17
18 We do not take lightly that this could
19 present additional work for the managers, but we feel
20 that bringing these regulations into more compliance
21 with ANILCA needs to be the priority.

22
23 Unless you have any questions I'll now
24 let my colleague, Mr. Graham, present the first closure
25 review.

26
27 Thank you.

28
29 CHAIRMAN CHRISTIANSON: Thank you.

30
31 (No comments)

32
33 MR. GRAHAM: Hello, Mr. Chair. Members
34 of the Board. Again for the record my name is Cory
35 Graham. I'm a fisheries biologist with the Office of
36 Subsistence Management. I'll now present Fisheries
37 Closure Review 23-02, which can be found starting on
38 page 246 of your Board book.

39
40 FCR23-02 reviews the Federal
41 subsistence closure to the harvest of all fish in a
42 portion of the Kanuti River drainage. This is a
43 standard review to determine if the closure is still
44 necessary.

45
46 The Federal closure was carried over
47 from State regulations at the beginning of the Federal
48 program and it has not been reviewed or modified.
49 Under State regulations the Kanuti River is also closed
50

0089

1 to subsistence fishing but sport fishing is allowed.

2

3

4 The closure area crosses the Dalton
5 Highway and is located on general domain land managed
6 by the Bureau of Land Management. Chinook and summer
7 chum salmon have been documented downstream of the
8 closure area. Aerial surveys indicate relatively few
9 salmon inhabit the Kanuti River. Arctic grayling,
10 burbot, round whitefish, northern pike and longnose
11 sucker have been observed in the Kanuti River, but
12 information in the closure area is limited.

12

13

14 If the closure is rescinded, general
15 area wide regulations for the Yukon northern area would
16 apply. Harvest of salmon would be allowed if
17 authorized by State emergency order or Federal Special
18 Action. Non-salmon fish could be taken with any legal
19 gear for the Yukon northern area. Subsistence rod and
20 reel harvest limits would match State sport fish
21 limits. Harvest would be unrestricted for all other
22 legal gear types.

22

23

24 The OSM conclusion is to rescind the
25 closure. Currently a portion of the Kanuti River
26 drainage is closed to subsistence fishing, but open to
27 other uses, which OSM has concluded contradicts ANILCA.
28 Rescinding the closure would establish a Federal
29 subsistence priority in the area. However, allowing
30 unrestricted harvest for gear types other than rod and
31 reel in an easily accessible system may lead to
32 overharvest.

32

33

34 Populations may be protected by
35 modifying allowable gear types or harvest limits.
36 However, these modifications are not possible through
37 the closure review process and would require a
38 fisheries proposal be submitted during a future
39 fisheries regulatory cycle. Until then the Federal
40 in-season manager may protect populations in the
41 closure area by using their delegated authority to
42 restrict gear types and harvest limits.

42

43

44 That concludes my presentation. I'll
45 stand by for any questions you may have regarding the
46 analysis.

46

47

48 CHAIRMAN CHRISTIANSON: Thank you. Any
49 questions from the Board for staff.

49

50

0090

1 (No comments)

2

3

CHAIRMAN CHRISTIANSON: Hearing and
4 seeing none. Thank you. We'll move on to the summary
5 of public comment.

6

7

MR. GRAHAM: Mr. Chair. No written
8 public comments were submitted for this closure review.

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CHAIRMAN CHRISTIANSON: Thank you.
We'll at this time open up the floor for public
testimony. Operator, if anybody online would like to
be recognized, this would be the opportunity.

OPERATOR: Again as a reminder please
press star, one on your phone and record your name if
you have a question.

19 (No comments)

OPERATOR: No questions on the phone
line at this time.

CHAIRMAN CHRISTIANSON: Thank you.
We'll move on to Tribal/Alaska Native corporation
comments.

MR. LIND: Thank you, Mr. Chair. Board
Members. Orville Lind, Native Liaison. During the
consultations conducted there were no questions or
comments on Fisheries Closure Review 23-02.

33 Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you.
We'll move on to the Regional Advisory Council
recommendations.

MR. REAKOFF: Mr. Chair, this is Jack
Reakoff.

CHAIRMAN CHRISTIANSON: You have the
floor, Jack.

MR. REAKOFF: Western Interior reviewed
Proposal FCR23-02. The Council supported with
modification the closure to non-salmon species only.
The Council noted there was little concern for
overharvest of non-salmon fish given arctic grayling is

0091

1 the predominant species in the drainage and are
2 targeted primarily with rod and reel.

3

4

5 In addition, the system is distant from
6 Wiseman and Coldfoot, which are the communities most
7 likely to subsistence fish in the area. That would be
8 in an association to picking blueberries down in that
9 area. Either clear water streams and fishing with any
10 other gear type are impossible to catch grayling and
11 very unlikely because the fish see the net. So rod and
12 reel is the most effective. That's what subsistence
13 users use. And there's little concern for these stocks
14 given that these stocks go downstream into areas that
15 are open to subsistence with unlimited ability.

15

16

So the Council supported the proposal.

17

18

Thank you, Mr. Chair.

19

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21

CHAIRMAN CHRISTIANSON: Thank you,
Jack. Next RAC.

22

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MS. MCDAVID: Mr. Chair. Brooke
McDavid, Council Coordinator for the YK Delta RAC. The
YK Delta RAC voted to Modify the closure for FCR23-02
by rescinding to non-salmon species only. The Council
believes rescinding the closure to non-salmon fish
would support subsistence users in the area but felt
the closure to salmon should be maintained due to
conservation concerns. They noted that a special action
can be used to temporarily set harvest limits until a
proposal can be submitted by the Western Interior
Council during the next fisheries regulatory cycle.

35

36

Thank you.

37

38

39

CHAIRMAN CHRISTIANSON: Thank you.
Seward Pen.

40

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MR. WRIGHT: Thank you, Mr. Chair.
Charlie Wright, co-Chair Eastern Interior RAC. The
EIRAC voted to modify the closure for FCR23-02 by
rescinding to non-salmon species only. The Council was
concerned about Yukon salmon stocks and additional
harvest on those stocks but wanted to support
non-salmon subsistence harvest opportunity for local
residents since there are no conservation concerns for
non-salmon species in the Kanuti River.

0092

1 Thank you, Mr. Chair.

2

3 CHAIRMAN CHRISTIANSON: Thank you.

4 Next Chair.

5

6 MR. FRANTZ: Mr. Chair. Brower Frantz.

7 North Slope Regional Advisory Council reviewed the
8 closure to subsistence harvest in the Kanuti River,
9 FCR23-02, and we voted to rescind and that was
10 unanimous for the North Slope RAC. The Council took up
11 and voted on the review. The Council believes
12 rescinding the closure would benefit subsistence uses
13 and provide a Title VIII of ANILCA mandated Federal
14 subsistence priority as there is already sport fishing
15 in this area.

16

17 Similar to the last one. It doesn't
18 make sense that subsistence priority isn't met. It
19 just doesn't make sense. So rescind from the North
20 Slope.

21

22 CHAIRMAN CHRISTIANSON: Thank you. Is
23 there a representative for the Seward Peninsula?

24

25 MS. DETWILER: No.

26

27 CHAIRMAN CHRISTIANSON: No? Okay.
28 Thank you. We have it for the record. Alaska
29 Department of Fish and Game comments. You have the
30 floor.

31

32 MR. MULLIGAN: Thank you, Mr. Chair.
33 For the record, ADF&G supports this closure remaining
34 in place. However, with that said, we would be
35 agreeable to the RAC's suggestion of amending it to
36 just non-salmon. Also, with that said, knowing that we
37 have some conservation concerns over non-salmon
38 species, if we heard from the agency that holds the
39 delegation letter that they would take action to
40 restrict the gear types that would currently be allowed
41 under just a simple rescission of the closure, that
42 would work for us.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN CHRISTIANSON: Thank you.
47 InterAgency Staff Committee comments.

48

49 MS. LAVINE: Thank you, Mr. Chair.

50

0093

1 Members of the Board. The ISC acknowledges that this
2 closure is out of compliance with Title VIII by being
3 closed to fishing by Federally qualified subsistence
4 users while allowing for sport fishing under State
5 regulations.

6
7 The Board would need to take action to
8 bring this situation back into compliance with ANILCA.
9 The Board could modify the closure by closing to all
10 uses. The Board could also rescind the closure and
11 provide a priority consumptive use to federally
12 qualified subsistence users.

13
14 Give me one moment, please. Three
15 Subsistence Regional Advisory Councils have recommended
16 the closure be rescinded to non-salmon species only,
17 bringing this fishery back into compliance with ANILCA,
18 and one has recommended to rescind the closure
19 completely. In the absence of this closure standard,
20 area Federal subsistence regulations would apply which
21 could present conservation concerns.

22
23 Permanent regulations would be the
24 preferable solution to address possible conservation
25 concerns while still providing a meaningful priority to
26 federally qualified subsistence users. Until the Board
27 receives and takes action on regulatory proposals,
28 Federal managers can use their delegated authority if
29 conservation concerns arise.

30
31 The ISC recognizes that unless modified
32 by the Board, current fisheries delegation of authority
33 letters limit Federal managers to emergency special
34 actions, actions lasting no longer than 60 days. As
35 you are aware, the Board did take action on that.

36
37 Thank you, Mr. Chair.

38
39 CHAIRMAN CHRISTIANSON: Thank you.
40 Board discussion with Council Chairs and State Liaison.
41 Sara, you have the floor.

42
43 MS. BOARIO: Thank you, Mr. Chair. In
44 response to Ben, to the State of Alaska's comments on
45 this and the previous proposal, the Fish and Wildlife
46 Service would be the manager and we will coordinate
47 with the State and the other agencies and the RAC says
48 we go forward on those.

49
50

0094

1 Thank you.

2

3 CHAIRMAN CHRISTIANSON: Any other Board
4 comments.

5

6 (No comments)

7

8 CHAIRMAN CHRISTIANSON: The floor is
9 open for Board action.

10

11 MR. COHN: Mr. Chair.

12

13 CHAIRMAN CHRISTIANSON: You have the
14 floor, Steve.

15

16 MR. COHN: Mr. Chair. I move to modify
17 the closure to open to the harvest of non-salmon
18 species by Federally qualified subsistence users in the
19 Kanuti River drainage. If I get a second, I'll explain
20 why I intend to vote in support of my motion.

21

22 MR. SCHMID: Forest Service seconds.

23

24 CHAIRMAN CHRISTIANSON: Thank you. The
25 floor is open for discussion. Steve.

26

27 MR. COHN: Mr. Chair. Opening the area
28 to fishing for non-salmon species would provide an
29 opportunity for Federally qualified subsistence users
30 where none currently exists under Federal regulations.
31 Retaining the closure to salmon is a prudent measure
32 due to conservation concerns for the species in the
33 Yukon River drainage.

34

35 The Federal in-season manager may use
36 their delegated authority to restrict gear types and/or
37 harvest limits to protect fish populations in the
38 closure area. This is also consistent with the
39 recommendations of the Yukon-Kuskokwim Delta, Western
40 Interior and Eastern Interior Subsistence Regional
41 Advisory Councils.

42

43 Thank you, Mr. Chair.

44

45 CHAIRMAN CHRISTIANSON: Thank you. Any
46 other Board comment.

47

48 (No comments)

49

50

0095

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

3
4 MR. CHEN: Question.

5
6 CHAIRMAN CHRISTIANSON: Thank you.
7 Roll call, Sue, please.

8
9 MS. DETWILER: Thank you. BLM, Steve
10 Cohn.

11
12 MR. COHN: BLM supports the motion to
13 modify the closure.

14
15 MS. DETWILER: Thank you. BIA, Glenn
16 Chen.

17
18 MR. CHEN: Thank you, Sue. The BIA
19 supports the motion which is consistent with the
20 recommendations of the Yukon Kuskokwim, Western
21 Interior, Eastern Interior Subsistence Regional
22 Advisory Councils. We cite their justifications as
23 support for our vote.

24
25 Thank you.

26
27 MS. DETWILER: Thank you. Fish and
28 Wildlife Service, Sara Boario.

29
30 MS. BOARIO: Thank you, Sue. Fish and
31 Wildlife Service supports the motion.

32
33 MS. DETWILER: Thank you. National
34 Park Service, Sarah Creachbaum.

35
36 MS. CREACHBAUM: National Park Service
37 supports the modification and the motion as recommended
38 by the RACs and in deference to the RACs and for the
39 reasons stated by the BLM.

40
41 MS. DETWILER: Thank you. Dave Schmid,
42 Forest Service.

43
44 MR. SCHMID: The Forest Service also
45 supports the proposal as modified and in deference to
46 the Western Interior, Eastern Interior and Yukon
47 Kuskokwim Regional Advisory Councils and also with the
48 justification provided by the BLM.

49
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1 MS. DETWILER: Thank you. Public
2 Member Rhonda Pitka.

3
4 MS. PITKA: I support modifying the
5 closure as recommended by YK Delta RAC and EIRAC and
6 also as articulated by the BLM.

7
8 Thank you.

9
10 MS. DETWILER: Thank you. And voting
11 in proxy for Public Member Charlie Brower, Rhonda
12 Pitka.

13
14 MS. PITKA: Yes. Rhonda Pitka voting
15 for Charlie Brower. Charlie Brower also supports
16 modifying the closure as articulated.

17
18 Thank you.

19
20 MS. DETWILER: Thank you. Chair
21 Anthony Christianson.

22
23 CHAIRMAN CHRISTIANSON: I support as
24 stated.

25
26 MS. DETWILER: Thank you. Motion
27 passes unanimously.

28
29 CHAIRMAN CHRISTIANSON: Thank you.
30 We'll call on staff for the next proposal. You have
31 the floor.

32
33 MR. GRAHAM: Mr. Chair. Members of the
34 Board. Again for the record my name is Cory Graham and
35 I'm a fisheries biologist with the Office of
36 Subsistence Management. I'll now present Fisheries
37 Closure Review 23-03, which can be found on page 271 of
38 your Board book.

39
40 This is also a standard review of a
41 Federal subsistence fishery closure to the harvest of
42 all fish in the Bonanza Creek drainage. The purpose of
43 this closure review is to determine if the closure is
44 still necessary.

45
46 The Federal closure was carried over
47 from State regulations at the beginning of the Federal
48 program and it has not been reviewed or modified.
49 Under State regulations Bonanza Creek is closed to
50

0097

1 subsistence fishing, but sport fishing is allowed. The
2 closure area crosses the Dalton Highway and is located
3 on general domain land managed by the Borough of Land
4 Management.

5
6 Chum salmon may spawn in Bonanza Creek
7 and have been documented downriver of the Dalton
8 Highway, but information regarding salmon is limited in
9 this drainage.

10
11 Arctic grayling, burbot, round
12 whitefish, longnose sucker and northern pike have been
13 observed in Bonanza Creek. Arctic grayling abundance
14 was assessed in 1996 in a 3.3 mile section of Bonanza
15 Creek that crosses the Dalton Highway. Results
16 indicated a density of 349 grayling per mile in the
17 study area.

18
19 If the closure is rescinded, general
20 area wide regulations for the Yukon-Northern Area would
21 apply. Harvest of salmon would be allowed if authorized
22 by State emergency order or a Federal special action.
23 Non-salmon fish could be taken with any legal gear for
24 the Yukon northern area. Subsistence rod and reel
25 harvest limits would match State sport fish limits.
26 Harvest would be unrestricted for all other legal gear
27 types.

28
29 The OSM conclusion is to rescind the
30 closure. Currently, the Bonanza Creek drainage is
31 closed to subsistence fishing, but open to other uses,
32 which OSM has concluded contradicts ANILCA. Rescinding
33 the closure would establish a Federal subsistence
34 priority in the area. The Federal in-season manager
35 may protect populations in the closure area using their
36 delegated authority until a proposal can be submitted.

37
38 That concludes my presentation. I'll
39 stand by for any questions you have regarding the
40 analysis.

41
42 CHAIRMAN CHRISTIANSON: Thank you. Any
43 questions from the Board for Staff on the presentation.

44
45 (No comments)

46
47 CHAIRMAN CHRISTIANSON: Thank you.
48 Hearing and seeing none. We'll go ahead and call the
49 summary of written public comment.

50

0098

1 MR. GRAHAM: Mr. Chair. No written
2 public comments were submitted for this closure review.

3
4 CHAIRMAN CHRISTIANSON: Thank you. The
5 floor is open to any public who wants to comment on
6 this here in the room or on line.

7
8 OPERATOR: A reminder. Please press
9 star, one on your phone and record your name if you
10 have a question or comment. One moment, please. No
11 questions on the phone line at this time.

12
13 CHAIRMAN CHRISTIANSON: Thank you.
14 We'll move on to tribal/Alaska Native corporation
15 comments.

16
17 MR. LIND: Thank you, Mr. Chair. Board
18 Members. During the consultation process there were no
19 questions or comments on Fisheries Closure Review
20 23-03.

21
22 Thank you, Mr. Chair.

23
24 CHAIRMAN CHRISTIANSON: Thank you.
25 We'll move on to Regional Advisory Council
26 recommendations.

27
28 MR. REAKOFF: Mr. Chair. Jack Reakoff,
29 WIRAC.

30
31 CHAIRMAN CHRISTIANSON: You have the
32 floor.

33
34 MR. REAKOFF: Basically the Council
35 supported the proposal with modification for non-salmon
36 species for the same reasons as the previous proposal.
37 There's healthy populations. There's not a problem for
38 subsistence harvest.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN CHRISTIANSON: Thank you,
43 Jack. Next RAC Chair.

44
45 MS. MCDAVID: Mr. Chair. Brooke
46 McDavid, Coordinator for the YK Delta RAC. Similar to
47 the last closure review the YK Delta RAC voted to
48 modify the closure for FCR23-03 by rescinding to
49 non-salmon species only. They did this because they
50

0099

1 wanted to support subsistence users, but felt that
2 salmon fishing should remain closed because of
3 conservation concerns. They noted again that temporary
4 harvest limits could be set using a temporary special
5 action until the next regulatory cycle.

6

7

Thank you.

8

9

CHAIRMAN CHRISTIANSON: Thank you.

10 Next RAC.

11

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MR. WRIGHT: Thank you, Mr. Chair.
Co-Chair of Eastern Interior RAC Charlie Wright.
FCR23-03 Bonanza Creek closure review. The EIRAC voted
to modify the closure for the proposal by rescinding to
non-salmon species only. The Council was concerned
about Yukon salmon stock and additional harvest on
those stocks, but wanted to support non-salmon
subsistence harvest opportunity for local residents
since there are no conservation concerns for
non-salmon species in Bonanza Creek.

Thank you, Mr. Chair and Board.

CHAIRMAN CHRISTIANSON: Thank you.

Next RAC.

MR. FRANTZ: Brower Frantz for the
North Slope Regional Advisory Council. For FCR23-03
the North Slope Regional Advisory Council voted to
rescind the closure. The Council believes that
rescinding the closure would benefit subsistence uses
and provide a Title VIII of ANILCA mandated Federal
subsistence priority, as there is already sport fishing
in this area.

CHAIRMAN CHRISTIANSON: Thank you to
the RACs. We'll move on to the Alaska Department of
Fish and Game comment.

MR. MULLIGAN: Thank you, Mr. Chair. I
will refer to our comments on the previous closure
review pertaining to our agreeableness to amending the
closure and thank you to Board Member Boario for
stating on the record to address the gear type issue.

Thank you very much, sir.

CHAIRMAN CHRISTIANSON: Thank you.

0100

1 InterAgency Staff Committee.

2

3 MS. LAVINE: Thank you, Mr. Chair.
4 Members of the Board. The InterAgency Staff Committee
5 acknowledges that this closure is out of compliance
6 with Title VIII of ANILCA by being closed to fishing by
7 Federally qualified subsistence users while allowing
8 for sport fishing under State regulations. The Board
9 would need to take action to bring this situation back
10 into compliance with ANILCA. The Board could modify the
11 closure by closing to all uses. The Board could also
12 rescind the closure and provide a priority consumptive
13 use to federally qualified subsistence users.

14

15 Three Subsistence Regional Advisory
16 Councils have recommended the closure be modified by
17 rescinding to non-salmon species only and one Council
18 has recommended to rescind. In the absence of this
19 closure, standard area Federal subsistence regulations
20 would apply which could present conservation concerns.

21

22 Permanent regulations would be the
23 preferable solution to address possible conservation
24 concerns while still providing a meaningful priority to
25 federally qualified subsistence users.
26 Until the Board receives and takes action on regulatory
27 proposals, Federal managers can use their delegated
28 authority if conservation concerns arise.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN CHRISTIANSON: Thank you. Any
33 Board discussion with Council Chairs or State Liaison.

34

35 (No comments)

36

37 CHAIRMAN CHRISTIANSON: Hearing or
38 seeing none. We'll move on to Board motion.

39

40 MR. COHN: Mr. Chair.

41

42 CHAIRMAN CHRISTIANSON: Steve, you have
43 the floor.

44

45 MR. COHN: Mr. Chair I move to modify
46 the closure to open to the harvest of non-salmon
47 species by federally qualified subsistence users in the
48 Bonanza Creek drainage. If I get a second, I'll
49 explain why I intend to vote in support of my motion.

50

0101

1 MS. CREACHBAUM: National Park Service
2 seconds.

3
4 MR. COHN: Mr. Chair.

5
6 CHAIRMAN CHRISTIANSON: Yes, you have
7 the floor.

8
9 MR. COHN: Opening the area to fishing
10 for non-salmon species would provide an opportunity for
11 Federally qualified subsistence users where none
12 currently exists under Federal regulations. Retaining
13 the closure to salmon is a prudent measure due to
14 conservation concerns for the species in the Yukon
15 River drainage.

16
17 The Federal in-season manager may use
18 their delegated authority to restrict gear types and/or
19 harvest limits to protect fish populations in the
20 closure area. This is also consistent with the
21 recommendations of the Yukon-Kuskokwim Delta, Western
22 Interior and Eastern Interior Subsistence Regional
23 Advisory Councils.

24
25 Thank you, Mr. Chair.

26
27 CHAIRMAN CHRISTIANSON: Thank you. Any
28 other Board comments, deliberation.

29
30 (No comments)

31
32 CHAIRMAN CHRISTIANSON: Call for the
33 question.

34
35 MR. SCHMID: Question.

36
37 CHAIRMAN CHRISTIANSON: Thank you,
38 Dave. Roll call, Sue.

39
40 MS. DETWILER: BLM, Steve Cohn.

41
42 MR. COHN: Thank you, Sue. BLM votes
43 in support of modifying the closure.

44
45 MS. DETWILER: Thank you. BIA, Glenn
46 Chen.

47
48 MR. CHEN: The BIA supports the motion,
49 which would rescind the closure only to non-salmon
50

0102

1 species. We recognize that this is consistent with the
2 recommendations of the Western Interior, YK Delta and
3 Easter Interior Councils and we cite their
4 justifications as the reasons for our support.

5

6 Thank you.

7

8 MS. DETWILER: Thank you. Sara Boario,
9 Fish and Wildlife Service.

10

11 MS. BOARIO: Fish and Wildlife Service
12 votes to support the motion to rescind the closure to
13 non-salmon species as modified and consistent with the
14 RACs.

15

16 MS. DETWILER: Sarah Creachbaum,
17 National Park Service.

18

19 MS. CREACHBAUM: Sue, the National Park
20 Service also supports the proposal as modified and
21 recommended by the RACs.

22

23 MS. DETWILER: Thank you. Dave Schmid,
24 Forest Service.

25

26 MR. SCHMID: Forest Service supports
27 the proposal as modified in deference to the three RACs
28 that supported rescinding the closure and opening it
29 only to non-salmon species.

30

31 MS. DETWILER: Thank you. Public
32 Member Rhonda Pitka.

33

34 MS. PITKA: I support modifying the
35 closure as recommended by YK Delta, WIRAC and EIRAC.
36 Thank you.

37

38 MS. DETWILER: Thank you. And Public
39 Member Rhonda Pitka as proxy for Public Member Charlie
40 Brower.

41

42 MS. PITKA: Charlie Brower's vote is
43 also to support modifying the closure in deference to
44 the Regional Advisory Councils.

45

46 Thank you.

47

48 MS. DETWILER: Thank you. And Chair
49 Anthony Christianson.

50

0103

1 CHAIRMAN CHRISTIANSON: I support as
2 stated on the record.

3
4 MS. DETWILER: Motion passes
5 unanimately.

6
7 CHAIRMAN CHRISTIANSON: Call for a
8 five-minute break. I drank too much coffee.

9
10 (Off record)

11
12 (On record)

13
14 CHAIRMAN CHRISTIANSON: We'll get back
15 to the meeting. Thank you guys for being expedient in
16 our break. I'd also like to take this moment before we
17 start to extend a happy birthday to Rhonda.

18
19 Thank you for somebody letting me know.

20
21 (Applause)

22
23 CHAIRMAN CHRISTIANSON: I'd like to
24 sing, so if you guys all want to join in with me.

25
26 (Singing)

27
28 MS. PITKA: Thank you all very much. I
29 appreciate that. There's nothing better than being
30 embarrassed on your birthday. I love that so much.

31
32 CHAIRMAN CHRISTIANSON: We'll roll out
33 a cake and hopefully a caribou will jump out of it.

34
35 (Laughter)

36
37 CHAIRMAN CHRISTIANSON: All right.
38 We'll get back. Staff, you have the floor.

39
40 Thank you.

41
42 MR. GRAHAM: Thank you, Mr. Chair.
43 Again, for the record, my name is Cory Graham. I'm a
44 fisheries biologist with the Office of Subsistence
45 Management. I'll now present Fisheries Closure Review
46 23-05, which can be found on Page 296 of your Board
47 book.

48
49 FCR23-05 reviews the Federal
50

0104

1 subsistence closure to the harvest of all fish in the
2 Delta River. It is a standard review to determine if
3 the closure is still necessary. The Federal closure
4 was carried over from State regulations and it has not
5 been reviewed or modified. Under State regulations the
6 Delta River is closed to subsistence fishing but sport
7 fishing is allowed.

8

9 The Delta River begins at the outlet of
10 Lower Tango Lake, about 60 miles south southwest of
11 Delta Junction. The upper portion of the Delta River
12 is a component of the National Wild and Scenic River
13 system, which is administered by the Bureau of Land
14 Management. The lower section of the closure area is
15 on general domain land, which is also managed by the
16 Bureau of Land Management.

17

18 Chum and coho salmon spawn in the lower
19 section of the Delta River, but salmon do not inhabit
20 the closure area. Arctic grayling, burbot, round
21 whitefish, longnose sucker, lack trout and dolly varden
22 have been observed in the Delta River. The closure
23 area contains an abundant population of arctic grayling
24 with one of the highest recorded densities for the
25 species in Alaska.

26

27 If the closure is rescinded, general
28 area wide regulations for the Yukon-Northern Area would
29 apply. Non-salmon fish could be taken by with any
30 legal gear for the Yukon northern area. Subsistence rod
31 and reel harvest limits would match State sport fish
32 limits. Harvest would be unrestricted for all other
33 legal gear types.

34

35 The OSM conclusion is to rescind the
36 closure. Currently Federal public waters of the Delta
37 River are closed to subsistence fishing but open to
38 other uses, which OSM has concluded contradicts ANILCA.
39 Rescinding the closure would establish a Federal
40 subsistence priority in the area. Similar to the
41 previous closure reviews, populations may be protected
42 by the Federal in-season manager until a proposal that
43 modifies allowable gear types or harvest limits can be
44 submitted.

45

46 That concludes my presentation. I'll
47 stand by for any questions you may have regarding the
48 analysis.

49

50

0105

1 CHAIRMAN CHRISTIANSON: Thank you. Any
2 questions from the board.

3
4 (No comments)

5
6 CHAIRMAN CHRISTIANSON: Thank you.
7 Summary of written public comment.

8
9 MR. GRAHAM: Mr. Chair. No written
10 public comments were submitted for this closure review.

11
12 CHAIRMAN CHRISTIANSON: Thank you. At
13 this time we'll open the floor to public testimony. We
14 do have a blue card here from Karen Linnell. You have
15 the floor.

16
17 MS. LINNELL: Thank you, Mr. Chair.
18 For the record my name is Karen Linnell. I'm the
19 executive director for the Ahtna Intertribal Resource
20 Commission, which is made up of eight
21 Federally-recognized tribes, Ahtna Incorporated and
22 Chitina Native Corporation.

23
24 Tangle Lakes area falls well within the
25 Ahtna Traditional Use territory, but it did not fall
26 under the Southcentral RAC jurisdiction. In this case
27 we have family ties to the area. Buster Gene was born
28 up in that area. Doris Charles from Dot Lake is my
29 father's aunt, so my grandmother, which also used that
30 area.

31
32 We continue to hunt and fish in the
33 Tangle Lakes area for burbot, whitefish, lingcod. So I
34 would encourage you to adopt this proposal and not
35 defer it as recommended by Eastern Interior RAC. As
36 mentioned by Staff, there's no salmon there. We
37 appreciate that the FSB is looking at Title VIII and
38 providing for Federal subsistence priority that Katie
39 John fought for and having this look at this. When
40 there's a sport fishery happening, there should be
41 subsistence opportunity as well.

42
43 So, again, thank you for your time and
44 your work in all this. I appreciate the staff looking
45 into Title VIII and those Federal closures where there
46 are sport fishing opportunities.

47
48 Thank you so much.

49
50

0106

1 CHAIRMAN CHRISTIANSON: Thank you,
2 Karen. Any other public like to testify at this time
3 either here or online, Operator?
4

5 OPERATOR: Again as a reminder please
6 press star, one on your phone and record your name if
7 you have a question. One moment, please. I show no
8 questions on the phone lines at this time.
9

10 CHAIRMAN CHRISTIANSON: Thank you.
11 We'll move on to tribal/Alaska Native corporation
12 comments.
13

14 MR. LIND: Thank you, Mr. Chair. Board
15 Members. During the consultation sessions August 23rd
16 for Regions 1, 2, 3, 4 and 5 we did not have any
17 questions or comments on that Closure Review 23-05.
18

19 Thank you, Mr. Chair.
20

21 CHAIRMAN CHRISTIANSON: Thank you.
22 We'll move on to the Regional Advisory Council
23 recommendations.
24

25 MR. WRIGHT: Thank you, Mr. Chair.
26 This is Charlie Wright, co-Chair of the Eastern
27 Interior RAC. On FCR25-05 Delta River closure review,
28 the EIRAC voted to defer to the next fisheries
29 regulatory cycle. The Council stated they need to hear
30 from more local residents that will be affected by
31 rescinding this closure before making a decision,
32 including from the Delta AC who had not yet discussed
33 the closure review at the time of the Council meeting.
34

35 Although the Council supported the
36 notion of increasing subsistence opportunity, they
37 expressed conservation concerns due to a lack of
38 harvest monitoring and potential for overharvest if the
39 closure were lifted with no regulations in place to
40 limit harvest. Because of these conservation concerns,
41 the Council suggested deferring this closure review
42 until such a time that it would align with the
43 fisheries regulatory cycle and a concurrent proposal
44 could be submitted to put harvest restrictions in
45 place. This would also give time for more local
46 residents to weigh in on the issue.
47

48 Thank you, Mr. Chair.
49
50

0107

1 CHAIRMAN CHRISTIANSON: Thank you.
2 Next RAC.

3
4 MS. MCDAVID: Mr. Chair. Brooke
5 McDavid, YK Delta RAC Coordinator. The YK Delta RAC
6 also voted to defer this closure review. The Council
7 noted the home region wanted to defer to hear from
8 affected users. The Council believes the home region
9 should make the decision.

10
11 Thank you.

12
13 CHAIRMAN CHRISTIANSON: Thank you.
14 Next RAC.

15
16 MR. FRANTZ: Mr. Chair. Brower Frantz,
17 North Slope Regional Advisory Council. For FCR23-05,
18 review closure to subsistence harvest of all fish in
19 the Delta River, at our last meeting we took no action
20 on that and the North Slope RAC voted to defer to the
21 Eastern Interior Regional Advisory Council who is most
22 affected by this closure.

