

RC LOG

RC 106

**Board of Fisheries - Statewide Finfish, Supplemental Issues, Subsistence Finding Standards, and Chitina Dipnet Fishery. March 16 - 21, 2010, Anchorage**

**Log #                      Source                      Description                      Pgs.**

1	ADF&G Boards Support	BOF Workbook	
2	ADF&G	Staff Comments on Statewide Finfish and Supplemental Proposals	51
3	University of Alaska - Gordon Kruse	Oral Report Slides on Bering Sea Tanner Crab Size Study	21
4	NPFMC - Diana Stram	Oral Report Slides on Crab Rebuilding	12
5	ADF&G - Stefanie Moreland	Oral Report Slides on Crab Rebuilding Options	6
6	ADF&G - Eric Volk and Bob Clark	Oral Report Slides on SSFP	17
7	ADF&G - Taube, Somerville	Oral Report Slides re Chitina Fishery	10
8	ADF&G - Taube	Written Report re Chitina Fishery	18
9	ADF&G - Fall	Eight Criteria Worksheet re Chitina	152
10	ADF&G - Fall	Chitina overview oral report slides	32
11	ADF&G - Fall	Chitina deliberation slides	51
12	ADF&G	Staff comments on Prop 200 & 201	6
13	Don Nagel	Mgmt of Yentna River sockeye petition	1
14	Ryan Kapp	CFEC report 10-N, Feb 2010	2
15	AK Sportfishing Assoc.	Mgmt of Yentna sockeye salmon	1
16	Ken Tarbox	Prop 166, 170, 171, 179	5
17	Glenn Hamar	Prop 195	2
18	Valhary Braz	Prop 195	2
19	Dennis Pollock	Prop 195	3
20	Philip Wiley	Chatham Strait black cod	1
21	City of Kasaan	Prop 195	2
22	Concerned residents of Kasaan	Prop 195	8
23	Dept of Economic Development	Analysis of Prop 168 – seine fishing vessel length	9

**RC LOG****RC****Board of Fisheries - Statewide Finfish, Supplemental Issues, Subsistence Finding Standards, and Chitina Dipnet Fishery. March 16 - 21, 2010, Anchorage**

Log #	Source	Description	Pgs.
24	Della Coburn	Prop 195	2
25	Saxman AC	AC minutes	3
26	ADF&G Moreland	Briefing on BSAI crab FMP	3
27	Pacific NW Crab AC	Crab rebuilding plan	2
28	Craig AC	AC minutes	1
29	Daniel Rinella	Prop 195	1
30	Gary Adkinson Jr	Prop 195	2
31	AK Scallop Assoc.	Annual catch limits on AK weathervane scallop fishery	1
32	ICEPAC	ACL – Bering Sea/Aleutian Island crab	1
33	AK Outdoor Council	UCI emergency petition	2
34	Mat Valley AC	Addendum to minutes Prop 165 & 166	5
35	Seward AC	AC minutes	3
36	SEAFA	Prop 200 – 201	1
37	Kevin Stack	Prop 200 – 201	1
38	Mike Adams	Prop 200 – 201	1
39	Stuart & Elaine Meyer	Prop 200 – 201	1
40	Chris Bourgeois	Chitina fishery	1
41	Kenneth Adams	Prop 200	2
42	Seafood Producers Coop	Comment PC 38 - Prop 182	1
43	Tracy Morphis	Prop 200 – 201	1
44	Simon Molodin	Prop 200 – 201	1
45	Chad Roberts	Prop 200 – 201	1
46	Robert Linville	Prop 200 – 201	1
47	Eastern Interior RAC	Yukon River Chinook	2

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<b>Log #</b>	<b>Source</b>	<b>Description</b>	<b>Pgs.</b>
48	Charles Deville	Prop 200 – 201	2
49	Mat Valley AC – Andy Couch	Letter re: petition	2
50	Mat Valley AC – Andy Couch	March 10, 2010 AC minutes	4
51	Richard Yamaha for Daiwa Corp	Electric reel proposals	1
52	Richard Yamaha for Seldovia Fishing Adventure	Electric reel proposals	1
53	Lloyd Gossman	Ketchikan Gateway Borough comments	3
54	Torie O’Connell for AK Longline Fisherman Assoc	Comments on proposals	3
55	Torie O’Connell for ALFA	Prop 175 & 180	1
56	Dianne Dubuc	CIAA – 2009 Salmon Sales request for bids	1
57	Bruce Knowles – Mayor’s Blue Ribbon Sportfishers	Letter supporting UCI emergency petition	3
58	Bruce Knowles – Mayor’s Blue Ribbon Sportfishers	Comments on proposals	4
59	ADF&G – CF	Prop 167 substitute language	1
60	ADF&G – CF	Prop 173 substitute language	1
61	Kurt & Karl Goetzinger	Prop 200 – 201	1
62	Phillip Clark	Prop 200-201	1
63	Susitna Valley AC	March 10, 2010 minutes	1
64	Jeane Brenig	Summer commercial crab opening	1
65	Ken Tarbox (via Dwight Kramer)	Slikok Creek closure	2
66	Ken Tarbox (via Dwight Kramer)	Prop 166	5
67	Paul Shadura – Kenai/Soldotna Fish & Game AC	March 12, 2010 letter	2
68	Paul Shadura – KPFA	Proposal comments	3
69	Kenai / Soldotna Fish & Game AC	Feb 10 & 18, 2010 minutes	4

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Log #	Source	Description	Pgs.
70	ADF&G – CF	RC 2 update	6
71	ADF&G / Boards	RC Index to date	2
72	ADF&G / Boards	Public testimony for SW/Supplemental portion of meeting	2
73	Tory O’Connell	Prop 175 & 182	1
74	Mike Peterson	Prop 177	1
75	Cambri & Luke Dallmann	Prop 200-201	2
76	Mark Kaelke	2008 AFS- Report on whirling disease	14
77	Travis Watkins	Prop 195	1
78	Sitka AC	Prop 175 & 182	4
79	Randy Nichols	Electric reels	1
80	Southcentral RAC, Ralph Lohse	Prop 200 & 201	1
81	Tory O’Connell (ALFA)	BOF allocation criteria re: sablefish	2
82	Paul Shadura – KPFA	Prop 169 & 172	2
83	Professional Guide Assoc.	Prop 184	4
84	ADF&G / CF	Dungeness soft shell issue	6
85	John Blair	Prop 180 substitute language	1
86	ADF&G	Prop 172 substitute language	1
87	ADF&G	Committee “A” Report	24
88	ADF&G	Committee “B” Report	
89	Ron Leighton	Proposal 195 comment	1
90	Lloyd Gossman	Proposal 195 comment	1
91	Steve Vanek	Withdrawal of Proposal 165	1
92	Tad Fujioka – Sitka AC	Sablefish biomass statistics	1
93	Brian Kraft	Prop 184 support	1

# RC LOG

# RC

## Board of Fisheries - Statewide Finfish, Supplemental Issues, Subsistence Finding Standards, and Chitina Dipnet Fishery. March 16 - 21, 2010, Anchorage

Log #	Source	Description	Pgs.
94	Mike Kramer	Chitina lawsuit papers	67
95	Tory O'Connell ALFA	Prop 180 & 182 substitute language	1
96	Mark Kaelke	Prop 184 substitute language	1
97	Virgil Umphenour	Prop 200 subsistence definition	1
98	Dwight Kramer	Prop 172	1
99	Ryan Kapp	Prop 168 substitute language	3
100	ADF&G	Map & subsistence data #195	3
101	Stanley Mack	Prop 168	1
102	Howard Delo	Mine site comments	3
103	KPFA - Joel Doner	Prop 172 substitute language	2
104	Karl Johnstone	1999 BOF transcript re: #201	82
105	Karl Johnstone	2003 BOF transcript re: #201	98
106	ADF&G/Boards	RC Index updated	5

RC 107

March 18, 2010  
Submitted by John Blair, SEAGO

Re: Proposal #175

We believe regional allocation issues are best dealt with on a regional basis, and only statewide issues considered on a statewide basis. As such, we recommend that there be no statewide bag limits for sport catch of sablefish.

Rationale:

- Initial sablefish quotas in Southeast Alaska were established in 2009 with insufficient historical sport catch information upon which to base a realistic quota. As data collected in 2009 from the ADF&G showed minimal statewide sport harvest of sablefish we believe it is prudent to get an accurate assessment of sport market demand.
- Information gained by the department from more robust data collection, starting in 2010, in the guide log books and the statewide harvest survey will be very valuable to determine an accurate assessment of statewide and regional sport demand for sablefish.
- NMFS considers the stock to be sustainable. From their website, NMFS states that the Alaska TAC is below the sustainable harvest level.  
<http://www.nmfs.noaa.gov/fishwatch/species/sablefish.htm>

*NMFS: Sustainability Status*

*Biomass: The west coast sablefish population is at 96% of target levels, and Alaska at 101% of target levels;*

- *Overfishing: No*
- *Overfished: No*

RC: Victoria O'Connell, proposal 175 and 177

A new way to approach bag limits:

The criteria the Board uses to set bag and possession limits that "provide for a reasonable level of angling opportunity and harvest while at the same time provide for protection against high levels of harvest that could be harmful to the health of the stocks".

Instead of a discussion of what the current catch may or may not be based on insufficient catch data the Board has the opportunity to take a different approach that could serve them in future scenarios as well:

For fish with extreme longevity like blackcod and thornyheads, the bag limit is not to exceed two fish per day. This provides anglers with a reasonable opportunity to keep fish of any species but is respectful of the inherent difficulty in managing these long lived species. If a management plan, with an allocation, is implemented regionally or statewide, in the future, the bag, possession, and annual limits could be adjusted to reflect a high population or low population stock level.

In this manner the Board is acknowledging that these long-lived species are difficult to manage and are a valuable resource and need to have limits associated with removals. It doesn't reduce any angler's opportunity to sport fish for this species. In the case of blackcod and thornyhead for example most anglers are not taking any now, so a 2 fish bag limit would not effectively decrease their opportunity – but provide reasonable access. For example, the bag limit for halibut was 2 daily for decades, well before there were allocation battles or declining stock trends and provided a reasonable opportunity.

A two fish daily bag limit is actually greater than the average daily bag limit for marine finfish in Southeast now: **6+ 3 of these have annual limits.**

- Yelloweye (maximum age 118) 1
- Lingcod (maximum age 28) 1
- Halibut 1 or 2 (maximum age 55)– **remember that the daily limit for halibut was 2 for decades and was considered a reasonable opportunity.**
- Sharks (maximum age salmon shark 25, maximum age dogfish: 40) 1
- Non-pelagic rockfish: (maximum age 50) 3 (resident), 2 (nonresident)

RC 109

March 3/18/2010

Board of Fisheries  
Alaska Department of Fish & Game  
PO Box 115526  
Juneau, AK 99811-5526

Re: Request of Clarification of Kasaan's Intent. / Proposal 195.

The organized Village of Kasaan's (O.V.K) voted in a council meeting to submit a proposal to close all of districts 2, Summer commercial Dungeness Crab Fisheries bring the fisheries back to the same way it was prior to the January board of Fishery

In a nutshell repeal your decision you made on your January 2009 meeting Proposal #151.

By doing this it will take the impact on subsistence away but still allow a reasonable effort of commercial harvest.

Respectfully,



Ronald Leighton  
Chair of the (OVK) customary  
and traditional use committee



# Sitka Fish & Game Advisory Committee

Tad Fujioka, Chairman  
214 Shotgun Alley, Sitka, AK 99835

RC 110

The Committee B report (RC 88) omitted some highly relevant comments from Board Enforcement Specialist Al Cain to the committee that the Sitka AC would like to see included in the official record of this meeting.

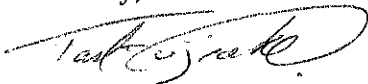
Specifically, the B committee was informed that prior to 2006 all enforcement personnel understood that powered reels were not allowable as sport gear. Only after legal challenge, was the existing regulation interpreted differently. The Sitka AC feels most strongly that a return this pre-2006 understanding of status quo is in the best interest of Alaska.

Additionally, the comment within the report that "15 lb electric reels (can be) more efficient than some jigging machines" incorrectly cites PC 35. This statement was made by a fisherman who owned and used both rod-mounted electric reels and jigging machines and wanted to know if he would be allowed to use his rod-mounted reels in a commercial fishery in lieu of the more cumbersome jigging machines. While covering similar topics, PC 35 is the document that I authored that shows that even a 3.68 lb electric reel has performance characteristics far beyond that of commonly used electric downriggers.

Recognizing this, I would also like to add that the substitute language provided in the committee report that reduces the 15 pound weight limit to 10 pounds is insufficient to provide any meaningful restriction on the capabilities of electric reels. The committee heard that few electric reels in use in Alaska today weigh as much as 10 pounds (with the current average in the neighborhood of 4 lbs) and advancing technology will only reduce the weight to power ratio of these reels further.

Lastly, the final two bullet points, "Concern over the use of electric reel(s) in PU and/or subsistence fishery" and "Electric reels are not legal gear in state subsistence fishery, thus a moot point" fail to accurately capture the concern that I voiced. Specifically, my point was that current Department policy does not allow electric reels to become legal gear in a personal use or subsistence fishery if they are already legal sport gear in the same area. Hence unless the board acts to prohibit electric reels as sport tackle, this policy would preclude such gear from being made legal in PU or subsistence fisheries. Unless the policy is to be overturned, the board is thus forced to choose between allowing electric reels in either sport or PU/subsistence fisheries (or neither). The Sitka AC suggests that an Alaskan fishing for her family's table like Blanche Ohneck is a more appropriate user of this sort of highly efficient tackle than an angler fishing for sport.

Sincerely,



Tad Fujioka - Sitka AC Chairman



**RC-111**

**3/19/2010 8:09 AM**

**5 AAC 32.110. Fishing seasons for Registration Area A.** In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in **District 2 and** Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), and beginning February 29, 2012, in District[s] 1 **[and 2]**, except the waters of Whale Passage described in (2) of this section, from 12:00 noon October 1 through 11:59 p.m. February 28;

Dear Chairman Webster and Members of the Board,

My name is Rocky Littleton, I am a commercial fisherman who has lived in Alaska for 45 years. I have been fishing Dungeness crab in Southeast Alaska for the past 28 years. I would like to share a few thoughts regarding the District 1&2 Summer Dungeness fishery.