23
24 CHAIRMAN CHRISTIANSON: Thank you. Any
25 additional RAC.

26
27 MS. GILL: Thank you, Mr. Chair. For
28 the record my name is Jessica Gill and the Southcentral
29 Regional Advisory Council Coordinator. I'd like to
30 provide a comment from the Southcentral Regional
31 Advisory Council.

32
33 The Southcentral Alaska Subsistence
34 Regional Advisory Council recommends the Office of
35 Subsistence Management remove the Federal subsistence
36 fishing closure on the Delta River but delay the
37 opening of the fishery until such a time that OSM has
38 conducted an analysis to determine which Federally
39 qualified subsistence users should receive a customary
40 and traditional use determination of the Delta River
41 drainage and to recommend appropriate methods and means
42 of harvest to ensure the fishery is sustainable.

43
44 It is the Council's understanding
45 that, as written, OSM's recommendation would make the
46 Federal public waters of the Delta River drainage
47 available to all federally qualified subsistence users
48 of the Yukon-Northern Area whereas federally qualified
49 subsistence users in the Ahtna Traditional Use
50

0108

1 Territory would not be eligible to subsistence fish
2 under Federal regulations in an area that the Ahtna
3 people have fished and stewarded for countless
4 generations.

5

6 Thank you.

7

8 CHAIRMAN CHRISTIANSON: Thank you. Any
9 additional RAC.

10

11 MR. REAKOFF: Mr. Chair. WIRAC voted
12 to defer this proposal to the Eastern Interior Region.

13

14 Thank you.

15

16 CHAIRMAN CHRISTIANSON: Thank you,
17 Jack. Move on to the Alaska Department of Fish and
18 Game comment.

19

20 MR. MULLIGAN: Thank you, Mr. Chair.
21 Alaska Department of Fish and Game supports the closure
22 remaining in place at this time. The Delta River is
23 very accessible and downstream of Eureka Creek there is
24 little information on non-salmon species in these cold,
25 low productivity waters. In the absence of data we
26 utilize conservative regulations to avoid
27 overexploitation. Allowing multiple gear types and no
28 harvest limits could result in localized depletions and
29 overharvest of populations.

30

31 Similar to what the Eastern Interior
32 RAC representative said for deferral and knowing that a
33 concurrent proposal would be proposed to address I
34 think similar concerns we had with the RAC as well as
35 others, we would actually support that deferral as
36 well.

37

38 CHAIRMAN CHRISTIANSON: Thank you.
39 InterAgency Staff.

40

41 MS. LAVINE: Thank you, Mr. Chair.
42 Members of the Board. The InterAgency Staff Committee
43 provided their standard comment.

44

45 CHAIRMAN CHRISTIANSON: Thank you.
46 Board discussion with Council Chairs, State Liaison.

47

48 (No comments)

49

50

0109

1 CHAIRMAN CHRISTIANSON: The floor is
2 open for Board action.

3
4 MR. COHN: Mr. Chair.

5
6 CHAIRMAN CHRISTIANSON: Yes, you have
7 the floor, Steve. Again, we were asked by the court
8 reporter just for clarification if we could state our
9 name for the record as we make the motions and second
10 them.

11
12 Thank you.

13
14 MR. COHN: Thank you, Mr. Chair. Steve
15 Cohn, Bureau of Land Management. I move to defer
16 action on Fisheries Closure Review FCR23-05 until the
17 next fisheries regulatory cycle. If I get a second,
18 I'll explain why I intend to vote in support of my
19 motion.

20
21 MR. SCHMID: Forest Service seconds.

22
23 MR. COHN: Mr. Chair. The Eastern
24 Interior Alaska Subsistence Regional Advisory Council
25 has expressed the need for more public input to
26 determine the impact that rescinding the closure might
27 have on Federally qualified subsistence users. The
28 Council also has conservation concerns and these
29 concerns should be vetted through the public process
30 prior to the Board making a decision on whether to
31 rescind this closure.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN CHRISTIANSON: Thank you. Any
36 further Board discussion, deliberation.

37
38 (No comments)

39
40 CHAIRMAN CHRISTIANSON: Call for the
41 question.

42
43 MR. SCHMID: Question.

44
45 CHAIRMAN CHRISTIANSON: Thank you,
46 Dave. Roll call, Sue, please.

47
48 MS. DETWILER: Starting with the maker
49 of the motion Steve Cohn, BLM.
50

0110

1 MR. COHN: BLM votes in support of the
2 motion to defer the action on the Fisheries Closure
3 Review FCR23-05.

4
5 MS. DETWILER: Thank you. BIA, Glenn
6 Chen.

7
8 MR. CHEN: The BIA supports the BLM's
9 motion to defer action on this closure review. This is
10 consistent with the four Regional Advisory Councils who
11 took action on this proposal and we support their
12 justification for this as well.

13
14 MS. DETWILER: Thank you. Sara Boario,
15 Fish and Wildlife Service.

16
17 MS. BOARIO: The Fish and Wildlife
18 Service supports the motion to defer and with the RACs.

19
20 MS. DETWILER: Thank you. Sarah
21 Creachbaum, National Park Service.

22
23 MS. CREACHBAUM: National Park Service
24 also votes to defer.

25
26 MS. DETWILER: Thank you. Dave Schmid,
27 Forest Service.

28
29 MR. SCHMID: Forest Service also
30 supports deferring FCR23-05 in deference to the Eastern
31 Interior RAC.

32
33 MS. DETWILER: Thank you. Public
34 Member Rhonda Pitka.

35
36 MS. PITKA: I vote to defer FCR23-05.
37 On principle I hate deferral motions because it puts
38 off the decision to another day, but I think that we
39 need some more information. Thank you.

40
41 MS. DETWILER: Thank you. And Rhonda
42 Pitka as proxy for Public Member Charlie Brower.

43
44 MS. PITKA: As proxy for Public Member
45 Brower he also votes to defer.

46
47 MS. DETWILER: Thank you. Finally
48 Chair Anthony Christianson.

49
50

0111

1 CHAIRMAN CHRISTIANSON: I support
2 deferral.

3
4 MS. DETWILER: Thank you. Motion
5 passes unanimously.

6
7 CHAIRMAN CHRISTIANSON: At this time
8 I'll call on Staff to present the next proposal. Thank
9 you.

10
11 MR. KOLLER: Good morning, Mr. Chair.
12 Members of the Board. My name is Justin Koller. I'm a
13 fish biologist with the Office of Subsistence
14 Management. We're moving on to the Aleutian Islands
15 area with Fisheries Closure Review 23-12. The analysis
16 for FCR23-12 begins on Page 314 of the meeting book.

17
18 FCR23-12 is a routine review of a
19 Federal closure to salmon fishing in all freshwaters on
20 Adak and Kagalaska Island. Federal public waters on
21 Adak and Kagalaska Island comprise all freshwaters
22 within and adjacent to the exterior boundaries of the
23 Alaska Maritime Wildlife Refuge. This is illustrated
24 on Figure 1, Page 320.

25
26 Residents of the Aleutian Islands area
27 and the Pribilof Islands have a customary and
28 traditional use determination for salmon in the
29 Aleutian Islands area. Notable Federal public
30 freshwaters of interest on Adak and Kagalaska Islands
31 include drainages in Hidden Bay and Lake Andrew on Adak
32 Island and Quail Bay and Galas Point on Kagalaska
33 Island. None of the fish populations in these
34 freshwaters are monitored, so there's little abundance
35 information available.

36
37 Subsistence harvest is reported on
38 State issued subsistence fishing permits. There are
39 few subsistence permits issued for the Adak District
40 recently since the U.S. Navy presence has declined.
41 Annual subsistence salmon harvest in Adak has been less
42 than 500 fish for the past 20 years. The number of
43 permits issues has also decreased to five or less since
44 2009. So reported subsistence use here is minimal.

45
46 If the closures are rescinded, Federal
47 subsistence regulations for the Adak District would
48 apply. Salmon could be taken by seine or gillnet or
49 with gear specified on a permit with a harvest limit of
50

0112

1 25 salmon plus an additional 25 salmon for each member
2 of a household listed on a permit.

3

4

5 Conservation concerns are unlikely
6 because subsistence harvest in recent years has been
7 very minimal and occurs primarily in marine waters. If
8 necessary to conserve fish populations, the Federal
9 in-season manager could exercise their delegated
10 authority to manage the fisheries.

10

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For reference, the delegation follows
the analysis and begins on Page 331 of the meeting
book. The OSM conclusion is to rescind the closure.
These drainages are currently closed to the harvest of
salmon by federally qualified subsistence users and
remain open to other uses.

OSM has concluded that Federal
subsistence opportunity should also be provided to
comply with the rural preference mandated by ANILCA.
The closure broadly covers all Federal public
freshwaters on Adak and Kagalaska Islands. There is no
evidence to suggest it is necessary to close all these
Federal public freshwaters to Federal subsistence
salmon fishing. Providing opportunity for federally
qualified subsistence users is not likely to lead to a
conservation concern because subsistence harvest in
recent years has been very minimal and occurs primarily
in marine waters.

The Federal in-season manager has been
delegated authority to issue emergency special actions
for up to 60 days to open or close Federal subsistence
fishing periods or areas provided under codified
regulations and to specify methods and means; to
specify permit requirements; and to set harvest and
possession limits for Federal subsistence fisheries.
The Federal in-season manager can use this authority to
manage Federal subsistence fisheries in the short term
if necessary. A proposal outlining desired parameters
for these fisheries may be submitted during the next
fisheries cycle so they can be put into regulation.

That concludes my presentation.

Thank you, Mr. Chair.

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

0113

1 (No comments)

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CHAIRMAN CHRISTIANSON: Summary of
written public comments.

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MR. KOLLER: Mr. Chair, there were no
written public comments submitted. Thank you.

8

9

CHAIRMAN CHRISTIANSON: Thank you.
Open the floor to the public to testify at this time if
you're in the room or online.

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OPERATOR: Again, as a reminder, please
press star, one on your phone and record your name if
you have a question. One moment, please.

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(No comments)

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CHAIRMAN CHRISTIANSON: Must be none
online. Tribal/Alaska Native corporation comments.
Native Liaison.

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MR. LIND: Thank you, Mr. Chair. Board
Members. During the consultation held on August 23rd
we did not have any questions or comments on the
Closure Review 23-12.

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Thank you, Mr. Chair.

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CHAIRMAN CHRISTIANSON: Thank you.
Regional Advisory Council recommendations.

MS. SKINNER: Rebecca Skinner for the
Kodiak/Aleutians RAC. I do want to note that our RAC
has a number of closure reviews at this meeting and we
do have a number that were deferred from previous
years. We did work closely with OSM to develop an
outreach strategy, outreach materials and recommend
channels of outreach and where that outreach should be
delivered so that we could collect some of the
information that we didn't have for the first round of
deferred proposals and that also applied for the new
ones for 2023. That comment applies to all the
proposals that we're going to do for our region today.

So for FCR23-12 the KARAC supports
rescinding the closure. The Council acknowledges the
current lack of priority for Federally qualified
subsistence users at this location. The Council

0114

1 prefers to provide opportunity for federally qualified
2 subsistence users and to be able to provide a rural
3 preference in times of conservation concern.

4

5 Thank you.

6

7 CHAIRMAN CHRISTIANSON: Thank you.
8 Alaska Department of Fish and Game comment.

9

10 MR. MULLIGAN: Thank you, Mr. Chair.
11 The Alaska Department of Fish and Game supports the
12 closure remaining in place at this time. These areas
13 are currently open to sport fishing; however,
14 historically there has been little to no harvest in
15 them and all federally qualified users have been
16 eligible to participate in these fisheries. As a
17 result, there has never been a need to pass regulatory
18 changes at the State level pertaining to them.

19

20 Additionally, the subsistence gear type
21 that would be allowed is much more liberal and
22 efficient at harvesting salmon as is in the salt water
23 of the area. ADF&G suggests that the Board of Fish
24 process be used to bring subsistence and sport fishery
25 regulations into alignment for Adak and Kagalaska
26 Island salmon systems if salmon needs are not being met
27 by current regulations. Doing so would prohibit
28 conflicting regulations from being put into effect,
29 which would reduce the burden on subsistence users and
30 alleviate enforcement concerns that occur.

31

32 Similar to the previous region, if the
33 Board is so inclined to rescind the closure, we'd like
34 to know that the agency in charge of the delegated
35 authority would address that gear type issue. I know
36 that in particular in this one the Fish and Wildlife
37 Service is still the entity that holds that and I would
38 assume that Member Boario's comment would still pertain
39 to these as well.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN CHRISTIANSON: Thank you, Ben.
44 InterAgency Staff Committee.

45

46 MS. LAVINE: Thank you, Mr. Chair.
47 This is Robbin. The InterAgency Staff Committee has
48 provided the same comment for this proposal and the
49 following two. I'm going to read it once into the
50

0115

1 record and then I'll refer to it as we address the
2 following closure reviews.

3
4 So for FCR23-12 the ISC acknowledges
5 that this closure is out of compliance with Title VIII
6 of ANILCA by being closed to fishing by federally
7 qualified subsistence users while allowing for sport
8 fishing under State regulations. The Board would need
9 to take action to bring this situation back into
10 compliance with ANILCA. The Board could modify the
11 closure by closing to all uses. The Board could also
12 rescind the closure and provide a priority consumptive
13 use to federally qualified subsistence users.

14
15 The Council has recommended the closure
16 be rescinded, bringing this fishery back into
17 compliance with ANILCA. In the absence of this closure
18 standard, area Federal subsistence regulations would
19 apply which could present conservation concerns.

20
21 Permanent regulations would be the
22 preferable solution to address possible conservation
23 concerns while still providing a meaningful priority to
24 federally qualified subsistence users. Until the Board
25 receives and takes action on regulatory proposals,
26 Federal managers can use their delegated authority if
27 conservation concerns arise.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN CHRISTIANSON: Thank you.
32 That opens up the floor for Board discussion. Council
33 Chairs or the State Liaison.

34
35 MS. BOARIO: Mr. Chair. Fish and
36 Wildlife Service.

37
38 CHAIRMAN CHRISTIANSON: Yes, Sara, you
39 have the floor.

40
41 MS. BOARIO: Thank you. I just wanted
42 to note that our fisheries manager with delegated
43 authority, John Gerken, is present with us today. I'd
44 invite John up if he wanted to contribute to the
45 discussion on this and the next two that follow.

46
47 MR. GERKEN: Good morning. For the
48 record my name is John Gerken. I work for the Fish and
49 Wildlife Service here in Anchorage. I'm the Federal
50

0116

1 in-season manager for the Aleutians, Bristol Bay and
2 Alaska Peninsula. I'm here to take any questions if
3 there are any. I guess I would echo as the in-season
4 manager that any decisions in this area if this
5 proposal was rescinded would be in consultation with
6 not only the stakeholders, the Regional Advisory
7 Council and the Department.

8

9 CHAIRMAN CHRISTIANSON: Thank you. Any
10 questions from the Board.

11

12 (No comments)

13

14 CHAIRMAN CHRISTIANSON: Thank you for
15 coming up. Appreciate it. That opens up the floor for
16 Board motion.

17

18 MS. BOARIO: Mr. Chair. Sara Boario,
19 Fish and Wildlife Service. I move to adopt Fisheries
20 Closure Review FCR23-12. If I get a second, I'll
21 explain why I intend to vote in support of my motion.

22

23 MS. PITKA: I'll second. Rhonda Pitka.

24

25 MS. BOARIO: Mr. Chair. The Kodiak
26 Aleutians Regional Advisory Council has voted to
27 rescind the closure to salmon fishing in all fresh
28 waters at Adak and Kagalaska Island. The Council
29 acknowledges the current lack of priority for Federally
30 qualified subsistence users at this location. The
31 Council prefers to provide opportunity for Federally
32 qualified subsistence users and to be able to provide a
33 rural preference in times of conservation concern.

34

35 The Service fisheries manager, as we
36 just heard, with delegated authority will coordinate
37 with the Alaska Department of Fish and Game, the
38 Council Chair and OSM prior to issuing emergency or
39 temporary special actions determining gear type,
40 setting harvest limits and addressing conservation
41 concerns if they arise.

42

43 Thank you, Mr. Chair.

44

45 CHAIRMAN CHRISTIANSON: Thank you. Any
46 other Board discussion, deliberation, comments.

47

48 (No comments)

49

50

0117

1 CHAIRMAN CHRISTIANSON: Call for
2 question.

3
4 MR. SCHMID: Question.

5
6 CHAIRMAN CHRISTIANSON: Roll call,
7 please.

8
9 MS. DETWILER: Thank you, Mr. Chair.
10 The motion is to rescind the closure. Starting with
11 the maker of the motion Sara Boario, Fish and Wildlife
12 Service.

13
14 MS. BOARIO: The Fish and Wildlife
15 Service supports.

16
17 MS. DETWILER: Thank you. Glenn Chen,
18 BIA.

19
20 MR. CHEN: The BIA supports the motion
21 which is consistent with the recommendation of the
22 Kodiak Aleutian Regional Advisory Council and we concur
23 with the justification provided by the Council for
24 their action.

25
26 Thank you.

27
28 MS. DETWILER: Thank you. BLM, Steve
29 Cohn.

30
31 MR. COHN: BLM supports the motion to
32 rescind the closure in deference to the Kodiak Aleutian
33 Subsistence Regional Advisory Council.

34
35 MS. DETWILER: Thank you. National
36 Park Service, Sarah Creachbaum.

37
38 MS. CREACHBAUM: The National Park
39 Service also supports rescinding the closure in
40 deference to the Bristol Bay area RAC.

41
42 MS. DETWILER: Thank you, Sarah. Dave
43 Schmid, Forest Service.

44
45 MR. SCHMID: Yeah, the Forest Service
46 supports rescinding Closure FCR23-12 in deference to
47 the Kodiak Aleutian Islands RAC and for the reasons
48 outlined by the Council and OSM.

49
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0118

1 MS. DETWILER: Thank you. Public
2 Member Rhonda Pitka.

3
4 MS. PITKA: I support rescinding the
5 closure in deference to the Regional Advisory Council
6 and also as articulated on Page 325, the OSM
7 justification. Thank you.

8
9 MS. DETWILER: Thank you. And Rhonda
10 Pitka on behalf of Charlie Brower.

11
12 MS. PITKA: On behalf of Charlie
13 Brower, Mr. Brower also supports rescinding the closure
14 as articulated.

15
16 MS. DETWILER: Thank you. Finally
17 Chair Anthony Christianson.

18
19 CHAIRMAN CHRISTIANSON: I support as
20 stated.

21
22 MS. DETWILER: Thank you. Motion
23 passes unanimously.

24
25 CHAIRMAN CHRISTIANSON: I'll call on
26 Staff to present the next proposal. Thank you.

27
28 MR. KOLLER: Good morning again. This
29 is Justin Koller, fish biologist for Office of
30 Subsistence Management. FCR21-13 is a routine review
31 of a Federal closure to salmon fishing at Russell Creek
32 and Nurse Lagoon near Cold Bay in the Alaska Peninsula
33 area. The analysis begins on Page 335 of the meeting
34 book.

35
36 Russell Creek consists of Federal
37 public waters within and adjacent to the external
38 boundaries of the Alaska Peninsula National Wildlife
39 Refuge. Nurse Lagoon was at one time considered
40 Federal public waters. The Secretaries of the Interior
41 and Agriculture later determined that some marine
42 waters, including Nurse Lagoon, were incorrectly added
43 to Federal subsistence regulation and should be
44 removed. Mention of Nurse Lagoon persists in this
45 Federal subsistence regulation and should be removed if
46 this closure is retained.

47
48 Residents of the Alaska Peninsula area
49 have a customary and traditional use determination for
50

0119

1 all fish in the Alaska Peninsula area. Russell Creek
2 has been surveyed and found to contain chum, coho, pink
3 and sockeye salmon and steelhead. Annual indexing of
4 chum and pink salmon escapement is conducted through
5 aerial surveys and recent data shows variable returns
6 since 2013; 15,000 to 125,000 chum salmon and up to
7 140,000 pink salmon.

8
9 There was also a count of 600 coho
10 salmon during the 2014 season. 100 sockeye salmon
11 observed during the 2020 season. Estimated coho
12 escapement in Russell Creek during the 2000's range
13 from two to eight thousand.

14
15 Russell Creek is closed to subsistence
16 fishing under both Federal and State regulations, but
17 is open to sport fishing. The general Alaska
18 Peninsula/Aleutian Island Remote Zone sport fishing
19 salmon regulations allow five salmon per day excluding
20 chinook and 10 in possession. There's no harvest
21 estimate reported for Russell Creek, but the estimated
22 sport harvest for the combined Cold Bay area freshwater
23 between 2009 and 2020 range from 1,249 to 5,048 salmon.

24
25 There are currently non-subsistence
26 uses permitted in this area and OSM's conclusion is
27 that this current situation is out of compliance with
28 Title VIII of ANILCA. Rescinding the closure would
29 provide Federal opportunity to harvest salmon in the
30 Russell Creek drainage, thereby providing priority
31 consumptive use to federally qualified subsistence
32 users.

33
34 If this closure is rescinded, Federal
35 subsistence regulations for the Alaska Peninsula Area
36 would apply which could lead to overharvest and
37 conservation concerns. Salmon taken under the permit
38 could be harvested by seine, gillnet, rod and reel, or
39 gear specified on the permit. Salmon could also be
40 taken under Federal regulation without a permit by
41 snagging, using a spear, bow and arrow or capture by
42 hand.

43
44 The salmon harvest limit per household
45 for the Alaska Peninsula Area is 250 fish. To conserve
46 fish populations the Federal in-season manager could
47 use authority delegated by the Board to set provisions
48 for the fishery such as limiting gear types and setting
49 conservative harvest limits. For reference, the
50

0120

1 delegation of authority follows the analysis and begins
2 on Page 358 of the meeting book.

3

4

5 The OSM conclusion is to rescind the
6 closure. The Russell Creek drainage is currently
7 closed to the harvest of salmon by Federally qualified
8 subsistence users, but remains open to other uses. OSM
9 has concluded that Federal subsistence opportunity
10 should be provided to comply with the rural preference
11 mandated by ANILCA. The Federal in-season manager can
12 use delegated authority to manage the fishery in the
13 short term.

13

14

15 A proposal outlining desired parameters
16 for this fishery may be submitted during the next
17 fisheries cycle so they can be put into regulation. If
18 this closure is retained, reference to Nurse Lagoon
19 should be removed because it's not Federal public water
20 and the word drainage should be added after Russell
21 Creek to clarify that the closure applies to the entire
22 drainage. If this closure is rescinded, there would be
23 no need to make these changes.

23

24

25 That's the end of my presentation and
26 also the in-season manager Jonathon Gerken is also
27 available for questions.

27

28

29

30 Thank you, Mr. Chair.
31 CHAIRMAN CHRISTIANSON: Thank you. Any
32 questions from the Board.

32

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34

35 (No comments)
36 CHAIRMAN CHRISTIANSON: Summary of
37 written public comment.

37

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39 MR. KOLLER: Mr. Chair. There were no
40 written public comments submitted for this closure
41 review.

41

42

43 CHAIRMAN CHRISTIANSON: Thank you.
44 We'll open the floor to the public here in the room or
45 online.

45

46

47 OPERATOR: Again as a reminder please
48 press star, one on your phone and record your name if
49 you have a question. One moment, please.

49

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0121

1 (No comments)

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OPERATOR: I show no questions on the
phone lines at this time.

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CHAIRMAN CHRISTIANSON: Thank you.
We'll move on to Tribal/Alaska Native corporation
comments.

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MR. LIND: Thank you, Mr. Chair.
Orville Lind, Native Liaison for the Office of
Subsistence Management. During the consultation
session August 23rd we did not have any questions or
comments.

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19

Thank you, Mr. Chair.

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CHAIRMAN CHRISTIANSON: Move on to
Regional Advisory Council recommendations.

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MS. SKINNER: Rebecca Skinner for the
Kodiak Aleutians RAC. The RAC supports rescinding the
closure of SCR21-13. The Council acknowledges the
current lack of priority for federally qualified
subsistence users at this location. The Council prefers
to provide opportunity for federally qualified
subsistence users and to be able to provide a rural
preference in times of conservation concern.

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CHAIRMAN CHRISTIANSON: Alaska
Department of Fish and Game comments.

MR. MULLIGAN: Thank you, Mr. Chair.
For the record, the Alaska Department of Fish and Game
supports the closure remaining in place at this time
and I will reference our comments on FCR21-12 as
pertaining to this one as well. The only additional
comment we have is pertaining to the jurisdiction issue
OSM is recommending correcting.

After the initial RAC meetings in 2021
over these we had folks come to us and ask some
questions over jurisdiction and we had our ANILCA shop
look into it. We found that in the record that Federal
Subsistence Board and Federal Subsistence has no
jurisdiction over Nurse Lagoon and within 500 yards
outside the mouth of Nurse Lagoon per 50 CFR
100.27(e) (7) (v) (A). The final rule at 70 FR 76407,
December 27, 2005 specifically excluded these waters

0122

1 and others from FSB regulations.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN CHRISTIANSON: Thank you.

6 Thank you for the notice. I missed Bristol Bay
7 recommendation.

8

9 MS. MORRIS LYON: That's okay. Thank
10 you. We did take this motion up at our recent meeting
11 and the Council agreed with the recommendations of the
12 Kodiak Aleutians Regional Advisory Council and supports
13 following Title VIII of ANILCA when resources are
14 limited.

15

16 Thank you.

17

18 CHAIRMAN CHRISTIANSON: Thank you.

19 InterAgency Staff Committee.

20

21 MS. LAVINE: Thank you, Mr. Chair.

22 Members of the Board. The ISC provided the same
23 comment consistent with FCR23-12.

24

25 CHAIRMAN CHRISTIANSON: Board
26 discussion with Council Chairs. State Liaison.

27

28 MS. BOARIO: Mr. Chair. Sara Boario,
29 Fish and Wildlife Service. I just want to note that
30 the OSM Staff have addressed the State's comments on
31 Nurse Lagoon. I appreciate the question the Staff
32 proactive answer on that. Again invite John if you
33 have anything additional to add.

34

35 MR. GERKEN: For the record my name is
36 John Gerken, Federal in-season manager for the Bristol
37 Bay, Kodiak Aleutians and Alaska Peninsula. Nothing
38 else to add. I'd just echo my comments on the last
39 proposal. If the closure was rescinded, anything, we'd
40 be doing it in consultation with stakeholders, Regional
41 Advisory Council and the Department.

42

43 CHAIRMAN CHRISTIANSON: Thank you. Any
44 other Board discussion, questions.

45

46 (No comments)

47

48 CHAIRMAN CHRISTIANSON: Hearing none.

49 The floor is open for Board motion.

50

0123

1 MS. BOARIO: Mr. Chair. Sara Boario,
2 Fish and Wildlife Service. I move to adopt Fisheries
3 Closure Review FCR21-13 and if I get a second I'll
4 explain why I intend to vote in support of my motion.

5

6 MR. SCHMID: The Forest Service
7 seconds.

8

9 MS. BOARIO: Mr. Chair. The Kodiak
10 Aleutians Regional Advisory Council has voted to
11 rescind the closure and has the support of the Bristol
12 Bay Regional Advisory Council as well. The Council
13 acknowledges the current lack of priority for Federally
14 qualified subsistence users at this location.

15

16 The Council supports providing
17 opportunity for Federally qualified subsistence users
18 and to be able to provide a rural preference in times
19 of conservation concern. The Service fisheries manager
20 with delegated authority will coordinate with the State
21 of Alaska, the Council Chair and OSM prior to issuing
22 an emergency or temporary special actions determining
23 gear types, setting harvest limits and addressing
24 conservation concerns if they arise.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN CHRISTIANSON: Thank you. Any
29 further Board deliberation, discussion.

30

31 (No comments)

32

33 CHAIRMAN CHRISTIANSON: Call for the
34 question.

35

36 MR. SCHMID: Question.

37

38 CHAIRMAN CHRISTIANSON: Roll call,
39 please.

40

41 MS. DETWILER: The motion is to rescind
42 the closure. Starting with the maker of the motion
43 Sara Boario, Fish and Wildlife Service.

44

45 MS. BOARIO: The Fish and Wildlife
46 Service supports the motion.

47

48 MS. DETWILER: Thank you. BIA, Glenn
49 Chen.

50

0124

1 MR. CHEN: The BIA supports the motion
2 to rescind the closure, which is consistent with the
3 recommendation of the Kodiak Aleutian Regional Advisory
4 Council as well as the Bristol Bay Regional Advisory
5 Council and we site their justifications as the basis
6 for our vote.

7
8 Thank you.

9
10 MS. DETWILER: Thank you. Steve Cohn,
11 BLM.

12
13 MR. COHN: BLM supports the motion to
14 rescind the closure. This motion is consistent with
15 the recommendations of the Kodiak Aleutians and Bristol
16 Bay Subsistence Regional Advisory Councils.

17
18 MS. DETWILER: Thank you. National
19 Park Service, Sarah Creachbaum.

20
21 MS. CREACHBAUM: The National Park
22 Service also supports rescinding the closure in
23 deference to the Bristol Bay and Kodiak Aleutians
24 Regional Advisory Councils.

25
26 MS. DETWILER: Thank you. Dave Schmid,
27 Forest Service.

28
29 MR. SCHMID: The Forest Service also
30 supports the proposal to rescind the closure in
31 deference to the Kodiak Aleutian Islands and Bristol
32 Bay Regional Advisory Councils.

33
34 MS. DETWILER: Thank you. Public
35 Member Rhonda Pitka.

36
37 MS. PITKA: I vote to rescind the
38 closure.

39
40 MS. DETWILER: Thank you. And Public
41 Member Rhonda Pitka as proxy for Charlie Brower.

42
43 MS. PITKA: Member Brower also votes to
44 rescind the closure. Thank you.

45
46 MS. DETWILER: Thank you. Chair
47 Anthony Christianson.

48
49 CHAIRMAN CHRISTIANSON: I support as
50

0125

1 stated.

2

3 MS. DETWILER: Thank you. Motion
4 passes unanimously.

5

6 CHAIRMAN CHRISTIANSON: I'll call on
7 Staff to present the next proposal. Thank you.

8

9 MR. KOLLER: Good morning again.
10 Justin Koller with the Office of Subsistence
11 Management. The analysis for FCR23-13 begins on Page
12 362 of your meeting book.

13

14 FCR23-13 is a routine review of a
15 Federal closure to salmon fishing in Trout Creek and
16 within 500 yards outside its mouth in the Alaska
17 Peninsula near Cold Bay. Federal public waters
18 comprise the Trout Creek watershed which is within and
19 adjacent to the exterior boundaries of Izembek and
20 Alaska Peninsula National Wildlife Refuges.

21

22 The marine waters of Cold Bay were at
23 one time considered Federal public waters. The
24 Secretaries of the Interior and Agriculture later
25 determined that some marine waters, including Cold Bay,
26 were added to Federal subsistence regulation mistakenly
27 and should be removed. Mention of Cold Bay persists in
28 this Federal subsistence regulation and should be
29 removed if this closure is retained.

30

31 Aerial surveys of Trout Creek have
32 been conducted opportunistically since 1979. The
33 maximum number of salmon observed during these surveys
34 was 1,000 sockeye, 1,736 coho, 2,300 pink salmon and
35 1,200 chum salmon.

36

37 Trout Creek drainage including within
38 500 yards of its mouth is closed to State and Federal
39 subsistence harvest. Trout Creek is open to harvest
40 under State sport regulations, but harvest is combined
41 and reported with all Alaska Peninsula area harvest so
42 exact numbers are unavailable.

43

44 If this fishery is rescinded, Federal
45 subsistence regulations for the Alaska Peninsula Area
46 would apply which could lead to overharvest and
47 conservation concerns. To conserve fish populations,
48 the Federal in-season manager could use authority
49 delegated board to set provisions for the fishery.