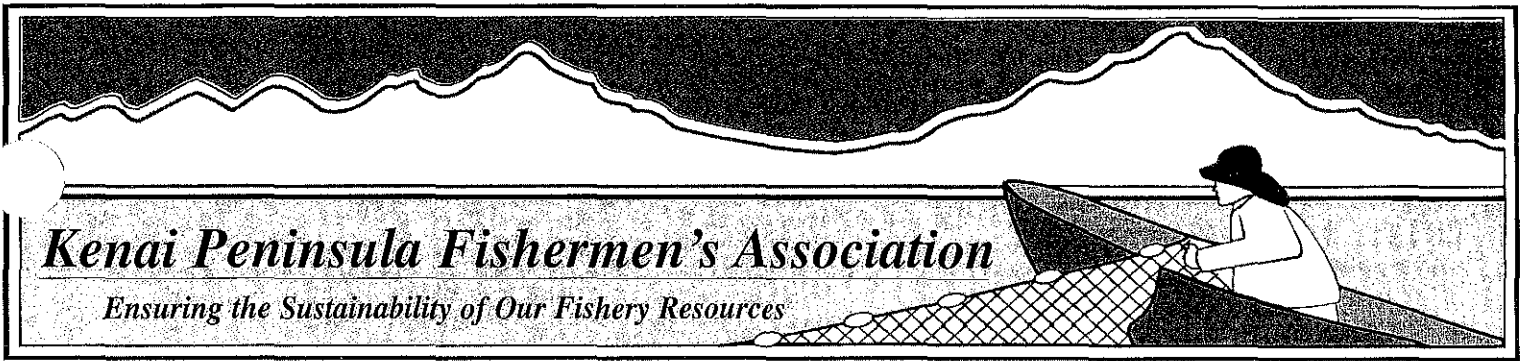
I am asking the Board to consider voting no on the potential closure of District 1&2, and instead, consider closing a small portion of District 1&2 to allow a protected area for subsistence harvest. The commercial fleet found only hard shell crab in the Summer season, and the crab were good quality. I have to ask, what is the difference between opening the Summer season in the rest of Southeast and opening the Summer season in District 1&2? Although concerns have been raised about the quality and quantity of crab in District 1&2, those concerns were quickly dispelled after the fishery opened. Dungeness in District 1&2 were hard shell, and easy to find. Claims that crab were scarce and soft are unfounded.

Having the District 1&2 Dungeness season open in the Summer season is important to help relieve overcrowding in other areas. Dungeness is an important species for entry-level and small boat fishermen. Southeast Alaska relies on small boat and entry-level harvesters to help with the local and regional economy. The Board would help create stability within the Southern Southeast economy by keeping the District 1&2 Dungeness Summer fishery open. Small boat owners and entry-level fishermen would benefit by leaving District 1&2 open because these participants are not equipped to fish in the fall season. Having Districts 1&2 open for the Summer season would also help transfer permits that were traditionally fished from Ketchikan to return to local harvesters.

I was discouraged to learn that testimony had been given that the Summer Dungeness fisheries are harmful to the resource. In my 28 years as a Dungeness fisherman, I have never seen a "clutching pair" of crab (mating season crab) before the first week of August. The Summer Dungeness season closes August 15th. In my experience, 80% to 90% of crab are hard shell in the Summer. This is the same frequency I have found in the Fall season. If there were no Summer season, it would be impossible to fully utilize the resource because in most areas after the first of November the crab begin to burrow in the mud in winter hibernation mode, and the fleet would only be able to fish for one month before the crab hibernate.

In closing, the Summer Dungeness fishery is extremely important to Southeast Alaska. I urge the Board to consider keeping the District 1&2 Dungeness fishery open.

Rocky Littleton  
PO Box 1373  
Petersburg, AK 99833  
F/V Angjenl



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276  
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

March 19, 2010

Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK. 99811-5526

RC 113

ATTN: Alaska Board of Fisheries

Chairman: Webster

COMMENTS ON COMMITTEE "A"

**Proposal 169**

We wish to answer the DOL comments in order:

- Proposal is asking for definition of "reasonable opportunity".
- Opportunity is not defined as "necessary" although **reasonable opportunity** is defined in statute and in regulation 5 AAC 99.010 (c) Boards of fisheries and game subsistence procedures, the term is utilized. It would be meaningless phrase and would give a board limited direction for subsistence management without a clear definition. This request is for *guidance; a definition as it applies to personal use, sport and commercial fishing*. This should be considered a step that would precede the allocation criteria. Subpart (d) prior to subpart (e) is read before the *allocation criteria* for a reason and **carries equal weight in consideration**.
- The Board needs flexibility to deal with complex issues. The Board does not need terms that are ambiguous and misleading. The need for a consistent application of terminology is the basic premise of all law. DOL would seem to recommend to the Board that it is better to have *arbitrary and capricious terminology* that will continue to *create confusion with the public and Boards*. Decisions that change with the constant change of a value system of each individual Board member. Inconsistent application of the law is not acceptable! Article VIII of our state constitution, articles (1),(2),(3),(13),(15),(16) require the state to give equal access to all Alaskans without exclusions unless for conservation. It is the Board's duty

as the arm of legislature to *protect the people of the state and abide by the constitution*. The DOL is and arm of the Administrative branch and is there at the sole discretion of the Governor. There mandate, there purpose is to protect the policies of the Governor.

- The Board has the authority to *close fisheries for conservation*. They also have the duty to *utilize and develop*. They also have the duty to **maximize the benefit to the people of the state**. They have the authority to "open".
- Duty of the Board is to conserve and develop. Policy may be created by application of the law. The board is not an elected body and is appointed. **Public policy is best left to politicians**. Guidelines that attempt to further define application of the law *reduce the individual bias and inconsistencies*.
- Language is being proposed here.
- The reason that we are requesting a more defined term is because *it is broadly defined by user groups*.
- *DOL does not want to do its job because it might create political complications for the Administration that they represent*.

#### SUGGESTED LANGUAGE:

##### 5 AAC 39.975 Definitions

**Reasonable opportunity for the taking of a fishery resource means, as determined by the Board, allows personal use, sport, and commercial fishermen equal access to a harvestable surplus and provides a reasonable expectation of success of taking fish. Nothing in this definition restricts the Board in its authority to maintain order in the fishery, to utilize, develop or for conservation by the use of regulation.**

We offer this language as an attempt to clarify;

*We would hope that the Board in its wisdom will debate this issue as apart of the deliberation process. At the very least, we would be encouraged that the Board would write findings on this issue to assist the public and future Boards who most likely will continue to have to consider the fairness of their application of this principle phrase with no guidance.*

Thank you,

Paul A. Shadura II  
Executive Director



**RC-114**

**3/19/2010**

**Miscellaneous Business: Request for Delegation of Authority  
for regulation amendments and corrections.**



March 19, 2010

Miscellaneous Business: Request for Delegation of Authority for Regulation Corrections

The following regulations contain citations to federal register 50 CFR 679 and are now out of date, the result being that state-water regulations are out of sync with federal regulations. The following summaries described below list some of the current updates to these regulations.

The department is requesting a Delegation of Authority to update regulations with one of two options:

- 1) Update the following regulations: 5 AAC 28.052; 5 AAC 28.053; 5 AAC 28.055; and 5 AAC 28.073 with the current federal register date; or
- 1) Repeal 5 AAC 28.052 Logbooks, which would not be necessary if reporting requirements are included with the global Emergency Order (see proposal 173);
- 2) Repeal 5 AAC 28.053 Observers, which would be covered under federal management measures; and
- 3) Update the last two regulations, 5 AAC 28.055 and 5 AAC 28.073, with the understanding that there could be updates needed in the future.

Recent changes to federal regulations cited in State of Alaska Fish and Game regulations, March 15, 2010.

**5 AAC 28.052 Logbooks. REPEAL.** [THE OPERATOR OF A VESSEL THAT IS REGISTERED WITH THE NATIONAL MARINE FISHERIES SERVICE TO FISH IN A FEDERAL GROUND FISH FISHERY THAT IS FISHING IN STATE WATERS OF ALASKA AND THAT IS BEING USED TO TAKE ANY GROUND FISH SPECIES MANAGED UNDER A FEDERAL FISHERIES MANAGEMENT PLAN THAT REQUIRES MAINTENANCE AND SUBMITTAL OF LOGBOOKS, SHALL MAINTAIN, WHILE FISHING IN STATE WATERS, THE SAME LOGBOOK RECORDS AS THOSE REQUIRED UNDER 50 C.F.R. 679 (UPDATED DECEMBER 10, 1997), AND SHALL SUBMIT THE LOGBOOK RECORDS IN THE SAME MANNER AS REQUIRED FOR THE FEDERAL LOGBOOKS.]

Summary of most recent updates:

- 74 FR 62506, November 30, 2009. This action corrects column headings of a regulatory table; provides replacements for outdated text; reinstates a paragraph which describes the Chiniak Gully Research Area; corrects footnotes and other errors in two tables; and corrects two maps.
- 73 FR 76136, December 15, 2008. NMFS issues a final rule that implements new recordkeeping and reporting requirements; a new electronic groundfish catch reporting

system, the Interagency Electronic Reporting System, and its data entry component, eLandings; the integration of eLandings with existing logbook requirements and future electronic logbooks; a variety of fisheries permits provisions and revisions to regulations governing the Bering Sea and Aleutian Islands Management Area Crab Rationalization Program, including fee calculations; a revision to a Sitka Pinnacles Marine Reserve closure provision; and a revision to a groundfish observer provision regarding at-sea vessel-to vessel transfers.

**5 AAC 28.053 Observers. REPEAL.** [THE OPERATOR OF A VESSEL THAT IS REGISTERED WITH THE NATIONAL MARINE FISHERIES SERVICE TO FISH IN A FEDERAL GROUND FISH FISHERY, THAT IS FISHING IN STATE WATERS OF ALASKA, AND THAT IS BEING USED TO TAKE ANY GROUND FISH SPECIES MANAGED UNDER A FEDERAL FISHERIES MANAGEMENT PLAN (FMP) THAT APPLIES TO THE AREA IN WHICH THE FISHING IS OCCURRING AND THAT REQUIRES ONBOARD OBSERVERS, MUST COMPLY WITH THE DECEMBER 30, 1997 FEDERAL ONBOARD OBSERVER REQUIREMENTS IN 50 C.F.R. 679.50 FOR THE GULF OF ALASKA, BERING SEA, AND ALEUTIAN ISLANDS.]

Summary of most recent updates:

- The December 31, 2007 sunset date for observer coverage requirements at 50 CFR 679.50 was removed effective July 13, 2007.
- NMFS issues a final rule to amend regulations implementing the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to avoid expiration of these regulations on December 31, 2007, and ensure uninterrupted observer coverage in North Pacific groundfish fisheries.
- 74 FR 51512, October 7, 2009: This rule made four small technical changes to the regulations:
  - It corrects a final rule removing the December 31, 2007, expiration date for regulations governing the North Pacific Observer Program. NMFS intended this final rule to remove the expiration date from all paragraphs; however, due to the overlay of an additional and overlooked expiration date in a different final rule, NMFS inadvertently removed the regulations governing observer coverage for catcher/processors and motherships participating in the pollock fisheries in the Bering Sea and Aleutian Islands management area. This correcting amendment reinstates those observer coverage requirements.
  - In addition, this rule corrects a cross-reference error;
  - Removes an expiration date; and
  - Removes effective dates that have now passed from certain paragraphs.
- Observer coverage requirements at 679.50 were also amended with implementation of Amendment 80 (hereinafter the “Program”) to the BSAI on January 1, 2008. NMFS issues a final rule to implement the Program to the Fishery Management Plan for Groundfish of the BSAI Management Area (FMP). The Program primarily allocates several BSAI non-pollock trawl groundfish fisheries among fishing sectors and facilitates formation of harvesting cooperatives in non-American Fisheries Act (AFA) trawl catcher/processor sector. The Program establishes a limited access privilege program for the non-AFA trawl catcher/processor sector. This action is necessary to increase resource conservation and improve economic efficiency for harvesters who participate in BSAI groundfish fisheries.



**5AAC 28.055. Seabird Avoidance.** When commercial fishing for groundfish with a longline in state waters, the operator of a vessel that is greater than 26 feet in overall length shall comply with the seabird avoidance measures described in 50 CFR 679.24, revised as of April 27, 2009 [JANUARY 17, 2008] and adopted by reference.

April 27, 2009. NMFS issues a final rule that revises seabird avoidance requirements for the hook-and-line groundfish and halibut fisheries in International Pacific Halibut Commission Area 4E. The final rule eliminates seabird avoidance requirements for hook-and-line vessels less than or equal to 55 ft (16.8 m) length overall in portions of Area 4E in the eastern Bering Sea. This action is necessary to revise seabird avoidance measures based on the latest scientific information and to reduce unnecessary regulatory burdens and associated costs.

**5 AAC 28.073. Trip limits for commercial pollock vessels.** In the state waters between 140° W. long. and 170° W. long., a person may not harvest from, off-load from, or retain on board a catcher vessel, during a calendar day, more than 300,000 pounds of unprocessed pollock, or retain on board a tender vessel, during a calendar day, more than 600,000 pounds of unprocessed pollock, harvested in the state waters adjacent to the federal waters of the Western, Central, and a portion of the Eastern Gulf of Alaska Areas described in 50 C.F.R. 679, Figure 3, revised as of May 21, 2009 [OCTOBER 1, 2006], adopted by reference.

May 21, 2009. This action: corrects column headings of a regulatory table; provides replacements for outdated text; reinstates a paragraph which describes the Chiniak Gully Research Area; corrects footnotes and other errors in two tables; and corrects two maps.



March 19, 2010

Miscellaneous Business: Request for Delegation of Authority to correct an error in regulation.

The Department requests a Delegation of Authority to correct an administrative error that occurred after the 2005 King and Tanner meeting. During that meeting, the Chignik Tanner crab pot limit regulation was modified for when the GHF is over 600,000 pounds; however, the first portion of the paragraph involving pot limits was inadvertently dropped.

The regulation should read:

**5 AAC 35.525. Lawful gear for Registration Area J.**

**(c)(2) in the Chignik District, an aggregate of no more than 30 pots may be operated from a validly registered Tanner crab vessel, except** if the guideline harvest level exceeds 600,000 pounds, the total number of pots allowed in the fishery is 1,000; the department will establish the individual vessel pot limit by dividing the 1,000 total pot limit by the number of vessels that register by the registration deadline specified in 5 AAC 35.506(e)(6); no more than 75 pots per vessel may be operated from a validly registered vessel.

Attn: **BOF COMMENTS - Chitina Dipnet Fishery Meeting March 12 – 21, 2010**  
Boards Support Section  
Alaska Dept. of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526

To whom this may concern,

I am writing to add my name into the hat of the debate regarding the Chitina Dipnet Fishery. Unfortunately, I cannot attend to give personal testimony this weekend, but would like to submit my short letter for the benefit of my current family, and their future families.

I have dipnetted the Copper River for a number of years now, feeding both my immediate family and an extended family of elderly Alaskans.

Our family would be considered to be of the group that lives "a subsistence way of life" meaning a way of life that is consistent with the long term use of fish & game resources, when available, to supplement our basic necessities of life. We wish to continue this lifestyle.

I do believe redefining a "subsistence way of life" should involve the Board of Game, since it was the Joint Boards that developed the eight subsistence criteria and both Boards would be answerable to any change in language. The future depends upon the wisdom of many in this time. Our grandchildren may very well be affected.

Proposal 201 gives a positive "Customary and Traditional" finding (subsistence) for the Chitina sub-district dipnet fishery.