50

0126

1 The OSM conclusion is to rescind the
2 closure for reasons stated for the last closure review
3 FCR21-13. If this closure is retained, regulatory
4 language referring to marine waters should be removed
5 because Cold Bay is not considered Federal public
6 waters and the word drainage should be included after
7 Trout Creek to clarify that this closure applies to the
8 entire Trout Creek drainage. If this closure is
9 rescinded, there would be no need to make these
10 changes.

11
12 That concludes the presentation.

13
14 Thank you, Mr. Chair.

15
16 CHAIRMAN CHRISTIANSON: Thank you. Any
17 questions from the Board.

18
19 (No comments)

20
21 CHAIRMAN CHRISTIANSON: Hearing none.
22 Summary of written public comment.

23
24 MR. KOLLER: Mr. Chair. There were no
25 written public comments submitted for this closure
26 review.

27
28 CHAIRMAN CHRISTIANSON: Thank you.
29 We'll open up the floor to the public here in the room
30 or online.

31
32 OPERATOR: Again as a reminder please
33 press star, one on your phone and record your name if
34 you have a question. One moment, please.

35
36 (No comments)

37
38 OPERATOR: I show no questions on the
39 phone lines at this time.

40
41 CHAIRMAN CHRISTIANSON: Thank you.
42 Tribal/Alaska Native corporation comments.

43
44 MR. LIND: Thank you, Mr. Chair. Board
45 Members. Again August 23rd we conducted consultations.
46 We did not have any questions or comments on the
47 Federal Closure 23-13.

48
49 CHAIRMAN CHRISTIANSON: Thank you.

50

0127

1 I'll call on our Regional Advisory Council Chairs.

2

3 MS. SKINNER: Rebecca Skinner for the
4 Kodiak Aleutians RAC. The Council supports rescinding
5 the closure FCR23-13. The Council acknowledges the
6 current lack of priority for Federally qualified users
7 at this location. The Council prefers to provide
8 opportunity for Federally qualified users and to be
9 able to provide a rural preference in times of
10 conservation concern.

11

12 MS. MORRIS LYON: Thank you, Mr. Chair.
13 Nanci Morris Lyon, Bristol Bay RAC. The RAC also
14 unanimously agreed to rescind this closure. The
15 Council agreed with recommendations of the Kodiak
16 Aleutians Regional Advisory Council and supports
17 following Title VIII of ANILCA when resources are
18 limited.

19

20 Thank you.

21

22 CHAIRMAN CHRISTIANSON: Thank you.
23 Alaska Department of Fish and Game comments.

24

25 MR. MULLIGAN: Thank you, Mr. Chair.
26 For the record the Alaska Department of Fish and Game
27 supports the closure remaining in place at this time
28 and references our comments on FCR23-12 as the same
29 reasons given under that closure review as this one.

30

31 In addition, we support the
32 modification given the jurisdictional issues and we
33 will site 50 CFR 100.27(e) (7) (d) (B) and the final rule
34 at 70 FR 76407 as the reasons for that change.

35

36 Thank you.

37

38 CHAIRMAN CHRISTIANSON: Thank you.
39 InterAgency Staff Committee.

40

41 MS. LAVINE: Thank you, Mr. Chair. The
42 ISC provided the same comment consistent with FCR23-12.

43

44 CHAIRMAN CHRISTIANSON: Any Board
45 discussion with Council Chair, State Liaison.

46

47 MS. BOARIO: Mr. Chair. Fish and
48 Wildlife Service. Just again to invite John up if he
49 has anything to add.

50

0128

1 MR. GERKEN: Thank you. For the record
2 my name is John Gerken, Federal in-season manager for
3 the area. If the closure is rescinded, any actions
4 would be consulted with the stakeholders, Regional
5 Advisory Council and the Department.

6
7 Thank you.

8
9 CHAIRMAN CHRISTIANSON: Thank you.

10
11 MR. CHEN: Mr. Chair, BIA.

12
13 CHAIRMAN CHRISTIANSON: You have the
14 floor, Glenn.

15
16 MR. CHEN: Thank you, Mr. Chair. Mr.
17 Gerken. I'm quite familiar with Trout Creek system.
18 It is very small, quite accessible and, has been
19 pointed out by OSM the potential for overharvest should
20 liberalization of bag limits and harvest equipment be
21 allowed. So I think your role in saying some
22 restrictions to ensure conservation will be very
23 important.

24
25 Thank you.

26
27 CHAIRMAN CHRISTIANSON: Any other
28 Board.

29
30 (No comments)

31
32 CHAIRMAN CHRISTIANSON: Thank you.

33 That opens up the Board for a motion.

34
35 MS. BOARIO: Mr. Chair. Fish and
36 Wildlife Service, Sara Boario. Mr. Chair, I make a
37 motion to rescind the closure FCR23-13 and if I get a
38 second, I'll explain why I intend to vote in support of
39 my motion.

40
41 MS. PITKA: I'll second. Rhonda Pitka.

42
43 MS. BOARIO: Mr. Chair. The Kodiak
44 Aleutians Regional Advisory Council and the Bristol Bay
45 RAC have voted to rescind the closure and the Council
46 has acknowledged the current lack of priority for
47 Federally qualified subsistence users at this location.
48 The Council supports providing opportunity for
49 Federally qualified subsistence users and to be able to
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0129

1 provide a rural preference in times of conservation
2 concern.

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The Service fisheries manager with delegated authority will coordinate with the State of Alaska, the Council Chair and OSM prior to issuing emergency or temporary special actions determining gear type, setting harvest limits and addressing conservation concerns if they arise.

Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Any other Board discussion, deliberation, comments.

(No comments)

CHAIRMAN CHRISTIANSON: Hearing and seeing none. Call for the question.

MR. SCHMID: Question.

CHAIRMAN CHRISTIANSON: Roll call, Sue, please.

MS. DETWILER: The motion is to rescind the closure. Sara Boario, Fish and Wildlife Service.

MS. BOARIO: Fish and Wildlife Service votes to rescind.

MS. DETWILER: Thank you. Glenn Chen, BIA.

MR. CHEN: The BIA supports the motion to rescind. This is consistent with the recommendations of both the Kodiak Aleutians and Bristol Bay Regional Advisory Councils and we support the justifications that they provided for this action.

Thank you.

MS. DETWILER: Thank you. Steve Cohn, BLM.

MR. COHN: BLM supports the motion to rescind the closure in deference to the Kodiak Aleutians and Bristol Bay Subsistence Regional Advisory Councils.

0130

1 MS. DETWILER: Thank you. Sarah
2 Creachbaum, Park Service.

3
4 MS. CREACHBAUM: The National Park
5 Service also supports the rescinding of the closure in
6 deference to the Bristol Bay and the Kodiak Aleutians
7 Regional Advisory Councils.

8
9 MS. DETWILER: Thank you. Dave Schmid,
10 Forest Service.

11
12 MR. SCHMID: The Forest Service also
13 supports rescinding the closure in deference to the
14 Kodiak Aleutians and Bristol Bay Regional Advisory
15 Councils and for the reasons outlined by the Councils
16 and OSM.

17
18 MS. DETWILER: Thank you, Dave. Public
19 Member Rhonda Pitka.

20
21 MS. PITKA: I vote to support
22 rescinding the closure as articulated by the Kodiak
23 Aleutians Subsistence Regional Advisory Council and the
24 Bristol Bay Subsistence Regional Advisory Council.

25
26 Thank you.

27
28 MS. DETWILER: Thank you, Rhonda. And
29 Rhonda Pitka as proxy for Charlie Brower.

30
31 MS. PITKA: Member Brower also votes to
32 rescind the closure. Thank you.

33
34 MS. DETWILER: Thank you. Finally
35 Chair Anthony Christianson.

36
37 CHAIRMAN CHRISTIANSON: I support as
38 mentioned.

39
40 MS. DETWILER: The motion passes
41 unanimously.

42
43 CHAIRMAN CHRISTIANSON: Staff, you have
44 the floor to present the next proposal.

45
46 MR. STONE: Thank you, Mr. Chair, and
47 members of the Board. My name is Jarred Stone and I'm
48 a fisheries biologist with the Office of Subsistence
49 Management. The analyses of Fisheries Proposal
50

0131

1 FP23-06a for the marine waters of Womens Bay begins on
2 Page 387 of your meeting board materials.

3

4

5 As a reminder, FP23-06a is a parallel
6 fisheries proposal to the Fisheries Closure FCR21-15 in
7 the marine waters of Womens Bay. This parallel
8 fisheries proposal was submitted by Rebecca Skinner of
9 Kodiak which requests to rescind the closure on the
10 Federal marine waters of Womens Bay and implement a new
11 rod and reel fishery that would match the State sport
12 fishing regulations and harvest limits.

12

13

14 The analyses for both the fisheries
15 proposal and the associated closure review are both the
16 same. So I plan to present the analyses and then the
17 Board can take action on the proposal first and then
18 take action on the associated closure review last. So
19 this analyses presentation will cover both FP23-06a as
20 well as FCR21-15.

20

21

22 The proponent states that currently
23 Federally qualified subsistence users are not allowed
24 to harvest salmon under Federal regulations in an area
25 that already allows sport harvest under State sport
26 fish regulations.

26

27

28 I'll go over some relevant current
29 events for in-season management of Womens Bay and
30 Buskin River. Fisheries emergency special actions were
31 implemented for Womens Bay and Buskin River in recent
32 history due to poor returns of salmon to the Buskin
33 River drainage. This includes an emergency special
34 action in 2022 that closed the take of sockeye salmon
35 by all users in the open marine area, which was later
36 rescinded by an emergency special action to allow
37 harvest once the escapement goals were achieved.

37

38

39 In 2021 an emergency special action was
40 implemented to close the take of sockeye salmon to all
41 users in the Federal public waters of Womens Bay and
42 then again in 2019, which closed all Federal public
43 waters at the mouth of the Buskin River in the Kodiak
44 district to the take of coho salmon.

44

45

46 I'll now give some brief history of the
47 biological background and escapement from previous
48 years. There are currently no abundance estimates for
49 salmon returning to Womens Bay. The Buskin River is a
50 nearby river that monitors adult salmon. Annual

50

1 sockeye salmon escapement returning to the Buskin River
2 is estimated through a weir from May through July. The
3 majority of the fish that return to the system pass
4 through the weir located at the outlet of the Buskin
5 Lake.

6
7 Buskin Lake has a sockeye salmon
8 escapement goal of 5,000 to 8,000 fish. The Buskin
9 River has seen both very strong and relatively weak
10 sockeye and coho salmon runs over the past 10 years.
11 The 2021 escapement of 2,330 sockeye salmon was the
12 lowest return of sockeye salmon in the past 10-year
13 period. During 2013 one of the highest passages was
14 recorded with 16,178 fish for that same 10-year period.
15 In the most recent five-year period two years did not
16 meet escapement goals for sockeye salmon.

17
18 The Buskin River supports one of the
19 historically most productive coho salmon stocks in the
20 Kodiak Management Area. Coho salmon typically start
21 returning in early to mid-August and continue into the
22 fall. The escapement is monitored by a weir about a
23 mile above the river mouth. The Buskin River has a
24 coho salmon escapement goal of 4,700 to 9,600 fish.
25 From 2012 to 2021, weir counts of coho salmon ranged
26 from a high of 8,413 fish in 2014 to a low of 630 fish
27 in 2020.

28
29 During the 2020 season, the low count
30 of 630 fish was considered a partial count due to weir
31 being inoperable during mid-season. Other years such as
32 2015 were considered only partial weir counts due to a
33 similar situation. These weir counts are not the total
34 escapements and some years do not include the harvest
35 data. The average annual weir count was 4,776 fish
36 during that 10-year period.

37
38 Now I'll cover some of the harvest
39 history of subsistence harvest that occur outside of
40 the closed area as well as cover some of the sport
41 harvest that occurs in the closure area.

42
43 Federal and State subsistence users
44 primarily harvest Sockeye and Coho salmon in marine
45 waters near the mouth of the Buskin River. However, the
46 marine waters adjacent to the mouth of the Buskin River
47 are closed under both Federal and State subsistence
48 regulation to protect salmon as they migrate through
49 the estuary.

0133

1 The Buskin River supports the main runs
2 of Sockeye and Coho salmon in Womens Bay. Large
3 subsistence and sport fish harvests occur on these
4 returning stocks. Historically, the marine waters
5 beyond the closure are the single largest source of
6 subsistence salmon harvested in Federal waters within
7 the Kodiak Aleutians Region.

8
9 The Buskin River is also one of the
10 most popular sport fishing locations because of road
11 access and proximity to the City of Kodiak. Both
12 sockeye and coho salmon are targeted in the sport
13 fishery. In addition, commercial fisheries in the
14 marine waters surrounding Kodiak Island also harvest a
15 small number of Buskin River salmon.

16
17 Fish harvests from the Buskin River
18 generally fluctuate with the escapement, but due to its
19 proximity to the City of Kodiak, the Buskin River
20 continues to support both subsistence and sport fishing
21 even in years with small returns. The Sockeye Salmon
22 fisheries occurs primarily in June due to the early run
23 timing.

24
25 I will now switch gears and cover some
26 of the State subsistence harvest of coho and sockeye
27 adjacent to the closed waters. Between 2016 and 2020,
28 the annual State subsistence harvests of sockeye salmon
29 have ranged from a low in 2018 of 473 fish to a high of
30 4,916 fish in 2017 with an average annual of 3,891
31 fish.

32
33 Coho salmon harvest varies drastically
34 from year to year with a low harvest of 300 fish and a
35 high of 1,107 fish. A total number of permits issued
36 for subsistence harvest has declined from 2016 to 2020.

37
38
39 I will now cover some of the sport
40 harvests of coho salmon for the Buskin River. Between
41 2010 and 2018, the annual sport harvest of coho salmon
42 in the Buskin River has ranged from 1,793 to 5,388 with
43 an average annual harvest of 3,293 fish.

44
45 I'll now cover some of the effects of
46 the proposal. If Fisheries Proposal FP23-06a is
47 adopted, the closure would be rescinded and federally
48 qualified subsistence users would have the additional
49 opportunity to harvest fish in the nearshore marine
50

0134

1 waters of Womens Bay. It is unlikely that harvest
2 rates would increase if this closure were rescinded.
3 Rural residents of Kodiak are already harvesting salmon
4 under State sport fish regulations and this change
5 would allow Kodiak residents to choose which fishery
6 they would like to participate in.

7
8 If Fisheries Proposal FP23-06a is not
9 adopted, the closure would remain and there would be a
10 continued inconsistency between State sport, State
11 subsistence and Federal subsistence regulations.
12 Federally qualified subsistence users would not be
13 eligible for the priority consumptive use in times of
14 resource restrictions.

15
16 OSM's conclusion is to support Proposal
17 FP23-06a. That concludes my presentation. I'll take
18 any questions if you have any.

19
20 CHAIRMAN CHRISTIANSON: Thank you,
21 Jarred. Any questions from the Board for Jarred.

22
23 (No comments)

24
25 CHAIRMAN CHRISTIANSON: Thank you.
26 We'll move on to summary of public comment.

27
28 MR. STONE: Thank you, Mr. Chair.
29 There were no written public comments for this
30 proposal.

31
32 CHAIRMAN CHRISTIANSON: Thank you.
33 We'll move on to Tribal/Alaska Native Corporation
34 comments.

35
36 MR. LIND: Thank you, Mr. Chair. Board
37 Members. There were no comments or questions on this
38 proposal 23-06a.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN CHRISTIANSON: Thank you. At
43 this time the floor is open to the public here in the
44 building or online.

45
46 OPERATOR: Again as a reminder please
47 press star, one on your phone and record your name if
48 you have a question. One moment, please.

49
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0135

1 (No comments)

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OPERATOR: I show no questions at this time.

CHAIRMAN CHRISTIANSON: Move on to the Regional Advisory Council recommendations.

MS. SKINNER: Rebecca Skinner for the Kodiak Aleutians RAC. The RAC supports proposal FP23-06a. In support of the Federal subsistence priority this fishery would allow for subsistence harvest while also ensuring that conservation concerns are taken into consideration through the limited gear type. The Council intended to allow a rod and reel salmon fishery in the Womens Bay closed waters and match the current State seasons and bag limits.

CHAIRMAN CHRISTIANSON: Thank you. Bristol Bay.

MS. MORRIS LYON: We did not have any comments on this proposal.

CHAIRMAN CHRISTIANSON: Oh, okay. Thank you. Move on to the State.

MR. MULLIGAN: Thank you, Mr. Chair. For the record the Alaska Department of Fish and Game is opposed to this proposal. Referencing from the previous regions for the similar concerns, I would just in brevity I would cite our reasons under FCR23-12.

Thank you.

CHAIRMAN CHRISTIANSON: Thank you. Board discussion with Council Chairs or State Liaison. The floor is open.

MS. LAVINE: Mr. Chair.

CHAIRMAN CHRISTIANSON: Yes.

MS. LAVINE: This is Robbin.

CHAIRMAN CHRISTIANSON: Yes, Robbin, you have the floor.

MS. LAVINE: The InterAgency Staff

0136

1 Committee has provided their standard comment.

2

3

Thank you, Mr. Chair.

4

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CHAIRMAN CHRISTIANSON: Thank you,
Robbin. That's why I've got to keep my glasses on.

7

8

(Laughter)

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11

CHAIRMAN CHRISTIANSON: Now the floor
is open for a Board motion. Thank you.

12

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17

MS. BOARIO: Mr. Chair. Sara Boario,
Fish and Wildlife Service. Mr. Chair, I move to adopt
Fisheries Proposal FP23-06a. If I get a second, I'll
explain why I intend to vote in support of my motion.

18

19

MS. CREACHBAUM: National Park Service
seconds.

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MS. BOARIO: Mr. Chair. The Kodiak
Aleutians Regional Advisory Council is in support of
this proposal. If this proposal is adopted and the
closure rescinded, it will provide additional
opportunity with rod and reel to harvest fish closer to
town in the near shore marine waters. It is unlikely
that harvest rates would rise because rural residents
of Kodiak are already harvesting salmon under State
sport fish regulations and this change would allow
Kodiak residents to choose which fishery they would
like to participate in.

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The proposed regulatory language in the
analysis was supported by the Council and further
explained by Ms. Skinner on the record. By using rod
and reel and matching the harvest limits of the State
sport fish regulations it will recognize uncertainty in
conservation concerns while also ensure a Federal
subsistence priority in place for the area.

40

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43

Adopting this proposal would lead to
the Board taking no action on FCR23-15.

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Thank you, Mr. Chair.

CHAIRMAN CHRISTIANSON: Thank you. Any
other Board discussion, deliberation.

(No comments)

0137

1 CHAIRMAN CHRISTIANSON: Call for the
2 question.

3
4 MS. CREACHBAUM: Question.

5
6 CHAIRMAN CHRISTIANSON: Roll call, Sue,
7 please.

8
9 MS. DETWILER: The motion is to adopt
10 the proposal. Starting with Sara Boario, Fish and
11 Wildlife Service.

12
13 MS. BOARIO: Fish and Wildlife Service
14 supports.

15
16 MS. DETWILER: Thank you. BIA, Glenn
17 Chen.

18
19 MR. CHEN: The BIA supports the motion.
20 There's two parts to the motion as was pointed out.
21 There's rescinding the closure as well as creating a
22 fishery that matches current State sport fishing
23 regulations. We support both those aspects and we
24 concur with the justification provided by the Kodiak
25 Aleutians Council.

26
27 Thank you.

28
29 MS. DETWILER: Thank you. Steve Cohn,
30 BLM.

31
32 MR. COHN: BLM supports the proposal in
33 deference to the Kodiak Aleutians Subsistence Regional
34 Advisory Council.

35
36 MS. DETWILER: Thank you. Sarah
37 Creachbaum, Park Service.

38
39 MS. CREACHBAUM: NPS also supports for
40 the reasons stated in the Fish and Wildlife Service
41 motion and in deference to the Kodiak Aleutians
42 Regional Advisory Council.

43
44 MS. DETWILER: Thank you. Dave Schmid,
45 Forest Service.

46
47 MR. SCHMID: The Forest Service
48 supports the proposal in deference to the Kodiak
49 Aleutians RAC and for the reasons again outlined by OSM
50

0138

1 and the Council.

2

3 MS. DETWILER: Thank you. Public
4 Member Rhonda Pitka.

5

6 MS. PITKA: I vote to support the
7 proposal based on the justification on Page 397 of the
8 Board book and also in deference to the Regional
9 Advisory Council. Thank you.

10

11 MS. DETWILER: Thank you. And Rhonda
12 Pitka as proxy on behalf of Charlie Brower.

13

14 MS. PITKA: I'd like to see if Member
15 Brower is online. He did say he'd be back about 11:30.

16

17 CHAIRMAN CHRISTIANSON: Charlie, are
18 you online?

19

20 MS. PITKA: If not, I'm prepared to
21 vote for Member Brower as his proxy. Member Brower
22 votes to support FP23-06a.

23

24 MS. DETWILER: Thank you. Chair
25 Anthony Christianson.

26

27 CHAIRMAN CHRISTIANSON: I support as
28 stated.

29

30 MS. DETWILER: Thank you. Motion
31 passes unanimously.

32

33 CHAIRMAN CHRISTIANSON: We'll call on
34 Staff to do the next proposal. Following this one we
35 have a dance group showing up at noon. You have the
36 floor.

37

38 MR. STONE: Thank you, Mr. Chair.
39 Members of the Board. Again for the record my name is
40 Jarred Stone and I am a fish biologist with the Office
41 of Subsistence Management. The analyses for Fisheries
42 Proposal FP23-06b for the Buskin Marine Waters begins
43 on Page 416 of your meeting materials.

44

45 Again, similar as to our last proposal,
46 FP23-06b is a parallel fisheries proposal for Fisheries
47 Closure Review FCR21-16 which was submitted by Rebecca
48 Skinner of Kodiak. This proposal requests to rescind
49 the closure and modify the regulations to match the

50

0139

1 State sportfishing regulation and harvest limits.
2 Similar to the previous proposal, the analyses is the
3 same for both the fisheries proposal and closure
4 review, so I will present the analyses and the Board
5 can take action on both Fisheries Proposal FP23-06b
6 first and the Closure Review FCR21-16.

7
8 For brevity, the analyses will cover
9 the same material that I had previously presented
10 primarily for the Buskin River so I will try to
11 summarize a lot of information I've given before. I
12 will not go over the current events because they are
13 the same for both Buskin River and Womens Bay as
14 previously stated in the FP23-06a.

15
16 Again, for the biological information
17 that is also the same for this analysis. As so with
18 the harvest history is all the same. I'll cover some
19 of the effects of the proposal.

20
21 If fisheries proposal FP23-06b is
22 adopted, federally qualified subsistence users would
23 have additional opportunity to harvest fish closer to
24 town in the nearshore marine waters. It is unlikely
25 that harvest rates would increase if this closure were
26 rescinded. Rural residents of Kodiak are already
27 harvesting salmon under State sport fish regulations
28 and this change would allow Kodiak residents to choose
29 which fishery they would like to participate in.

30
31 If FP23-06b is not adopted, there would
32 be continued inconsistency between State sport, State
33 subsistence and Federal subsistence regulations.
34 Federally qualified subsistence users would not be
35 eligible for priority consumptive use in times of
36 resource restrictions.

37
38 OSM's conclusion is to support Proposal
39 FP23-06b. Section 804 of ANILCA requires that
40 subsistence uses by rural residents of Alaska shall be
41 the priority consumption uses of all such resources on
42 the public lands of Alaska. Currently, federally
43 qualified subsistence users are not allowed to harvest
44 salmon under Federal subsistence regulations in the
45 same Federal public waters where the State sport fish
46 harvest is allowed.

47
48 Aligning State and Federal regulations
49 would prevent Federal subsistence regulations from
50

0140

1 being more restrictive than State sport fishing
2 regulations, and overall harvests levels would likely
3 remain unaffected as federally qualified users are
4 already harvesting under the State sport fishery.

5

6 That concludes my presentation.

7

8 CHAIRMAN CHRISTIANSON: Thank you.

9

Robbin.

10

11 MS. LAVINE: Mr. Chair. I believe we
12 do need to take formal action or the Board needs to
13 assert on the record that the Board will take no action
14 on the fisheries closure review that was addressed by
15 the previous proposal that you took action on. So in
16 taking action on the Fisheries Proposal 23-06a you have
17 confirmed that you will take no action on Fisheries
18 Closure Review 23-15 as it was addressed in 06a.

19

20 CHAIRMAN CHRISTIANSON: Yeah. So do we
21 need to make a motion to that effect or just say it for
22 the record that we'll take no action?

23

24 MS. LAVINE: I defer to our legal
25 counsel.

26

27 CHAIRMAN CHRISTIANSON: I mean is there
28 concurrence here by the Board that we take no action?

29

30 (Board concurs by nods of the head
31 unanimously)

32

33 CHAIRMAN CHRISTIANSON: Okay.
34 Concurrence is no action taken. We'll move on. Now we
35 can have summary of public comment.

36

37 MR. STONE: Thank you, Mr. Chair.
38 There were no written public comments submitted.

39

40 CHAIRMAN CHRISTIANSON: Thank you.
41 Open the floor to the public testimony here in the room
42 or online.

43

44 OPERATOR: Again as a reminder please
45 press star, one on your phone and record your name if
46 you have a question. One moment, please.

47

48 (No comments)

49

50

0141

1 OPERATOR: I show no questions on the
2 phone lines at this time.

3

4 CHAIRMAN CHRISTIANSON: Thank you.
5 Tribal and Alaska Native corporation comments.

6

7 MR. LIND: Thank you, Mr. Chair.
8 Orville Lind, Native Liaison for OSM. During the
9 consultation there were no questions or comments on
10 this proposal.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN CHRISTIANSON: Regional
15 Advisory Council.

16

17 MS. SKINNER: Rebecca Skinner for the
18 Kodiak Aleutians RAC. The RAC supports Fishery Proposal
19 23-06b with the modification to remove "season dates
20 and harvest limits shall be the same as the State of
21 Alaska sportfishing regulations."

22

23 In support of the Federal subsistence
24 priority this fishery would allow for subsistence
25 harvest while also ensuring that conservation concerns
26 are taken into consideration through the limited gear
27 type and limits.

28

29 Thank you.

30

31 CHAIRMAN CHRISTIANSON: Thank you.
32 InterAgency Staff. Oh, excuse me. Alaska Department
33 of Fish and Game comments.

34

35 MR. MULLIGAN: Thank you, Mr. Chair.
36 For the record, since we're pairing these up, the
37 Alaska Department of Fish and Game opposed the
38 rescinding of the closure under FCR23-15, but given
39 that there was also the corresponding proposal, which,
40 as you know from previous proposals as we talked about,
41 at the very least getting the gear types restricted to
42 something similar to what the State allows that would
43 be agreeable with us.

44

45 Thank you very much.

46

47 CHAIRMAN CHRISTIANSON: Thank you.
48 InterAgency Staff Committee.

49

50

0142

1 MS. LAVINE: Thank you, Mr. Chair. The
2 InterAgency Staff Committee provided their standard
3 comment.

4
5 CHAIRMAN CHRISTIANSON: Thank you.
6 That opens up Board discussion with Council Chairs or
7 State Liaison. The floor is open for a motion.

8
9 MS. BOARIO: Mr. Chair. Sara Boario,
10 Fish and Wildlife Service. Mr. Chair, I move to adopt
11 Fisheries Proposal FP23-06b. If I get a second, I'll
12 explain why I intend to vote in support of my motion.

13
14 MS. CREACHBAUM: National Park Service
15 seconds.

16
17 MS. BOARIO: Mr. Chair. The Kodiak
18 Aleutians Regional Advisory Council is in support with
19 modification of FP23-06b to rescind the closure and
20 implement a new rod and reel fishery. This motion
21 allows the area wide harvest limit to apply to the
22 fishery. In support of the Federal subsistence
23 priority, this fishery would allow for subsistence
24 harvest while also enduring that conservation concerns
25 are taken into consideration through the limited gear
26 type.

27
28 Thank you, Mr. Chair.

29
30 CHAIRMAN CHRISTIANSON: Thank you,
31 Sara. I didn't hear who seconded that.

32
33 MS. CREACHBAUM: The other Sarah.

34
35 CHAIRMAN CHRISTIANSON: Oh, okay.
36 Thank you. Any other Board discussion, deliberation.

37
38 MR. CHEN: Mr. Chair. BIA.

39
40 CHAIRMAN CHRISTIANSON: Yes, you have
41 the floor.

42
43 MR. CHEN: Thank you, Mr. Chair. Ms.
44 Boario, I just want to confirm that your motion
45 includes the modification as recommended by the Kodiak
46 Aleutians Council.

47
48 MS. BOARIO: Yes, it does.

49
50

0143

1 MR. CHEN: Thank you for that
2 clarification.

3
4 CHAIRMAN CHRISTIANSON: Thank you. Any
5 other Board comments.

6
7 (No comments)

8
9 CHAIRMAN CHRISTIANSON: Call for the
10 question.

11
12 MR. SCHMID: Question.

13
14 CHAIRMAN CHRISTIANSON: Roll call, Sue,
15 please.

16
17 MS. DETWILER: Sara Boario, Fish and
18 Wildlife Service.

19
20 MS. BOARIO: Fish and Wildlife Service
21 supports.

22
23 MS. DETWILER: Thank you. Glenn Chen,
24 BIA.

25
26 MR. CHEN: The BIA supports the motion
27 which includes rescinding the closure for the Buskin
28 area as well as the modification proposed by the Kodiak
29 Aleutians Council to limit the gear type to sport gear.
30 Thank you. And we'd also add that we support the
31 justification provided by the Council.

32
33 MS. DETWILER: Thank you. Steve Cohn,
34 BLM.

35
36 MR. COHN: BLM supports the proposal as
37 modified by the Kodiak Aleutians Subsistence Regional
38 Advisory Council.

39
40 MS. DETWILER: Thank you. Sarah
41 Creachbaum, National Park Service.

42
43 MS. CREACHBAUM: National Park Service
44 supports and in deference to the Kodiak Aleutians
45 Regional Advisory Council and the stated justification
46 for Fish and Wildlife Service.

47
48 MS. DETWILER: Thank you. Dave Schmid,
49 Forest Service.

50

0144

1 MR. SCHMID: The Forest Service
2 supports the proposal with the Council modification
3 that allows rod and reel fishing and to match harvest
4 limits under the State of Alaska sport fishing regs.
5 Also in deference to the Council for the reasons
6 outlined.

7
8 MS. DETWILER: Thank you. Public
9 Member Rhonda Pitka.

10
11 MS. PITKA: I vote to support 23-06b as
12 modified by the Kodiak Aleutians Subsistence Regional
13 Advisory Council. Thank you.

14
15 MS. DETWILER: Thank you. I'll check
16 to see if Public Member Charlie Brower is online.

17
18 (No comment)

19
20 MS. DETWILER: I don't hear Mr. Brower.
21 Rhonda Pitka on behalf of Charlie Brower.

22
23 MS. PITKA: Member Brower also votes to
24 adopt as modified. Thank you.

25
26 MS. DETWILER: Thank you. Chair
27 Christianson.

28
29 CHAIRMAN CHRISTIANSON: I support as
30 mentioned.

31
32 MS. DETWILER: Thank you. Motion
33 passes unanimously.

34
35 CHAIRMAN CHRISTIANSON: Robbin, yes.

36
37 MS. LAVINE: Mr. Chair. I just want to
38 confirm with the Board that in taking action on
39 Fisheries Proposal 23-06b you take no action on the
40 associated closure review.

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN CHRISTIANSON: Thank you. By
45 concurrence, no action. Thank you. We'll do one more.
46 The dance group is running a little late. So we'll
47 call on the Staff to present another proposal.

48
49 Thank you, Jarred.

50

0145

1 MR. STONE: Thank you, Mr. Chair.
2 Members of the Board. Again for the record my name is
3 Jarred Stone. I am a fish biologist with the Office of
4 Subsistence Management. The analyses of Deferred
5 Fisheries Closure FCR21-18 is for the marine waters of
6 Afognak Bay which begins on Page 445 of your Board
7 materials. Fisheries Closure FCR21-18 states that you
8 may not subsistence fish for salmon in Afognak Bay
9 north and west of a line from the tip of Last Point to
10 the tip of Rivermouth Point.

11

12 I'll give a brief summary of the area
13 and provide some escapement history. The Afognak Lake
14 watershed, known locally as Litnik, is located at the
15 southeast side of Afognak Island and supports sockeye
16 salmon, coho salmon and pink salmon runs. Afognak Bay
17 is part of the Alaska Maritime National Wildlife Refuge
18 and is where most localized subsistence sockeye salmon
19 fishing occurs. The marine waters adjacent to the mouth
20 of the Afognak River are closed under both Federal and
21 State subsistence regulation.

22

23 The Afognak River Weir operates from
24 mid-May to mid-August. Currently, the Afognak River has
25 an escapement goal of 20,000 to 50,000 sockeye salmon.
26 The Afognak River has seen relatively weak sockeye
27 salmon returns in recent history. Between 2010 and
28 2021, the annual sockeye salmon escapement has ranged
29 from 17,601 to 51,821 fish, with a 12-year average
30 escapement of 34,124 fish.

31

32 Sockeye salmon returns have been below
33 average since 2016, with the lowest return of 17,601
34 fish occurring in 2018. Monitoring of adult Coho Salmon
35 through the weir into Afognak Lake has been secondary
36 to monitoring sockeye salmon escapement. Largely due to
37 budgetary constraints the weir is often removed before
38 the coho run is complete. With that the coho salmon
39 escapement estimates are often incomplete and dependent
40 on run timing. There is no escapement goal for coho or
41 pink salmon returning to Afognak Lake.

42

43 Subsistence harvest for salmon is open
44 throughout the year in most Federal public waters of
45 the Kodiak management area with a subsistence fishing
46 permit. Historically, the most utilized subsistence
47 fishery areas under Federal regulations are the marine
48 waters in proximity to the Buskin River on the north
49 end of Kodiak Island and the marine waters of Afognak
50

0146

1 Bay.

2

3

4 Sockeye salmon are the primary species
5 harvested by federally qualified subsistence users with
6 a 3-year average harvest of 216 fish coho salmon are
7 the second most frequently harvested fish with a 3-year
8 average harvest of 48 fish.

8

9 According to Title VIII, Section 804 of
10 the Alaska National Interest Lands Conservation Act,
11 "...the taking on public lands of fish and wildlife for
12 nonwasteful subsistence uses shall be accorded priority
13 over taking on such lands of fish and wildlife for
14 other purposes." There are currently non-subsistence
15 uses permitted in this area making the current
16 situation out of compliance with Title VIII of ANILCA.
17 Rescinding the closure would provide Federal
18 opportunity to harvest salmon in the Afognak Bay
19 thereby providing priority consumptive use to Federally
20 qualified subsistence users.

21

22 If the closure is rescinded, Federally
23 qualified subsistence users would be allowed to harvest
24 salmon using the methods described on the Federal
25 permit which allows the use of nets and a more liberal
26 harvest than sport harvest. To conserve fish
27 populations, the Federal in-season manager could issue
28 special actions to set provisions for the fishery, such
29 as stipulating gear types, like rod and reel only, and
30 setting conservative harvest limits.

31

32 If the in-season manager chose to
33 mirror State sport fish regulations, harvest would
34 likely remain near the same level because rural
35 residents are already harvesting fish under State sport
36 fishing regulations. This would provide a rural
37 priority for subsistence use during times of low
38 abundance by limiting the fishery to Federally
39 qualified subsistence users only.

40

41 OSM's conclusion is to rescind
42 FCR21-18. This portion of Afognak Bay is currently
43 closed to the harvest of salmon by Federally qualified
44 subsistence users but remains open to other uses.
45 Again Section 804 of ANILCA requires that subsistence
46 uses by rural residents of Alaska shall be "the
47 priority consumption uses of all such resources on the
48 public lands of Alaska".

49

50

0147

1 Federal subsistence opportunity should
2 also be provided to comply with the rural preference
3 mandated by ANILCA. To conserve fish populations,
4 again the Federal in-season manager could issue special
5 actions to set provisions for the fishery. The
6 in-season manager can use this authority to manage the
7 fishery in the short term. Harvest levels again would
8 likely remain unaffected as Federally qualified
9 subsistence users already participate in the State
10 sport fishery. A proposal outlining specific
11 parameters can be submitted during a future fisheries
12 regulatory cycle if desired.

13

14 This concludes my presentation. I'll
15 be happy to take any questions.

16

17 CHAIRMAN CHRISTIANSON: Thank you,
18 Jarred. Any questions.

19

20 (No comments)

21

22 CHAIRMAN CHRISTIANSON: Hearing none.
23 Summary of written public comment.

24

25 MR. STONE: Thank you, Mr. Chair.
26 There were no written public comments submitted for
27 this closure review.

28

29 CHAIRMAN CHRISTIANSON: At this time
30 we'll open up the floor to the public here or online.

31

32 OPERATOR: Again as a reminder please
33 press star, one on your phone and record your name if
34 you have a question. One moment, please.

35

36 (No comments)

37

38 OPERATOR: I show no questions on the
39 phone lines at this time.

40

41 CHAIRMAN CHRISTIANSON: Thank you.
42 We'll move on to Tribal/Alaska Native Corporation
43 comments.

44

45 MR. LIND: Thank you, Mr. Chair.
46 Orville Lind, Native Liaison for OSM. There were no
47 comments or questions.

48

49 Thank you, Mr. Chair.

50

0148

1 CHAIRMAN CHRISTIANSON: Thank you.
2 Regional Advisory Council.

3

4 MS. SKINNER: Rebecca Skinner for the
5 Kodiak Aleutians RAC. The RAC supports rescinding the
6 closure FCR21-18. The Council recommends rescinding
7 the closure because it would bring the Federal
8 subsistence regulations in compliance with the rural
9 subsistence consumptive priority set forth in Title
10 VIII of ANILCA.

11

12 Thank you.

13

14 CHAIRMAN CHRISTIANSON: Thank you.
15 Alaska Department of Fish and Game.

16

17 MR. MULLIGAN: Thank you, Mr. Chair.
18 For the record the Alaska Department of Fish and Game
19 supports the closure remaining in place at this time.
20 The reasons that we give as far as regulatory
21 complexity and enforcement challenges are all the same
22 reasons I expanded upon in my comments for FCR23-12.
23 So I'll leave it at that.

24

25 Thank you.

26

27 CHAIRMAN CHRISTIANSON: Thank you.
28 ISC.

29

30 MS. LAVINE: Thank you, Mr. Chair. The
31 ISC provided the same comment consistent with FCR23-12.

32

33 CHAIRMAN CHRISTIANSON: Thank you.
34 Board discussion. Council Chairs or State Liaison.
35 The floor is open for a motion.

36

37 MS. BOARIO: Mr. Chair. Sara Boario,
38 Fish and Wildlife Service. Mr. Chair, I move to adopt
39 Fisheries Closure Review FCR21-18. If I get a second,
40 I'll explain why I intend to vote in support of my
41 motion.

42

43 MR SCHMID: Forest Service seconds.

44

45 MS. BOARIO: Mr. Chair. The Kodiak
46 Aleutians Regional Advisory Council recommends
47 rescinding the closure because it would bring the
48 Federal subsistence regulations in compliance with the
49 rural subsistence priority set forth in Title VIII of

50

0149

1 ANILCA. The Service fisheries manager with delegated
2 authority will coordinate with the Alaska Department of
3 Fish and Game, the Council Chair and OSM prior to
4 issuing emergency or temporary special actions
5 determining gear types, setting harvest limits and
6 addressing conservation concerns if they arise.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN CHRISTIANSON: Thank you. Any
11 other Board discussion, deliberation.

12

13 (No comments)

14

15 CHAIRMAN CHRISTIANSON: Call for the
16 question.

17

18 MR. SCHMID: Question.

19

20 CHAIRMAN CHRISTIANSON: Roll call, Sue,
21 please.

22

23 MS. DETWILER: The motion would rescind
24 the closure. Sara Boario, Fish and Wildlife Service.

25

26 MS. BOARIO: Fish and Wildlife Service
27 supports.

28

29 MS. DETWILER: Thank you. Glenn Chen,
30 BIA.

31

32 MR. CHEN: The BIA supports the motion
33 to rescind this closure. This is consistent with the
34 recommendation of the Kodiak Aleutians Regional
35 Advisory Council and we support the justification they
36 provided.

37

38 Thank you.

39

40 MS. DETWILER: Thank you. Steve Cohn,
41 BLM.

42

43 MR. COHN: BLM supports rescinding the
44 closure in deference to the Kodiak Aleutians
45 Subsistence Regional Advisory Council.

46

47 MS. DETWILER: Thank you. Sarah
48 Creachbaum, National Park Service.

49

50

0150

1 MS. CREACHBAUM: The NPS also supports
2 rescinding the closure for the reasons stated in the
3 Fish and Wildlife Service motion and in deference to
4 the Kodiak Aleutians Regional Advisory Council.

5
6 MS. DETWILER: Thank you. Dave Schmid,
7 Forest Service.

8
9 MR. SCHMID: The Forest Service
10 supports rescinding the FCR21-18 in deference to the
11 Kodiak Aleutian Islands RAC and for the reasons also
12 outlined by OSM and the Council.

13
14 MS. DETWILER: Thank you. Public
15 Member Rhonda Pitka.

16
17 MS. PITKA: I support rescinding the
18 closure for FCR21-18 in deference to the Kodiak
19 Aleutians RAC and I support their justification.

20
21 Thank you.

22
23 MS. DETWILER: Thank you. Check to see
24 if Public Member Charlie Brower is online.

25
26 (No comment)

27
28 MS. DETWILER: Sounds like not. Member
29 Rhonda Pitka as proxy for Charlie Brower.

30
31 MS. PITKA: Yes, as proxy for Member
32 Brower, Member Brower also votes to rescind the closure
33 as articulated. Thank you.

34
35 MS. DETWILER: Thank you. Chair
36 Anthony Christianson.

37
38 CHAIRMAN CHRISTIANSON: I support as
39 stated.

40
41 MS. DETWILER: Motion passes
42 unanimously.

43
44 CHAIRMAN CHRISTIANSON: We have a dance
45 group scheduled for noon, but they're running a little
46 bit late. Orville, you have the floor.

47
48 MR. LIND: Thank you, Mr. Chair. Board
49 Members. Yeah, the dancers will be here momentarily.

50

0151

1 I would suggest you all relax and visit for a couple
2 more minutes until they get set up and we'll get
3 started with the dance group.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN CHRISTIANSON: All right.
8 We'll take a five minute recess until we have the dance
9 group.

10

11 (Off record)

12

13 (On record)

14

15 MS. DETWILER: With your permission,
16 Mr. Chair, I'll start the roll call to establish a
17 quorum. BIA, Glenn Chen.

18

19 MR. CHEN: Present.

20

21 MS. DETWILER: Thank you. BLM, Steve
22 Cohn.

23

24 MR. COHN: Present.

25

26 MS. DETWILER: Thank you. Fish and
27 Wildlife Service, Sara Boario.

28

29 MS. BOARIO: Present.

30

31 MS. DETWILER: Park Service, Sarah
32 Creachbaum.

33

34 MS. CREACHBAUM: Present, Sue.

35

36 MS. DETWILER: Forest Service, Dave
37 Schmid.

38

39 MR. SCHMID: Present.

40

41 MS. DETWILER: Public Member Rhonda
42 Pitka.

43

44 MS. PITKA: Here.

45

46 MS. DETWILER: Public Member Charlie
47 Brower on the phone.

48

49 MR. BROWER: (In Inupiaq)

50

0152

1 MS. DETWILER: Thank you. And Chair
2 Anthony Christianson.

3
4 CHAIRMAN CHRISTIANSON: Present.

5
6 MS. DETWILER: You have a quorum.

7
8 CHAIRMAN CHRISTIANSON: Thank you.
9 We'll turn it over to Staff to start presenting the
10 proposals where we left off.

11
12 Thank you.

13
14 MR. STONE: All right. Thank you. Good
15 afternoon, Mr. Chair and Members of the Board. For the
16 record my name is Jarred Stone and I am a fisheries
17 biologist with the Office of Subsistence Management.

18
19 The analyses of Deferred Fisheries
20 Closure FCR21-19 for the Federal public freshwaters of
21 Afognak Island begins on Page 459 of your Board
22 materials. Fisheries Closure FCR21-19 states you may
23 not subsistence fish for salmon in all freshwater
24 systems of Afognak Island.

25
26 I'll provide a brief biological
27 background and provide what is known of the harvest
28 history. Subsistence harvest for salmon is open
29 throughout the year in most Federal public waters of
30 the Kodiak management area with a subsistence fishing
31 permit. However, the freshwater systems of Afognak
32 Island within the Kodiak National Wildlife Refuge are
33 closed under both Federal and State regulation to
34 subsistence harvest.

35
36 Historically, the most utilized
37 subsistence fisheries under Federal regulations are the
38 marine waters in proximity to the Buskin River on the
39 north end of Kodiak Island and the marine waters of
40 Afognak Bay on the southeast side of Afognak Island.
41 Both areas are part of the Alaska Maritime National
42 Wildlife Refuge.

43
44 Fish harvested under State sport fish
45 regulation in the Kodiak management area are estimated
46 through the Alaska Sport Fishing Harvest Survey.
47 Because of low response rates, there are no estimates
48 of sockeye or coho salmon harvests in the fresh water
49 streams of Afognak Island.

50

0153

1 I'll now go over some of the effects of
2 the closure review. Currently, harvest of sockeye and
3 coho salmon is allowed under State sport fish
4 regulations in this area while harvest is prohibited
5 but for Federally qualified subsistence users. If the
6 closure is rescinded, Federally qualified subsistence
7 users would be allowed to harvest salmon using the
8 methods described on the Federal permit which allows
9 the use of nets and a more liberal harvest than sport
10 harvest.

11
12 To conserve fish populations, the
13 Federal in-season manager could issue a special action
14 to set provisions for the fishery, such as stipulating
15 gear types like rod and reel only and setting
16 conservative harvest limits. If the closure were
17 retained, sport harvest of salmon would continue while
18 Federally qualified subsistence users would be
19 prohibited from harvesting salmon under Federal
20 subsistence regulations in this location.

21
22 OSM's preliminary conclusion is to
23 rescind FCR21-19. These Afognak Island freshwaters are
24 currently closed to the harvest of salmon by federally
25 qualified subsistence users but remain open to other
26 uses. Section 804 of ANILCA requires that subsistence
27 uses by rural residents of Alaska shall by the priority
28 consumption uses of all such resources on the public
29 lands of Alaska.

30
31 Federal subsistence opportunity should
32 also be provided to comply with the rural preference
33 mandated by ANILCA. The in-season manager can use this
34 authority to manage the fishery in the short term.
35 Harvests levels would likely remain unaffected as
36 federally qualified users already participate in the
37 State sport fishery. A proposal outlining specific
38 parameters can be submitted during a future fisheries
39 regulatory cycle if it is desired.

40
41 That concludes my presentation. I'll
42 take any questions if you have any.

43
44 CHAIRMAN CHRISTIANSON: Any questions
45 from the Board.

46
47 (No comments)

48
49 CHAIRMAN CHRISTIANSON: Thank you,
50

0154

1 Jarred. Summary of written public comments.

2

3 MR. STONE: Mr. Chair. There were no
4 written public comments submitted for this closure
5 review.

6

7 CHAIRMAN CHRISTIANSON: Thank you.
8 We'll open up the floor for public testimony or online.

9

10 OPERATOR: Again as a reminder please
11 press star, one on your phone and record your name if
12 you have a question. One moment, please.

13

14 (No comments)

15

16 OPERATOR: I show no questions on the
17 phone lines at this time.

18

19 CHAIRMAN CHRISTIANSON: Tribal/Alaska
20 Native Corporation comments.

21

22 MR. LIND: Good afternoon, Chairman and
23 Board Members. During the consultation on August 23rd
24 there were no comments or questions on this proposal.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN CHRISTIANSON: Thank you.
29 Regional Advisory Council recommendations.

30

31 MS. SKINNER: Rebecca Skinner with the
32 Kodiak Aleutians RAC. The RAC recommends rescinding the
33 closure FCR21-19. The Council recommends rescinding
34 the closure because it would bring the Federal
35 subsistence regulations in compliance with the rural
36 subsistence consumptive priority set forth in Title
37 VIII of ANILCA. In addition, the Federal manager can
38 step in as needed in times of conservation concern to
39 limit fisheries as necessary.

40

41 Thank you.

42

43 CHAIRMAN CHRISTIANSON: Thank you.
44 Alaska Department of Fish and Game comments.

45

46 MR. MULLIGAN: Thank you, Mr. Chair.
47 For the record the Alaska Department of Fish and Game
48 supports this closure staying in place for the same
49 reasons as far as at the time of what the closure

50

0155

1 review was looking at as liberal gear types and
2 conservation concerns given that. But as we previously
3 stated in much similar closure reviews here earlier
4 today with acknowledgment of looking at those being
5 restricted, we're okay.

6
7 CHAIRMAN CHRISTIANSON: InterAgency
8 Staff Committee.

9
10 MS. LAVINE: Thank you, Mr. Chair. The
11 InterAgency Staff Committee provided the same comment
12 as the one provided for FCR23-12.

13
14 CHAIRMAN CHRISTIANSON: Board
15 discussion with Council Chairs and State Liaison.

16
17 MS. BOARIO: Mr. Chair.

18
19 CHAIRMAN CHRISTIANSON: Sara.

20
21 MS. BOARIO: I just want to acknowledge
22 and note that our Federal manager, the manager at the
23 Kodiak National Wildlife Refuge, is on the line and
24 available. Just acknowledge that he's with us here
25 today.

26
27 CHAIRMAN CHRISTIANSON: Thank you. The
28 floor is open for Board motion.

29
30 MS. BOARIO: Mr. Chair. Sara Boario,
31 Fish and Wildlife Service. Mr. Chair, I move to
32 rescind Fisheries Closure Review FCR21-19. If I get a
33 second, I'll explain why I intend to vote in support of
34 my motion.

35
36 MR. BROWER: Second.

37
38 MS. BOARIO: Mr. Chair. The Kodiak
39 Aleutians Regional Advisory Council recommends
40 rescinding the closure because it would bring the
41 Federal subsistence regulations in compliance with the
42 rural subsistence consumption priority set forth in
43 Title VIII of ANILCA. In addition, the Federal manager
44 can step in as needed in times of conservation concern
45 to limit fisheries if needed.

46
47 Thank you, Mr. Chair.

48
49 CHAIRMAN CHRISTIANSON: Any further

50

0156

1 discussion or deliberation.

2

3 (No comments)

4

5 MR. SCHMID: Question.

6

7 MR. BROWER: Question, Mr. Chair.

8

9 CHAIRMAN CHRISTIANSON: The question
10 has been called. Roll call, Sue, please.

11

12 MS. DETWILER: Yes, Mr. Chair.
13 Starting with the maker of the motion, Sara Boario,
14 Fish and Wildlife Service.

15

16 MS. BOARIO: Fish and Wildlife Service
17 votes to rescind.

18

19 MS. DETWILER: Thank you. Glenn Chen,
20 BIA.

21

22 MR. CHEN: The BIA supports the motion
23 as offered by Fish and Wildlife Service. We note that
24 this is in deference to the Kodiak Aleutians Regional
25 Advisory Council recommendation and we concur with
26 their justification and so forth put forward for this
27 recommendation.

28

29 Thank you.

30

31 MS. DETWILER: Thank you. Steve Cohn,
32 BLM.

33

34 MR. COHN: BLM supports rescinding the
35 closure in deference to the Kodiak Aleutians
36 Subsistence Regional Advisory Council.

37

38 Thank you.

39

40 MS. DETWILER: Thank you. Sarah
41 Creachbaum, National Park Service.

42

43 MS. CREACHBAUM: The National Park
44 Service also supports rescinding the closure for the
45 reasons stated in the Fish and Wildlife Service motion
46 and in deference to the Kodiak Aleutians Regional
47 Advisory Council.

48

49 MS. DETWILER: Thank you. Dave Schmid,

50

0157

1 Forest Service.

2

3 MR. SCHMID: The Forest Service
4 supports rescinding FCR21-19 in deference to the Kodiak
5 Aleutian Islands Regional Advisory Council and for the
6 reasons outlined by OSM and the Council.

7

8 MS. DETWILER: Thank you. Public
9 Member Rhonda Pitka.

10

11 MS. PITKA: I vote to support
12 rescinding the closure for FCR21-19 in deference to the
13 Regional Advisory Council and as outlined by the
14 justification on Page 466. Thank you.

15

16 MS. DETWILER: Thank you. Public
17 Member Charlie Brower.

18

19 MR. BROWER: I would support the
20 recommendation and the advice from the Regional
21 Subsistence Advisory Council to rescind the closure of
22 FCR21-19.

23

24 MS. DETWILER: Thank you. Chair
25 Anthony Christianson.

26

27 CHAIRMAN CHRISTIANSON: I support.

28

29 MS. DETWILER: Motion passes
30 unanimously.

31

32 MR. SCHMID: Mr. Chair. I just wanted
33 to make you and the rest of the Board aware that all of
34 the students in the program have made it in today. At
35 some point in the agenda this afternoon it would be
36 wonderful if we gave them the opportunity to introduce
37 themselves. Wherever we find a good spot would be
38 helpful.

39

40 CHAIRMAN CHRISTIANSON: We have a time
41 certain here. We could probably put them at 3:00
42 because we're trying to stretch that time out a little
43 bit to let some testifiers come in. So how about we
44 have the students do it right at 3:00 o'clock. They
45 can introduce themselves and give us that little bit of
46 window of opportunity to stretch down and hopefully get
47 the testifiers here. How does that sound?

48

49 MR. SCHMID: (Nods affirmatively)

50

0158

1 CHAIRMAN CHRISTIANSON: Thank you. You
2 have the floor, Staff.

3
4 MR. STONE: Thank you. Good afternoon,
5 Mr. Chair and Members of the Board. Again, for the
6 record, my name is Jarred Stone. I'm a fisheries
7 biologist with the Office of Subsistence Management.

8
9 The analyses of Fisheries Closure
10 FCR23-21 begins on Page 472 of your Board materials.
11 This closure is unique in that it pertains to the
12 harvest of king crab in the Federal marine waters by
13 non-Federally qualified in four locations in the Kodiak
14 and Afognak area.

15
16 Fisheries Closure 23-21 states that the
17 waters of the Pacific Ocean enclosed by the boundaries
18 of Womens Bay, Gibson Cove, and an area defined by a
19 line 1/2 mile on either side of the mouth of the Karluk
20 River, and extending seaward 3,000 feet, and all waters
21 within 1,500 feet seaward of the shoreline of Afognak
22 Island are closed to the harvest of king crab except by
23 federally qualified subsistence users. Again, just to
24 reiterate, this is a closure to non-Federally
25 qualified.

26
27 The 2021 large mesh bottom The 2021
28 large-mesh bottom trawl survey was conducted in known
29 crab habitat using a fixed-grid station design
30 developed in 1988. Total survey station area surveyed
31 was approximately 15,500 km² at depths greater than 20
32 fathoms. In 2021, 337 successful bottom trawl hauls
33 were conducted in 333 stations. Red King Crab were
34 caught in 13 percent of Kodiak Area hauls totaling 179
35 males and 220 females. Of the 179 males, 67 were of
36 legal size.

37
38 The 2021 Kodiak Red King Crab abundance
39 was estimated at 255,185 crabs, which was more than the
40 estimated 121,284 crabs caught in 2020. The largest
41 increases were observed among females and pre-recruit
42 class IV males, while legal male abundance declined.
43 The total estimated abundance of legal males decreased
44 from 94,164 crabs in 2020 to 45,930 crabs in 2021 and
45 represented 37.7 percent of the total male abundance.

46
47 No specific management objective has
48 been set for either the Federal or State red king crab
49 subsistence fisheries in the Kodiak Area. However the
50

1 State does set a total threshold abundance of
2 fertilized females for determining when to reopen the
3 commercial fishery. State trawl survey estimates have
4 continued to remain well below the threshold level.
5 Womens Bay has been recognized as an important nursery
6 area for red king crab, and studies of juveniles have
7 shown that Womens Bay has much higher numbers than two
8 nearby bays.

9
10 Since relatively few red king crabs are
11 captured in the State trawl survey each year, it is not
12 possible to accurately determine trends since small
13 differences in catches result in large differences in
14 population estimates. However, these surveys show that
15 the red king crab stock in the Kodiak area has remained
16 at a very low abundance with no indication of
17 rebuilding.

18
19 Historically, there were large numbers
20 of red king crab in the Kodiak Management Area, and
21 this species supported a large commercial fishery along
22 with other uses. In the 1970s the commercial harvest of
23 red king crab in the Kodiak Area ranged between 12 and
24 24 million pounds. A near peak commercial harvest of
25 red king crab occurred in the 1980-81 season, but three
26 years later the harvest precipitously declined. The
27 four top historical producing areas were closed to
28 commercial red king crab fishing for the first time,
29 but the stocks have still not recovered.

30
31 Subsistence crab harvests in the Kodiak
32 Area dropped dramatically with the decline of the red
33 king crab stock. The estimated subsistence harvest for
34 the Kodiak vicinity was almost 18,000 red king crabs in
35 1982 but declined to less than 6,000 red king crabs by
36 the 1990s. About one quarter of this harvest may have
37 been taken within the Chiniak Bay area, which includes
38 the Federal public waters of Womens Bay and Gibson
39 Cove.

40
41 Subsistence red king crab harvests in
42 the Kodiak Area have been very small since the collapse
43 of the stock. An ADF&G subsistence permit is required
44 to participate in the Federal subsistence crab fishery,
45 and annual harvests documented through these permits
46 have often been well under 100 red king crabs per year.

47
48
49 If the closure is retained, federally
50

0160

1 qualified subsistence users would continue to be
2 allowed to harvest king crab under Federal regulations,
3 while non-federally qualified would be prohibited from
4 harvesting king crab. This would keep in place a rural
5 priority for subsistence while restricting
6 non-subsistence use during a time when crab stocks to
7 continue trying to rebound.

8
9 If the closure is rescinded,
10 non-federally qualified users would still not be
11 allowed to harvest king crab because the harvest
12 remains closed under State regulations. This change
13 would not align Federal subsistence regulations with
14 current State sport and State subsistence regulations.

15
16 OSM's conclusion is to retain status
17 quo for the Fisheries Closure Review FCR23-21.

18
19 The conservation concern for king crab
20 continues in the Kodiak Area, including in the Federal
21 public waters of Womens Bay, Gibson Cove, and the near
22 shore waters around the Karluk River mouth and Afognak
23 Island. The Kodiak area king crab stock remains at
24 very low abundance with no indication of improvement
25 over the near term.

26
27 Marine waters under Federal
28 jurisdiction in Womens Bay is a known nursery area for
29 the larger Chiniak Bay and are easy to access from the
30 nearby Kodiak road system. Restricting the taking of
31 king crab in Federal public waters for non-subsistence
32 uses is necessary for the conservation of the king crab
33 resource and to help ensure continuation of Federal
34 subsistence uses.

35
36 That concludes my presentation. I'll
37 take any questions.

38
39 CHAIRMAN CHRISTIANSON: Any questions
40 from the Board.

41
42 (No comments)

43
44 CHAIRMAN CHRISTIANSON: Hearing none.
45 We'll do summary of written public comments.

46
47 MR. STONE: Mr. Chair. There were no
48 written public comments submitted for this closure
49 review.

50

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1 CHAIRMAN CHRISTIANSON: Thank you. At
2 this time we'll open up the floor to the public or
3 anybody online.

4
5 OPERATOR: Again as a reminder please
6 press star, one on your phone and record your name if
7 you have a question. One moment, please.

8
9 (No comments)

10
11 OPERATOR: I show no questions on the
12 phone lines at this time.

13
14 CHAIRMAN CHRISTIANSON: Tribal/Alaska
15 Native Corporation comments.

16
17 MR. LIND: Thank you, Mr. Chair.
18 Orville Lind, Native Liaison for OSM. During the
19 consultation session there were no comments or
20 questions on the proposal.

21
22 Thank you, Mr. Chair.

23
24 CHAIRMAN CHRISTIANSON: Regional
25 Advisory Council recommendations.

26
27 MS. SKINNER: Rebecca Skinner for the
28 Kodiak Aleutians RAC. The RAC recommends maintaining
29 status quo of FCR23-21. In the Council's opinion
30 retaining this closure protects the depleted crab stock
31 while maintaining a rural priority for Federally
32 qualified users.

33
34 CHAIRMAN CHRISTIANSON: Thank you.
35 Alaska Department of Fish and Game.

36
37 MR. MULLIGAN: Thank you, Mr. Chair.
38 For the record the Alaska Department of Fish and Game
39 supports the repeal of this closure. While the
40 population of red king crab has declined and remains at
41 low levels, the Department has taken the appropriate
42 management actions to conserve the stock by closing
43 both the commercial and sport red king crab fisheries.

44
45
46 Currently the amount reasonably
47 necessary for subsistence is being provided for and
48 this is confirmed because of the historical average
49 harvest for the last 10 years is within that range.

50

0162

1 The State subsistence fishery is overwhelmingly
2 conducted by residents of the Kodiak Archipelago and
3 the potential number of other Alaska residents who
4 might come in and fish in this fishery is very low.

5

6 Thank you.

7

8 CHAIRMAN CHRISTIANSON: InterAgency
9 Staff Committee.

10

11 MS. LAVINE: Thank you, Mr. Chair. For
12 FCR23-21 the InterAgency Staff Committee provided their
13 standard comment.

14

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

17

18 (No comments)

19

20 CHAIRMAN CHRISTIANSON: The floor is
21 open for Board motion.

22

23 MS. BOARIO: Mr. Chair. Sara Boario,
24 Fish and Wildlife Service. Mr. Chair, I move to retain
25 the status quo in Fisheries Closure Review FCR23-21.
26 If I get a second, I'll explain why I intend to vote in
27 support of my motion.

28

29 MR. BROWER: Second.

30

31 MS. BOARIO: Mr. Chair. The Kodiak
32 Aleutians Regional Advisory Council voted to retain the
33 status quo of a closure to non-Federally qualified
34 users to the harvest of red king crab in the Federal
35 waters near Womens Bay, Gibson Cove, Karluk River and
36 Afognak areas.

37

38 In the Council's opinion, retaining
39 this closure protects the depleted stocks while
40 maintaining a rural priority for Federally qualified
41 subsistence users. The Kodiak Area king crab stock
42 remains at very low abundance with no indication of
43 improvement over the near term.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN CHRISTIANSON: Any other
48 deliberation, comments.

49

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0163

1 (No comments)

2

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CHAIRMAN CHRISTIANSON: Call for the

question.

MR. SCHMID: Question.

MR. BROWER: Question.

CHAIRMAN CHRISTIANSON: Roll call, Sue,
please.

MS. DETWILER: Starting with Sara
Boario, Fish and Wildlife Service.

MS. BOARIO: Fish and Wildlife Service
votes to retain the status quo.

MS. DETWILER: Thank you. Glenn Chen,
BIA.

MR. CHEN: The BIA supports the motion.
We know that this motion is in deference to the
recommendation of the Kodiak Aleutians Regional
Advisory Council and we support the Council's
justification for their actions.

Thank you.

MS. DETWILER: Thank you. Steve Cohn,
BLM.

MR. COHN: BLM supports retaining the
closure in deference to the Kodiak Aleutians
Subsistence Regional Advisory Council and for the
conservation reasons outlined by OSM.

MS. DETWILER: Thank you. Sarah
Creachbaum, National Park Service.

MS. CREACHBAUM: The NPS also votes to
maintain the closure for the reasons stated in the Fish
and Wildlife Service motion and in deference to the
Kodiak Aleutians Regional Advisory Council's
recommendation to address conservation concerns through
the fisheries proposal process.

MS. DETWILER: Thank you. Dave Schmid,
Forest Service.

0164

1 MR. SCHMID: The Forest Service
2 supports maintaining the status quo for FCR23-21 in
3 deference to the Kodiak Aleutian Islands RAC and for
4 reasons outlined by OSM and the Council.