The Chitina dipnet fishery supplies food for our family and also educates the younger members of how to feed yourselves. There is such a tremendous opportunity to learn how to utilize your own skills to feed a family, preserve our bounty and respect Mother Earth. These skills are invaluable to all. Far better than being challenged for the higher electronic video game score.

Passing down the knowledge of dipnetting to your children; how to prepare and preserve the fish and instilling the respect between man and game are lessons not taught in a school. These are mentored skills, and the quality of Copper River salmon, and a wonderful dinner from your labors helps to reinforce those lessons learned.

I believe the quota limits noted in one of your Proposals are too low. Instead of 100,00 to 150,000 fish, I recommend that these numbers be raised to 150,000 to 200,000 fish. The future will probably bring more people, hence more fish should be noted now.

I hope this letter makes it there for your considerations. Thank you for your time.

Sincerely,



David Farkas, and daughter Tatyana  
P.O. Box 772342  
Eagle River, Alaska 99577

RC 116

Bay View Incorporated

7926 Old Seward Highway, Suite A-7 Anchorage, Alaska 99518

Phone: (907) 344-8252 Fax: (907) 344-8252

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RESOLUTION 2010-03

**A Resolution in Favor of Maintaining a 58' Limit on Seine Vessels**

**WHEREAS**, under the Alaska Native Claims Settlement Act (ANCSA), Bay View Inc. (BVI) is the recognized Native Corporation of the village of Ivanof Bay; and

**WHEREAS**, the community of Ivanof Bay is a remote and isolated community in Southwest Alaska accessible only by air and water; and

**WHEREAS**, the community's historic and current economic development activities has been primarily focused on local participation in the fisheries in the waters off its coast; and

**WHEREAS**, the community and its residents are struggling to sustain themselves in the current economic climate; and

**WHEREAS**, our local fishers are primarily a small boat, shallow draft fleet, focusing on catching most of the fish within the protection of Chignik Lagoon;

**WHEREAS**, our permit participation has dropped as low as 50% within the past few years because it is not economically feasible for 100% participation; and

WHEREAS, the current 58 foot limit is not hindering our pioneering efforts to promote high quality, value added fish in Alaska; and

WHEREAS, we believe that if the 58 foot limit is removed we will see an influx of non-local participants fishing our outer areas creating a re-allocation of fish within our fishery thus encouraging intra-area allocation battles; and

WHEREAS, the basic economic foundation and long term success under the 58 foot limit is reasonable, prudent, and proven to insure there is a local Alaska owned presence in the related fisheries in our coastal communities; and

NOW THEREFORE, be it resolved that Bay View Inc. approves the following actions:

**We would like to ask the State of Alaska, Board of Fisheries to vote against Proposal #168 (5 AAC 39.117) in its Statewide Finfish meeting, March of 2010.**

**CERTIFICATION:**

I, the undersigned, hereby certify that the foregoing resolution was passed unanimously by the Bay View Board of Directors on the 18<sup>th</sup> of March, 2010 at the regularly scheduled board meeting.

Signed: Edgar J. Shangin  
Edgar J. Shangin  
President

Signed: Nicole D. Cabrera  
Nicole D. Cabrera  
Board Secretary

RC 117



**Kenai  
Area  
Fisherman's  
Coalition**

FEB 25 2010

BOARDS

PROTECTING YOUR FISHING RIGHTS & RESOURCES

P. O. Box 375 Kenai, Ak. 99611 (907) 283-1054 dwimar@gci.net

Board of Fisheries  
P.O. Box 115526  
Juneau, Alaska 99811-5526

February 19, 2010

Dear Board of Fisheries Members;

The Kenai Area Fisherman's Coalition, respectively submits this petition relative to Slikok Creek Chinook salmon conservation concerns.

The reason we feel that immediate action is necessary is relative to the low spawning numbers of early run Kenai River Chinook salmon entering Slikok Creek in recent years.

Slikok Creek Chinook salmon have been reduced to numbers that threaten the viability of the population. In 2008 only 68 and 2009 only 70 Chinook salmon entered the stream (counts from an ADF&G weir in the lower creek). In contrast, foot counts, which are minimum counts, averaged 165 from 1990 to 2004 (actual number of spawners was probably in the 200-300 range). In contrast foot counts numbered only 33 in 2008 (data source ADF&G). The Department did not conduct counts of any kind in years 2005 - 2007.

A viable population is one that has at least 300 spawners from a brood year and actual weir counts indicate the recent numbers of spawners are significantly below this critical number. It should also be assumed that bear predation above the weir will additionally reduce the number of fish available for spawning. Therefore, we believe a significant conservation concern exists for Slikok Creek Chinook salmon.

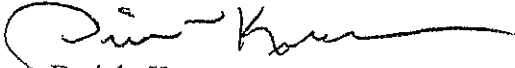
Run timing of Slikok Creek Chinook salmon extends from June to August with most fish entering between mid-July to early August. Therefore, Chinook salmon headed for Slikok Creek hold in the main-stem Kenai River for a lengthy period of time. The current Slikok Creek sanctuary boundaries of 100 yards upstream and 300 yards downstream are not sufficient enough to protect this stock.

Our recommendation is to increase the protected sanctuary area to 0.5 miles upstream and 0.75 miles downstream. These dimensions are consistent with other river/creek mouth closures elsewhere on the Kenai River. In fact, the downstream closure recommendation is consistent with the smallest closure for other sanctuary areas.

Without immediate action this valuable component of the early run Kenai River Chinook salmon return will be threatened with extinction. Every spawning tributary plays an important and viable role in resource conservation and this concept is magnified on the Kenai where we experience such heavy fishing pressure and harvest capabilities.

On behalf of our organization, we would like to thank the Board for giving this important resource protection issue your utmost attention and consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dwight Kramer", written in a cursive style.

Dwight Kramer  
Chairman KAFC

cc: Jim Marcotte, Dir. Of Board Support

**Letter from the board to the North Pacific Fishery Management Council on BSAI crab and statewide scallop federal fishery management plan amendments**

Review draft – March 19, 2010

- Address to Eric Olson, Chairman, North Pacific Fishery Management Council
- cc: Jim Balsiger, Regional Administrator, National Marine Fisheries Service and Denby Lloyd, Commissioner, Alaska Department of Fish and Game

At our December 2009 joint North Pacific Fishery Management Council (council)/Alaska Board of Fisheries (board) meeting, we received briefings on several Bering Sea/Aleutian Islands (BSAI) crab and statewide scallop fishery management actions scheduled for final action by the council in October 2010. That briefing provided an introduction to more detailed presentations delivered during our March 2010 meeting where we reviewed the preliminary range of alternatives for three crab rebuilding plans and received an overview of alternatives to meet crab and scallop Annual Catch Limit (ACL) requirements. In addition, we were provided a summary of federal fishery management plan (FMP) framework and the state's authority under our joint state-federal management structure for BSAI crab and statewide scallops. This letter provides input from the board meant to assist and inform the council as analyses move forward and preferred alternatives are selected. A detailed briefing document we utilized in shaping the recommendations contained herein is appended for your reference.

In establishing ACLs, the board requests that the council give serious consideration to approaches that reasonably meet MSA requirements – without being so precautionary as to encroach upon the state's authority to set TACs. ACL buffers more conservative than required to comply with federal law would diminish the state's ability to exercise policy discretion provided under the BSAI crab FMP. ACL requirements were developed as a means to achieve National Standard 1 under the revised MSA and do not change FMP goals and objectives. The state's conservative approach to harvest strategy implementation and proven ability to account for and respond to the best available stock status information provide added protections from overharvest and should be considered additional protections as the council recommends regulatory buffers to prevent overfishing.

Alternatives for rebuilding overfished crab stocks include a range of rebuilding time periods; options that could be coupled with those alternatives increase the probability of rebuilding in a given time period. The full range of alternatives and options is achieved through harvest rate adjustments, some of which restrict the state's authority and flexibility in setting annual TACs. We are concerned that an overly prescriptive approach to crab rebuilding plans would be inconsistent with the spirit of state-federal joint management established under the BSAI crab FMP, and could represent a degradation of state's role in meeting rebuilding requirements and management objectives specified in the FMP and as National Standards.



The board is also concerned about crab bycatch in groundfish fisheries and associated impact on stock rebuilding and directed fishery harvest potential. We understand that the council received a crab bycatch discussion paper in October 2009 and subsequently requested that an expanded discussion paper be brought forward in 2010. The board encourages the council to continue review of this issue by initiating analysis of crab bycatch in BSAI groundfish fisheries and to evaluate the impact of bycatch and current bycatch limits on the directed crab fisheries under the council's preferred alternatives for rebuilding plans and ACL management measures.

The intent of the BSAI crab FMP is to preserve the state's management flexibility within the bounds of federal law and the board has consistently met that intent by exercising its FMP deferred authority to adopt harvest strategies satisfying both MSA requirements and FMP management objectives. These harvest strategies, crafted through a transparent regulatory process, demonstrate sound management policy, and provide fishery managers the necessary flexibility to establish TACs within federal rebuilding plan and ACL requirements. In acknowledgment of the state's consistent compliance with federal law and expertise in managing BSAI crab and statewide scallop stocks, we ask that when considering alternatives for rebuilding plans and ACLs, the state's traditional FMP deferred role in establishing TAC levels be recognized and retained. We request the council adopt preferred alternatives that provide the greatest flexibility to the state in setting TACs.

We believe that these requests will inform the process used to establish crab rebuilding plans and ACLs for crab and statewide scallops, leading to better managed fisheries. In furthering the shared interest of continued dialogue on rebuilding plans and ACLs we suggest that the Joint Protocol Committee of the Board of Fisheries and North Pacific Fishery Management Council meet in September, before final action by the council, and after a preliminary preferred alternative has been selected. We also, as always, invite council and NMFS representatives to participate in the board process and to collaborate with us on topics of mutual interest.

COMMITTEE "B"

RICHARD YAMADA  
ALASKA CHARTER ASSOCIATION

COMMENT: PROPOSAL # 180

SUBSTITUTE LANGUAGE:

- (1) (B) the power assisted FISHING REEL ASSEMBLY, ATTACHED POWER CHORD, MOTOR, GEARBOX, FISHING LINE, REEL MOUNTED BATTERY, OR OTHER REEL MOUNTED ATTACHMENTS WEIGH NO MORE THAN 10 POUNDS TOTAL WHEN DETACHED FROM THE FISHING ROD.

OPPOSE TO DECREASING WEIGHT FROM 15 TO 10 POUNDS. Until older models of sport fishing reels are retired, a weight limit of 15 pounds should be used. FOR EXAMPLE: ELECTRO-MATE 920XP WITH line weighs 12 lbs. COMMERCIAL JIBBING MACHINES START AT 32#

## STATE OF ALASKA

SEAN PARNELL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

DIVISION OF SPORT FISH  
DIVISION OF COMMERCIAL FISHERIES333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE: (907) 267-2105  
FAX: (907) 267-2442Memorandum

TO: Vince Webster, Chair  
Alaska Board of Fisheries

DATE: March 19, 2010

THRU: Charles Swanton, Director  
Division of Sport Fish

SUBJECT: Petition to increase the  
Slikok Creek Sanctuary  
Area in the Kenai River

John Hilsinger, Director  
Division of Commercial Fisheries

FROM: James Hasbrouck, Region II Regional  
Supervisor  
Division of Sport Fish

Jeff Regnart, Region II Regional Supervisor  
Division of Commercial Fisheries

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**Action Requested**

The petitioner requests the Alaska Board of Fisheries (board) to adopt an emergency regulation to increase an existing area closed to king salmon fishing in a portion of the Kenai River that extends from an Alaska Department of Fish and Game (department) regulatory marker located approximately 300 yards downstream from the mouth of Slikok Creek to a department marker located approximately 100 yards upstream from the mouth of Slikok Creek. Specifically, the request seeks to increase the closed waters to extend 0.75 miles downstream from the mouth of Slikok Creek to 0.5 miles upstream from the mouth of Slikok Creek to reduce the risk of extirpation of Slikok Creek king salmon.

**Background**

King salmon return to the Kenai River in two distinct runs, early and late. Early-run king salmon primarily spawn in tributaries, including Slikok Creek. The early-run is managed to achieve a spawning escapement within the optimum escapement goal of 5,300 to 9,000 early-run king

salmon. Achievement of this escapement objective requires information on the number of early-run king salmon entering the river, the ability to project the total inriver run, and an estimate of harvest and final spawning escapement. The numbers of fish entering each tributary is not used for inseason management of tributary spawning king salmon. Management of these fish is addressed through achievement of the Kenai River early run king salmon escapement goal, regulatory sport fishing closures of selected mainstem Kenai River areas and tributaries to king salmon fishing, bait and gear restrictions, restrictive bag and annual limits, and harvest slot limits.

In 1992 the board adopted the seasonally closed-water regulations that restricted fishing in the confluence area of Slikok Creek. In 1996 the board adopted, at the department's request, seasonal closures similar in duration but larger in area to those at Slikok Creek that restricted fishing in confluence areas of other tributaries of the Kenai River such as the Funny and Killey rivers. Since that time the board has considered numerous proposals seeking to modify seasonal closures. In 2008, regulations were adopted that extended closures from July 14 through July 31 and increased the closed-water area around the Killey River. Information gathered during tagging and radio-telemetry studies conducted by the department and other resource agencies indicate that king salmon entering the Kenai River in May and June primarily spawn in tributaries of the Kenai River, such as the Funny and Killey rivers, as well as other tributaries such as Benjamin, Slikok, and Beaver creeks. Furthermore, a much smaller percentage of fish entering the Kenai River in May and June were thought to spawn in various reaches of the mainstem below Skilak Lake. Distribution of early-run fish to these various spawning areas is not estimated. These same telemetry studies also found that early-run king salmon can hold in these seasonally closed confluence areas of the mainstem well into July before ascending tributaries to spawn.

Foot surveys in Slikok Creek were initiated in 1990 due to concern about beaver dams being migratory barriers to free-passage of anadromous fish to spawning areas. Marked hatchery stocked king salmon that originated from a department stocking program at Crooked Creek, a tributary of the nearby Kasilof River, were detected in Slikok Creek during these foot surveys. Subsequent surveys indicated presence of hatchery stocked early-run king salmon of Crooked Creek origin in Slikok Creek. Due to the number of fish straying into the Kenai River drainage, the department reduced stocking levels into Crooked Creek by 50%, from 210,000 smolts to 105,000 smolts, beginning in 2000.

The annual run of king salmon to Slikok Creek has been assessed by a foot survey index count in 1982, 1990-1994, 1996-2004, and 2006, and by weir counts in 2008 and 2009. In 2005, tissue samples were collected from king salmon as part of a Kenai River drainage king salmon baseline genetics project. Foot survey index counts of king salmon have ranged from 42 fish to 313 fish, while weir counts were 68 fish and 70 fish in 2008 and 2009, respectively. The Slikok Creek weir was first installed in 2008 as part of a road culvert replacement fish passage assessment project. The focus of this project was to assess juvenile and adult fish passage before and after replacement of a perched culvert located approximately one mile above the Slikok Creek-Kenai River confluence. The culvert was replaced in 2007 because it was determined to be below fish passage standards, thereby negatively impacting fish production. Preliminary results from the

study indicate that the new culvert has significantly improved upstream and downstream passage of juvenile fish and increased the quantity of available habitat.