5
6 MS. DETWILER: Thank you. Public
7 Member Rhonda Pitka.

8
9 MS. PITKA: I vote to retain the status
10 quo for FCR23-21 in deference to the Kodiak Regional
11 Advisory Council and as outlined on page 479 and 480 in
12 the Board book. Thank you.

13
14 MS. DETWILER: Thank you. Public
15 Member Charlie Brower.

16
17 MR. BROWER: Support as stated by
18 Kodiak Aleutians Subsistence Advisory Council to retain
19 status quo on FCR23-21.

20
21 MS. DETWILER: Thank you, Charlie.
22 Finally Chair Anthony Christianson.

23
24 CHAIRMAN CHRISTIANSON: I support as
25 stated.

26
27 MS. DETWILER: Motion passes
28 unanimously.

29
30 MR. STONE: All right. Thank you, Mr.
31 Chair and Members of the Board. For the record again
32 this is Jarred Stone, fisheries biologist with the
33 Office of Subsistence Management.

34
35 The analyses of Fisheries Closure
36 Review FCR23-22 for the terminus of Little Kitoi Creek
37 begins on Page 485 of your Board materials. Fisheries
38 closure 23-22 states that you may not subsistence fish
39 for salmon in all waters 500 yards seaward of the
40 terminus of Little Kitoi Creek from August 15th through
41 September 30th.

42
43 Little Kitoi Lake and Little Kitoi
44 Creek are located approximately a half a mile north of
45 Kitoi Bay Hatchery, where coho, sockeye, pink and chum
46 salmon adult egg take occurs at the weir. Little Kitoi
47 Creek has a weir that monitors returning adult
48 escapement and smolt outmigration. The hatchery has a
49 capacity to incubate 254 million salmon eggs and rear
50

1 up to 180 million juveniles of all life stages.

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The chum salmon run begins in early June, peaks in late June to early July, and ends in late July. The pink salmon return begins in mid-July, peaks in early to mid-August, and ends in late August to early September. The coho salmon run is expected to start in early August, peak in late August, and continue through early September. For the 2021 season, an estimated 128,000 chum salmon, 11.3 million pink salmon, 124,000 coho salmon, 15,000 sockeye salmon were expected to return to Kitoi Bay.

The vast majority of fish returning to Kitoi Bay are hatchery produced and most of the harvest is by commercial seiners and set gillnet fishers. Some harvest occurs from subsistence and recreational fishers but is thought to be very little. Subsistence and commercial fishermen harvest reporting aids in the management of the fishery and is conducted by the ADF&G Division of Commercial Fisheries through permits.

Hatchery produced salmon are considered common property fisheries and the general public are allowed to harvest fish subject to State and Federal law. A proportion of the hatchery produced salmon returning to spawn are needed for brood stock, with an estimated 86,000 chum salmon, 118,000 coho salmon, 8,000 sockeye salmon are available for common property harvests. Traditionally, portions of the Inner and Outer Kitoi, Izhut, and Duck Bay sections could close to commercial common property fishing for cost-recovery operations around August 1.

According to Title VIII, Section 804 of the Alaska National Interest Lands Conservation Act, "...the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over taking on such lands of fish and wildlife for other purposes." There are currently non-subsistence uses permitted in this area making the current situation out of compliance with Title VIII of ANILCA.

Rescinding the closure would provide Federal opportunity to harvest salmon at the terminus of Little Kitoi Creek, thereby providing priority consumptive use to federally qualified subsistence users. If the closure is rescinded, Federal subsistence regulations for the Kodiak Area would

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1 apply, which allow the use of rod and reel, gillnets,
2 and seines to harvest salmon. The Federal in-season
3 manager could set provisions for the fishery that
4 deviate from the general area regulations, such as
5 stipulating gear types or areas and setting a harvest
6 limit if the conditions are warranted.

7

8 During August 15th through September
9 30th, all waters 500 yards seaward of the terminus of
10 Little Kitoi Creek are currently closed to the harvest
11 of salmon by federally qualified subsistence users but
12 remain open to commercial fishing and hatchery cost
13 recovery operations. Federal subsistence opportunity
14 in this location would afford a rural preference as set
15 forth in Title VIII of ANILCA.

16

17 To conserve fish populations, the
18 Federal in-season manager could issue special actions,
19 set provisions for the fishery such as stipulating gear
20 types like rod and reel and setting conservative
21 harvest limits. The in-season manager could use this
22 authority to manage the fishery in the near term and a
23 proposal outlining the specific parameters for this
24 fishery may be submitted during the next fishery cycle
25 if desired.

26

27 That concludes my presentation and I'll
28 take any questions if you have any.

29

30 CHAIRMAN CHRISTIANSON: Thank you. Any
31 questions from the Board.

32

33 (No comments)

34

35 CHAIRMAN CHRISTIANSON: Hearing and
36 seeing none. Thank you, Jarred. We'll do summary of
37 written public comments.

38

39 MR. STONE: Thank you, Mr. Chair.
40 There were no written public comments for this closure
41 review.

42

43 CHAIRMAN CHRISTIANSON: Thank you.
44 We'll open up the floor to the public or anybody online
45 to testify at this time. This is your opportunity.

46

47 OPERATOR: Again as a reminder please
48 press star, one on your phone and record your name if
49 you have a question. One moment, please.

50

0167

1 (No comments)

2

3 OPERATOR: I show no questions on the
4 phone lines at this time.

5

6 CHAIRMAN CHRISTIANSON: Tribal/Alaska
7 Native Corporation comments.

8

9 MR. LIND: Thank you, Mr. Chair.
10 Orville Lind, Native Liaison for OSM. During the
11 consultation session there were no comments or
12 questions on the proposal.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN CHRISTIANSON: Regional
17 Advisory Council recommendations.

18

19 MS. SKINNER: Rebecca Skinner for the
20 Kodiak Aleutians RAC. The RAC recommends rescinding the
21 closure of FCR23-22. The Council noted that these
22 changes would bring the Federal subsistence regulations
23 in compliance with rural subsistence consumption
24 priority set forth in Title VIII of ANILCA. In
25 addition, the Federal manager can step in as needed in
26 times of conservation concern to limit fisheries as
27 necessary.

28

29 CHAIRMAN CHRISTIANSON: Thank you.
30 Alaska Department of Fish and Game.

31

32 MR. MULLIGAN: Thank you, Mr. Chair.
33 For the record the Alaska Department of Fish and Game
34 supports the closure remaining in place at this time.
35 Existing state sport and subsistence regulations and
36 federal subsistence regulations have the area closed
37 within 500 yards of Little Kitoi Creek to fishing from
38 August 15 through September 30. As has been stated,
39 this is an area for brood stock storage for Kitoi Bay
40 Hatchery.

41

42 There are similar regulations near Big
43 Kitoi Creek and Kitoi Bay Hatchery itself for the same
44 purposes. While there is a sport fishery in the broader
45 Kitoi Bay area, sport and subsistence seasons and areas
46 are identical. In addition, though sport and
47 subsistence harvests occur concurrently, sport harvests
48 are limited to a 5 fish bag limit and one line with no
49 more than two hooks, while both state and federal

50

0168

1 subsistence fisheries can use gillnets of up to 50
2 fathoms with no limits for salmon harvest in the state
3 fishery.

4
5 Allowing a subsistence fishery as is
6 currently on the books could jeopardize future returns
7 of salmon to the Kitoi Bay area if brood stock
8 collection goals are not met. There are highly
9 developed commercial, sport and subsistence fisheries
10 in the area that are dependent on returns to Kitoi Bay
11 Hatchery and these returns could be reduced by reduced
12 brood stock collection.

13
14 Thank you.

15
16 CHAIRMAN CHRISTIANSON: Thank you.
17 InterAgency Staff.

18
19 MS. LAVINE: Thank you, Mr. Chair. The
20 ISC provided the same comment as the one provided for
21 FCR23-12. Thanks.

22
23 CHAIRMAN CHRISTIANSON: Board
24 discussion with Council Chairs and State Liaison.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: The floor is
29 open for Board motion.

30
31 MS. BOARIO: Mr. Chair. Sara Boario,
32 Fish and Wildlife Service. Mr. Chair, I move to
33 rescind Fisheries Closure Review FCR23-22. If I get a
34 second, I'll explain why I intend to vote in support of
35 my motion.

36
37 MR. BROWER: Second.

38
39 MS. BOARIO: Mr. Chair. The Kodiak
40 Aleutians Regional Advisory Council voted to rescind
41 the closure and noted that these changes would bring
42 the Federal subsistence regulations in compliance with
43 rural subsistence consumption priority set forth in
44 Title VIII of ANILCA.

45
46 The delegated fishery manager has the
47 authority to specify methods and means and open or
48 close subsistence fishing periods to address
49 conservation concerns as needed.

50

0169

1 Thank you, Mr. Chair.

2

3 CHAIRMAN CHRISTIANSON: Thank you. Any
4 other Board discussion or deliberation.

5

6 (No comments)

7

8 CHAIRMAN CHRISTIANSON: Call for the
9 question.

10

11 MR. BROWER: Question.

12

13 CHAIRMAN CHRISTIANSON: The question
14 has been called. Roll call, please.

15

16 MS. DETWILER: The motion is to rescind
17 the closure. Sara Boario, Fish and Wildlife Service.

18

19 MS. BOARIO: Fish and Wildlife Service
20 votes to rescind.

21

22 MS. DETWILER: Thank you. Glenn Chen,
23 BIA.

24

25 MR. CHEN: The BIA also supports the
26 motion to rescind. Our vote is consistent and gives
27 deference to the Kodiak Aleutians Regional Advisory
28 Council and we support their justifications for their
29 actions that they set forth.

30

31 Thanks.

32

33 MS. DETWILER: Thank you. Steve Cohn,
34 BLM.

35

36 MR. COHN: BLM supports rescinding the
37 closure in deference to the Kodiak Aleutians
38 Subsistence Regional Advisory Council.

39

40 MS. DETWILER: Thank you. Sarah
41 Creachbaum, National Park Service.

42

43 MS. CREACHBAUM: The NPS supports
44 rescinding the closure for the reasons stated in the
45 Fish and Wildlife Service motion and in deference to
46 the Kodiak Aleutians Regional Advisory Council.

47

48 MS. DETWILER: Thank you. Dave Schmid,
49 Forest Service.

50

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1 MR. SCHMID: The Forest Service also
2 opposes FP23-07 in deference to the Southcentral
3 Regional Advisory Council for reasons outlined by that
4 Council and OSM. I also appreciate the State bringing
5 forward their concerns and the way they're addressing
6 management in the Kenai on chinook and I trust that the
7 in-season manager will also take appropriate actions as
8 needed here to conserve the fishery.

9
10 Thank you.

11
12 MS. DETWILER: Thank you. Public
13 Member Rhonda Pitka.

14
15 MS. PITKA: I vote to oppose FP23-07 in
16 deference to the Regional Advisory Council and also as
17 outlined by OSM on page 516 and 517. Thank you.

18
19 MS. DETWILER: Thank you. Public
20 Member Charlie Brower.

21
22 MR. BROWER: I vote to oppose FP23-07
23 as recommended by Southcentral Alaska Subsistence
24 Regional Advisory Council.

25
26 MS. DETWILER: Thank you, Charlie.
27 Chair Christianson.

28
29 CHAIRMAN CHRISTIANSON: I oppose for
30 the reason stated.

31
32 MS. DETWILER: Thank you. The vote
33 fails unanimously. Motion fails unanimously.

34
35 CHAIRMAN CHRISTIANSON: Staff, you have
36 the floor for the next one.

37
38 MR. FOLEY: Good afternoon, Mr. Chair.
39 Members of the Board. For the record my name is Kevin
40 Foley and I'm a fish biologist with Office of
41 Subsistence Management. I'm here to present for you
42 Proposal FP23-07, matching of State sportfishing size
43 limits and gear restrictions for Kenai River chinook
44 salmon. This analysis may be found beginning on Page
45 500 of your meeting book.

46
47 Proposal FP23-07, submitted by the
48 Alaska Department of Fish and Game, requests revisions
49 to the Federal subsistence regulations for Kenai River
50

0171

1 chinook salmon. Specifically to restrict harvest of
2 chinook salmon to only fish less than 34 inches and to
3 decrease the overall season length.

4

5 Additionally, the proponent requests to
6 prohibit the use of bait in the Federal rod and reel
7 fishery during the Kenai River chinook fishery. Two
8 Federal rod and reel fisheries are affected by this
9 proposal; one that runs from January 1 to July 15 and
10 one that runs from July 16 to August 31. The proposed
11 regulation change covers all of the first date range,
12 that of January 1 to July 15 and two weeks of the
13 second beginning July 16th, but truncates the second
14 fishery by removing harvest dates in August.

15

16 In their request, the proponent states
17 that this administrative change will align Federal
18 subsistence regulations for Kenai River chinook salmon
19 gillnet, dipnet or rod and reel, and the general rod
20 and reel only Federal subsistence fisheries with the
21 established size limits for State sport fishing
22 regulations.

23

24 The current Federal subsistence fishing
25 regulation allows for harvest of chinook salmon in a
26 slot limit of less than 46 inches or 55 inches and
27 longer, whereas the current State sport fish regulation
28 is a maximum size of 34 inches. State regulations
29 prohibit the use of bait in waters upstream of Slikok
30 Creek during the chinook salmon fishery January 1 to
31 July 31.

32

33 The proponent asserts that the
34 alignment of federal subsistence and state sport fish
35 regulations is meant to update the federal regulations
36 to reflect the most up to date changes to the
37 management of Kenai River chinook salmon for a large
38 fish goal and for the overall quality of escapement as
39 justification for this proposal change.

40

41 OSM opposes FP23-07. Restricting
42 harvest of chinook salmon to only fish less than 34
43 inches, prohibiting bait as a means for harvest, and
44 truncating harvest dates restricts harvest opportunity
45 for federally qualified subsistence users.

46

47 The historic Federal subsistence
48 harvest of Kenai River chinook salmon in the rod and
49 reel fishery has been relatively minimal and would have
50

0172

1 no significant impact on Kenai River large chinook
2 salmon escapement. Two fish were harvested during the
3 12-year period from 2007 to 2019.

4
5 Under existing authority delegated by
6 the Board, the Field Supervisor of the Kenai Fish and
7 Wildlife Conservation Office has the ability to open or
8 close Federal subsistence fishing periods as well as
9 specifying methods and means for the continued
10 viability of Kenai River chinook salmon.

11
12 Mr. Chair, Members of the Board, that
13 concludes my presentation on FP23-07. I'm standing by
14 for any questions you may have.

15
16 MR. CHEN: Mr. Chair. BIA.

17
18 CHAIRMAN CHRISTIANSON: You have the
19 floor.

20
21 MR. CHEN: Thank you, Mr. Chair.
22 Question to OSM Staff on this one. If we were to align
23 the Federal subsistence regulations with the State
24 sportfishing regulations, that would then eliminate the
25 Federal priority.

26
27 MR. FOLEY: Through the Chair, Mr.
28 Chen. I believe that is correct.

29
30 MR. CHEN: Thank you for the answer.

31
32 CHAIRMAN CHRISTIANSON: Any other Board
33 questions.

34
35 (No comments)

36
37 CHAIRMAN CHRISTIANSON: Was there any
38 written summary of public comments.

39
40 MR. FOLEY: Mr. Chair. Members of the
41 Board. There were no public comments received for
42 FP23-07.

43
44 CHAIRMAN CHRISTIANSON: At this time
45 we'll open up the floor to the public to testify or
46 anybody online.

47
48 OPERATOR: Thank you. Again as a
49 reminder please press star, one on your phone and
50

0173

1 record your name if you have a question. One moment,
2 please.

3

4 (No comments)

5

6 OPERATOR: I show no questions or
7 comments on the phone lines at this time.

8

9 CHAIRMAN CHRISTIANSON: Tribal/Alaska
10 Native Corporation comments.

11

12 MR. LIND: Thank you, Mr. Chair. Board
13 Members. During the August 23rd consultation period
14 there were no comments or questions on fisheries
15 proposal 23-07.

16

17 Thank you, Mr. Chair.

18

19 CHAIRMAN CHRISTIANSON: Regional
20 Advisory Council.

21

22 MS. GILL: Thank you, Mr. Chair. This
23 is Jessica Gill, Southcentral Regional Advisory Council
24 Coordinator. The Southcentral Regional Advisory
25 Council voted to oppose FP23-07. The Council found no
26 biological concern given the low harvest levels of
27 chinook salmon in the Kenai River Federal subsistence
28 fishery. The Council felt that this regulation would
29 remove a meaningful subsistence priority for federally
30 qualified subsistence harvesters. The Council noted
31 that the Federal fisheries regulations do not need to
32 align with State regulations.

33

34 CHAIRMAN CHRISTIANSON: Thank you.
35 Alaska Department of Fish and Game.

36

37 MR. MULLIGAN: Thank you, Mr. Chair.
38 For the record the Department supports its own
39 proposal. The State has taken extraordinary measures
40 for conservation purposes on the Kenai River. I mean
41 we've shut down whole sectors, both commercial, sport
42 and PU as this is a non-subsistence area, so PU is the
43 only available way Alaskans can harvest Kenai River
44 salmon in that method.

45

46 Originally you have the slot limit in
47 your regs. The slot limit is an old, outdated
48 management strategy that this Board adopted to kind of
49 be in line with the management strategy for the

50

0174

1 conservation of Kenai kings. So during this time
2 period things have changed obviously. The status of
3 Kenai kings has not improved. We looked at fecundity.
4 We talked to the public at Board meetings and decided
5 to go with the large king goal to address those
6 concerns.

7

8 So we introduced this proposal in line
9 knowing that all the things that we're doing on our
10 side we figured we would propose to at least align it.
11 Now if there's issues similar to last year -- so we
12 closed things and we looked to the Refuge also and they
13 kept that open, which is fine. So there's still
14 ability for you guys to provide that priority when
15 we've shut down everything else. That hook and line
16 fishery is still there and fishing. We're just asking
17 for the sake of Kenai River kings to adopt the most
18 current management strategy we have that we feel is for
19 the health of that population.

20

21 Thank you.

22

23 CHAIRMAN CHRISTIANSON: Thank you.
24 InterAgency Staff.

25

26 MS. LAVINE: Thank you, Mr. Chair. The
27 InterAgency Staff Committee provided the standard
28 comment.

29

30 CHAIRMAN CHRISTIANSON: Thank you.
31 Board discussion with Council Chairs and State Liaison.

32

33 (No comments)

34

35 CHAIRMAN CHRISTIANSON: Hearing none.
36 Open up the floor for a Board motion.

37

38 MS. BOARIO: Mr. Chair. Sara Boario,
39 Fish and Wildlife Service. Mr. Chair, I move to adopt
40 Fisheries Proposal FP23-07. If I get a second, I'll
41 explain why I intend to oppose my motion.

42

43 MR. BROWER: Second.

44

45 MS. BOARIO: Mr. Chair. The
46 Southcentral Regional Advisory Council opposes FP23-07.
47 The Council found no biological concern given the low
48 historical harvest of chinook salmon in the Kenai River
49 Federal subsistence fishery. The Council felt that

50

0175

1 this regulation would remove a meaningful subsistence
2 priority for Federally qualified subsistence users.

3

4 We do commend the State for addressing
5 conservation concerns with the Kenai River late run in
6 the sport fishery, but to offer a meaningful preference
7 for subsistence opportunity for the Federally qualified
8 subsistence users we do not need to align subsistence
9 fishery regulations with State sport fish regulations.

10

11 The delegated fishery manager has the
12 authority to specify methods and means and open or
13 close subsistence fishing periods to address continued
14 viability of Kenai River chinook salmon as needed.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN CHRISTIANSON: Thank you. Any
19 other Board discussion or deliberation.

20

21 (No comments)

22

23 CHAIRMAN CHRISTIANSON: Call for the
24 question.

25

26 MR. BROWER: Question.

27

28 CHAIRMAN CHRISTIANSON: The question
29 has been called. Roll call, Sue, please.

30

31 MS. DETWILER: The motion is to adopt
32 the proposal. Sara Boario, Fish and Wildlife Service.

33

34 MS. BOARIO: Fish and Wildlife Service
35 supports.

36

37 (Laughter)

38

39 MS. BOARIO: Thanks, Sue. I took my
40 glasses off. Fish and Wildlife Service opposes.

41

42 MS. DETWILER: Thank you.

43

44 CHAIRMAN CHRISTIANSON: Glasses are
45 meaningful.

46

47 (Laughter)

48

49 MS. DETWILER: Thank you for that.

50

0176

1 Moving to Glenn Chen, BIA.

2

3 MR. CHEN: The BIA votes no. Our
4 opposition is consistent in deference to the
5 Southcentral Regional Advisory Council position on this
6 and we support their justifications that they provided
7 for their actions.

8

9 Thank you.

10

11 MS. DETWILER: Thank you. Steve Cohn,
12 BLM.

13

14 MR. COHN: BLM opposes FP23-07 in
15 deference to the Southcentral Subsistence Regional
16 Advisory Council. I would like to acknowledge though
17 the State's concerns and acknowledge that the State is
18 really taking the matter of Kenai River chinook very
19 seriously. So I want to thank them for bringing those
20 concerns to the Board.

21

22 MS. DETWILER: Thank you. Sarah
23 Creachbaum, National Park Service.

24

25 MS. CREACHBAUM: The National Park
26 Service opposes 23-07 for the reasons that are stated
27 in the Fish and Wildlife Service motion and in
28 deference to the Southcentral Regional Advisory
29 Council.

30

31 MS. DETWILER: Thank you. Dave Schmid,
32 Forest Service.

33

34 MR. SCHMID: The Forest Service also
35 opposes FP23-07 in deference to the Southcentral
36 Regional Advisory Council for reasons outlined by the
37 Council and OSM. I also appreciate the State bringing
38 forward their concerns and the way they're addressing
39 management in the Kenai on chinook. I trust that the
40 in-season manager will also take appropriate actions as
41 needed here to conserve the fishery.

42

43 Thank you.

44

45 MS. DETWILER: Thank you. Public
46 Member Rhonda Pitka.

47

48 MS. PITKA: I vote to oppose FP23-07 in
49 deference to the Regional Advisory Council and also as

50

0177

1 outlined by OSM on page 516 and 517. Thank you.

2

3 MS. DETWILER: Thank you. Public
4 Member Charlie Brower.

5

6 MR. BROWER: I vote to oppose FP23-07
7 as recommended by Southcentral Alaska Subsistence
8 Regional Advisory Council.

9

10 MS. DETWILER: Thank you, Charlie.
11 Chair Christianson.

12

13 CHAIRMAN CHRISTIANSON: I oppose for
14 the reasons stated.

15

16 MS. DETWILER: Thank you. The vote
17 fails unanimously.

18

19 CHAIRMAN CHRISTIANSON: Staff, you have
20 the floor for the next one.

21

22 MR. ROBERTS: Hello, Mr. Chair.
23 Members of the Board. My name is Jason Roberts. I'm
24 an anthropologist at the Office of Subsistence
25 Management. I'll be presenting a summary of the
26 analysis for Fisheries Proposal 23-14. This analysis
27 begins on Page 527 of your meeting book.

28

29 FP23-14 was submitted by the residents
30 of Serendipity subdivision. Serendipity is a subdivided
31 150-acre homestead located along the Richardson
32 Highway. The proponents are requesting that
33 Serendipity be added to the customary and traditional
34 use determination for salmon in the Chitina Subdistrict
35 of the Upper Copper River District.

36

37 The proponents report having harvested
38 salmon in the Chitina Subdistrict for between 10-20
39 years through the State of Alaska's personal use
40 fishery since moving to Serendipity. The proponents
41 also note that many residents of Serendipity had a
42 history of harvesting salmon in the Chitina subdistrict
43 personal use fishery before moving to the community.

44

45 Serendipity currently falls within the
46 C&T determination for salmon in the Glennallen
47 Subdistrict of the Upper Copper River District, but
48 Serendipity residents report having difficulty
49 accessing the salmon fishery in the Glennallen
50

1 Subdistrict because of limited public access points and
2 a lack of fishwheels and appropriate boats within the
3 community. They note that the Chitina Subdistrict is
4 the most efficient and accessible for members of this
5 community.

6
7 Just briefly looking at the regulatory
8 history. Federal subsistence fishery management
9 adopted the State subsistence fishery regulations in
10 1999. At that time, the State recognized the
11 Glennallen Subdistrict as a subsistence fishery and
12 classified the Chitina Subdistrict as a personal use
13 fishery. In the new Federal regulations adopted from
14 the State, all residents of the Prince William Sound
15 Area were listed as having customary and traditional
16 use of salmon in the Glennallen Subdistrict only.

17
18 In 2000 the Federal Subsistence Board
19 adopted a proposal which established a customary and
20 traditional use determination for salmon in the Chitina
21 Subdistrict for residents of Chitina, Cantwell,
22 Chistochina, Copper Center, Gakona, Gulkana, Mentasta,
23 and Tazlina. The Board initially adopted these
24 customary and traditional use determinations for the
25 Chitina Subdistrict based on the traditional
26 territories of three Athabaskan groups. The Ahtna, the
27 Upper Tanana and the Tanacross. Dispersed within these
28 traditional territories are communities initially
29 settled by non-Natives.

30
31 In 2002 the Board adopted proposal
32 FP02-16 which added the remaining communities in the
33 resident zone of the Wrangell-St. Elias National Park
34 to the C&T determination for salmon in the Chitina
35 Subdistrict. In 2002 the Board rejected proposals to
36 add residents of Lake Louise and Delta Junction to the
37 C&T determination for salmon in the Glennallen and
38 Chitina Subdistrict through the consent agenda. The
39 stated justification was a lack of substantial
40 evidence.

41
42 In 2005 the Board approved proposals
43 adding Chickaloon to the C&T for salmon in Chitina and
44 Glennallen. In 2005 the Board also adopted a proposal
45 that added the residents of Paxson, Sourdough to the
46 C&T for salmon in the Chitina Subdistrict.

47
48 Lastly, a 2017 Board decision regarding
49 C&T status for Dry Creek may also have relevance for
50

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1 deliberations on this proposal. In 2017 the Board
2 approved a proposal by consensus agenda adding Dry
3 Creek to the C&T determination for salmon in the
4 Glennallen Subdistrict. The residents of Dry Creek had
5 been harvesting salmon via State regulations in the
6 Glennallen Subdistrict since Dry Creek was established
7 in 1973 as a homesteading subsistence oriented
8 community.

9

10 Dry Creek residents displayed a
11 consistent pattern of subsistence practices initially
12 learned from their neighbors in the area and
13 subsequently shared with other residents as the
14 community grew. Dry Creek residents also displayed a
15 distinctive pattern of resource sharing that formed a
16 key component of social life in the community.

17

18 Looking at the community
19 characteristics and eight factors for determining
20 customary and traditional use for Serendipity. When
21 conducting a customary and traditional use
22 determination analysis, eight factors are holistically
23 considered. You can find these eight factors listed on
24 Page 536 of your meeting book. It should be noted in
25 June 2016 the Board clarified that the eight factor
26 analysis applied when considering customary and
27 traditional use determinations. It is intended to
28 protect subsistence use rather than limit it.

29

30 Serendipity Subdivision is currently
31 composed of 15 to 20 permanent year-round residents who
32 live in 12 households on a subdivided 150-acre
33 homestead along the Richardson Highway. Serendipity
34 sits between Milepost 45 and 47 near the confluence of
35 the Tiekel and Tsina Rivers and it's surrounded by
36 public lands.

37

38 The first parcels of Serendipity were
39 issued in 2000 and residents here have harvested salmon
40 in the Chitina Subdistrict personal use fishery since
41 this time. Serendipity parcels were not connected to
42 the electrical grid until 2020 and homes in the
43 community do not have running water. Many residents
44 moved to Serendipity because the land was affordable,
45 they knew other residents of the community and living
46 in the area offered them the opportunity to lead a
47 rural lifestyle.

48

49 According to key respondent interviews,

50

1 residents of Serendipity engage in numerous subsistence
2 practices such as gardening, collecting wild plants and
3 berries, hunting moose and caribou, fishing for salmon
4 and non-salmon fish and preserving meats and vegetable
5 crops. These activities take place regularly every
6 year according to the standard seasons of planting and
7 harvest. Residents here work communally on larger
8 gardens while also tending their own smaller gardens.

9
10 Sharing of resources is common and
11 these practices form an important part of social life
12 in the community. Community meals where subsistence
13 resources are shared generally take place several times
14 per week. The sharing of moose meat is particularly
15 common as residents typically get together to assist
16 with meat preparation after a successful hunt. Salmon
17 and other fish are also regularly shared.

18
19 Subsistence knowledge about hunting,
20 fishing, gardening, and gathering wild plants has been
21 passed from older community residents to younger
22 residents as well. Newer residents of Serendipity often
23 move to the community in part because of social
24 connections with more established residents. Many
25 younger residents now help older residents in their
26 subsistence activities.

27
28 Unfortunately, there's been no
29 comprehensive subsistence study conducted specifically
30 on Serendipity. The best source of documented
31 information on subsistence practices in this community
32 comes from a 2013 study conducted by ADF&G on
33 subsistence practices in the Copper River Basin. In
34 this study in 2013 four permanent year-round
35 Serendipity households were surveyed as part of Tonsina
36 CDP.

37
38 During this study year the average
39 Tonsina household harvested about 459 pounds of wild
40 resources with salmon constituting roughly half of that
41 harvest weight. A more detailed summary of that study
42 can be found starting on Page 535 in your meeting book.
43 Unfortunately it's not possible to directly compare the
44 2013 subsistence practices of Serendipity residents to
45 those of Tonsina residents as the information for these
46 two communities was aggregated in the study report.

47
48 So looking at the effects of this
49 proposal. If the Board adopts this proposal,
50

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1 residents of Serendipity would be added to the C&T
2 determination for salmon in the Chitina Subdistrict.
3 This would provide Serendipity residents with greater
4 and probably more efficient access to subsistence
5 salmon fisheries in the Upper Copper River District.

6
7 If the proposal is rejected, residents
8 of Serendipity would not qualify as Federal subsistence
9 harvesters in the Chitina Subdistrict. However, they
10 could continue to harvest salmon in the Chitina
11 Subdistrict under State personal use fisheries
12 regulations. They would also maintain a customary and
13 traditional use determination for salmon harvest in the
14 Glennallen Subdistrict fishery.

15
16 The OSM conclusion is to support
17 Proposal FP23-14. The justification is that the
18 permanent residents of the Serendipity subdivision meet
19 the general eligibility requirements for Federal
20 subsistence priority and have harvested salmon in the
21 Chitina Subdistrict for between 10 to 20 years, through
22 the State of Alaska's personal use fishery. Many
23 residents also stated that they harvested salmon in the
24 Chitina Subdistrict before moving to Serendipity.

25
26 Serendipity residents have a history of
27 engaging in related subsistence practices like hunting,
28 gardening, and gathering wild plants. These practices
29 and the sharing of subsistence resources and knowledge
30 form an important part of social life at Serendipity
31 and display similarities to the information documented
32 for Tonsina.

33
34 Supporting this proposal is also in
35 keeping with the Board's stated goal from 2016 to
36 recognize customary and traditional uses in the most
37 inclusive manner possible. If necessary, a Section 804
38 Subsistence User Prioritization Analysis could be
39 conducted in the future in the event of continued
40 salmon declines.

41
42 This ends my presentation of FP23-14.

43
44 CHAIRMAN CHRISTIANSON: Any questions
45 from the Board.

46
47 (No comments)

48
49 CHAIRMAN CHRISTIANSON: Any summary of
50

0182

1 public comment.

2

3 MR. ROBERTS: Yes. Through the Chair.
4 OSM received three written public comments on this
5 proposal. These full comments can be found starting on
6 Page 542 of your Meeting Book. Two of the comments
7 oppose the proposal while one comment supported it.

8

9 The Ahtna, Incorporated Customary and
10 Traditional Committee and the Ahtna Intertribal
11 Resource Commission submitted comments in opposition to
12 FP23-14. Both comments stated that residents of
13 Serendipity did not display an appropriate long-term
14 pattern of use of the Chitina Subdistrict fishery.