## **Discussion**

To grant the petition as requested, the board must make a finding of emergency under the criteria listed in **5 AAC 96.625**. In subsection **(f)**, an emergency is described as an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

Variation in values of foot survey index counts and the difference between the average foot survey index count and two years of weir counts is not well developed nor understood. Presence of hatchery fish may partly explain high values for foot survey index counts in prior years. The range of counts observed in Slikok Creek has been seen in other areas. For example, Russian River weir counts of king salmon since 1990 have averaged 127 fish and have ranged from 15 fish to 638 fish. Furthermore, recent returns of Kenai River early-run king salmon have been below average. Consequently, numbers of fish entering tributaries supporting the early-run may also be below average as returns to each tributary are likely related to overall strength of the early-run. For instance, the number of early-run king salmon counted through a weir located at Funny River was 2,779 fish in 2006 and declined to 1,085 fish in 2009. Estimates of numbers of early-run king salmon passing the sonar those years were 23,326 fish in 2006 and 11,334 fish in 2009.

The department recognizes that weir counts of king salmon into Slikok Creek are lower than numbers previously recorded. Additional information about the number of king salmon entering Slikok Creek, run-timing of tributary spawning fish, and seasonal inriver distribution of tributary spawning fish will be collected through department assessments of the Kenai River king salmon population beginning in 2010.

## **Finding of Emergency**

The department concludes the criteria of an emergency under **5 AAC 96.625 (f)** has not been satisfied. The department has emergency order authority to liberalize, restrict, or close the Kenai River early-run king salmon sport fishery to achieve the escapement goal of 5,300 to 9,000 early-run king salmon and make in-season adjustments as necessary. The data available for quantifying tributary spawning fish suggests the foot surveys and weir counts track with the trend of below average early-run king salmon returns. The situation described by the petitioners is not unforeseen or unexpected given contemporary trends previously described.

RC 121

**DRAFT (2.22.2010)**

**CALL FOR PROPOSALS  
Alaska Board of Fisheries**

**THE ALASKA BOARD OF FISHERIES CALLS FOR PROPOSED CHANGES IN THE SUBSISTENCE, COMMERCIAL, PERSONAL USE, SPORT, GUIDED SPORT, AND GUIDED SPORT ECOTOURISM REGULATIONS IN THE FOLLOWING FISHERIES:**

- 1) Finfish regulations for the Prince William Sound, Southeast Alaska, and Yakutat management areas;
- 2) King and Tanner crab regulations for the Prince William Sound, Southeast Alaska, and Yakutat management areas;
- 3) Dungeness crab, shrimp, and miscellaneous shellfish fisheries statewide (including regional and statewide regulations); and
- 4) Pacific cod regulations for the Prince William Sound Area (Registration Area E), Cook Inlet Area (Registration Area H), Kodiak Area (Registration Area K), Chignik Area (Registration Area L), and South Alaska Peninsula Area (Registration Area M).

**PROPOSAL DEADLINE – 5:00 p.m. FRIDAY, APRIL 8, 2011**

The Alaska Board of Fisheries is accepting proposed changes to the subsistence, commercial, personal use, sport, guided sport, and guided sport ecotourism regulations for the 1) finfish regulations for the Prince William Sound, Southeast Alaska, and Yakutat management areas; 2) King and Tanner crab regulations for the Prince William Sound, Southeast Alaska, and Yakutat management areas; 3) Dungeness crab, shrimp, and miscellaneous shellfish fisheries statewide (including regional and statewide regulations); and 4) Pacific cod regulations for the Prince William Sound Area (Registration Area E), Cook Inlet Area (Registration Area H), Kodiak Area (Registration Area K), Chignik Area (Registration Area L), and South Alaska Peninsula Area (Registration Area M).

To insure that the proposed booklets are distributed well in advance of the board meetings and the fishing season, the board has set 5:00 p.m. Friday, April 8, 2011 as the proposal deadline.

**A Board Support Section office must receive proposals by 5:00 p.m. Friday, April 8, 2011. The following offices can officially receive proposals:**

*Shannon Stone/Scott Crass  
ADF&G, Boards Support  
P.O. Box 115526  
Juneau, AK 99811-5526  
Phone: (907) 465-4110  
Fax: (907) 465-6094*

*Andrew deValpine  
ADF&G, Boards Support  
P.O. Box 1030  
Dillingham, AK 99576  
Phone: (907) 842-5142  
Fax: (907) 842-5514*

*Sherry Wright  
ADF&G, Boards Support  
333 Raspberry Road  
Anchorage, AK 99518-1599  
Phone: (907) 267-2354  
Fax: (907) 267-2489*

*Nissa Pilcher*  
ADF&G Boards Support  
1300 College Road  
Fairbanks, AK 99701-1599  
**Phone: (907) 459-7263**  
**Fax: (907) 459-7258**

*Susan Bucknell*  
ADF&G, Boards Support  
P.O. Box 689  
Kotzebue, AK 99752  
**Phone: (907) 442-1717**  
**Fax: (907) 442-2847**

Proposal forms may be obtained from any office of the Boards Support Section or on our website at <http://www.boards.adfg.state.ak.us/fishinfo/index.php>. All proposals must contain an original signature, contact telephone number, and address. Please print or type the individual's name and an organizational name if appropriate. A fax is acceptable and considered an original. **Proposals must be received in one of the above offices by the deadline (a postmark is NOT sufficient for timely receipt).** You are encouraged to submit proposals at the earliest possible date.

Proposals that are likely to have a substantial economic, social, or biological impact or require significant changes to the management of a salmon fishery may be determined by the board to be a "restructuring proposal". Restructuring proposals may strive to improve the value of a fishery by providing new and increased opportunities to: (1) raise the revenue generated from harvested fish (e.g. through improved quality); or (2) lower the cost of fishing operations; or (3) improve conservation. Such proposals may include (but are not limited to): consolidation of fishing effort or a shift in who harvests the fish, changes in harvest methods used, or allocations of quotas. Because the board will seek additional information on restructuring proposals, authors of proposals that are likely to be determined restructuring proposals are asked to submit a completed Restructuring Proposal Form along with the standard proposal form. The Restructuring Proposal Form is also available from any office of the Boards Support Section or on our website at:  
<http://www.boards.adfg.state.ak.us/fishinfo/index.php>.

All proposals are reviewed by the board's proposal review committee prior to publication. Language that is emotionally charged detracts from the substance of the proposal. It may draw opposition that may not be germane to the element(s) of the proposal and may elicit nonresponsive charges from the public/board members. The proposal review committee reserves the right to edit proposals containing offensive language. Following publication, proposal booklets will be available to advisory committees and interested members of the public for review and comment.

Proposals received per the above "Call for Proposals" deadline will be considered by the Board of Fisheries during the October 2011 through March 2012 meeting schedule.

For more information, please the Alaska Board of Fisheries Executive Director at 907-465-4110.

**Miscellaneous Business**  
Alaska Board of Fisheries  
March 16 - 21, 2010  
Hilton Hotel, Anchorage

K AFC petition re Slikok Creek Chinook salmon [RC 117, RC 120]

Request for public testimony on Kenai Peninsula in October 2010 [PC 4, RC 67]

Request for delegation of authority for regulations amendments  
and corrections [RC ~~144~~  
114] Tonkin

Draft letter re Bering Sea/Aleutian Islands crab rebuilding  
and annual catch limits [RC 118]

Gulf of Alaska P. cod sector splits and Draft Call for Proposals  
for 2011/2012 board cycle. [RC 121] Marcotte

Adjourn



Attn: B.O.F.comments

Boards Support Section

Alaska Dept. of Fish & Game

P.O.Box 115526

Juneau, AK 99811-5526

From: Boneta & Francis O'Connor

1650 Skyflight Ave.

Fairbanks, AK 99709

~~We don't remember when we first dipped salmon at Chitina. The "new" bridge at Chitina was not yet~~  
complete. We have dipped for Chitina salmon quite regularly since. Frequently on our Wedding anniversary, which stuns fishing companions.

Today salmon fillets are the major meat in my freezer as the moose is almost gone. We do have many berries left.

If your interpretation of subsistence is "necessary to sustain life", who in Alaska would it apply to?

For over 55 yrs. Wild fish, game & berries as well as vegetables & berries we raised has sustained our family. Subsistence harvest is important to me as well as to all Alaska citizens. True, as with all other citizens of this state, I likely would not starve without it.

Any subsistence clarification should cover all Alaska citizens who utilize our wild resources to promote a better and healthier lifestyle.

Thank you,

*Boneta M. O'Connor  
Francis D. O'Connor*

March, 12, 2010

ADF&G  
Board of Fisheries  
Fax #: 907-465-6094

BOF:

Please accept this fax as notification of our request (x2) to the Board of Fisheries.

#1) Amend the BOF Proposal #200 current proposed definiiton of "subsistance way of life" to read: **"subsistance way of life means a way of life that is consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life."**

#2) Adopt Proposal #201 which confirms Chitina dipnetting as a subsistence fishery with an allocation of 100-150 thousand salmon.

Thank You,

Mr. & Mrs. William R. Gould, Jr.  
18700 Upper Skyline Dr.,  
Eagle River, AK. 99577

907-696-5424



## Native Village of Eyak

RC 125

### 2009 Summary Data for the Copper River Fisheries Resource Monitoring Program (March, 2010) Submitted by Keith van den Broek

**Table 1.** Estimated inriver abundance<sup>a</sup> of Chinook salmon above Baird Canyon on the Copper River, 2003-2009

Year	Period (m/d)		Length (mm FL)	Marked (M)	Examined (C)	Recaptures (R)	Abundance (N)	Standard Error (SE)
	From	To						
2003	5/17	7/1	810-1,070	1,723	1,630	97	44,764	12,506
2004	5/22	6/22	> 600	2,477	3,101	185	40,564	4,650
2005	5/9	7/14	> 600	3,379	3,150	315	30,333	1,529
2006	5/21	7/31	> 500	4,035	5,224	377	67,789	4,779
2007	5/18	8/6	> 500	4,456	4,192	459	46,349	3,283
2008	5/19	8/4	> 500	3,931	3,509	342	41,343	2,166
2009	5/13	8/2	> 500	2,484	2,224	171	32,401	2,365

**Table 2.** Estimated inriver abundance<sup>a</sup> of sockeye salmon above Baird Canyon on the Copper River vs. Miles Lake sonar estimates, 2007-2009

Year	NVE Estimate	Miles Lake Estimate <sup>c</sup>	% Variation
2007	1,290,591	880,089	47%
2008	739,883	676,456	9.40%
2009	753,133 <sup>b</sup>	709,330	11.20%

**Table 3.** Number of tagged salmon reported harvested<sup>d</sup> by the various Copper River fisheries, 2009

Recovery Location	Chinook		Sockeye	
	PIT	PIT	Radio	Total
ADF&G research	0	3	0	3
Commercial gillnet	1	2	0	2
Chitina Subdistrict	8	191	21	212
Glennallen Subdistrict	54	220	34	254
Sport fishery	10	26	1	27
Gulkana Hatchery		60	5	65
Crosswinds Brood Collection		309	0	309
Found on ground	1	0	3	3
Unknown location	21	131	24	155
Total	95	942	88	1,030
Tagged	2,484	8,898	536	9,434
% recovered	3.8%	10.6%	16.4%	10.9%

<sup>a</sup> Upriver escapement may be calculated by subtracting the estimated total inriver harvest (ADF&G) from the abundance estimate presented here

<sup>b</sup> 2009 sockeye estimate is preliminary

<sup>c</sup> Miles Lake (ADF&G) sockeye estimate is derived by subtracting the NVE Chinook salmon estimate from the overall Miles Lake sonar count

<sup>d</sup> Reporting is voluntary, prompted by printed contact details on tags; percentage of participation is unknown

Wrangell-St. Elias National Park  
Subsistence Resource Commission

P.O. Box 439  
Mile 106.8 Richardson Hwy.  
Copper Center, AK 99573

RC 126

March 8, 2010

Vince Webster, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
Board Support Section  
P.O. Box 25526  
Juneau, Alaska 99802-5526

By fax: 907-465-6094

Re: Proposal 201

Dear Chairman Webster,

We would like to offer comments regarding the classification of the salmon fishery in the Chitina Subdistrict (Proposal 201), which is scheduled for discussion before the Board of Fisheries at your March 2010 meeting. The Wrangell-St. Elias National Park Subsistence Resource Commission (SRC) represents subsistence users of federal lands and waters within Wrangell-St. Elias National Park and Preserve. Salmon harvested in the upper Copper River are a very important subsistence resource for residents of many of the park's resident zone communities.

The Wrangell-St. Elias SRC opposes Proposal 201. The Commission believes that the use of salmon in the Chitina Subdistrict does not meet the criteria for classification as subsistence. This fishery is not a customary and traditional use of salmon stocks in the Upper Copper River District. Personal use was put into statute because it was deemed necessary to have another category. Personal use does not fit the criteria for customary and traditional use, nor is it sport fishing. Nothing has changed to allow the Chitina dip net fishery to be classified as subsistence use.

Most current participants in this fishery travel hundreds of miles and spend hundreds of dollars on gas and other necessities to get to Chitina. Some arrive with giant freezers on specially built trailers. This is not subsistence. Some of them have little respect for the people and community of Chitina while they are there, trespassing on private property and leaving behind fish remains,

Chairman: Bert Adams, Sr.; Members: Dan Stevens, Don Horrell, Don Welty, Gloria Stickwan, Ray Sensmeier, Robert Fithian, Sue Entsminger, Suzanne McCarthy

garbage and personal waste. This is contrary to customary and traditional practices such as respecting traditional territories and private property. The Commission is also concerned that local subsistence users who have customarily and traditionally harvested fish will be negatively affected by the proposal to classify the dip net fishery as subsistence.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne McCarthy', written in a cursive style.

Suzanne McCarthy  
Vice-Chair

cc: Southcentral Alaska Federal Subsistence Regional Advisory Council  
Superintendent, Wrangell-St. Elias National Park and Preserve  
NPS Alaska Regional Director

Testimony of Bruce Cain, Mile 3.5 Copper River Highway Cordova, Alaska

RC 127

Chairman Webster, members of the Board of Fish. Thank you for the opportunity to comment. My name is Bruce Cain. I live at Mile 3.5 Copper River Highway Cordova, Alaska. I am the Executive Director for the Native Village of Eyak. I will be testifying on behalf of myself and my family.

I have lived in Alaska since 1970. I have participated in the Commercial fishery, Chitina personal use fishery, the Glennallen Subsistence Fishery and sport fisheries on the Copper River. I have also operated a cost recovery fishery in the Crosswind Lake system and I am responsible for significant research operations on the Copper River that enumerate Chinook escapement, Sockeye Escapement and radio telemetry. Members of my family participate in the Commercial fishery, subsistence fishery and the Chitina personal use fishery. I have been involved in Copper River Issues for many years.