15

16 The comments further explained that the
17 residents of Serendipity had not provided the proper
18 documentation to prove their historical, cultural and
19 economic ties to the Upper Copper River fisheries.
20 These comments also noted concern about recognizing
21 customary and traditional use in newer communities
22 while older communities were already facing increased
23 competition for decreasing populations of salmon.

24

25 The third comment was submitted by the
26 Wrangell-St. Elias National Park Subsistence Resource
27 Commission who unanimously supported FP23-14. They
28 noted that Serendipity residents are subsistence users
29 with patterns of subsistence use that are similar to
30 other communities that already have a customary and
31 traditional use determination for salmon in the Chitina
32 Subdistrict and specific to their request they've
33 harvested salmon in the Chitina Subdistrict for up to
34 20 years under State of Alaska regulations.

35

36 CHAIRMAN CHRISTIANSON: Thank you. At
37 this time the floor is open to the public to testify.
38 Karen, we have a blue card for you. You have the
39 floor. Karen Linnell.

40

41 OPERATOR: If you'd like to ask a
42 question, please press star, one, unmute your phone and
43 clearly state your name for question introduction. Our
44 next question comes from Allison Sayer. Your line is
45 open.

46

47 MS. SAYER: Hello. Can you hear me?

48

49 CHAIRMAN CHRISTIANSON: Yeah. Can you

50

0183

1 hold for a second, please. We were recognizing a
2 testimony before yours and then we'll call on you.

3

4 MS. SAYER: Oh, I apologize.

5

6 OPERATOR: My apologies.

7

8 CHAIRMAN CHRISTIANSON: Thank you.
9 Karen, you have the floor.

10

11 MS. LINNELL: Thank you, Mr. Chair.

12 For the record my name is Karen Linnell, executive
13 director for AHTNA Intertribal Resource Commission,
14 which is comprised of eight Federally recognized
15 tribes. Ahtna, Incorporated and Chitina Native
16 Corporation as the landholders.

17

18 We oppose this proposal simply based on
19 the fact that how they even got customary and
20 traditional use when a community has only been in
21 existence for about 10 years. There may have been
22 individuals that have used that and they should have
23 gotten individual C&T rather than getting a whole new
24 community customary and traditional use. I don't know
25 when they expanded this fishery to include all of
26 Prince William Sound and those communities that they
27 did any C&T analysis that would allow for these
28 communities to have customary and traditional use.

29

30 Again, like I said, I have loaned my
31 fishwheel to people from all over the state, but they
32 are not claiming C&T that used my wheel at my camp
33 under a State permit and they leave and are not
34 expecting this. The personal use fishery is not a
35 Federal fishery and that long-term use does not
36 constitute Federal C&T.

37

38 So, for me and my tribes that I
39 represent we're definitely opposed to this and the
40 process that it happened. There needs to be more
41 analysis on how these communities can get C&T. The
42 Staff had just talked about the families that come from
43 Ahtna communities and Tanacross and Dot Lake have ties
44 to Copper River that go on for generations well over
45 100 years, 200 years. Actually 10,000 years, 13,000
46 years. That's where those ties come from.

47

48 Being able to do these blanket C&T
49 things that happen with Prince William Sound and

50

1 allowing that Federal fishery much like the Cordova
2 dipnetting process I don't think that OSM and the Staff
3 and the Board are taking into consideration the detail
4 in that. Yes, Tonsina folks do have C&T. The folks at
5 Serendipity -- we didn't draw the CDMP boundaries. You
6 didn't draw the CDMP boundaries.

7
8 To use that as -- because we've been
9 lumped with Valdez, Cordova census forever and we
10 finally got separated, but we still can't find our
11 numbers anywhere. But those CDMP lines they don't mean
12 anything and they're not tied to each other. Even
13 Mentasta. The village is almost left out of their own
14 CDMP. So they're arbitrary lines drawn by the U.S.
15 Department -- Census Bureau. It should have no bearing
16 on this.

17
18 This also happened when we were trying
19 to get our community harvest permit system set up when
20 the CDMP Silver Springs tried to get added into the
21 Copper Center CDMP, but they chose to separate and they
22 proved that they were a separate community. So we need
23 to look at what's going on here.

24
25 The Copper River cannot feed the entire
26 state. We've got over 8,000 -- anywhere between six
27 and nine thousand permits for personal use fishery that
28 comes in. The amount of traffic that happens there.
29 When they close the personal use fishery, do you know
30 what the Department said? Hey, go get a State
31 subsistence permit. You can bypass this closure.

32
33 Again, not looking out for
34 sustainability. Not looking at the concerns here. We
35 doggone had to show our bloodline so that we could have
36 C&T. The families at Tetlin, Northway. Doris Charles
37 in Dot Lake. Gene Henry in Dot Lake. They had to
38 prove that they were born at Batzulnetas so that they
39 could fish there.

40
41 Now this is so liberalized that you can
42 move into an area and five years, 10 years, you've got
43 C&T. Park Service staff can move in and get C&T and
44 then they turn around and they move to another rural
45 area and then they file for personal C&T so that they
46 can go back to the area that they were working at
47 before for hunting.

48
49 Not right and not right for following
50

0185

1 that Title VIII and those criteria. Not right.
2 There's an imbalance here and it's never more blatant
3 than what's happening right now with this Serendipity
4 proposal and the following proposal that's coming up
5 regarding the Canadian border to Dry Creek.

6
7 So I ask you to not support this. Ask
8 the Staff to explain to you how they got C&T and how
9 all of Prince William Sound, without even looking at
10 their customary and traditional use, get C&T to the
11 Copper River because they have other rivers that they
12 go to and they've got the ocean that they go to. We
13 only have one river. One place to go. We can't go
14 everywhere and get that salmon.

15
16 So, to me, I'd just ask that this Board
17 listen to Southcentral RAC and Eastern Interior RAC,
18 who also voted on this, and voted it down.

19
20 Thank you, Mr. Chair.

21
22 CHAIRMAN CHRISTIANSON: Thank you,
23 Karen. Appreciate it. Any questions for Karen.

24
25 (No comments)

26
27 CHAIRMAN CHRISTIANSON: Thank you.
28 Operator, we had somebody online who needed to be
29 recognized. Now is their opportunity.

30
31 (No response)

32
33 CHAIRMAN CHRISTIANSON: Operator, is
34 there still somebody who would like to testify online?

35
36 (No response)

37
38 CHAIRMAN CHRISTIANSON: Knock-knock.
39 Operator? Can you hear me now?

40
41 (No response)

42
43 MS. LAVINE: Hold on, Mr. Chair. This
44 is Robbin, OSM Subsistence Policy Coordinator. I am
45 monitoring our meeting view and I do see someone
46 waiting in the cue. Our meeting view operator has
47 dropped off actually. So there's no one there. Hold
48 on. Let me see if I can open the line for Allison
49 Thayer. Allison Thayer, are you on the line? Is your
50

0186

1 line open? Oh, Allison Sayer.

2

3 (No response)

4

5 MS. LAVINE: Allison, can you try to
6 unmute yourself. We may have lost our connection.

7

8 CHAIRMAN CHRISTIANSON: Take five.

9

10 (Off record)

11

12 (On record)

13

14 CHAIRMAN CHRISTIANSON: Operator, at
15 this time we'll recognize the testifier. Thank you.

16

17 OPERATOR: Allison Sayer your line is
18 open.

19

20 MS. SAYER: Hello. Can everybody hear
21 me?

22

23 CHAIRMAN CHRISTIANSON: Yes. You have
24 the floor. Thank you.

25

26 MS. SAYER: Oh, thank you so much.
27 Thank you for the opportunity to speak and the work you
28 do. I'd like to start by stating my understanding
29 there's no equivalence whatsoever between my mostly
30 white community and what Native communities are
31 experiencing throughout the watershed and throughout
32 the state. My hope is that all people along the Copper
33 River can work together and support environmental and
34 management practices and policies that will strengthen
35 the salmon run for everyone along our watershed and
36 throughout Alaska.

37

38 That being said, there is no dispute
39 regarding the number of fish or the watershed they come
40 from for personal use by rural residents of our section
41 of the Richardson Highway Corridor. Just whether we
42 can fish above or below the bridge and, as has been
43 noted, the access is quite different on either side.

44

45 If we do receive a Federal permit for
46 the fishery above the bridge, we forfeit our
47 opportunity to participate in a more accessible State
48 fishery. As far as opportunity to fish from the ocean
49 -- first of all, I don't necessarily think it's

50

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1 productive to get into contests like that, but people
2 in the Glennallen area are not necessarily -- I'm so
3 close to that area I don't believe they have a
4 significantly more of a barrier to driving down to
5 Valdez and fishing from the shore if that's what they
6 would like to do, but that doesn't necessarily mean you
7 have the equipment to go offshore just because you live
8 in the area.

9
10 I'd also like to say that I apologize
11 for not being available in October. It can be kind of
12 a busy time in rural life, but I'm really appreciative
13 of being able to be here today. I am a journalist in
14 the Copper Basin, but I'm representing myself and not
15 anybody -- I'm not covering any of this for the paper
16 or anything. This is just for myself and for my own
17 community.

18
19 If anybody has any questions, I would
20 love to have the opportunity to answer them. I thank
21 you again for the work that you do.

22
23 CHAIRMAN CHRISTIANSON: Thank you. Any
24 questions from the Board.

25
26 (No comments)

27
28 CHAIRMAN CHRISTIANSON: Hearing none.
29 Thank you for taking the time to call in and speak to
30 your proposal.

31
32 OPERATOR: I have no additional public
33 comments at this time.

34
35 CHAIRMAN CHRISTIANSON: Thank you,
36 Operator. That concludes our public testimony. We'll
37 move on to Tribal and Alaska Native Corporation
38 comments.

39
40 MR. LIND: Thank you, Mr. Chair. Board
41 Members. Orville Lind, Native Liaison for OSM. There
42 were no comments or questions on that.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN CHRISTIANSON: Thank you.
47 Regional Advisory Council.

48
49 MS. GILL: Thank you, Mr. Chair. This
50

0188

1 is Jessica Gill, Southcentral Regional Advisory Council
2 Coordinator. The Southcentral Regional Advisory
3 Council voted to oppose FP23-14. The Council felt that
4 the residents of Serendipity did not fully demonstrate
5 the criteria necessary to be granted customary and
6 traditional use status for salmon in the Chitina
7 Subdistrict, particularly with regard to long-term
8 patterns of use.

9

10 The Council wanted to see additional
11 research conducted into this community before granting
12 customary and traditional status for this resource.
13 They also noted that none of the community members
14 spoke in support of their proposal at the Council
15 meeting.

16

17 Separately, the Council voiced support
18 for the Federal Subsistence Board to review and revise
19 the customary and traditional use request process.

20

21 Thank you.

22

23 CHAIRMAN CHRISTIANSON: Thank you.
24 Additional RAC.

25

26 MR. WRIGHT: Thank you, Mr. Chair.
27 This is Charlie Wright, co-Chair of the Eastern
28 Interior RAC. The Eastern Interior RAC took no action
29 on FP23-14. The Council felt that the Southcentral
30 Council was more familiar with the area and community
31 under consideration and therefore better equipped to
32 make a customary and traditional use recommendation on
33 this proposal.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN CHRISTIANSON: Thank you.
38 Alaska Department of Fish and Game.

39

40 MR. MULLIGAN: Thank you, Mr. Chair.
41 For the record the Alaska Department of Fish and Game
42 is neutral on eligibility requirements for
43 participation in the Federal subsistence program
44 provided under ANILCA. ADF&G does recommend that the
45 Board thoroughly and carefully review the data relevant
46 to the criteria for those communities that do lack a
47 customary and traditional use finding.

48

49 Thank you.

50

0189

1 CHAIRMAN CHRISTIANSON: Thank you.
2 InterAgency Staff Committee.

3
4 MS. LAVINE: Thank you, Mr. Chair. The
5 InterAgency Staff Committee provided the standard
6 comment. Thank you.

7
8 CHAIRMAN CHRISTIANSON: Thank you.
9 Open up the floor for Board discussion with Council
10 Chairs and State Liaison.

11
12 (No comments)

13
14 CHAIRMAN CHRISTIANSON: Hearing none.
15 The floor is open for a Board motion.

16
17 MS. CREACHBAUM: Mr. Chair. Sarah
18 Creachbaum, National Park Service. Mr. Chair, I move
19 to adopt Proposal FP23-14. If I get a second, I'll
20 explain why I intend to vote in opposition of my
21 motion.

22
23 MR. BROWER: Second.

24
25 MS. CREACHBAUM: Thank you. The
26 National Park Service opposes FP23-14 in deference to
27 the Southcentral Subsistence Regional Advisory
28 Council's recommendation. The eight factors used to
29 make customary and traditional use determinations do
30 not appear to be met. Because the community of
31 Serendipity is new with residents fishing in the area
32 for 10 to 20 years there is a lack of substantial
33 evidence for a long-term pattern of use of the
34 resource.

35
36 While the community does exhibit some
37 of the eight factors, long-term, consistent pattern of
38 use as defined in the criteria as a pattern of use
39 which includes the handing down of knowledge and
40 hunting from generation to generation. Serendipity has
41 only existed as a community for less than a single
42 generation.

43
44 It would potentially be
45 precedent-setting for the Board to recognize such a
46 limited duration pattern of uses as customary and
47 traditional. I recognize the Wrangell-St. Elias
48 Subsistence Resource Commission's support for this
49 proposal and I appreciate the desire to be as inclusive
50

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1 as possible. However, applying all the eight factors
2 so generally as to not define what constitutes
3 long-term would effectively imply that all rural
4 residents would qualify, which would negate the intent
5 for which the C&T guidance was adopted by the Board.

6
7 Thank you, Mr. Chair.

8
9 CHAIRMAN CHRISTIANSON: Thank you. Any
10 further discussion.

11
12 (No comments)

13
14 MR. SCHMID: Question.

15
16 CHAIRMAN CHRISTIANSON: Roll call,
17 please.

18
19 MS. DETWILER: The motion is to adopt
20 the proposal. NPS, Sarah Creachbaum.

21
22 MS. CREACHBAUM: The NPS opposes.

23
24 MS. DETWILER: Thank you. Glenn Chen,
25 BIA.

26
27 MR. CHEN: The BIA will vote no. We
28 will oppose this proposal. We concur with the
29 justification brought forth by the Southcentral
30 Regional Advisory Council as well as those expressed by
31 the National Park Service when they made their motion.

32
33 Thank you.

34
35 MS. DETWILER: Thank you. Steve Cohn,
36 BLM.

37
38 MR. COHN: BLM opposes FP23-14
39 consistent with the recommendations of the Southcentral
40 RAC. Subsistence use of fisheries resources by
41 residents of the Serendipity Subdivision is relatively
42 new with residents fishing in the area for 10 to 20
43 years. Therefore there is a lack of substantial
44 evidence for a long-term pattern of use by the rural
45 residents of the area.

46
47 The residents of Serendipity exhibit
48 some of the eight factors used to make C&T
49 determinations. BLM is concerned that applying the
50

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1 eight factors so generally would be inconsistent with
2 the intent of the C&T guidance adopted by the Board.

3

4 MS. DETWILER: Thank you. Sara Boario,
5 Fish and Wildlife Service.

6

7 MS. BOARIO: The Fish and Wildlife
8 Service opposes for the reasons articulated by the RAC
9 and by the National Park Service.

10

11 MS. DETWILER: Thank you. Dave Schmid,
12 Forest Service.

13

14 MR. SCHMID: The Forest Service also
15 opposes the proposal in deference to the Southcentral
16 RAC and with the justification provided by the National
17 Park Service.

18

19 MS. DETWILER: Thank you. Public
20 Member Rhonda Pitka.

21

22 MS. PITKA: I vote to oppose FP23-14 in
23 deference to the Southcentral Regional Advisory Council
24 as outlined by their justification on page 540 of the
25 book.

26

27 Thank you.

28

29 MS. DETWILER: Thank you. Public
30 Member Charlie Brower.

31

32 MR. BROWER: Oppose FP23-14 as stated
33 by Southcentral Subsistence Advisory Council and other
34 regions. Thank you.

35

36 MS. DETWILER: Thank you. Chair
37 Christianson.

38

39 CHAIRMAN CHRISTIANSON: I oppose this
40 for the reasons stated on the record.

41

42 MS. DETWILER: Thank you. The motion
43 to adopt this proposal fails unanimously.

44

45 CHAIRMAN CHRISTIANSON: At this time
46 those kids have been waiting for two days to come on up
47 here and entertain us. We want to hear all about the
48 good things they've got going on. Welcome up here,
49 Heather and team.

50

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1 MS. BAUSCHER: Hello, everyone.
2 Through the Chair. Thank you. My name is Heather
3 Bauscher. I'm an adjunct professor with the University
4 of Alaska Southeast in the Biology and Fish Tech
5 Program. I'm also the Fisheries Community Engagement
6 Specialist for the Sitka Conservation Society.

7
8 I just wanted to say thank you so much
9 for the opportunity to present to you all today. I
10 want to say a big thank you to the Forest Service for
11 continuing to support this program and this class. A
12 little bit of background on this. We've been teaching
13 this opportunity for youth and bringing them for a
14 number of years.

15
16 Fish Tech Program at UAS was doing that
17 for a while. That's actually how I started coming to
18 these meetings because I wanted biology credits to
19 start. Over the last seven years we've built up this
20 program and started bringing student every year at
21 least to the Federal Subsistence Board meeting.

22
23 Big thanks to the Forest Service for
24 continuing to fund and support that. A thank you and
25 shout-out to Rob Cross back there. Now we have Ashley
26 helping to teach. I'll give Ashley more in a minute to
27 talk too. Go ahead, Ashley, if you want to introduce
28 yourself now. Sorry.

29
30 MS. WILD: Good afternoon to the Chair,
31 Members of the Board. My name is Lauren Wilde. I was
32 born and raised in Sitka in Southeast Alaska on the
33 unceded lands of the Tlingit people. So I just want to
34 take a moment to say gunalcheesh to the Tlingit people
35 for sharing their lands with us.

36
37 I am an assistant professor in the
38 Applied Fisheries Program at the University of Alaska
39 Southeast on the Sitka Campus. I'm a fairly recent new
40 faculty member. I joined in 2020, so I took over the
41 Fisheries Policy class. We cover different policy
42 groups each year. So we'll do the Council process, the
43 Board of Fish process, the IPHC process and then this
44 year we're following the Subsistence Board process.

45
46 So we kind of teamed up with Heather
47 and the class that she's already been running to kind
48 of combine. So we have dual-enrollment high school
49 students and undergraduate students that we bring to
50

0193

1 the meeting. I'll keep passing it along.

2

3

Thank you.

4

5

6

MS. BOLWERK: Hi. Through the Chair.
My name is Ashley Bolwerk. I work for the Forest
Service and just wanted to introduce myself and help
support the kids by showing them that it's not so scary
to sit up here. So that's my main role here.

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MS. BAUSCHER: So the big change this
year is there's a lot more folks involved in this than
ever been before and that's been incredibly exciting to
have so much support from the Forest Service and the
University. These credits are not counting towards
policy credit component, to the Fish Tech Program, so
it helps the students towards that certification. Like
they said, it's dual enrollment for the high school
ones, so they're getting college credit and high school
credit for this.

I just wanted to say thanks to
everybody. Also the folks -- we have a couple classes
before we come to the meeting to like try and give
everybody background. So a big thank you to Tony for
speaking with the students earlier in the week and
Cathy too and some of the fisheries -- oh, and Jack
Reakoff, Cathy from the Southeast RAC. Andrew back
there, Prince of Wales biologist, has helped before and
Jake Musslewhite has presented too, so thanks to
everybody.

I will say that this program is
completely based in experiential learning and all of
the assignments are very intentional and purposeful to
build the skills that are necessary to navigate these
forums, whether it's the Federal Subsistence Board or
any of the State processes. So as I'm mentioning
assignments, we're trying to model this testimony thing
because it is really scary.

So the students have an assignment that
they have to introduce themselves and we're going to
give them a second to do that here shortly, but
additionally they have other assignments where they
have to build networking skills and they have to do
interviews. So that means they have to talk to people.
So you can help them out by approaching them because it
is a little scary to be in this room with folks.

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1 So unless Ashley or Lauren have
2 anything else? Okay. We're going to hand it over to
3 the students and we're going to start with the Sitka
4 folks and then we have a student from Anchorage and
5 then we're going to pass it off -- oh, Hoonah. The
6 other thing that's really amazing this year is we have
7 this remote Hoonah cohort and big thanks to Hoonah
8 Indian Association and Julian and Brynn or we would not
9 be able to do that. So we're only able to do this
10 because everybody is working together. So thanks to
11 everyone.

12

13 We'll turn it over to the kids.

14

15 MR. KOCHAK: My name is Oliver Kochak
16 (ph). I'm full-blooded Inupiaq. I was originally born
17 in Nome, but I currently live in Sitka. I moved there
18 in 2018 and I'm part of the Fishery Policy Practicum
19 class at UAS. This is my first Federal Subsistence
20 Board meeting.

21

22 I'm here to learn more about how the
23 process of regulations are passed on the Federal side
24 and, moreover, I'm wanting to widen my view of
25 subsistence uses and more knowledge of how to provide
26 for myself and my family with traditional methods and
27 cultural practices as well as having more of an
28 perspective of other people's concerns of subsistence
29 uses.

30

31 Additionally, I'm also wanting to get
32 more involved with the biological process of research
33 projects and data collection of animals in hopes of
34 pursuing a career and a profession. Finally, I would
35 like to see a youth program be put in place. I believe
36 the program can give youth across the state an
37 opportunity to learn about this process and how they
38 can participate within a system through attending the
39 Federal Subsistence Board meeting or through Regional
40 Advisory Council meetings and to show them that they
41 have a voice whether it's through public testimonies,
42 in person or online or even through written comments.

43

44 The youth program would allow them to
45 bring up concerns they have of subsistence uses and
46 users. Furthermore, it can present an opportunity to
47 show them other careers that they have that they can
48 get involved whether it is in the Federal Subsistence
49 Board, Bureau of Land Management, Fish and Wildlife

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1 Service, Forest Service, National Park Service, Office
2 of Subsistence Management, Bureau of Indian Affairs or
3 the judiciary system, law enforcement or anthropogenic.

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6

7 These can give the ability to
8 participate in the biological processes where they can
9 assist in population collection of organisms or data
10 collection, especially in regards with the concerns of
11 climate change and its affect on subsistence uses and
12 users or even in judiciary system, law enforcement, as
13 well as other career or job opportunities these can
14 present to them.

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I'm thankful for the ability to be here
and participate and to gain knowledge as well as the
opportunity to speak and I appreciate the amount of
work you guys put into this.

(Applause)

CHAIRMAN CHRISTIANSON: That's going to
be a tough act to follow there, kids. I knew one of
you smelled like a future chairman out there. I sensed
it this morning.

UNIDENTIFIED SPEAKER: Good afternoon.
I'd like to thank all of you for allowing me to speak
and the other students as well. I'm from Naukati Bay
on Prince of Wales Island. It's in Southeast Region.
Originally I'm from Florida. I've had family up here
and we've all heavily relied off of the subsistence.
So I find this is very important for me and it allows
me to inform my family about what we are able to do and
how that can later be affected.

Thank you for your time.

(Applause)

CHAIRMAN CHRISTIANSON: Thank you.
Another POW.

REBECCA: My name is Rebecca and I am a
student at UAS currently living here in Anchorage.
Today is actually my five-year anniversary of moving to
Alaska. I moved to Alaska from Dallas, Texas when I
was 25. Kind of had no direction beyond the hope that
anywhere else was better than where I was living.

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1 In my years here I've had the
2 opportunity to fish commercially out of Southeast as a
3 trawl and a longline deckhand. I've worked as a hiking
4 guide here in the Chugach State Park. I fell in love
5 with the land and the water and the people of Alaska
6 and I'm eternally grateful.

7

8 Even in just my short time here I feel
9 the negative effects of climate change and increased
10 tourism especially are clear and the need to not only
11 conserve resources but the way of life of Alaska's
12 people is apparent. I'm here to give myself in ways
13 I'm able to give back to the land that has shared so
14 much with me.

15

16 (Applause)

17

18 CHAIRMAN CHRISTIANSON: I'm sorry. I
19 missed where you said you were from.

20

21 REBECCA: I live in Anchorage right
22 now.

23

24 CHAIRMAN CHRISTIANSON: Oh, okay. From
25 Anchorage. Thank you. I was just curious. Thank you.

26

27 MR. JOHNSON: My name is Owen Johnson
28 from Sitka. I'm a subsistence user.

29

30 (Applause)

31

32 CHAIRMAN CHRISTIANSON: That's probably
33 the guy that gets it done.

34

35 (Laughter)

36

37 MR. NARVAEZ: Hello, everyone. My name
38 is Julian Narvaez and I work for the environmental team
39 of the Hoonah Indian Association. It's an honor to be
40 here and just through this process. It's been very
41 apparent, you know, how important voices from rural
42 communities are and how important it is for our youth
43 to understand this process because it can be very
44 convoluted and complicated in just trying to figure out
45 the difference between what's State and what's Federal
46 and what that means. The multitude of Federal agencies
47 that are here. So it's very valuable for our youth to
48 figure this out and not feel like it's so inaccessible
49 to them so they feel like they can engage in this

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1 process in the future.

2

3 I appreciate all the work you've done
4 or that you've been doing here. I'm very appreciative
5 especially to the BIA and the Forest Service because
6 without them our programs at the Hoonah Indian
7 Association wouldn't be what they are. I'll turn it
8 over to the students.

9

10 MS. HURTADO: Hello. My name is Emily
11 Hurtado and I am from Hoonah, Alaska. Originally I'm
12 actually from California. My dad and I came up here
13 because he got a job as the police chief in Hoonah. I
14 took this class so that I could learn more about Alaska
15 and the subsistence harvesting and resources.

16

17 Thank you.

18

19 (Applause)

20

21 MS. LACKEY: I'm Rosanna Lackey and I
22 was born in Texas, but I've lived in Hoonah for a few
23 years now. I just want to say thank you for having me
24 here and thank you to Julian and everyone for giving me
25 the opportunity to be here.

26

27 Thank you.

28

29 (Applause)

30

31 MS. STEVENSON: I am Abigail Stevenson.
32 I am born and raised in Hoonah. I have always lived
33 off subsistence and I am very happy to learn a little
34 bit more behind how all of it is regulated.

35

36 Thank you.

37

38 (Applause)

39

40 MR. NARVAEZ: If I could just say
41 really quickly. I also want to point out that Emily,
42 Abby and Rosanna here are all in high school. I know
43 when I was in high school I would not have been able to
44 do this. So good job.

45

46 CHAIRMAN CHRISTIANSON: I just want to
47 say personally thank you guys for continuing to do
48 that. I'm glad that our agency partners are educating
49 people out there and it's cool to see the broad base of

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1 people in there and you can see that our state is very
2 diverse even in who is educating themselves to become
3 aware of it.

4
5 So it's nice to see that they come here
6 and try to get engaged in that being new to the state
7 and then also these young well-informed. I almost see
8 a law officer over here too. I was just joking. No,
9 it looks like a good, well-rounded group of kids. Keep
10 educating yourself.

11
12 I hope to see this in other regions. I
13 mean that's what we're asking. There's some other
14 things on the agenda here, like hunter education and
15 stuff, I'm hoping we can support that would help in
16 this type of arena as well.

17
18 Thank you.

19
20 Thank you to the Forest Service.

21
22 (Applause)

23
24 MS. PITKA: Hi, this is Rhonda. I
25 wanted to thank all the students for coming up and
26 speaking. I know it can be pretty intimidating facing
27 this whole body and we're all over here making faces at
28 you. I spend my day making faces at Mark Burch, so
29 it's a good day. I really appreciate all the learning
30 that you've been doing and if you have any questions
31 make sure that you ask any of the staff and really
32 engage with them and learn this process.

33
34 I actually started out as a Regional
35 Advisory Council member because I did take a UAF class
36 because I did need a credit to get my associate's
37 degree. So that's why when you said that I started
38 laughing because I was like, yeah, that's the whole
39 reason I'm here.

40
41 Thank you.

42
43 CHAIRMAN CHRISTIANSON: Thank you,
44 guys. Let's get ready to rumble. WP22-40. Staff, you
45 have the floor, Pippa.

46
47 MS. KENNER: The analysis of deferred
48 Wildlife Proposal WP22-40 begins on Page 693, Volume 2
49 of the Board meeting materials. An addendum beginning
50

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1 on Page 712.....

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MR. BROWER: Mr. Chair.

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CHAIRMAN CHRISTIANSON: Yes, Charlie?

6

One second, sorry.

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MR. BROWER: What page? She's kind of soft-spoken there.

9

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CHAIRMAN CHRISTIANSON: I think it's on Page 693, Charlie. WP22-40.

12

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14

MR. BROWER: Thank you.

15

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MS. KENNER: I'll speak louder.

17

18

CHAIRMAN CHRISTIANSON: There you go, Pippa. Thank you.

19

20

21

MS. KENNER: An addendum beginning on Page 712 contains new information and describes why the Board deferred the proposal and what has happened since. The analysis remains unchanged.

22

23

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25

26

Hello, Mr. Chair, Members of the Board and Regional Advisory Council Chairs. My name is Pippa Kenner and I'm an anthropologist at the Office of Subsistence Management in Anchorage. With me today are Brent Vickers and Lisa Grediagin who will also be available to answer your questions. They're the leadership of our anthropology and wildlife divisions.

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This proposal has been deferred twice by the Board. Once in 2020 and another time in 2022. In 2020 the proposal requested that Federally qualified subsistence users be allowed to use a snowmachine to position wolves and wolverines for harvest on Bureau of Land Management lands in the proposed area. It was submitted by the Bristol Bay Subsistence Regional Advisory Council.

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In 2020 the Board deferred the proposal and suggested further consideration by a working group of the Bristol Bay Council to do three things: One was to expand the analysis to include all Federal public lands in the proposed areas; Two was to identify specific language that may reduce complexity between State and Federal regulations; and three was to

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1 anticipate and address regulatory conflicts between the
2 proposed regulatory language and agency specific
3 regulations.

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5 So the next cycle for the 2022
6 regulatory cycle the Bristol Bay Council recommended
7 the Board adopt a modified regulation using the
8 regulatory language adopted by the State and Federal
9 Boards regarding caribou.

10
11 Subsequently, at its next meeting, the
12 Bristol Bay Council reconsidered its recommendation and
13 instead the Council recommended the Board defer the
14 proposal again stating there were parts of its
15 recommended modification that did not capture the
16 Council's intent when it first submitted the proposal
17 and that Council members had heard from local trappers
18 describing the discrepancy between traditional harvest
19 methods and those described in its recommended
20 modification.

21
22 In the meantime, the Alaska Board of
23 Game adopted a regulation regarding the use of
24 snowmachines to harvest wolves and wolverines. That
25 regulation read in part a snowmachine may be used to
26 approach and pursue wolves and wolverine, replacing the
27 word position with approach and pursue.

28
29 When the Bristol Bay Council Working
30 Group met at the request of the Board, their suggestion
31 to the Council was to mirror this new State regulation.
32 The Bristol Bay Council supported the working group's
33 recommendation. So now OSM's recommendation is to
34 support the proposal as modified by the Bristol Bay
35 Council and with further OSM modification to clarify
36 the regulatory language.

37
38 So when you're making your motions, be
39 careful what you're making your motion about. So the
40 regulation would read: In Units 9B and 9C and in Unit
41 17 a snowmachine may be used to approach and pursue a
42 wolf or wolverine provided the snowmachine does not
43 contact a live animal.

44
45 If this proposal is adopted, the Office
46 of Subsistence Management will make it clear in the
47 regulation booklet produced for the public that a
48 snowmachine may be used to approach and pursue a wolf
49 or wolverine provided an animal is not shot from a
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1 moving snowmachine, which is already in regulation.

2

3

4 So hunters using snowmachines to
5 position wolves and wolverines for harvest is a
6 traditional practice in the Bristol Bay area. Method
7 and means for taking wildlife in ethnographic
8 literature describes hunters employing traditional
9 strategies that might affect an animal's behavior.

9

10 Although, until the 1960s, this was
11 done usually on dog sleds or people were on foot. As
12 means for travel access and harvest continued to change
13 over time, hunters persist in using traditional methods
14 purposefully meant to alter the behavior of wildlife
15 and position them for harvest because these methods are
16 efficient.

17

18 Documented evidence reveals that the
19 purpose of taking wolf and wolverine pelts is to use
20 them locally in the manufacture of parkas and
21 handicrafts or to exchange pelts for cash in customary
22 trade that is then used to purchase gas and equipment
23 to continue subsistence activities.

24

25 So the OSM conclusion and the Bristol
26 Bay Council recommendation clarify that running an
27 animal down with a snowmachine is illegal. There are
28 no harvest limits for wolves and wolverine in both
29 State and Federal trapping regulations and an increase
30 in harvest is not anticipated because of the method and
31 means under which many people harvest will not change.
32 Positioning a wolf or wolverine for harvest is a
33 traditional and efficient method used by trappers as an
34 alternative to taking an animal in a leg trap.

35

36 Thank you, Mr. Chair, members of the
37 Board and Council Chairs. I'm ready to take your
38 questions.

39

40 CHAIRMAN CHRISTIANSON: Thank you. Any
41 questions for Staff.

42

43 (No comments)

44

45 CHAIRMAN CHRISTIANSON: Hearing and
46 seeing none. Thank you. Summary of public comment.

47

48 MS. KENNER: Thank you, Mr. Chair.
49 There was no public comment on this proposal. Thank

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1 you.

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CHAIRMAN CHRISTIANSON: Thank you.

4

5

MS. LAVINE: Mr. Chair. One more comment. We did accept public comments and they have been -- I think there was one that was received and you have it, correct?

8

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Thank you, Mr. Chair.

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CHAIRMAN CHRISTIANSON: Thank you. At this time the floor is open for public testimony and I have a stack of blue cards. I tried to put them in the order I received them. We'll call on Renee Rogue -- Rocky, you have the floor. Could you turn on the mic, please.

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MS. ROCKY: Can you hear me now? Good afternoon. My name is Renee Rocky. I was raised in the Bristol Bay region in a small town, Koliganek. It's about 90 miles from Dillingham. Growing up up there we hunted wolf, wolverine along with other big game such as moose and caribou.

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So for this proposal rural Alaska Natives have been practicing positioning for years for both wolf and wolverine. The State approved this proposal at its last Board of Game meeting with support from the Department and law enforcement.

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If the Federal Subsistence Board approves it, it will align both the State and Federal regulations, which will make it easier for the subsistence user. The Bristol Bay Regional Advisory Council amended to remove the 300 yard and speed limit restrictions and added all of Unit 17 to the proposed regulation in which they supported.

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The Western Interior RAC also supported this new language and they currently use this method legally. Other regions within the state of Alaska have adopted similar regulations making it lawful to use traditionally employed harvest techniques.

The current proposal before the Board captures what hunters have been doing traditionally since before Statehood. If the proposal passes, hunters can continue to harvest wolves and wolverine as

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1 they have without the fear of being cited.

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4 ANILCA needs to be followed as it is
5 prioritized, ensuring the protection of subsistence on
6 Federal lands. Using snowmachines to position for wolf
7 or wolverine subsistence harvest has been used
8 extensively. This traditional practice needs to be
9 protected.

9

10 If the proposal is passed, it will not
11 only help subsistence hunters harvest important
12 species, it will also benefit local prey populations.
13 Wolves are efficient hunters and can decimate the
14 caribou and moose calf population. The moose and
15 caribou populations are an important subsistence
16 resource for us. Those resources can be threatened by
17 their natural predators, the wolf and wolverine.

18

19 That's it. Questions, comments.

20

21 CHAIRMAN CHRISTIANSON: Any questions
22 from the Board.

23

24 (No comments)

25

26 CHAIRMAN CHRISTIANSON: Thank you.
27 That was a good presentation. Thank you for coming in
28 today. Next we'll call on Kenneth Nukwak, Sr. or Sr.
29 and Jr. Your dad said one of us will go up there.
30 Hey, it's the caribou hunter. Remember when you shot
31 the commissioner? I still tell that story. Maybe we
32 could try a re-enactment.

33

34 (Laughter)

35

36 CHAIRMAN CHRISTIANSON: Welcome back.

37

38 MR. NUKWAK: Quyana. Thank you for
39 bringing me up here. My name is Kenneth Nukwak, Sr.
40 I'm from Manokotak, about 20 miles west of Dillingham.
41 I'll just read off what was made.

42

43 Manokotak public testimony for WP22-40.
44 Local observations indicate a rise in the local
45 population of wolves which is a concern for local moose
46 and caribou populations. Togiak National Wildlife
47 Refuge biologist has reported that more wolves were
48 seen than before. The population has been reported
49 that it has tripled in population size. The ability to
50

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1 have the opportunity to harvest wolves will allow
2 subsistence harvest but will also assist in population
3 management, which will help the moose and caribou
4 populations.

5
6 There are concerns about moose and
7 caribou populations. The caribou season hasn't closed.
8 Local observations have seen wolves close to town have
9 been targeting moose and caribou. Six wolves were seen
10 chasing a herd of caribou and the wolves took some of
11 the caribou down. Hunters are caretakers of the land
12 and have no intention of harvesting all the wolves, but
13 will hunt and manage the species to keep the population
14 in harmony.

15
16 With a record-breaking sockeye salmon
17 return concerns over the increase in predator
18 populations. The ability to allow subsistence users to
19 take wolves will help manage the population, which in
20 turn will help the moose and caribou populations.
21 Caribou hunting has been closed for two winter seasons
22 due to low populations. Weather conditions have
23 changed over the past few years, which makes traveling
24 by snowmachine difficult in hunting. Time limited.

25
26 When conditions are good, the ability
27 to hunt -- excuse me -- the ability to use snowmachines
28 to harvest wolf and wolverines is an important tool to
29 efficiently harvest predators. Fuel in the area is
30 very expensive. Over \$7 a gallon. The ability to use
31 a snowmachine to position wolves and wolverine for
32 harvest is much more efficient and effective. Hunters
33 and trappers will sell wolf and wolverine hides to
34 purchase fuel to use for subsistence activities.

35
36 Under ANILCA we are allowed to use
37 these transportation methods such as snowmachines to
38 harvest for subsistence uses. We want to be able to
39 hunt wolf and wolverine without the fear of being cited
40 for what we have traditionally done for generations.
41 We have become criminals for what we have done for
42 generations. What we used to do is going to turn into
43 legend if we are not able to hunt traditionally. Laws
44 that are made for other areas are implemented into
45 their community and is not fair and does not consider
46 how they have traditionally hunted and provided for the
47 community.

48
49 Thank you.

0205

1 CHAIRMAN CHRISTIANSON: Thank you, Ken.
2 Any questions from the Board.

3
4 (No comments)

5
6 CHAIRMAN CHRISTIANSON: Appreciate
7 that.

8
9 MR. NUKWAK: Thank you.

10
11 CHAIRMAN CHRISTIANSON: Thank you.
12 Moses Toyukak, Sr.

13
14 MR. TOYUKAK, SR.: My name is (in
15 Yup'ik) in our language. My nephew just read the same
16 thing. I'm from Manokotak. I've lived there all my
17 life and I'm now grandpa for quite a few grandkids,
18 20-something. Twenty-six to be exact. Over the years,
19 just like my nephew said, communities we hunt for our
20 living. Food for the table, food for the family and
21 food for celebrations. Even deaths too.

22
23 Over the years it's been really
24 productive in some places -- or some years and I've
25 seen it good and bad like everywhere else.
26 Fishing-wise, our community is a fishing community and
27 for the last five years there have been a few less --
28 well, in our area there's still lots, but some of our
29 buyers have disappeared. Our moose are plenty, but the
30 terrain right now we have really mild winters.
31 Dangerous to go with a sno-go if you don't know the
32 area.

33
34 Our village we pay like \$7.60 a gallon
35 for gas and 10 gallons is \$76. It's pretty spendy.
36 With those kind of prices and sno-go prices put
37 together it gets spendy. Our subsistence way of life
38 has been challenged in many ways.

39
40 Wolverines and wolves are starting to
41 multiply more and more. It really hurts to see six
42 wolves chasing a herd of caribou and when they catch up
43 to them they bite them one time and they fall down.
44 I've seen 10 of them being killed like that and it's
45 not a good sight. The caribous, when we transplanted
46 them, we had 146 animals and they grew to be 2,500 in
47 our peninsula. As a community leader it saddened me to
48 see our food for the families and community and other
49 communities as well being taken by animals that are not
50

0206

1 what we usually eat.

2

3 I hope this can open up eyes to pass
4 WP22-40.

5

6 Thank you.

7

8 CHAIRMAN CHRISTIANSON: Thank you. Any
9 questions from the Board.

10

11 (No comments)

12

13 CHAIRMAN CHRISTIANSON: Appreciate you
14 taking the time to testify today. Thank you.

15

16 MR. TOYUKAK, SR.: Thank you.

17

18 CHAIRMAN CHRISTIANSON: Next we call up
19 Donald Mike. Now he's on the other side of the table.
20 This is what it looks like after you're done with the
21 program, kids. You come back very educated. Hi,
22 Donald. I haven't got to say hi to you.

23

24 MR. MIKE: Thank you, Mr. Chair.
25 Members of the Federal Subsistence Board and especially
26 members of the Regional Advisory Council. Your work
27 has been recognized by our public, especially from
28 those representing the villages. They take their time
29 to come out and testify in front of the Federal
30 Subsistence Board and ultimately that will make the
31 final regulations.

32

33 I want to say quyana to Moses Toyukak
34 and Kenneth Nukwak for being present to testify at the
35 Federal Subsistence Board. Moses is an esteemed elder.
36 I hope to be his age to be amauq. For those of you
37 that don't know what amauq is, it's a great
38 grandparent. Anyway, quyana, Moses.

39

40 I'm here as a public. I support
41 subsistence in all its forms and those that continue to
42 practice it today, either it's elders or youth or
43 toddlers that are picking berries for the first time.
44 They are the ones that depend on our Regional Advisory
45 Councils to help develop these regulations.

46

47 The Board and the public and the Staff
48 already know what is WP22-40. It's just a positioning
49 of animals. As far as the regulations the conclusion
50

0207

1 at the end as presented by OSM Staff is a snowmachine
2 may not be used to contact an animal or pursue a
3 fleeing animal. I just want to point out to the Board
4 and Staff that 50 CFR Part 36 in the regulations that
5 it pertains to refuges the definition of take or taking
6 as used with respect to fish and wildlife means to
7 pursue, hunt, shoot, trap, not net, capture, collect,
8 kill, harm or attempt to engage in such conduct.

9
10 So, to me, Mr. Chair, the OSM
11 recommendation as presented and the existing
12 regulations that I have just read sort of contradicts
13 each other. So my suggestion would be strike out the
14 last language in the OSM recommendation.

15
16 Finally, Mr. Chair, I just want to
17 remind all our public and I want to acknowledge those
18 students that came in to testify in front of the
19 Federal Subsistence Board, we need more young folks to
20 participate in our public process, especially
21 subsistence regulations in Alaska.

22
23 I just want to say this as a final
24 parting word that Congress finds and declares -- I
25 stress and declares -- the continuation of the
26 opportunity for subsistence uses by rural residents of
27 Alaska. That Native, non-Native, physical, economic
28 and traditional social existence continue.

29
30 Mr. Chair, that concludes my public
31 testimony and I want to thank again the Councils that
32 really make a difference in these regulations that are
33 before you. I want to thank the public especially that
34 come here, take the time to travel from their villages
35 and testify on behalf of the interests of their
36 community and their children and their children to
37 come.

38
39 Thank you.

40
41 CHAIRMAN CHRISTIANSON: Thank you,
42 Donald. Any questions for Donald.

43
44 (No comments)

45
46 CHAIRMAN CHRISTIANSON: Good to see
47 you, Donald. Thank you for being here as well. Next
48 we have Gayla Hoseth. Welcome, Gayla. Your plane made
49 it.

50

0208

1 MS. HOSETH: Good afternoon, Mr.
2 Chairman, and members of the Board. My name is Gayla
3 Hoseth and I'm the second chief of Curyung Tribal
4 Council located in Dillingham, Alaska. I'm also the
5 Director of Natural Resources for Bristol Bay Native
6 Association. I know most of you on the Board. There's
7 some new faces that I haven't seen here sitting across
8 from me here today.

9
10 That's just something that is also
11 really difficult for us rural residents living out in
12 Alaska is it is a revolving door. We come here and we
13 tell you guys about our customary and traditional ways
14 of life trying to get our customary and traditional
15 ways of life into regulation. It makes it somewhat
16 difficult. We've been here I think, what, four or five
17 years now on this proposal.

18
19 So as we go through this revolving door
20 our ways of living haven't changed. So I'm here to say
21 please support the RAC's recommended changes. It got
22 postponed at our last meeting. We went through the
23 working groups. We were able to go through the working
24 groups and have long discussions about what needed to
25 happen.

26
27 I want to remind everybody to follow
28 ANILCA. We were here. We were here with 50 CFR 36
29 with U.S. Fish and Wildlife in the past that held us up
30 and then we had the failed vote. Then we came back. I
31 think you guys all know the history. It's all written.
32 That's where it gets frustrating on our end.

33
34 I was looking through the book on the
35 airplane when I was coming here online and even though
36 you guys have your own regulations with the agencies
37 that you guys have to follow within your agencies,
38 ANILCA needs to prevail. But I also wanted to put on
39 the record with Alaska National Wildlife Refuge that we
40 have 50 CFR 36.12. We have Alaska National Park
41 Service with 36 CFR 13.460. BLM allows for the use of
42 snowmachine in Unit 23. A snowmachine may be used to
43 position caribou, wolf and wolverine for harvest
44 provided that the animals are not shot from a moving
45 snowmachine.

46
47 So as we go through these different
48 regulations across different Game Management Units
49 around the State of Alaska. We have certain rules that
50

0209

1 as Board members come through and vote yes or no on
2 proposals that is allowed in one Game Management Unit
3 area and then we come -- because when this proposal was
4 originally written it was written following the
5 language that was written for Unit 23.

6
7 So that's where it's challenging to us
8 as subsistence users as it's like why is it then if
9 we're not following ANILCA and people are voting and
10 not knowing that we're not supposed to vote outside our
11 own Federal agency regulations makes it very
12 challenging for us.

13
14 I guess that's all I wanted to say. So
15 when you guys do come to the vote today please really
16 keep that in mind. We don't want to have to come back
17 again next year and talk about this again because we're
18 not going to give up until this is actually recognized
19 and passed because we've been doing this now for so
20 long.

21
22 I want to thank everybody who has
23 supported us across the state of Alaska. We were here
24 with elders from around the state of Alaska I think.
25 That was before Covid in support of this. That's what
26 we do. We position the animal. Animals are positioned
27 when we hunt them. That's where it gets really
28 confusing is when we talk about positioning the hunter
29 or positioning the animal.

30
31 Please support the RAC's decision that
32 we had. We've had extensive conversations on this. A
33 lot of confusion. A lot of clarity has been made. So
34 that's all I have for you guys today. Thank you for
35 allowing me to come here today. I got here as quickly
36 as I can.

37
38 Thank you.

39
40 CHAIRMAN CHRISTIANSON: Thank you. Any
41 questions for Gayla.

42
43 MR. CHEN: Mr. Chair. BIA.

44
45 CHAIRMAN CHRISTIANSON: Go ahead,
46 Glenn.

47
48 MR. CHEN: Ms. Hoseth, thank you very
49 much for taking extraordinary efforts to be here. I
50

0210

1 know you were in D.C. and literally had to scramble to
2 come here to testify before the Board. BIA really
3 wants to express their appreciation for your and BBNA's
4 longstanding, extensive efforts to help us understand
5 the uses of snowmachines out in Bristol Bay and your
6 support of these proposals.

7

8 Thank you very much for that.

9

10 I was wondering if it's possible for
11 you to provide some information or more information to
12 the Board about the use of snowmachines for hunting at
13 Bristol Bay and how that's a tradition for people out
14 there. If you could do that, please.

15

16 MS. HOSETH: Through the Chair. Mr.
17 Chen. Thank you for that and thank you for
18 recognizing. It's hard work what we do and it's hard
19 work to be advocates for the people that we represent,
20 especially when we're trying to feed our families. I
21 think that Mr. Toyukak in the beginning talked about
22 how we traditionally hunted on foot and positioned the
23 animal. Then it went to snowshoes, then we had dog
24 teams and then as technology has changed everybody uses
25 snowmachines.

26

27 I hope that's helpful in answering your
28 question. Pretty much everybody still uses
29 snowmachines for hunting at least in the Bristol Bay
30 Region. People still trap. People will go out
31 trapping. I have an employee who actually goes out on
32 his snowshoes to trap for wolverine. We have a lot of
33 people who are hunting with the use of a snowmachine.

34

35 So thank you, Mr. Chen.

36

37 MR. CHEN: Mr. Chair, if I could do a
38 follow up. Thank you, Mr. Chair. There's been some
39 discussion about practices about snowmachine hunting
40 for wolves in particular. There's been mention about
41 subsistence hunters pursuing or running their machines
42 at high speed until the animal is exhausted and are
43 then subsequently taken. Could you speak about this.
44 Does this match what you know about the users out there
45 do for subsistence hunting for wolf with snowmachines?

46

47 MS. HOSETH: Through the Chair and Mr.
48 Chen. If I can call up Kenneth Nukwak. We talked
49 about this because then we were talking about -- he's a
50

0211

1 hunter. I'm like the voice that helps with getting the
2 point across. We did talk about this. Is it okay if I
3 could call him up? Kenneth, could you come up here,
4 please.

5
6 Because one thing that we talked about
7 is when it was tied to originally to the 300 yards
8 going at 15 miles per hour. That when you're hunting a
9 wolf and wolverine, that's just not possible. So if
10 you can, Kenneth, explain when you are hunting for a
11 wolf and how that is on a snowmachine at -- you know,
12 you're going to have to go faster than 15 miles an hour
13 because the wolf is already going to hear you coming.

14
15 MR. NUKWAK: Don't mention my name.
16 They might hear the name out there. So the wolves once
17 they hear my name they're off. I hardly hunt wolves,
18 but my cousins do. I hardly hunt wolverine ever since
19 my older brother passed away. That was close to 25,
20 20-some years ago.

21
22 Anyway, if I did see a wolverine or a
23 wolf, I would try and follow that 300 yard 25 miles an
24 hour regulation. But the wild animal once they hear a
25 snowmachine or if they see bright clothing or bright
26 snowmachine color they're off at a mile, mile and a
27 half away. So that will be pretty hard to catch up to
28 that animal we are hunting.

29
30 I hope this explanation would translate
31 what you're asking for. Also, if I may put in. Alaska
32 National Interest Lands Conservation Act of 1980. If
33 you read into that Title VIII, Section 811, every
34 person in this room should be reading that. That we as
35 hunters are allowed to use a snowmachine, a boat, et
36 cetera, et cetera, whatever can be used. If I try to
37 run on foot compared to an animal that has four legs, I
38 only have two alien legs to them. I hope that
39 explains.

40
41 MS. HOSETH: Thank you, Mr. Chair.
42 Thank you, Kenneth. I just wanted to say that because
43 that was a part of the -- when we went back to the
44 working group discussions and we were tied to what
45 happened with the 300 yards and the 15 miles an hour
46 and we've had extensive discussions on that. And I
47 just wanted to say that I mean you're going to have to
48 go a little bit faster than the 15 miles an hour when
49 you're hunting the wolves.
50

0212

1 I know that that's not on the table
2 today for the regulation, so that's out of it now, but
3 through that working group and we're really grateful
4 for that.

5
6 MR. NUKWAK: Through the Chair. One
7 more. It also depends on the geography and the
8 topography of the land. We're from Dillingham area.
9 We live mostly around trees and mountains and hills. A
10 lot of escape for the wolf and the wolverine. That
11 would be their route of escape. Once they get into
12 those trees and once they reach those mountains, once
13 they reach the crevices and the creeks, then that is
14 impossible to catch up to them, these animals that
15 we're talking about and the caribou. Yummy food. My
16 belly is calling for it.

17
18 Thank you.

19
20 MR. CHEN: Quyana to both Mr. Nukwak
21 and Ms. Hoseth for their information. It's very
22 helpful. Thank you.

23
24 CHAIRMAN CHRISTIANSON: Thank you guys
25 for that.

26
27 MR. COHN: Mr. Chair.

28
29 CHAIRMAN CHRISTIANSON: Yes, one more
30 question, Steve.

31
32 MR. COHN: This may be something that
33 we address as we continue with the conversation, but
34 first of all thank you very much for coming today and
35 great to see you again and appreciate you traveling all
36 this way to provide this testimony. I am new to the
37 Board, so this is the first time that I have been -- I
38 know this has come up multiple times, so I'm getting up
39 to speed on all of the record and kind of where we are
40 today.

41
42 One thing that will be helpful for me
43 is -- there's a lot of information in this section. As
44 we get towards -- start moving towards the motion and
45 towards a vote it would just help me to be very clear
46 on the language that is coming from the RAC as well as
47 the language that is being proposed -- modified by OSM.
48 It's a little hard to figure all out from the book. So
49 I want to be very clear what the recommendations are
50

0213

1 from the RAC and then how that relates to what's in the
2 book and the OSM guidance.

3

4 Again, I'm new so others might have a
5 better sense of that, but I'm still trying to figure it
6 out.

7

8 Thank you.

9

10 CHAIRMAN CHRISTIANSON: Thank you,
11 Steve. That was more of an observation, I think.
12 Yeah, I would also say to speak to that. I tried to
13 shoot a wolf this year with my truck and he was doing
14 40 miles an hour. It looked like a fake animal. It
15 looked like a ghost. I was going around corners and
16 almost lost my truck off the side of the road trying to
17 catch up to it. They are so fast. Like 35, 40 miles
18 an hour. I was so -- I had never seen a wolf run that
19 fast before, but he knew I wanted him. So, yeah, I
20 don't see where 15 or even 20 miles an hour would
21 amount to anything in my mind. So I'm just speaking to
22 your experience. I chased one this year trying to get
23 it and it was really impressive their speed.

24

25 MR. NUKWAK: Through the Chair. I also
26 have a grave concern for the moose and caribou calf
27 population. It was very low back in 2018 when Neil
28 Barton was the biologist in Dillingham and he gave me
29 that information right before he retired. I don't know
30 what the number is right now on the calf population.
31 With the calf population being rally low, when Neil
32 Barton gave it to me in 2018 it was at 9 percent low.
33 That's way too low.

34

35 And then for the past two or three
36 winters in December we usually do a winter hunt in 17C,
37 17B and C. We have not had a December hunt. Right now
38 we have an opportunity to hunt on 17A Togiak side,
39 which is adjacent to Manokotak, but a little further
40 from Dillingham, Aleknagik and further on up through
41 the Nushagak River. They're the ones that are farthest
42 from the 17A. I'm crying out for my neighbors, my
43 cousins from Dillingham on up the Nushagak River.
44 Please help them out also.

45

46 If this was passed, I would assume -- I
47 hope it helps out, if it does pass, bring up the moose
48 and caribou calf population back up and running. Right
49 now for myself since I did not get my moose this past
50

0214

1 fall I was eating -- me and my family, my kids and my
2 grandchildren have been eating from the 2021 moose that
3 me and my son got and it's just about out and I have to
4 go back out on the field on 17A to put food back on the
5 table. That would not just be me. My neighbors also.
6 Anywhere between from Manokotak to all the way up to
7 Koliganek.

8

9 Thank you.

10

11 Thanks for letting us testify.

12

13 MS. HOSETH: Thank you, Kenneth. That
14 brings up a good point. Thank you, Mr. Chair. Right
15 now currently the abundance that we do have is in 17A
16 for our moose population. Kenneth lives in Manokotak
17 where we have Nushagak Caribou Herd on the Nushagak
18 Peninsula and we haven't been able to hunt that for the
19 last couple of years.

20

21 Right now we're doing -- I'd have to
22 ask Kenton Moos how many, but I think we're only doing
23 very few where it's just mainly going to elders, but I
24 believe it's less than 10. I don't have the number
25 right off the top of my head. Of course the Mulchatna
26 Caribou Herd we haven't been able to hunt that. That's
27 closed and the moose population along the Nushagak
28 River is also going down.

29

30 Therefore, when it does come time for
31 our winter subsistence hunt in 17B and C for moose,
32 that's usually -- sometimes it's opened and then a lot
33 of times it's open for a few days and just very few are
34 harvested and then we are not able to have our
35 subsistence moose hunt in those game management unit
36 areas.

37

38 I just wanted to bring that out as to
39 how important it is of how our people are depending on
40 moose and caribou. The price of meat and food right
41 now is outrageous not only in Dillingham and the rural
42 villages, but all over Alaska. So I just wanted to
43 state that as well.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN CHRISTIANSON: Thank you.
48 Thank you guys for your perspective. Appreciate it. I
49 wish I owned the AC. Next we have Karen Linnell.

50

0215

1 MS. LINNELL: Thank you, Mr. Chair.
2 For the record my name is Karen Linnell and I'm
3 speaking on my own behalf. In 2018 I was serving on
4 the Board of Game when the positioning proposal came
5 before the Board of Game regarding moose and caribou or
6 regarding the caribou. Then the wolves and wolverine
7 were also discussed at that time.

8
9 At that point that meeting was held in
10 Dillingham and had I not been in Dillingham I wouldn't
11 have seen the terrain and been able to see the lengths
12 and the difficulty that they have. Where I come from
13 we have rolling hills and things where we can get
14 behind the hill and get around behind the caribou to
15 position ourselves. You can't do that there. It's
16 flat.

17
18 I went for a drive with Gayla and with
19 Hazel Nelson at the time who was the subsistence
20 coordinator for the Board of Game or the Department and
21 we went and she was saying Kenneth lives over there and
22 she was pointing and it was so flat. So flat. And
23 Hazel said, yeah. If my dog ran away today, you could
24 still see him running tomorrow.

25
26 (Laughter)

27
28 MS. LINNELL: You know. So when
29 Kenneth talks about being able to position themselves
30 or the animal, it's those kinds of things that you're
31 seeing. Yeah, there might be a little bit of dip and
32 things in the snow and drift and that kind of thing,
33 but I really would encourage that this Board start to
34 have some of your meetings in the communities that
35 you're discussing, you know. It's important that you
36 get to see the countryside. Had I not been in
37 Dillingham I'm certain that my vote would have been
38 different on that proposal.

39
40 And it's allowed in other BLM lands but
41 we're not going to do it in this area? What's the
42 difference, you know? The positioning of animals is
43 something that has been done. There's a lot of new
44 Board members here who haven't been to some of the
45 rural communities in Alaska because of Covid and other
46 things.

47
48 If you look at this and think about the
49 proposal and the RAC recommendations and those
50

0216

1 recommendations provided by Mr. Nukwak and Gayla Hoseth
2 take those into consideration and start looking at the
3 resources out there. There's no concern, biological
4 concern at this time. It's not the traditional
5 practice of Native people to run something down so much
6 that it's not in any shape. It's disrespectful to the
7 animal. If they are disrespectful to that animal, it
8 won't come back to them.

9

10 So it's important that we take into
11 consideration the changes in methods and means. We
12 don't still use atlatls (spear throwing device). We
13 survive here because we adapt and snowmachines is part
14 of our adaptation. When there's low fish runs, which
15 they're experiencing in the Kuskokwim and the Yukon,
16 the wolves will turn to the caribou and the moose as
17 well. So that has an impact.

18

19 You know, there's this balance and
20 they're trying to be able to practice their
21 subsistence. I want to thank Mr. Donald Mike for
22 sharing the definition of taking. I think that's an
23 important part to this as well because it includes all
24 of that. So I encourage you to pass this and not defer
25 it but take action in support of subsistence
26 activities.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN CHRISTIANSON: Thank you,
31 Karen. Any questions from the Board, comments.

32

33 (No comments)

34

35 CHAIRMAN CHRISTIANSON: Thank you.
36 Appreciate it. Next we'll call Charlie Wright.

37

38 MR. WRIGHT: Thank you, Mr. Chair and
39 Board. I'll take off my co-Chair hat and put on my
40 personal one. I also grew up hunting and fishing and
41 trapping along the Yukon River between Rampart and
42 Tanana. My whole life I lived out on the river and we
43 practiced the same things as our brothers and sisters
44 in other regions. So I am in support of the Proposal
45 WP22-40 to use a snowmachine to position for wolves and
46 wolverine for harvest with the removal of the 15 miles
47 per hour and the 300 yard language.

48

49 This practice is a traditional practice

50

0217

1 now for generations. The harvest of wolves and
2 wolverine bring money in and garments such as ruffs and
3 mitts for locals. Continue their traditional
4 practices, are warm and also help with the predator
5 control with the low numbers of caribou. Not to
6 mention the high price of gas and food out in the
7 villages. This is important to carry on this
8 tradition.

9
10 It's getting harder and harder to live
11 our way of life. In a lot of our areas the meat
12 animals are in low numbers. We really must do local
13 predator control and hunting the wolves is a big part
14 of that in order for the caribou numbers to sustain
15 into the future, including moose.

16
17 Like was stated, a wolf can go over 40
18 miles an hour for miles. For a long time. Like an
19 example would be the dogs can do an Iditarod, 1,000
20 miles. A wolf can do more than double that. He can go
21 a long ways without stopping. They're very powerful
22 animals.

23
24 Every hunt is different. Every
25 situation is different completely. Sometimes you run
26 into a wolf in a slough, a tight slough with a cut bank
27 and you have no choice but to shoot really fast or lose
28 that animal. Sometimes you run into one on a lake and
29 you have to go fast to get positioned or position that
30 animal. So every one is different. Every hunt I've
31 ever been on that I've come to a wolf has been
32 different. They're not all the same. You can't put
33 them into one category or anything like that.

34
35 All traditional hunters don't believe
36 in disrespecting any animal, birds, fish, anything like
37 that. Anything that we eat or use for our way of life.
38 We don't like any animals to suffer in no way at all.
39 It's bad luck. That is handed down from generation to
40 generation, to respect everything and all part of our
41 life. So we're all really good stewards of the land
42 and try to respect everything. So I just wanted to
43 state that.

44
45 That will be the end of my testimony.
46 Thank you, Mr. Chair.

47
48 CHAIRMAN CHRISTIANSON: Thank you,
49 Charlie. Any questions from the Board, comments.
50

0218

1 (No comments)

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CHAIRMAN CHRISTIANSON: Hearing none.

Thank you for that testimony. Operator, we have somebody online we'd like to recognize at this time. Jim Simon. You have the floor.

MR. SIMON: Thank you, Mr. Chair. For the record, Jim Simon. I'm providing personal testimony. Just short of five years ago I taught an affiliated faculty with University of Alaska Fairbanks Tribal Governance Program and almost five years ago I taught an introduction to Board of Game class in 2018 at the Dillingham Board of Game meeting that Karen Linnell mentioned previously. That's when I met Kenneth, I believe, and Moses and learned a lot from Moses in particular about the changes in the technology used for hunting.

Previously I have testified before this Board, different people same Board, about how my own doctoral dissertation research on reindeer herding and the use of snowshoes versus -- and then dog teams and then snowmachines for herding and the topography of the landscape in order to position reindeer and how that use was just relying on this traditional knowledge of how the landscape and the animals move along that landscape and how you can use technology and the landscape itself in order to position animals for take.

I think it's important to -- you know, there's lots of testimony about this. I mean again, as I said almost five years ago, I have one daughter who's graduated from high school, graduated from college and has given birth to my first grandchild all during the period of this regulatory issue before you. So I certainly do not urge you to defer this again.