The Chitina Dipnet Fishery is a fine fishery. Lets just call it what it is. It is personal use. It has a large commercial component and does not have the traditional family culture that goes with belonging to a long standing Traditional Fishing Village. It does not meet Criteria 1 by a long shot.

Bottom Line. Please VOTE NO on 201.

The Chitina Dipnet Fishery is a good fishery, people are able to participate, have fun, catch fish and provide food. Nothing wrong with that, just call it what it is. It is a personal use fishery.

This is Alaska, we need to show respect to each other . This whole issue is an allocation issue. The Board has and allocation process. If the Chitina dipnetters want more fish, then lets debate it using the board allocation criteria. Not through lawsuits. This whole action is taking money out of family's pockets on all sides to needlessly pay legal fees.

We are all Alaskans. Alaskan's know each other and we treat each other with respect. This is a young state. We have a lot of growing to do. My dad taught me to solve problems man to man out of court and it has always worked for me. I urge every man and woman in this room to take this advice.

In Summary. This is an allocation issue. Lets solve it honestly and openly and call it what it is. Lets solve it through the board allocation process through open debate and the board process.

Please VOTE NO on 201.

Thank you for the opportunity to comment.

\*\*\*\*\*

The following pages are advertisements and articles from the internet showing the commercial aspects of this fishery. It looks like lots of fun and I hope people keep participating in this fishery. But lets manage it under the regulations set up for this type of fishery. Personal use regulations.



## Captain Kim's Good Time Charters

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Captain Kim's Good Time Charters  
P.O.Box 56151  
North Pole, AK 99705

### Enjoy Dip-Netting OnThe Copper River

We will have Fishing, Hunting, and Trapping licenses for purchase, and Chitina Dip-Netting permits available for you at our office.



We offer 5 hours of dip-netting aboard our 24' twin engine river boat. You will need to be an Alaska resident with an Alaska fishing license, (which we have available at our office). We also rent nets to our clients for \$20 per trip. You will need to bring rain gear, rubber boots, and anything you would like to eat or drink. And a nice size cooler for all your copper river reds. We charge \$170 per person or \$650 for the entire boat (up to 4 people). Cash only.

Feel free to contact us and we can make all of the arrangements. (SALMON)

**Dip Net Drop Off - Round Trip -**

Cost: \$100 Per Person

Cost: \$ 180 Couple fishing "Single Tag"

Additional 10\$ fee if you catch supplemental fish.

**We no longer accept Proxy fishers**



**Related Links**

Open scheduled for June 4th 8am

Copper River  
Fish Sonar Count  
[Click Here](#)

Weather  
[Click Here](#)

Form of payments accepted: Cash or AK-Check only.

**(No credit cards)**

Available for Alaska residents only

Approximate season run: June 1 to August 31

**Hours of Operation**

Mon-Saturday , 5am - 8pm

First Come - First Serve

Line starts at 5am - Ask for Mark or Sam

Sign in at the boats on the "point" at the O'Brien Creek  
Landing. The landing is open to paid public parking. (\$15  
/ day if not a Charter boat client)

" In GOD We Trust "

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Everyone loves the taste of the world famous copper river salmon. In fact, if you go to any classy restaurant, you'll spend at least \$50 a plate on it. If you've ever wondered what it would take to go catch these tasty fish on your own; then pay close attention to these step by step instructions. Who knows? You may just want to go do it yourself.

PAGE 3087



Difficulty: Challenging

#### Step 1

The first step of your journey is getting to the copper river. The best place is at a little town called "Chitina", which is about 70 miles southeast of Glenallen(off the Richardson Hwy). Once you get to the town of Chitina, you have to take a right onto a dirt road that parallels the Copper River and go about 5 miles till you get to the campsite of O'Brien Creek. Once you get to O'Brien Creek, you have one of two options. You can either hire a charter boat to take you to a decent dipping site or you can take the ATV trail across O'Brien Creek and alongside the mountain for about another mile or two, until you've found a good spot to start dipping.

#### Step 2

When it comes to finding the right dipping hole for salmon, you have to be pretty selective and look for certain clues. You want to look for what is called a back current or a "back eddy". This is where the current of the river collides with the ruggedness of the shore and creates a back current in certain areas along the shore. The salmon, who are swimming upstream, eventually get tired and swim over to these back currents to rest. This is where you can net them. The tricky part is that the copper river is very murky and you can't see the fish at all. In order to find the fish, you have to feel for them with your net. This is where knowledge and skill comes into play. You want to position your net in one of the back currents, so that the fish will be swept into your net, and don't worry...you'll know when one is in your net. If you don't net any fish within the first 20 minutes, move on to another hole. You also want to try different depths with your net, the fish maybe swimming right below your net.

#### Step 3

After you have caught your limit or you have had enough, fillet your fish and dispose of the remains. This will prevent encounters with other Alaskan wildlife, such as bears. Be sure to pack the fillets into the ziploc bags and put them on ice immediately or at least as soon as possible. You don't want all of your hard work to be wasted on spoiled fish. Next, take the fish to a fish processor(usually in Anchorage or Fairbanks), where they will prepare the fish however you'd like and they can also mail it to wherever you'd like. Once your at home enjoying a salmon dinner, it makes the whole process seem worth the effort.

Ads by Google

**FROM [http://alaska.wikia.com/wiki/Chitina\\_Dipnetting](http://alaska.wikia.com/wiki/Chitina_Dipnetting)**

**Chitina Dipnetting** [edit this page](#)

- Fishing for red salmon

## [edit] Finding a Fishing Spot



A good spot has a place where you can sit down to deal with messes like this one

To minimize the ibuprofen consumption and save a little time (and because I don't have a four-wheeler) I pay for a ride down the canyon in a charter boat. It's an informal process. Show up at about 5:00AM and stand around in line. When the charter operator shows up you wait in line some more until he gives you the nod to step up onto the bow of the boat. He takes your gear and stows it. You sit down with about 5 other people and reach for your wallet. He counts the money in a wad and pockets it. You roar down the canyon looking for the perfect spot. The boat ride doesn't take long. Maybe only about a half hour at the most. If it's the second or third run of the day, you notice people all up and down the river perched on boulders and cliffsides, many of them with ropes tied around their waists. If the fishing is good, it's not uncommon to watch someone pull their net out of the water with a fish in it.

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- 
- Hem's Charter hotline - 907-823-2200 good info on current fishing report, no guarantees.

The Alaska Outdoor Forum Dipnetting section including a 2008 post with logistics advice.

## Dipnetting in Chitina

by **LadyXoc** - last update: Sep 14, 2008

### Dipnetting

[Send Photo to a Friend](#)



My friend lives in the White Range. I was spending two weeks with her and while there the Copper River Red salmon were running. She gathers as much of her own food as she can so off we went to Chitina. Pronounced 'Chit-na'

We spent the night in a tent in the parking lot at O'Brien Creek. We were up at 4am to get in line for the charter. Only one company is allowed to ferry people to rocky points to dipnet. We were dropped 'near a good spot'. Ok -near is not AT a good spot. I was able to untie myself from the cliffs and boulder over to a spot nearby. I watched three men doing fairly well so when the charter came back we hauled our stuff to the now vacant spot (Foggy Cove) and did better. The charters last pick up is at 6pm so Heidi decided that we 3 girls would stay the night and catch more. The charter is \$100 a person so you can see why she would be reluctant to leave. at 8pm we coshed one of the salmon on the head and cooked it right there. By 9:30 pm it was too dangerous to continue. I slipped and fell but thankfully I was tied at the waist so I did not fall in the Copper River. (often fatal). Up we scrambled to a flat spot. I had grabbed my sleeping bag, a pad, and an emergency blanket so we three girls tried to sleep under the plastic blanket. By 2 am we were freezing (37 degrees fahrenheit or 2.7 degrees celcius) The rain limited our ability to start a fire so I sacrificed pages of my mystery novel and unwritten journal pages for fire and warmth. At 6am the carter returned and we and our 22 salmon headed back to Fairbanks. We spent the next two days canning 53 pints of salmon. Heidi coshed her arm really bad trying to stun a salmon. I managed not to hurt myself much while dipnetting but really bruised my leg later falling in a hot tub.....naked.....groan.

K

From <http://www.chitinadipnetters.com/donate>

~~YOU ARE HERE~~ Donations Needed to Support the Lawsuit

## Donations Needed to Support the Lawsuit

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Donations are needed to continue the lawsuit the CDA has brought against the State of Alaska and the Board of Fish. The lawsuit seeks to have dipnetters classified as subsistence users of the Copper River salmon resource. This classification increases our priority and ensures we receive our fair share of salmon vs the commercial fishers. Our [Subsistence Lawsuit](#) summary page details progress of the suit as it progresses.

This lawsuit is critical if dipnetters are to have any say at all in the allocation of fishery resources in the future. We've already taken a [big hit on the kings](#) this year because of low returns. Without the protections afforded by reclassification as subsistence users, a psychic isn't needed to predict which user group's fishing time will be restricted most severely if and when the sockeye escapement doesn't meet target in the future.

Your contribution to our legal fund will help ensure a successful outcome to this lawsuit. Our lawsuit partner, the [Alaska Fish and Wildlife Conservation Fund](#), is able to accept tax deductible donations. Write your check out to them and send it to us. We will make sure the money is directed towards the lawsuit.

When deciding how much to donate, consider that: buying a Copper River red salmon at the supermarket will cost you over \$25 per fish. The CDA works to ensure you can continue to catch your own fish, stocking your freezer and feeding your family with natural food at a significant savings. In the past, we worked to repeal the \$25/year fee for a dipnet permit. You get your money's worth out of the CDA!

We now accept credit/debit card donations through PayPal! Many people prefer to pay online or with their card. Of course, we still accept checks, just send them to the address below.

**Members of the Board thank you for allowing me to testify before you today. My name is John Renner I live at mile 6 on the Copper River highway in Cordova. I am a second generation commercial fisherman on the Copper River flats and Prince William Sound. I am also a local subsistence participant harvesting a wide variety of Salmon, Fish, Moose, and Black tail Deer.**

**One of the key terms that is repeated in 1,4,7,8 of the eight C. and T. criteria is the word Reliance. According to fig. 24 in Jim Falls customary and traditional use worksheet 81.5 percent of the participants in the Chitina Subdistrict have fished 20 years or less, 99 percent come from urban areas with large numbers of food stores and wholesale outlets. Participants travel 428-604 miles round-trip if they choose to take part in the personal use fishery in the Chitina Sub district.**

**When one has a Historical Pattern of Reliance subsistence is the work, speaking from experience 30-60 days minimum are required to put up enough food for the year until subsistence begins again. In our community we have senior salmon day when elders can obtain salmon for their needs. Members of our community that cannot harvest their own food depend on sharing by others in the community. I presently share recourses with 3 families myself.**

**When the vast majority of users are taking a break from work and harvesting fish one weekend a year this is personal use, outdoor adventure, or recreation. The distances traveled, equipment used, and expense incurred precludes considering this a subsistence fishery. If the personal use fisherman did not catch the 15-30 fish they could choose to participate somewhere else in the state or simply buy their food at the store. As the Keni personal use dip net fishery has gained popularity the Chitina Sub district has waned in participation. Changing harvest patterns clearly show that dipneting is a lifestyle choice without Reliance on the stocks of the Chitina Sub district.**

**I would also like to address criteria number 6. In 1977 the Board of Fish created 2 sub districts on the upper copper because" the Board acknowledges differences in the use patterns between the fisheries as it was developing at Chitina". Criteria number 6 says there must be a " pattern of use that includes handing down of knowledge of fishing or hunting skills, values and lore from generation to generation". In the Decision and Order in Chitina Dip net Association vs. State of Alaska judge McDonald interprets the use of the word " traditional" to mean "handed down from age to age without writing". There are numerous written guides available providing information and resources for people with no prior knowledge of the chitina fishery including: How to use a dip net; How to get to chitina; Where to fish; What to pack; and what to expect. Learning from strangers, the internet, sport fish internet forms, and travel guides is not a traditional method of handing down knowledge.**

**PLEASE REMEMBER WANTING FISH IS FAR DIFERENT FROM NEEDING FISH. SUBSISTENCE IS THE WORK NOT A BREAK FROM WORK. WHEN YOU HAVE A HISTORICAL PATTERN OF RELIANCE ONE RETURNS TO THE SAME PLACES OVER THE COARSE OF A HARVEST SEASON NOT FOR A WEEKEND OUTING. SUBSISTENCE IS HARD TOO DISCRIB FOR SOME BUT YOU KNOW IT WHEN YOU SEE IT AND THE USE OF THE STOCKS IN THE CHITINA SUB DISTRICT IS NOT SUBSISTENCE. PLEASE SUPPORT PROPOSAL 200 AND OPPOSE PROPOSAL 201**



RC#

## Handing Down of Traditional Knowledge

### Oppose Proposal 201 - 5AAC 01.616

CDFU opposes Proposal 201 and believes the Chitina Subdistrict does not meet the criteria for C&T.

Criteria #6 states that in order to make a C&T finding, there must be a ***"pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation."***

In true subsistence areas, methods of learning are handed down from generation to generation. These methods include an intergenerational "hands-on" tradition of passing on information from age to age, where the act of teaching is equally important to the act of harvesting the resource. Learning and exchanging harvesting traditions amongst family is a key component of the process of harvesting.

In the Decision and Order (D&O) in Chitina Dipnet Association v. State of Alaska, Judge McDonald interprets the use of the word "traditional" to mean ***"handed down from age to age without writing"***

#### LISTS OF RESOURCES & "HOW TO" GUIDES ON CHITINA DIPNETTING

**eHow.com** Title: *How to Dipnet for Alaskan Copper River salmon*  
[http://www.ehow.com/how\\_2072538\\_net-alaskan-copper-river-salmon.html](http://www.ehow.com/how_2072538_net-alaskan-copper-river-salmon.html)  
Excerpt: "The first step of your journey is getting to the copper river. The best place is at a little town called "Chitina", which is about 70 miles southeast of Glenallen..."

**Alaska Wikia Travel Guide** Title: *Chitina Dipnetting*  
[http://alaska.wikia.com/wiki/Chitina\\_Dipnetting](http://alaska.wikia.com/wiki/Chitina_Dipnetting)  
Excerpt: "To minimize the ibuprofen consumption and save a little time I pay for a ride down the canyon in a charter boat. It's an informal process. Show up at about 5:00AM and stand around in line. When the charter operator shows up you wait in line some more until he gives you the nod to step up onto the bow of the boat. He takes your gear and stows it. You sit down with about 5 other people and reach for your wallet. He counts the money in a wad and pockets it...."

There are numerous written guides available providing information and resources for people with no prior knowledge of the Chitina fishery including; How to use a dipnet; How to get to Chitina; Where to fish; What to pack, and; What to expect. Learning from strangers, the internet, sportfish internet forums and travel guides is ***not*** a traditional method of handing down knowledge.



Articles

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Home » Travel » Types of Travel » Adventure Travel » How to Dip Net for Alaskan Copper River Salmon

## User-Submitted Article

# How to Dip Net for Alaskan Copper River Salmon



By nstauber12, eHow Member

Article Rating: ★★★★★ (4 Ratings)

Member

Everyone loves the taste of the world famous copper river salmon. In fact, if you go to any classy restaurant, you'll spend at least \$50 a plate on it. If you've ever wondered what it would take to go catch these tasty fish on your own; then pay close attention to these step by step instructions. Who knows? You may just want to go do it yourself.

## Instructions

Difficulty: Challenging

1. The first step of your journey is getting to the copper river. The best place is at a little town called "Chitina", which is about 70 miles southeast of Glenallen(off the Richardson Hwy). Once you get to the town of Chitina, you have to take a right onto a dirt road that parallels the Copper River and go about 5 miles till you get to the campsite of O'Brien Creek. Once you get to O'Brien Creek, you have one of two options. You can either hire a charter boat to take you to a decent dipping site or you can take the ATV trail across O'Brien Creek and alongside the mountain for about another mile or two, until you've found a good spot to start dipping.
2. When it comes to finding the right dipping hole for salmon, you have to be pretty selective and look for certain clues. You want to look for what is called a back current or a "back eddy". This is where the current of the river collides with the ruggedness of the shore and creates a back current in certain areas along the shore. The salmon, who are swimming upstream, eventually get tired and swim over to these back currents to rest. This is where you can net them. The tricky part is that the copper river is very murky and you can't see the fish at all. In order to find the fish, you have to feel for them with your net. This is where knowledge and skill comes into play. You want to position your net in one of the back currents, so that the fish will be swept into your net, and don't worry...you'll know when one is in your net. If you don't net any fish within the first 20 minutes, move on to another hole. You also want to try different depths with your net, the fish maybe swimming right below your net.
3. After you have caught your limit or you have had enough, fillet your fish and dispose of the remains. This will prevent encounters with other Alaskan wildlife, such as bears. Be sure to pack the fillets into the ziploc bags and put them on ice immediately or at least as soon as possible. You don't want all of your hard work to be wasted on spoiled fish. Next, take the fish to a fish processor(usually in Anchorage or Fairbanks), where they will prepare the fish however you'd like and they can also mail it to wherever you'd like. Once your at home enjoying a salmon dinner, it makes the whole process seem worth the effort.

## Things You'll Need:

- Alaskan residency
- An Alaskan fishing license
- A 4WD vehicle
- an ATV (optional)
- a dip net, that's at least 6 feet long
- at least one large cooler
- fillet knife
- 75-100 gallon size ziploc bags
- tent & sleeping bag
- at least 2 days worth of supplies(food, clothing, gear, etc.)
- good hiking boots/shoes
- and last but not least: a good sense of adventure!

## Tips & Warnings

- Be sure to check with an Alaskan Fish & Game Dept. before going to Chitina. They can usually give you information on

the fishing conditions, so you know what to expect when you get there.

- ATVs can be a very nice commodity when traveling past O'Brien Creek.
- Alaskan weather can be unpredictable at times, so be sure to dress in layered clothing.

The copper river is a very dangerous river that claims numerous lives every year....BE VERY CAUTIOUS while dip netting.

- The embankments, from the dirt road to the fishing holes along the shore, are VERY STEEP. So be careful while walking down to them.
  - DO NOT Catch more than your limit. Your fish will be taken from you, as well as slapped with hefty fines and possible legal action filed against you for poaching. Always keep an accurate count of the number of fish you have caught.
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# Chitina Dipnetting [edit this page](#)

[Contents](#)

## Introduction

The Chitina personal use salmon fishery is a special fishing opportunity that is available to Alaskan residents. Although information about this fishery is available from the ADF&G Division of Sport Fish, fishing in the Copper River is more challenging - and potentially more rewarding - than conventional sport fishing with rod and reel. Along with the challenges presented by fishing in the Copper River, participants in this fishery have the opportunity to harvest up to 30 salmon per household. Fishing at Chitina is not a casual experience.



Fishing for red salmon

## Getting (and Being) There

The town of Chitina, Alaska is a small settlement about east of the Richardson Highway on the north side of Pass. The trip from either Anchorage or Fairbanks is each way. Tourist accommodations in Chitina are mostly who intend to dipnet in the Copper River come more or less self-sufficient. Motor homes, campers, and tents are all used by people who plan to spend time. OBrien Creek has been a central gathering point for fish in the canyon. Camping at OBrien Creek is doable some serious drawbacks. For one thing, it can be crowded there isn't a lot of room. There are a couple of primitive and the rest of the place is completely ad hoc. Grab what you can make the best of it. You're there to fish, remember? There are a few places to camp away from OBrien Creek. You can do a bit by driving across the bridge from Chitina. To the left there is an enormous gravel bar, very exposed to wind. On the opposite side of the road is a pleasant campground with fire pits. That's the place that I've stayed the last few

because (a) it's not at OBrien Creek and (b) it's not windy there, since there are lots of trees for shelter.

## What to Bring



The gear is simple. You need a net. But not just any net - you need a landing net - the kind that you'd use if you were fishing for salmon with a rod and reel - but here you need a net with an 18 foot-long handle. They're a pain to pack in a car. The net hoop comes off the handle, and it can fit in



a Copper River dipnet

the handle itself has to ride on the outside. And the hoop will most likely be riding outside because it will be slimier than you are on the long drive home. And unless you want your car to have that dead fish odor for the winter, you'll find a way to tie it to the roof. Hardware stores in Fairbanks and other commercial districts sell dipnets all summer long.

A rope isn't necessary, but it's advisable for those who'd like some insurance against the possibility of getting flushed downriver. The river is swift, silt laden, and cold. If a person ends up in the river current, swimming back to the bank may not be do-able. People have drowned while fishing from the bank because they went in the river.

Knives, sharpening stone, a club for killing fish, coolers, ice, raingear, warm clothes, food, beer, and other necessary things

for fishing anywhere in Alaska should also find their way into your kit. Footwear is worth some thought. Comfortable shoes for the car, a pair of sturdy boots for fishing from the rocks, and a pair of rubber boots for wading in the creek while cleaning the fish are all recommended.

Standard procedure for most outings is to bring a pair of clean clothes to wear in the car on the way home. You never know what the weather is going to do, and it's nice to be dry. In this case, count on smelling like dead fish and looking like you've been through a battle when you're done fishing. Don't forget to bring a plastic garbage bag to put your slimywear in for the trip home.

## The Copper River

The Copper River is 300 miles long. Its headwaters are in the Wrangell Mts., and flow south through the Chugach Mts. to the Gulf of Alaska. Copper deposits near the upper river attracted miners but access was difficult because of the river's powerful current. The Kennecott copper mine near McCarthy was developed because of the of the Copper River and Northwestern Railroad which followed the river along part of its lower valley. The railroad was built in 1910 to create transportation for copper ore from the Kennicott Mines near McCarthy.

Today the Copper is noted for its salmon. Sections of this old railroad right of way are still driveable with a four-wheel drive vehicle. The section of the old railroad right of way south of Chitina is used by people who want to fish in Wood Canyon. Presently this road is blocked by a landslide that has not been cleared. The road is officially closed, but determined fishermen nonetheless use it to get to their preferred fishing spots. Four-wheelers (ATV's) pulling trailers loaded with coolers cruise this road all summer long.



## Finding a Fishing Spot



Finding a place to fish along the Copper River isn't hard. Finding a safe place where you can also catch and keep a bunch of salmon requires some effort, though. The Copper is a big, fast-moving, battleship



A good spot has a place where you can sit down to deal with messes like this one

But nobody should think that because you can get back there with a utility vehicle it is easy to get to the fishing spot. Traveling the road is only the first part of the process. Getting to the river is slightly more challenging because you climb down the rocky canyon wall on what amounts to a goat trail to get to the river. The road is probably over a hundred feet above the river, and the ground is criss-crossed with snaking footpaths made by legions of dipnetters over the years. And if your knees complain about the steep cliffs you have to climb down, your thighs, back, and heart are going to feel the pain of climbing back up to the road with over a hundred pounds of fish.

To minimize the ibuprofen consumption and save a little time (and because I don't have a four-wheeler) I pay for a charter boat down the canyon in a charter boat. It's an informal process. Show up at about 5:00AM and stand around in line. When the charter operator shows up you wait in line some more until he gives you the nod to step up onto the bow of the boat. He takes your gear and stows it. You sit down with about 5 other people and reach for your wallet. He counts the money and pockets it. You roar down the canyon looking for the perfect spot. The boat ride doesn't take long. Maybe about a half hour at the most. If it's the second or third run of the day, you notice people all up and down the river perched on boulders and cliffsides, many of them with ropes tied around their waists. If the fishing is good, it's not uncommon to watch someone pull their net out of the water with a fish in it.

The places to fish in the canyon are usually not very spacious because the rocks are steep. The best spots have a little room to move up and down the bank without having to be too careful about slipping into the river. This is important because when you have a fish (or two) in the net you need some room to get it out of the net, kill it, and store it for the day. This "killing spot" gets slimy from the combination of blood, fish slime and water that all end up collecting there. The sad thing when one of your fish manages to slide back into the river, and it's a worse thing if your net, your knife, or you end up sliding into the river. So a little sheltered nook in the rocks is something to look for. More important though, is what the river is doing at that particular spot. The legal fishing zone on the Copper River is where this boiling stream gets funnelled between canyon walls. The canyon walls fall abruptly down into the river and form a gantlet with outcroppings that interrupt the river's relentless push. Powerful swirling eddies can be found downstream of these outcrops. Such places are ideal for dipnetting because the upriver push from the eddy holds the net bag open, making it more likely that a salmon swimming upstream will find its way into the net and, eventually, your cooler.

## Catching Fish



Every trip to Chitina is different. It is hard to say what to expect. A good rule of thumb is to expect a certain amount of pain and discomfort. If you catch fish, then it was worth it. If the fish are there, you'll catch fish. If you don't catch fish then maybe you learned something.

Timing is important. To predict when, and how many



A good day at Chitna is one with several stringers all tangled in an eddy.

he advised us to save our money and find something else to do that day. At first I considered waiting a day or so. It was too cold to sit around outside in the wind, so I tried crawling into my sleeping bag and spending the day reading and sleeping in the back of my truck, under the topper. My one-ton truck was rocking in the wind, and I hadn't brought enough food to last for more than another day or so. It was a 90 mile drive back to Glenallen for groceries. Impatience got the best of me and I decided to drive to Glenallen. When I got there it seemed like a good idea to continue heading on down the road back home. So on that trip I didn't even get my net wet. Later that summer I made another trip and got my limit of 30 fish in about 6 hours of fishing.

The summer of '05 I was lucky enough to get to go with my friend, Clarence. We found a camp spot in a campground near the bridge in the woods (and out of the wind), where we spent the night in a tent. Early next morning - like 4:00AM - we broke camp and went to O'Brien Creek to meet the charter operator. There were already a few people ahead of us, but the weather and the bugs were not bad, so waiting for him to make room for us on his second trip wasn't too painful. We got dropped off in a little cove-like place with a lot of trees on a steep slope that came right down to the water. It was hard to move around through the trees with the long-handled nets. We each found a rock to stand on. We had our nets in the water almost 30 minutes before either one of us felt the familiar "bump" of a fish in the net. The time it took to catch the first fish wasn't a good sign, but it was good to see a fish come up in the net and end up on the stringer because we knew there were at least some fish in the river. Sometimes there's a lull in the run. It was slow, though. After 3 hours we'd caught fewer than 20 fish. This may sound greedy, but for people who spend money on truck gas and a charter boat, and who want to catch enough fish to fill a freezer for a whole year, going home with a full ticket is important. We could have taken 40 apiece. But we weren't getting that kind of action.

There are two basic net-handling techniques. Which one you use depends on what the river is like in the spot where you fish, and how strong - or tired - your arms are. If you have an eddy to fish in, you can just stick your net in the water and the upriver flow of the eddy will hold the net bag open. The salmon simply swim into the net and you lift them out of the river. If the eddy is strong, your arms get tired holding the net in one place because the river current moves the net around quite a bit. Without an eddy you have to sweep the net downriver faster than the current so that the net bag stays open. This is hard work. Shoulders and hands do a lot of work. Lifting the empty net out of the river and swinging it above the water back upstream and pulling/pushing it downstream over and over is work. Bringing a fish out of the water is never a chore.

When you get the fish up on the rocks, you have to kill it before you take it out of the net, or it'll flop back down into the river and swim away. Finding a good spot to do this chore is one of the criteria for a good spot to fish. If you didn't get to your fishing spot with a boat, then you probably have to hike back up the cliff to the road, carrying your fish with one hand and holding onto the bushes and trees for support with your other hand. This fishing trip is not for everyone. But it's a great feeling to head home with a cooler full of the best-tasting salmon in the world.

## Processing

Before you head home you'll want to clean the fish and pack them in coolers. The best place to do that is at the creek. The water is cold, so a pair of rubber boots is a good idea. It's a



Gutting red salmon in O'Brien Creek for the ride home

necessary chore, and probably the most difficult part of the whole effort. Many people fillet their catch. Others just head and gut the fish. Either way you can depend on cold hands and a tired back. It's amusing to watch the gulls carry off the waste. The beach at the mouth of the creek is littered with salmon carcasses.

After changing out of slimy fishing pants, washing the fish slime off your hands, and having a strong cup of coffee you're ready for the 6 hour drive back to town.

### Additional Links

- Mile Lake Sonar Count 2-3 weeks from Chitina, depending

largely on water level.

- Hem's Charter hotline - 907-823-2200 good info on current fishing report, no guarantees.
- The Alaska Outdoor Forum Dipnetting section including a 2008 post with logistics advice.
- Copper River | Chitina Dipnet Escapement Charts Compare current ADF&G escapement data with previous years, including water level. Cumulative count, Trip Planner, Weather, and Fish & Game phone numbers included.
- View Old Photos of Dipnetting in the Copper River.
- A History of Personal Use and Subsistence Fishing in the Copper River.

Category: Hunting and Fishing



RC#

129

## Corrections to PC134

CDFU would like to make the following corrections to PC134:

**PC134 Part 3 of 10: Use vs. Users**

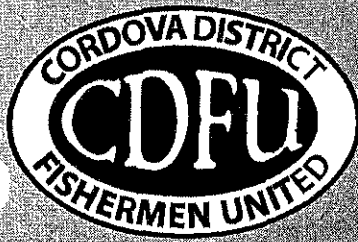
Judge McDonald concurs that one of the main arguments presented by the Chitina subdistrict users (that the board has focused too narrowly on "**users**" and not the characteristics of the "**uses**") is not a viable argument.

**PC134 Part 4 of 10: Significant Commercial Component**

In the Federal Subsistence regulations, charter operations aiding in the harvest of fish and game **are prohibited**.