I encourage you to take action and recognize that of the eight customary and traditional use criteria, one dealing with methods and means, typically involves also not discounting -- and your staff might be able to help you here because it's been a long time for me. Notwithstanding technological innovations and improvements in methods and means take. I think that's what we're all talking about here and how snowmachines are recognized by ANILCA as a legal method of take.

0219

1 I have not looked specifically at the
2 Staff analysis as to how much of the testimonies that
3 have been presented to this Board in previous occasions
4 are summarized there, but for those of you who may have
5 additional questions about that those may best be
6 directed to OSM staff who can rely on those transcripts
7 and provide that information instead of again burdening
8 members of the public to again repeat the information
9 we've already presented to this Board multiple times in
10 the past.

11
12 Thank you very much.

13
14 CHAIRMAN CHRISTIANSON: Thank you. Any
15 questions from the Board, comments.

16
17 (No comments)

18
19 CHAIRMAN CHRISTIANSON: Thank you for
20 your testimony today. Appreciate it. Operator, is
21 there anybody online who would like to be recognized at
22 this time. Now is their opportunity to be heard.

23
24 OPERATOR: Thank you. If you'd like to
25 make a public comment, please press star, one, unmute
26 your phone and clearly state your name for public
27 comment introduction. Our next public comment comes
28 from Dan Dunaway, Bristol Bay Federal Reg -- excuse me.
29 Bristol Bay Federal Regional Advisory Committee. Dan,
30 your line is open.

31
32 MR. DUNAWAY: Thank you. Can you hear
33 me?

34
35 CHAIRMAN CHRISTIANSON: You have the
36 floor, Dan.

37
38 MR. DUNAWAY: Thank you very much.
39 Wow, following a bunch of eloquent speakers here. I'm
40 on the Bristol Bay RAC. I was wanting to speak for
41 myself however. I support the RAC's position and the
42 final position in the meeting minutes. A lot of the
43 points that were brought out here by other people I
44 support.

45
46 It's been a long time that snowmachines
47 have been used to position wolves out here in Western
48 Alaska and has been legal under State regulations in
49 Game Unit 18 and I forget the other one for quite some
50

0220

1 time. I think this proposal grew out of looking at
2 what they're doing next door and why can't we. Also
3 some hunters were cited and wondering why they couldn't
4 hunt in the same manner in Unit 17 and 9.

5

6 This regulation was only put into
7 practice or legalized what has been going on for a very
8 long time and hunters want to be legal in what they're
9 doing and be up front about it. It's hard to determine
10 exact boundaries of the various lands and especially
11 like BLM lands. Kind of a small patchwork of very
12 small units out there. Overall it would be much better
13 for everybody here if all Federal lands adopted this
14 proposal.

15

16 As has been stated, the Board of Game
17 finally adopted this essentially same regulation after
18 several years of work as Karen and Jim and Gayla have
19 mentioned. We have an abundant wolf population and
20 some years we've seen as many as 50 wolves taken. It
21 has not harmed the population. They seem to have a
22 stable number of wolverines. They're not a super
23 abundant animal anywhere, but there seems to be no
24 apparent decline in them so I don't think these
25 practices would hurt.

26

27 As others have mentioned, the Mulchatna
28 Caribou Herd is down around 13,000 animals after seeing
29 a peak at 250,000 a few years ago. But we haven't
30 hunted on it for quite some time and harvesting some
31 wolves would probably help the herds. The same for
32 moose along the Nushagak 17B and C. The populations
33 aren't strong and giving some relief to the calves in
34 the spring would be very helpful.

35

36 A key point in the State regulation,
37 and I believe we sought to include it in our final
38 recommendation for the RAC, is that we do not want to
39 allow people to run over an animal or contact it in any
40 way just to be able to get within range of the animal
41 to humanely shoot it. Trying to shoot a wolverine or a
42 wolf at 300 yards is precision target shooting and
43 those animals never stop moving, so they have to be
44 allowed to get a lot closer.

45

46 I don't hunt that way. I'm too old.
47 But I understand oftentimes it's a matter of crossing
48 the trail of these animals and first just locating the
49 wolverine or the pack of wolves. That may take a
50

50

0221

1 while. Sometimes they keep running or they'll jump up
2 and run. Sometimes a friend of mine managed to catch a
3 pack sleeping and shot two wolves. He was somehow very
4 stealthy and then managed to catch up to a third animal
5 later.

6
7 So like Charlie was saying, each hunt
8 is a little different. But sometimes it's just a
9 matter of trying to keep the animal from getting into
10 escape cover. Not necessarily running it down, but
11 getting out ahead of it and around it.

12
13 Like Karen says, a lot of our country
14 is wide open. We do have mountains nearby, but a lot
15 of this country is wide open. We have some really good
16 wolf hunters in Koliganek and New Stuyahok that get out
17 there, but if we could pass this regulation it would be
18 very helpful to allow a traditional practice and I hope
19 you support it.

20
21 Thank you.

22
23 CHAIRMAN CHRISTIANSON: Thank you for
24 calling in. Appreciate it. Any questions from the
25 Board.

26
27 (No comments)

28
29 CHAIRMAN CHRISTIANSON: Hearing none.
30 Appreciate your testimony. Operator, is there anybody
31 online who would like to be recognized at this time?

32
33 OPERATOR: Our next public comment
34 comes from Frank Woods. Your line is open.

35
36 MR. WOODS: Mr. Chair, can you hear me?

37
38 CHAIRMAN CHRISTIANSON: Yes. You have
39 the floor, Mr. Woods.

40
41 MR. WOODS: For the record my name is
42 Frank Woods. I live in Dillingham. Supporter of the
43 State proposal that allowed positioning for caribou and
44 they separated it, like the previous testimony, for
45 pursuing of wolf and wolverine. I believe it's -- if I
46 was listening correct, Office of Subsistence Management
47 came up with three criteria as a line modifying and
48 separate from the caribou proposal that the Bristol Bay
49 RAC obviously did their due diligence.

50

0222

1 I believe this is a common sense
2 proposal that we align State and Federal regulations
3 not only for convenience, but it also would mirror
4 existing practices. If anybody has any worry about
5 them animals getting run over, if you've ever seen a
6 wolf, then you're really lucky. If you're ever able to
7 have to track down and hunt the wolf or wolverine, it
8 takes, like the previous testimony before me, a lot of
9 work.

10

11 So it's been a long time coming. I
12 think this is also a mental health proposal as in we
13 don't want to continue putting the burden of dual
14 management and kind of I would say bipolar regulation,
15 especially in an area where we have Togiak Refuge, BLM
16 lands, Lake Clark and Becharof and all the Federal
17 lands adjacent to State lands.

18

19 Also I'd like to thank all the work
20 that's gone into this and I definitely hear the support
21 as not only a previous subsistence user but a
22 short-term RAC and a Nushagak Advisory Chair. So, Mr.
23 Chair, I'm supportive of Proposal 22-40 regarding
24 positioning of wolves presented by the RAC as amended.

25

26 CHAIRMAN CHRISTIANSON: Thank you,
27 Frank. Anybody have questions from the Board,
28 comments.

29

30 (No comments)

31

32 CHAIRMAN CHRISTIANSON: Hearing none.
33 Appreciate you taking the time to call in today.
34 Anybody else would like to be recognized online,
35 Operator?

36

37 OPERATOR: I have no additional public
38 comments at this time.

39

40 CHAIRMAN CHRISTIANSON: All right.
41 Thank you. We have one more blue card here to finish
42 up the public testimony here. We'll call on Brower.
43 You have the floor.

44

45 MR. FRANTZ: Thank you, Mr. Chair.
46 I'll be speaking on behalf of myself. Brower Frantz
47 for the record. I am not from this area that is being
48 discussed, but I am from an area that is exercising
49 these current similar regulations and our terrain is

50

0223

1 roughly pretty close to where the area is being
2 discussed. I do hunt wolves and wolverines. We try to
3 do this in the most effective way possible while
4 following the regulations.

5
6 The way I look at it from where we are
7 versus the language that is being discussed here, it
8 seems like it's over complex. It's really getting into
9 the weeds I think personally. It's really general for
10 where we are actively already using this. I mean I
11 wouldn't reinvent the wheel on this because it's there.
12 It's being utilized and it's working.

13
14 By not reinventing the wheel I mean the
15 miles per hour and the yards I would completely not
16 even put that in there. That can be dealt with by
17 other means. I see you have hunter ethics and outreach
18 initiatives here, which that can be brought up in each
19 individual location as needed if things arise. But the
20 way we have it, if this is current what I'm looking at
21 here, from where I am, Unit 26A, a caribou, wolf or
22 wolverine for harvest may be shot from a stationary
23 snowmachine and it's really general.

24
25 So getting into more regulatory stuff
26 requiring miles per hour or distances, you're not going
27 to have a State Trooper sitting out in the middle of
28 nowhere with a radar gun. A lot of it would be to
29 avoid -- we're trying to avoid criminalizing things too
30 because this discussion, if you're over a certain miles
31 per hour, you could be asking criminal offenses for
32 somebody that's just trying to do their subsistence
33 harvest.

34
35 Also the chasing aspect of it. I think
36 you have to differentiate the two because one of them
37 you're going to eat. Nobody wants to eat a caribou
38 that has adrenaline in it. So that I think differs
39 from the predators, which are furbearing animals, so
40 it's different. So I think, yes, you don't want to be
41 harassing the animals, but you also want to be
42 effective.

43
44 Also with anything else that we do you
45 ask people to use the best available technology,
46 whether it's oil industry or anybody else. I would
47 reflect that and utilize it here because asking them to
48 step away from using snowmachines would be kind of a
49 disadvantage to what they're trying to do.

50

0224

1 If you think about it, if there is a
2 high predator number -- you know, we've seen
3 helicopters go out and exterminate wolves before. So
4 by letting them do this with snowmachines in an
5 effective manner and safe manner, it might eliminate an
6 overpopulation. So it has its pros and cons, but we
7 are currently utilizing this and it is there.

8
9 There was another unit I saw, so that
10 was different from 26 and also what is presented here.
11 So it looks like there are three similar instances for
12 snowmachines, but they all have different language. If
13 you could generalize it and then take the
14 over-complicating stuff and use that through the
15 outreach program and ethics, I think the areas would be
16 able to do that.

17
18 Consistency. Consistent with other
19 units that are already utilizing it. It's been said a
20 couple times already. And also safety issues. If a
21 person is asked to step away from a snowmachine and
22 hunt a wolf off of a snowmachine, away from their
23 machine, what if their gun jams up, ices up, you know.
24 These are animals that are there to eat other animals
25 and they're effective at that. So asking them to do
26 that could also bring up search and rescue issues.
27 Keep that in mind. So the safety of the hunters and
28 the well-being of the hunters.

29
30 I don't think I have too much more, but
31 there are places like where I'm at in Utqiagvik that
32 are utilizing this and it's effective. We haven't seen
33 issues and if there are issues with running down
34 caribou, we are very quick to let them know that that's
35 not right and we send out memorandums for issues that
36 come up like that.

37
38 So use your best judgment on this. The
39 info is there. Don't reinvent the wheel. I would
40 support WP22-40 as a local citizen within kind of the
41 same realm that is being discussed.

42
43 Thank you.

44
45 CHAIRMAN CHRISTIANSON: Thank you. Any
46 questions.

47
48 (No comments)

49
50

0225

1 CHAIRMAN CHRISTIANSON: Appreciate that
2 testimony. I think that concludes the public testimony
3 portion of the proposal. Tribal and Alaska Native
4 Corporation comments.

5
6 MR. LIND: Thank you, Mr. Chair. Board
7 Members. Orville Lind, Native Liaison for OSM. We did
8 have one comment from the Bristol Bay Region. The
9 representative asked about WP22-40 positioning of wolf
10 and wolverine with the use of a snowmachine. The OSM
11 Staff replied that it would be taken up at the fall RAC
12 meetings and also the OSM Staff shared that the Bristol
13 Bay Regional Advisory Council will be holding a working
14 group meeting that would be open to the public and that
15 was to be scheduled in September.

16
17 That's all I have, Mr. Chair.

18
19 CHAIRMAN CHRISTIANSON: Thank you.
20 Regional Advisory Council recommendation.

21
22 MS. MORRIS LYON: Thank you, Mr. Chair.
23 Nanci Morris Lyon, Bristol Bay RAC Chair. This is
24 deferred Proposal 22-40 and we amended it to allow the
25 use of snowmachines to approach and pursue wolves and
26 wolverine, but may not come in contact with a live
27 animal to include all of Unit 17.

28
29 To specify, these regulations only
30 apply to Federal public lands open to subsistence
31 hunting and approach and pursuit under this paragraph
32 is not driving, herding or molesting under legalese.
33 Somebody had asked to see that and I hope that maybe we
34 can get that up on the screen at some point so people
35 can actually see what our amended language was and what
36 our intent was.

37
38 The Board, at the request of the
39 Council, deferred the proposal from its April 2022
40 meeting to allow the Council time to formulate language
41 that would encompass the traditional harvest methods
42 the Council was seeking. A working group met in
43 September of 2022 to discuss the proposal further. At
44 the Council meeting public testimony from subsistence
45 users in the region supported the language the working
46 group had crafted as it incorporated traditional
47 harvest practices.

48
49 That's what I've been given to say. In
50

0226

1 addition to that I hope that you realize the hours and
2 hours of work that have been put into this proposal by
3 myself and many, many others behind the scenes and
4 otherwise. This is not a thoughtlessly prepared or
5 thrown down just to see where we could get the
6 proposal. This is a proposal we put years in. Not
7 just myself, many, many people. Many people in the
8 region.

9

10 We already have CFRs in place that
11 allow the use of snowmachines for subsistence use. We
12 already have historical proof that this is something
13 that we have used in our region as a subsistence method
14 for a long time. We don't want to be illegal anymore.
15 We want this to be on the books so that we can practice
16 what we have practiced and do so legally.

17

18 Moreover we have other Federal lands
19 using these methods and means already. Why is our
20 Federal land any different? I would ask that those
21 things be considered as you go into deliberation.

22

23 Thank you.

24

25 CHAIRMAN CHRISTIANSON: Thank you,
26 Nanci. Any questions, comments.

27

28 MR. CHEN: Mr. Chair, BIA.

29

30 CHAIRMAN CHRISTIANSON: Yes, you have
31 the floor.

32

33 MR. CHEN: Ms. Morris Lyon, thank you
34 very much for that. BIA would also like to extend our
35 gratitude for all the countless hours you and your
36 Council and the users have spent to try to craft a
37 carefully designed regulation that meets the users
38 needs and avoids enforcement issues and complexities.

39

40 Thank you.

41

42 MS. MORRIS LYON: Thank you for
43 recognizing that and thank you for the support in the
44 room as well. I also appreciate that very much.

45

46 CHAIRMAN CHRISTIANSON: Thank you. Any
47 additional questions.

48

49 (No comments)

50

0227

1 CHAIRMAN CHRISTIANSON: Alaska
2 Department of Fish and Game.

3
4 Mr. MULLIGAN: Mr. Chair, you have
5 Robbin waiving at you.

6
7 CHAIRMAN CHRISTIANSON: Is there
8 another RAC that has to talk to this or what?

9
10 MS. LAVINE: Mr. Chair, this is Robbin.

11
12 CHAIRMAN CHRISTIANSON: Oh, there's two
13 RACs there. I didn't see the other one.

14
15 MS. LAVINE: Thank you, Mr. Chair.

16
17 CHAIRMAN CHRISTIANSON: Jack, Western
18 Interior, are you online?

19
20 (No response)

21
22 CHAIRMAN CHRISTIANSON: It doesn't
23 sound like Jack is on the line. Council Coordinator to
24 represent a position from the Western Interior.
25 Operator, is Jack on?

26
27 OPERATOR: One moment. I'm checking
28 now. One moment. I currently don't see him connected.
29 Hold on.

30
31 CHAIRMAN CHRISTIANSON: That's fine.
32 We're good. We have somebody here to present a
33 position.

34
35 Thank you very much, Operator.

36
37 OPERATOR: Okay. You're welcome.

38
39 MS. LAVINE: Mr. Chair, this is Robbin.
40 If you have one moment we'll clarify that the Council
41 did not forward an official recommendation this last go
42 round.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN CHRISTIANSON: Okay, thank you
47 for that for the record. Thank you.

48
49 MS. PILCHER: My apologies. This is
50

0228

1 Nissa Pilcher, Council Coordinator for the Western
2 Interior Regional Advisory Council. In 2021.....

3

4 MR. REAKOFF: Mr. Chairman, this is
5 Jack Reakoff.

6

7 CHAIRMAN CHRISTIANSON: Hey, Jack.
8 Welcome to the meeting. You saved your coordinator.

9

10 MR. REAKOFF: I was blocked by the
11 operator. Western Interior Regional Advisory Council
12 didn't get to re-deliberate this proposal in our fall
13 of 2022 meeting. We reviewed the proposal in the fall
14 of 2021. The Western Interior intention is to allow
15 customary and traditional methods of harvesting wolf
16 and wolverine with snowmobiles.

17

18 I was in Galena in 1968 when
19 snowmobiles just got fast enough to catch up to a wolf,
20 barely, and my dad's friend, Franklin Simon, was
21 trapping wolves and about half of the wolves he caught
22 in traps and snares and the other half he would catch
23 them with a snowmobile. This has been a customary
24 practice throughout the entire Western Interior Region
25 for decades. Long before ANILCA.

26

27 Because we didn't deliberate and
28 because Bristol Bay has spent so much time on the
29 proposal I will share -- agree with the point where
30 Bristol Bay is at and we'll defer to the Bristol Bay
31 Regional Council.

32

33 Thank you, Mr. Chair.

34

35 CHAIRMAN CHRISTIANSON: Thank you for
36 taking the time, Jack, to call in. Appreciate your
37 support. Now Alaska Department of Fish and Game.

38

39 MR. MULLIGAN: Thank you, Mr. Chair.
40 For the record, as you've probably seen from the past
41 when it was deferred, the Department supported
42 alignment with State regs and that has been thoroughly
43 vetted through public comment and through the RACs
44 comments. That has changed. We adopted that new set
45 of regs last spring. So given what everybody said and
46 what we know of what the Bristol Bay RAC has
47 recommended, we support the proposal.

48

49 Thank you.

50

0229

1 CHAIRMAN CHRISTIANSON: Thank you.
2 InterAgency Staff Committee.

3
4 MS. LAVINE: Thank you, Mr. Chair. The
5 InterAgency Staff Committee acknowledges and
6 appreciates the extensive efforts by the Bristol Bay
7 Subsistence Regional Advisory Council and the
8 interagency working group to clearly define their
9 request as part of this proposal. The proponent and
10 residents of the region have worked hard to identify
11 and protect traditional methods of wolf and wolverine
12 harvest, based on the most economic and efficient means
13 available.

14
15 The proposed change in regulatory
16 language is an attempt to ensure that traditional
17 practices continue without putting subsistence users in
18 conflict with the law. The ISC recognizes this proposal
19 represents a long-standing issue that deserves
20 resolution. The ISC further recognizes that regulations
21 specific to each Federal agency may or may not conflict
22 with the proposed regulatory language.

23
24 Thank you, Mr. Chair.

25
26 CHAIRMAN CHRISTIANSON: Thank you. Any
27 questions from the Board for ISC.

28
29 (No comments)

30
31 CHAIRMAN CHRISTIANSON: Hearing none.
32 Board discussion with Council Chairs and State Liaison.

33
34
35 (No comments)

36
37 CHAIRMAN CHRISTIANSON: I think we got
38 a lot of conversation into this one. I'll open up the
39 floor for a Board motion.

40
41 MS. GREDIAGIN: Mr. Chair.

42
43 CHAIRMAN CHRISTIANSON: Go ahead.

44
45 MS. GREDIAGIN: Thank you, Mr. Chair.
46 Lisa Grediagin, Wildlife Division Supervisor with OSM
47 for the record. I just wanted to respond to Steve's
48 earlier question about clarifying the difference
49 between the OSM recommendation and the Bristol Bay
50

0230

1 Council recommendation.

2

3

4 One thing to keep in mind with this
5 proposal is it was deferred, so it's a little confusing
6 because there's the 2021 recommendation and now there's
7 the 2022 recommendation. So I'm only going to speak to
8 the 2022 recommendations between the Bristol Bay
9 Council and OSM.

9

10 At the Bristol Bay Council meeting, as
11 you guys were already briefed, they supported aligning
12 as closely as possible with the State -- or recently
13 adopted regulations because that's what the working
14 group had agreed upon, but they didn't have the exact
15 regulatory language. So the regulatory language in the
16 Bristol Bay Council's recommendation was what was
17 presented to them by OSM Staff during the meeting.
18 Again, OSM Staff was just striving to meet the working
19 group's intention of mirroring the recently adopted
20 State recommendations.

21

22 So I'll just read the Bristol Bay
23 Council's regulatory language into the record and then
24 I'll speak to the OSM modification. So in Units 9B and
25 9C and in Unit 17 on open Federal public lands a
26 snowmachine may be used to approach and pursue wolves
27 and wolverines but may not come in contact with a live
28 animal; an approach and pursuit under this paragraph is
29 not driving, herding, or molesting under Section
30 26(b) (5) Subsistence taking of wildlife.

31

32 That again was the Bristol Bay
33 Council's fall 2022 recommendation that they adopted as
34 presented by OSM Staff. After the Council made that
35 recommendation OSM had additional time to kind of
36 refine and clarify that regulatory language. So
37 there's no substantive difference in the intent or
38 functionality of the recommendations. It's mostly just
39 clarifying the regulatory language.

40

41 So the OSM recommendation is in Units
42 9B and 9C and in Unit 17 a snowmachine may be used to
43 approach and pursue a wolf or wolverine provided the
44 snowmachine does not contact a live animal.

45

46 Again, if there's more specific
47 questions on some of the finer points or differences
48 between these two recommendations, I'm happy to address
49 those as well. I just wanted to answer Member Cohn's
50

50

0231

1 question on the record.

2

3 Thank you.

4

5 MR. COHN: Mr. Chair. Thank you very
6 much for clarifying that. I also want to acknowledge
7 all the work that the Bristol Bay RAC has put into
8 this. I hope it didn't come across that I was
9 questioning all that work. I just want to be 100
10 percent clear in my own mind that the changes that have
11 been proposed from the Staff Committee that the Bristol
12 Bay RAC is comfortable with those that the same intent
13 is carrying forward and that it's basically
14 accomplishing the work that you all set out to do even
15 with modification of the language that the intent is
16 the same and you feel it meets the same intent that you
17 -- with the language you brought to the Board. That
18 was sort of where I was going with all that. I was
19 just trying to get some clarity and make sure that
20 there was consistency.

21

22 MS. MORRIS LYON: Through the Chair.
23 Yes, thank you for that, Mr. Cohn. It does. We are
24 trying to keep things simple and to keep people from
25 being illegal, so we're trying to mirror the State's
26 wording as closely as possible and it does fulfill our
27 needs.

28

29 MR. COHN: Thank you, Mr. Chair.

30

31 CHAIRMAN CHRISTIANSON: Any further
32 Board discussion with Council Chairs, State Liaison.

33

34 (No comments)

35

36 CHAIRMAN CHRISTIANSON: The floor is
37 open for a motion.

38

39 MS. CREACHBAUM: Mr. Chair. Sarah
40 Creachbaum, National Park Service. Mr. Chair, I move
41 to adopt Wildlife Proposal WP22-40 as modified by the
42 Office of Subsistence Management. If I get a second,
43 I'll explain why I intend to vote in support of my
44 motion.

45

46 MS. BOARIO: Fish and Wildlife Service
47 seconds.

48

49 MS. CREACHBAUM: Thank you. The

50

0232

1 National Park Service moves to adopt WP22-40 as
2 modified by the Office of Subsistence Management and in
3 deference to the Bristol Bay Subsistence Regional
4 Advisory Council. The NPS hears and cares about
5 supporting rural subsistence users to allow for and
6 uphold traditional practices. The NPS trusts that the
7 intent of the rural subsistence users and has faith in
8 their commitment to the conservation of these focused
9 practices.

10

11 The RAC's recommendation is certainly
12 and truly to create opportunities for efficient hunting
13 and to obtain a clean shot. I want to add to all the
14 voices thanking you for your time and effort and not
15 only time and effort but your extraordinary patience as
16 we worked through this process.

17

18 Thank you, Mr. Chair.

19

20 CHAIRMAN CHRISTIANSON: Thank you. Any
21 other Board discussion, deliberation.

22

23 MR. BROWER: Mr. Chair.

24

25 CHAIRMAN CHRISTIANSON: You have the
26 floor, Charlie.

27

28 MR. BROWER: So this is from 9B to 9C
29 through Unit 17, is that what I'm getting at are all in
30 one motion?

31

32 CHAIRMAN CHRISTIANSON: Yes.

33

34 MR. BROWER: Thank you.

35

36 CHAIRMAN CHRISTIANSON: Any other Board
37 discussion.

38

39 (No comments)

40

41 CHAIRMAN CHRISTIANSON: Hearing or
42 seeing none, call for the question.

43

44 MR. BROWER: Question.

45

46 CHAIRMAN CHRISTIANSON: Roll call, Sue,
47 please.

48

49 MS. DETWILER: The motion on the floor

50

0233

1 is to adopt as modified by OSM to support the Bristol
2 Bay Council fall 2022 modification. Start with the
3 maker of the motion, Sarah Creachbaum, NPS.

4

5 MS. CREACHBAUM: The National Park
6 Service supports.

7

8 MS. DETWILER: Thank you. Sara Boario,
9 Fish and Wildlife Service.

10

11 MS. BOARIO: The Fish and Wildlife
12 Service supports WP22-40 in support of the Bristol Bay
13 Regional Advisory Council and the OSM modification. We
14 recognize that the use of snowmachines to hunt wolves
15 and wolverines is a traditional practice that is
16 currently taking place.

17

18 I also, like many up here, want to
19 acknowledge the extensive work that people in the
20 region have done to find regulatory language that works
21 for the hunters living a subsistence way of life. In
22 2020, nearly three years ago, the Board deferred a
23 similar proposal and suggested to the Council that they
24 work to expand the analysis to include more Federal
25 public lands in discussion and to identify language
26 that reduces complexity.

27

28 I wasn't a member of the Board at that
29 time but it seems to suggest to me that the Board had
30 confidence you and all of us could work together to
31 find common ground and bring forward a solution.

32

33 The modified language by OSM, which is
34 built on the interest of the Bristol Bay Council, is to
35 pursue and approach wolf and wolverine. As we heard
36 during testimony, pursue is part of the definition of
37 taking.

38

39 The Service has been building trust
40 with the people in the Bristol Bay Region and we have
41 confidence in hunters' testimonies concerning the
42 importance of allowing this practice. Families have
43 been utilizing wolf and wolverine for generations.
44 While humans change methods to adapt to modern
45 technology, the value of and honor for these species
46 remains the same.

47

48 There is a human/animal relationship
49 that is part of the customary and traditional harvest

50

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1 and care for each individual animal before, during and
2 after the hunt. For subsistence hunters it remains
3 important to be efficient, respectful of fish and
4 wildlife resources and to not toy with that individual
5 animal.

6
7 We are also confident that managers
8 have the tools and discretion to address any future
9 potential conservation concerns. If there are negative
10 population trends with wolves or wolverines, there are
11 mechanisms in place to address this.

12
13 The Service is continually evolving as
14 a Federal land manager in Alaska as we learn how to
15 best harmonize laws like ANILCA and the National
16 Wildlife Refuge Improvement Act. While we seek to
17 balance the laws we are also looking to come into
18 harmony on these issues as people. We learned this
19 from our experience with finding a way to allow for
20 subsistence fishing on the Kenai River by residents of
21 Ninilchik where we came to harmonize these laws and to
22 harmonize as humans. Our experience gives us trust in
23 these relationships.

24
25 I believe we can find space for this
26 and have a shared view about how our traditional and
27 Western ways of hunting can come together. We have
28 seen similar regulations go into effect in other units.
29 Some including and not including Refuge lands in
30 Alaska.

31
32 As was said in 2016 when the Board took
33 up a similar proposal to use snowmachines in Northwest
34 Alaska for hunting wildlife, we can do this in a better
35 way. Currently the better way to do this is to defer
36 to the Council and support of the traditional practice
37 of hunters using snowmachines to pursue and approach
38 wolf and wolverine in the Bristol Bay Region.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN CHRISTIANSON: Thank you,
43 Sara, for that.

44
45 MS. DETWILER: Next vote Steve Cohn,
46 BLM.

47
48 MR. COHN: Mr. Chair. BLM supports
49 WP22-40 as modified by OSM. We appreciate the careful
50

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1 and deliberative process taken by the Bristol Bay
2 Subsistence Regional Advisory Council and public
3 working group to come up with regulatory language that
4 would more accurately reflect this customary and
5 traditional practice using snowmachines in their
6 region.

7
8 We also acknowledge the extensive
9 testimony by members of the public regarding WP22-40.
10 BLM recognizes that the efforts by the Council and
11 working group were designed to codify a practice that
12 is already occurring on the landscape and that
13 subsistence harvest of fish and wildlife is one that is
14 based on efficiency.

15
16 BLM believes that adoption of this
17 proposal as modified by OSM is consistent with the
18 intent of the recommendation of the Bristol Bay
19 Subsistence Regional Advisory Council. Again, I would
20 like to express my sincere appreciation to the Bristol
21 Bay RAC and the residents in the region who have
22 dedicated many years to this effort and who have
23 traveled here today to testify in person.

24
25 Thank you.

26
27 MS. DETWILER: Thank you. Glenn Chen,
28 BIA.

29
30 MR. CHEN: Well, with much enthusiasm
31 the BIA votes yes to support the motion which includes
32 the Bristol Bay RAC's recommendation along with OSM
33 modifications. Kudos to all the folks that have been
34 extensively involved for the number of years and months
35 to put this together and come up with a solution to
36 meet the needs of wolf hunters out in Bristol Bay.

37
38 Thank you.

39
40 MS. DETWILER: Thank you. Dave Schmid,
41 Forest Service.

42
43 MR. SCHMID: The Forest Service also
44 supports Proposal WP22-40 as recommended by Bristol Bay
45 Regional Advisory Council and modified by OSM.

46
47 I'd also like to extend on behalf of
48 the Forest Service our appreciation for what was an
49 extensive effort here by the RAC and the public working
50

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1 group to come together. I know it's been a tremendous
2 effort and you can see the results here today with the
3 Board.

4

5 Thank you.

6

7 MS. DETWILER: Public Member Rhonda
8 Pitka.

9

10 MS. PITKA: Yes, I vote to oppose
11 WP22-40 to adopt as modified by OSM to support the
12 Bristol Bay Council's fall 2020 modification. For all
13 of those reasons articulated today by the Bristol Bay
14 Council, I appreciate that very much. That was a lot
15 of work to come to a compromise and I appreciate all
16 the testimony and support today.

17

18 Thank you all very much.

19

20 MS. DETWILER: Thank you. Public
21 Member Charlie Brower.

22

23 MR. BROWER: I support WP22-40 as
24 modified by OSM and by Bristol Bay Subsistence Advisory
25 Council. Also thank everyone for all their hard work.
26 I was almost out there dreaming to go wolf hunting.

27

28 Thank you.

29

30 MS. DETWILER: Thank you. Finally
31 Chair Christianson.

32

33 CHAIRMAN CHRISTIANSON: I support for
34 all the reasons stated here. I think you guys did a
35 good job articulating. Thanking everybody and all the
36 effort that went into it. Just for me as a Federal
37 Board Member I'm thankful to get this behind us and
38 look forward to the next big challenge on the Board.
39 Amen.

40

41 (Laughter)

42

43 MS. DETWILER: Thank you. The motion
44 passes unanimously.

45

46 (Applause)

47

48 CHAIRMAN CHRISTIANSON: Well, that was
49 perfectly timed. It was a wonderful day. It's good to
50

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1 end with a clap, a smile. Have a good evening. We'll
2 see you tomorrow at 9:00. Recessed.

3

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(Off record)

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(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing, contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING taken electronically by our firm on the 1st day of February 2023;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 10th day of February 2023.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/26