**PC134 Part 5 of 10: Efficiency & Economy of Effort**

The **round trip** distance from Anchorage, Fairbanks or Palmer to Chitina varies between 428-604 miles. Fuel consumption was estimated at a rate of 18 mpg per vehicle. Large RV's towing trailers laden with 4-wheelers etc. will be far less efficient. The average fuel consumption therefore ranges between \$80 - \$300 per vehicle, round trip.



RC#

RC 130

## Proposal 200: Modified Language

CDFU opposes any modifications to the clarified definition of "subsistence way of life" that attempt to weaken the true meaning of "subsistence".

Judge McDonald was implicit in his instructions to the Board of Fisheries that a clear and objective standard be set when clarifying the definition of "subsistence way of life".

**The alternative language** recommended by the Fairbanks, Mat-Su & Susistna AC's and the Chitina Dipnetter's Association ("to supplement the basic necessities of life, when available") **is ambiguous**, and does not establish a objective delineation between the category of Personal Use and Subsistence. Unless that line is drawn clearly, we can expect to have to address this topic time and time again into the future.

CDFU supports the definition crafted by the Board of Fisheries clarifying the phrase "subsistence way of life" as relating to the "basic necessities of life", however we would consider supporting language that **strengthens** the division between categories to an even **greater** extent. Such language could include:

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***"Subsistence way of life" means a way of life that is based on a consistent, historical pattern of reliance upon the fish and game resources for the basic necessities of life."***

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The "basic necessities of life" means more than simply food and survival. It encompasses culture, traditions, sharing, the handing down of knowledge between generations, spirituality, reliance and patterns of use.

RC 131

Mr. Chair

Arleen Lenard, Chitina Native Corporation Board of Director, a lifelong Chitina native resident and an active participant in the Subsistence harvest fisheries on upper Glennallen sub district of the Copper River.

**We Support Proposal 200 and in Opposition of Proposal 201.**

Chitina Native Corporation supports the fishery remaining Personal Use in the Copper River. The reasons for this are as follows:

There needs to be a separation of Subsistence use from Personal use and my testimony is based on why they need to be separated;

Subsistence as we know it is;

A dependency on a resource, for this argument salmon. As efficiency and economic roles play into this; the lack of grocery stores and higher prices in rural Alaska, one uses this resource to fulfill the nutrients that we could not otherwise get. We in rural Alaska do not have shopping centers to go to at a whim, the cost associated with travel to even get to the urban cities is too costly and most rural residents are not able to afford these trips, because most already live on a limited budget, due to the sparse employment opportunities that you find in rural Alaska.

and it is;

A cultural connection, handed down and taught from our native elders to be used for various reasons; from potlatches, gifting to those less fortunate, and as a main staple to our diet, that goes back for hundred's of years.



It is our understanding that the dipnet fisheries do not meet the criteria to be considered as any part of the C & T use's.

Personal Use is just that Personal Use;

It is an enjoyment to have salmon, by the urban community, but it is not a dependency to get one through the winter months, when times are expected to be hard. Is it not true, that the Urban areas of Anchorage and Fairbanks are considered non Subsistence use area's? How would it be then that Fisherman from a non subsistence use area come to a subsistence area and take advantage of it?

It is known that the native way is to gather with in your own region, the historical way is not to travel out of our region to take advantage of other regions resources.

Personal use is a supported commercial industry. It is promoted and supported by large organizations that are run from Urban Alaska. This too let's not forget the commercial boating operators.

If the Board of Fisheries is to vote in favor of doing away with Personal Use, we will see the increase of salmon take, to where the future will hold sure enough, **still closures** to the fisheries; this then will lead to permanent closures for all, because we will deplete our salmon species to extinction. There needs to be a separation with regulations to prevent this from all happening.

As far as geographical issues are concerned, there will be a lower salmon return into tributaries, due to the higher influx of river boats on the river that will keep the fish held up at the lower marker awaiting the boats to let up to make their venture up river. I own a fishwheel up river from the Copper River Bridge and my catch is always low, until the first of the week and or a fisheries closure. I am a Subsistence user, waiting to catch my quota every year. This is due to the already high impact our river is receiving. It is not unusual to see motor homes with a trailer with two chest

freezers, filled with nothing but salmon and their brand new four wheelers; this is not what I see as a subsistence user. If any changes need to be made we should protect the salmon, by more enforcement on the river by the Department of Fish and Wildlife Protection. There is a past known history of these motor homes with their large freezers, transporting them to the nearest market.

There too will be devastation to our rivers shores, trespass worse then ever, as there will be more land opened up to fishing, resulting in an increase of land disturbance by users to new areas.

Every year I experience the disrespect to our lands, by individuals dropped off by commercial boat or those who venture onto our lands on their own, thinking nothing of it and set up camp. As you may know anywhere beyond O'Brien Creek or the Copper River Bridge Campgrounds there are no restrooms available for public use, so you can imagine the impact that our lands get every year by all those thousands of dipnetters and their families, in the Chitina Sub district and or the Personal Use area, for those who do not venture to far from the rivers edge, think about where all that human waste is leaching to, our river!

These trespass and fisheries issues are current issues, like I said on a smaller scale. Think about what you will be doing if you do away with the Personal Use and designate all those users to Subsistence users; all allotted Five-Hundred salmon, multiplied by thousands of permit holders

A severe devastation to our fisheries as we know it!

Oral Testimony  
Charles Derrick  
Board Member Chitina Dipnetters Assoc.

I oppose proposal 200 as written, but support amended language using “supplement the basic necessities of life”.

I support prop.201 giving a positive C&T finding for dip net use of the salmon stocks of the Chitina Sub-district (CSD).

Up until 1984 the Chitina dipnet fishery was always considered a subsistence fishery and managed as such. In 1979 the Board of Fisheries (BOF), under the recommendation of the Commercial Fish Div, outlawed fishwheel usage in the Chitina sub-district (CSD) and at the same meeting outlawed dip net use in the Glennallen Sub-district. As a result the then 3,500 dipnetters left in the (CSD) found themselves defending their longtime subsistence status and the priority over other uses that the 1978 Alaska Subsistence Law afforded. On the other hand the ADF&G Div. of Subsistence (DOS) worked to eliminate that priority for those dipnetters. Up until 1979 the makeup of the subsistence fishery of the (CSD) and the Glennallen Sub-district were the same, fishwheel and dipnet use.

The DOS seems stuck on the idea that subsistence priority should only go to local rural users ignoring the fact that in Alaska law, under tier 1 subsistence conditions, all residents of the state can participate and qualify for the priority. Copper River subsistence salmon stocks are tier 1 stocks. With the removal of the rural clause in the Joint Boards subsistence criteria (Manning Decision 1985) and from the 1986 rewrite of the states subsistence law (McDowell Decision 1989) the automatic elimination of C&T status for non-local dipnetters was stymied. The DOS needed a new justification.

In referring to 1999 BOF positive C&T finding for the salmon stocks of the CSD, the 2002 DOS Fall/Simeone study, submitted to the 2003 BOF, on pg.80-81 states, ” a key element in making this determination was whether continuity existed between the post statehood urban based dipnet fishery and the use pattern established by Ahtna Athebaskans and other Copper River basin (CRB) residents in an earlier time; through written and oral testimony offered by representatives of the Chitina Dipnetters Assoc.(CDA) the Board by a 4 to 2 vote decided there was.

In response, the same DOS study, with no data to back it up, claimed that in the early 20<sup>th</sup> century Ahtna subsistence fishers stopped the use of dipnets for fishwheels and this established a **clean break** between the use of dipnets by the Ahtna and the use by Chitina dipnetters. I say no data to back up this theory is because harvest data for the early to mid 20<sup>th</sup> century is not differentiated by gear type so one cannot say definitively whether dipnet use occurred or not (pg. 34 of 2002 DOS report). Surely not all local residents in that time period had the means and expertise to construct a fishwheel and those that didn't used a dipnet. This clean break theme is repeated over and over in DOS documents, Sport Fish Div. RC's and even in the state's opposition to the “motion for summary judgement” in the AFWCF/CDA lawsuit. These entities continue to feel that if the BOF can be convinced of this clean break theory, then the Chitina dipnetters would have to stand alone in defense of their long term, consistent use of the resource.

Remember, the split of the subsistence cohesion between fishwheels and dipnets in the CSD was not voluntary, but forced with the BOF removal of fishwheels in 1979.

The DOS likes to state that the Chitina dipnet fishery began in the 1940's but CDA documentation to the 1999 BOF shows non-native dipnetters as far back as the late 1800's. Nowhere in the 2002 DOS report is there any mention of the large population that inhabited Chitina during the mining of Copper at Kennicott. From info I have gathered, at some point between 1914 and 1938 (years of Kennicott mine) more than 3,000 native and non-native people resided in Chitina. Surely some percentage of those people used dipnets to harvest salmon to avoid the high cost of food. This reinforces the fact that there was a smooth transition from early to modern dipnet use.

To further realize the continued importance of fishing by dipnet to the Ahtna and local residents of the CRB there are other noteworthy occurrences. After elimination of dipnet use in the GSD in 1979 soon in 1984, by request of the GSD users, dipnets were once again allowed. Also, in a 1984 DOS report by Fall and Stratton a graph on pg. 42 shows the number of 1983 subsistence dipnet permits held by residents of the CRB; 10 permits from Chitina, 32 from Copper Center, 3 from Gakona and 24 from Glennallen. 69 locals who had to have subsistence dipnetted in the CSD because dipnets were not allowed in the GSD till 1984. In 2002 the federal subsistence board, in opposition to the states determination, gave a positive C&T finding for the fish stocks of the CSD for users from 16 CRB native villages and town, Cantwell, and even six villages and a town that lie in the upper Tanana River Valley. Dipnets, fishwheels and rod and reel were allowed harvest methods. Since 2002 an average of 91 federal subsistence permits were issued per year for the CSD. Since only 1 or possibly 2 fishwheels operated in the CSD the first couple of years following the 2002 federal decision, I assume most of the permits were issued for dipnet use.

Why is dipnetting by non-locals in the CSD considered a clean break, but not for Ahtna or other locals?

The Chitina dipnet fishery is a continuation of historical subsistence dipnet use in the Chitina area whether by natives or non-natives and your deliberation of prop. 201 should reflect this. In your deliberations on proposal 201 remember the CSD was once a cohesive subsistence fishwheel and dipnet fishery just like the subsistence fishery in the GSD and you should access the Chitina dipnet fishery on its non-clean break, long term, consistent use of the CSD salmon stocks to supplement the basic necessities of life.

I would also like to say that my written as well as this oral testimony does not adhere to Judge McDonalds order giving plaintiffs time to supplement the record, especially since your definition of a subsistence way of life has not even been determined.

**Patterns and Trends in the Subsistence Salmon Fishery  
of the Upper Copper River, Alaska**

by

William E. Simeone and James A. Fall

Division of Subsistence  
Alaska Department of Fish and Game

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In collaboration with  
Copper River Native Association  
Cheesh'Na Tribal Council  
Chitina Tribal Council

Prepared for the U.S. Fish and Wildlife Service  
Agreement No. 7018101296  
Project No. FIS 00-40

Anchorage  
December 2002

Table 8. Number of Permits Issued and Estimated Harvester, Copper River Subsistence Salmon Fishery

Year	Subsistence Permits Issued			Reported Harvests		Estimated total harvests			Catch per Permit		Personal Use		Catch	
	Fishwheel	Dipnet	Total	Fishwheel	Dipnet	Fishwheel	Dipnet	Total	FW	DN	Permits	Harvest	Per/Per	
1948						5,100		5,100						
1949						5,500		5,500						
1950														
1951														
1952						2,136		2,136						
1953														
1954						3,145		3,145						
1955						2,086		2,086						
1956														
1957						7,753		7,753						
1958						13,263		13,263						
1959														
1960	26	32	58	5,660	1,179	7,285	1,518	8,803	280.2		47.4			
1961	59	307	366	12,419	1,777	15,927	2,279	18,206	269.9		7.4			
1962	117	435	552	11,101	3,203	14,347	4,139	18,486	122.6		9.5			
1963	110	514	624	12,395	2,124	15,612	2,675	18,287	141.9		5.2			
1964	156	794	952	7,749	4,133	10,656	5,684	16,340	67.4		7.2			
1965	143	982	1,125	5,813	7,215	7,504	9,314	16,818	52.5		9.5			
1966	138	1,132	1,270	9,188	7,452	12,090	9,806	21,896	87.6		8.7			
1967	154	1,166	1,320	8,360	6,146	10,954	8,053	19,007	71.1		6.9			
1968	143	1,235	1,378	6,071	8,040	8,769	11,614	20,383	61.3		9.4			
1969	167	1,415	1,582	6,220	18,054	7,499	21,767	29,266	44.9		15.4			
1970	267	3,220	3,487	9,886	22,700	12,972	29,785	42,757	48.6		9.3			
1971	374	4,168	4,542	9,370	28,115	12,111	36,338	48,449	32.4		8.7			
1972	205	3,485	3,690	7,854	18,996	9,497	22,971	32,468	46.3		6.6			
1973	305	3,840	4,145	10,943	16,407	11,702	17,546	29,248	38.4		4.6			
1974	288	3,305	3,593	7,857	15,143	8,732	17,269	26,001	30.3		5.2			
1975	350	2,452	2,802	5,626	7,694	6,486	8,871	15,357	18.5		3.6			
1976	451	2,512	2,963	8,321	12,130	9,612	14,011	23,623	21.3		5.6			
1977	540	3,526	4,066	12,751	22,612	15,077	26,738	41,815	27.9		7.6			
1978	392	3,313	3,705	6,638	12,569	7,613	14,416	22,029	19.4		4.4			
1979	470	2,730	3,200	10,251	11,887	14,337	16,626	30,963	30.5		6.1			
1980	399	2,804	3,203	9,718	14,661	13,982	21,099	35,081	35.0		7.5			
1981	523	3,555	4,078	26,924	28,872	33,173	35,573	68,746	63.4		10.0			
1982	615	5,475	6,090	38,120	62,614	41,629	68,377	110,006	67.7		12.5			
1983	830	6,911	7,541	35,971	72,257	39,461	79,267	118,728	62.6		11.5			
1984	458	104	562	20,374	1,288	26,915	1,702	28,617	58.8		16.4	5311	50714	9.5
1985	533	4,153	4,686	22,877	29,856	27,836	36,328	64,164	52.2		8.7			
1986	336	39	375	25,136	645	27,706	711	28,417	82.5		18.2	3966	43959	11.1
1987	372	59	431	24,157	1,114	32,578	1,502	34,080	87.6		25.5	4186	46884	11.2
1988	315	101	416			28,980	4,489	33,469	92.0		44.4	4251	45895	10.8
1989	308	78	386			27,488	2,413	29,901	89.2		30.9	4583	58858	12.8
1990	311	95	406			30,545	2,974	33,519	98.2		31.3	5689	70317	12.4
1991	418	294	712			35,248	6,827	42,075	84.3		23.2	6222	84622	13.6
1992	504	151	655			43,234	4,571	47,805	85.8		30.3	6385	91440	14.3
1993	565	208	773			50,204	5,860	56,064	88.9		28.2	7914	97500	12.3
1994	703	267	970			65,004	6,838	71,842	92.5		25.6	7081	99430	14.1
1995	665	193	858			52,089	4,219	56,308	78.3		21.9	6760	88625	13.1
1996	629	218	847			48,167	6,757	54,924	76.6		31.0	7199	103343	14.4
1997	847	286	1,133	72,166	7,964	77,696	8,574	86,270	91.7		30.0	9086	154467	17.0
1998	738	272	1,010	55,769	7,973	58,676	8,389	67,065	79.5		30.8	10006	145316	14.5
1999	764	337	1,101			53,491	7,014	60,505	70.0		20.8	9944	142469	14.3
2000	787	8,609	9,396			56,356	126,020	182,376	71.6		14.6	8145	116345	14.3
2001	832	9,865	10,697			76,753	152,754	229,507	92.3		15.5	9458	142905	15.1

Note: no gear breakdown for 1948 to 1959. Data put in fishwheel column to make graphic.

THE HARVEST AND USE OF COPPER RIVER SALMON  
A BACKGROUND REPORT

by  
James A. Fall  
and  
Lee Stratton

Technical Paper Number 96

Prepared for

Alaska Department of Fish and Game  
Division of Subsistence  
Anchorage, Alaska

February 1984

TABLE 10. RESIDENCES OF COPPER RIVER DIPNET PERMITHOLDERS, 1983.

Community	# of permits	Percent
Anchorage <sup>a</sup>	2,431	35.2
Cantwell	3	-
Central	1	-
* Chitina	10	0.1
Clear/Anderson <sup>b</sup>	21	0.3
* Copper Center	32	0.5
Cordova	2	-
Delta Junction	256	3.7
Dot Lake	5	0.1
Fairbanks <sup>c</sup>	2,470	35.7
* Gakona	3	-
* Glennallen	24	0.4
Healy <sup>d</sup>	8	0.1
Kenai Peninsula <sup>e</sup>	23	0.3
Military <sup>f</sup>	967	14.0
Northway	1	-
Palmer/Wasilla <sup>g</sup>	438	6.3
Sutton	6	0.1
Talkeetna <sup>h</sup>	5	0.1
Tok	16	0.2
Valdez	150	2.2
Northern Alaska <sup>i</sup>	13	0.2
Southeastern Alaska <sup>j</sup>	4	0.1
Western Alaska <sup>k</sup>	8	0.1
No Address	7	0.1
Out of State	7	0.1
	<u>6,911</u>	<u>100.0</u>

\*denotes Copper Basin residents

a Includes Chugiak, Eagle River, Girdwood, and Indian.

b Includes Anderson and Nenana.

c Includes College, Ester, North Pole, Murphy Dome, Salcha, and Two Rivers.

d Includes McKinley Park.

e Includes Anchor Point, Clam Gulch, Cooper Landing, Homer, Kenai Seward, Soldotna, and Sterling.

f Includes Eielson AFB, Elmendorf AFB, Ft. Greely, Ft. Richardson, and Fort Wainwright.

g Includes Big Lake, Houston, Willow; also some Glenn Highway residents in the Copper Basin.

h Includes Peters Creek and Gold Creek.

i Includes Barrow, Eureka, Galena, Huslia, Kotzebue, Nome, Selawik, and Venetie.

j Includes Juneau, Sitka, and Wrangell.

k Includes Atka, Bethel, Chevak, McGrath, Napakiak, Pilot Station, St. Paul, and Unalaska.

Source: Division of Commercial Fisheries, 1983.



Greetings to BOF personnel

RC 133

Introduction: Kenneth Adams

Year round resident of Cordova, AK almost 30 yrs

Wife and son

Commercial fisherman, approx 30 seasons, various fisheries

Express support for proposal #200. I believe this proposal identifies subsistence standards and clarifies the meaning of "subsistence way of life" with the statement that subsistence is based upon consistent and long term reliance upon fish and game resources for the basic necessities of life. I believe the issue before the Board as to whether personal fisheries should be elevated to subsistence status can be resolved by comparison of two different ways of life..or"life styles".

Subsistence lifestyle perceptions:

Remote or rural residents, generally living in the vicinity of the subsistence harvest

Lack of conveniences ..such as Carr's supermarkets, etc

Lack of broad range of employment opportunities: short term or seasonal employment

Anticipated relatively low financial status

Greater dependence upon natural resources for livelihoods

Personal use lifestyle perceptions:

-Perception that Personal Use fishermen reside predominately in cities or in vicinity of cities and not in the vicinity of the Chitina subdistrict.

-Estimated 300 miles distance between FRB and Chitina, ( ANC to Chitina 250 m.

**One Way!!** Cost RT (FRB to Chitina) fuel , food, etc \$200 minimum???

-Chances are good that if you drive that distance, **you have a regular job**

-Cities generally offer a wide range of employment opportunities

-Regular jobs provide means for payment of essential expenses such as electricity, heating, taxes, insurance, services, food, etc ; the things people need to **Subsist** .

Personal use fishermen have met their subsistence needs...**prior to arrival at**

**Chitina**

I respectfully urge the Board to leave the subsistence fishery for people really dependent upon subsistence for their livelihoods. Customary and traditional uses of resources of itself does not qualify a fishery for subsistence status.

There is no basis for changing any Copper River fishery from what we currently have.

Thank you for the opportunity to offer comments.

RC 134

RE: Proposals 200 and 201:

Hello, my name is Bob Martinson; I've lived in Wasilla for over 20 years and was previously a resident of Cordova, Alaska. I'm a second-generation Copper River commercial fisherman for 42 years. My father fished out of Cordova for about 45 years. I strongly support proposal 200, mirroring the thoughts put into CDFU's testimonial letter to the board on this issue.

I strongly oppose proposal 201 and would like to point out why.

I, like many others, depend on the commercial fishery for support of my family and my own "subsistence." Without this fishery, my personal income would disappear and has already been strongly curtailed by this board process over the years. There should be no change in status for the personal use fishery. The personal use fishermen are trying to become subsistence users, simply to gain a priority to the fish, but secondly, to increase their take or allocation. **No fishery should have a priority if there is concern for the sustainability of the resource. Then, rightfully, subsistence users would become the first users with priority to the resource—after it has recovered.** CDFU's letter helps explain the findings of the State Decision and Order (D&O) and the criteria for a subsistence user well, but the language could be improved to strengthen it.

The dipnetters are again, trying to circumvent the process, by being classified as subsistence users, but they are not reliant on the resource in conventional thinking. They are not the customary and traditional "needs" people that are exemplified the native peoples of the Copper River main tributary systems, who for centuries have used mostly fish wheels and fish traps to get their fish.

Dipnetting groups are repeatedly attempting to be re-classified as a subsistence user, but at this time, are not under that classification. They side with outdoor groups to try and increase their numbers for political gain, but handing down the keys to the motor home and freezer truck do not qualify as "passing on ways to future generations."

Their most common usage is that of a family activity that falls somewhat short of historical and nutritional need, and furthermore; the cost to go dipnetting can be proven to cost much more for their food than if they had simply gone to the grocery store. Fairbanks or Wasilla and Palmer are several hundred miles from this customary and traditional fishery, yet they are trying to claim subsistence rights by "using" this fishery,

far from their home. This is wrong for the native people of the area that the subsistence law is intended for and I have a problem with people who do not agree with that.

This brings me back to the proposal #201. The dipnet fishery is beginning to look more and more, like an illegal commercial fishery with many users, and reports of people dipping from boats and charter companies and ice/processing vehicles also making money off of the take, much of which is not monitored closely enough for protection of the resource for future generations. Protection of the resource should be priority #1 for the Board of Fisheries. With nearly 10,000 personal "users," and little to none enforcement, it has been endangering the resource for at least 20 years now.

My family and I have depended on my fishery on the Copper River for my entire life and livelihood and will continue to be concerned. I am proud of the record of our commercial fishery has had in maintaining a level of escapement that keeps us here, year after year, for well over 100 years. The State of Alaska also depends on us spending our money in the local economies as well.

Only recently with further demands from upriver users, and increased allocations to them, have we began to see concerns over spawning escapement. We have commercially fished the Copper for over 120 years with, until recently, a limited take on the upriver system. I believe most to blame, is the lack of funding and personnel in upriver enforcement; however, historically the State of Alaska has managed the fishery well, but now the federal government has stepped in to take care of the real subsistence users. Historically, the resource was declared by the Board of Fisheries to be "fully allocated," back in 1993. Then for a short time, the BOF made a decision to qualify dipnetters as subsistence users, but rightly changed it back to personal use. Dipnetters really shouldn't be considered to have any priority to the resource at any time, but especially in times of run failure; there are too many users (nearly 10,000) taking too many fish, with no money for enforcement taking place upriver.

Thank you,  
Bob Martinson  
900 Iroquois Drive  
Wasilla, Alaska 99654  
danse@gci.net  
907-373-2627

Jason R. Lee  
 PO Box 1441  
 Cordova, AK 99574

RC 135

March 17, 2010

Alaska Department of Fish and Game  
 Boards Support Section  
 PO Box 115526  
 Juneau, AK 99811-5526

SUBJECT: Proposal 200 & 201 - 2010 Statewide Finfish meeting

To: Vince Webster, chair, & BOF members,

Thank you for your service and commitment on this, a very perplexing conflict. I recently had the opportunity of flying over the Copper River basin, the Prince William Sound and onto Anchorage on a very clear, sunny day. We have such a unique opportunity here in Alaska, with so many resources and relatively few citizens. However, crossing the mountains and arriving into the Anchorage area I saw clearly the expansive, developed, urban setting of Anchorage and grew concerned about these proposals and the future well being of our Copper River stock.

We meet to classify a stock; the result of how we apply this law will have far reaching, monumental effects and determinations. Indeed the issue is about the 'use' of stock, however it is imperative to look at the 'user' to understand how it is used. I support the DOS surveys from Fall and Simeone if applied correctly under court order. In criteria 8 and again in Proposal 200, the word 'reliance' is used. To define and apply this concept properly, one must surely examine the relationship between the user and the stock. To understand any relationship one must examine the entities being related. In this case, the user and the stock are explored to see if they rely on it for subsistence purposes. Any notion, by the plaintiffs, to dismiss characteristics of the 'user' would be unjustified.

Furthermore: in reading, 5 AAC 99.010, prior to the 8 criteria, one reads under a):

**In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.**

This statute gives you, the BOF, sufficient leeway to interpret 5 AAC 99.010 and particularly the 'Subsistence Way of Life' with respect to the sustainability and conservation of the stock. This has been rarely mentioned in the proper terms of the case, but needs to be addressed: The fishers in the Chitina sub district are a dynamic user group with a history of growth and expansion. From 1963 to 1983, the numbers of the then subsistence permits grew from around 600 to 7500, figure 9, C & T Use Worksheet, Fall and Simeone, 2002. We can assume this growth is simply due to the increasing user group from Fairbanks, Anchorage, and other outside urban areas, because the number of Copper Basin residents had remained fairly constant. From Superior Court Judge MacDonald we know that 'By trial and error a comprehensive, coherent regulatory scheme is developing over time.' We must logically assume that this is due to a supreme respect for the sustainability and conservation of the stock, and secondly protecting our most important user group, Subsistence users. In 1984, users in the Chitina sub district were classified as 'Personal Use' because obviously this influx of new users clearly did not demonstrate a customary and traditional 'use.' Although now irrelevant to the case, it needs to be said that the longer this discrepancy is played out, the better the case of the plaintiffs may be perceived.

Nonetheless, the word 'reliance' remains, and requires further examination.

It must be asserted that 'reliance' does not pertain to a life or death situation, as complained by the plaintiffs, rather a maintenance of ones present way of life, particularly if it involves a 'subsistence way of life.' The State clearly wants to protect and maintain those living a 'subsistence way of life.' Hypothetically, if there were a run failure, for even two or four years, and no user groups were allowed to take fish, 'reliance' can be illustrated in terms of the changes each group would have to make to survive.

One could assume the disappointment of the Personal Use Chitina dipnetters who had engaged in the harvesting of this fish to supplement their diets in the past. One could also assume this void would be easily filled without any drastic changes due to the proximity of and ease of other sources not typically associated with a 'subsistence way of life,' i.e. Costco, Fred Meyer, Safeway, Carrs, Wal-Mart or any other company in the business of selling food. Again it must be said we are not making 'urban, rural' distinctions, but rather examining and properly articulating the definition of the 'subsistence way of life' and the reliance thereof on a stock as described in 5 AAC 99.010. On the other hand, many fishers under the Federal Subsistence program, even those living in the Copper Basin, would, in a 'run failure' have to make more drastic changes to survive. I would contend a small percentage may need to move to a different area. Others would certainly have to find an additional food source(s) to compensate for the absence of fish and due to the scarcity of food (and other necessities of life) would have to make drastic changes in order to survive. Realistically in this day and age it is not a matter of life or death, but rather a measure of the ensuing changes one must make to survive which would be proportionate to the depth of reliance.

We must 'summarize' the overall use patterns of this group and make a conclusion.

Because this user group is directly related to, and a result of, modern technology, and this can be proved by mere observation or reports from Fall, Simeone, and Somerville, they conflict the very essence of customary and traditional use. The vast majority of these users utilize and rely on technological advancements such as a highly developed highway transportation system, the modern automobile and motorhome, portable freezers, commercial guiding, outfitting and processing, etc. Once again because this user group is and has been volatile and dynamic, or in other words, subject to change, there should be sufficient reason to be concerned with the future sustainability of this stock as described under 5 AAC 99.010 a).

I support proposal 200 because it further clarifies who is and who is not legally endowed to rely on this unique resource to maintain their unique subsistence lifestyle through all time.

Your truly in gratitude,

Jason R. Lee

ADF&G, Boards Support Section

To Vince Webster, Chair and BOF members,

My name is James Mykland and I have been commercial fisher based out of Cordova, since 1976. I also have a USCG Master's License and serve as a 1<sup>st</sup> Mate on ships delivering freight between Seattle and Alaska ports during the winter months. I thank you for the opportunity to present my views and for you to hear them.

**I support proposal # 200** and I agree with the following statement: A "subsistence way of life" means a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life. I support this definition due to the fact it brings the BOF into compliance with the court's order and guidance by defining "subsistence way of life" using an objective standard supported by law.

**I oppose # 201:** In the latest court's decision, it states "the question before the board in this case is whether the Chitina fish stock is taken for subsistence purposes". I refer you to the DOS survey, which states on page 21, "subsistence fishing in the Glennallen Subdistrict is integrated into the round of economic activities in the Copper River Basin, in contrast to the predominant pattern in the Chitina Subdistrict, where fishing is more likely to be a break from work activities (see Wolfe and Ellanna 1983:256)".

I also oppose #201, due to the fact that the Chitina Subdistrict PU fishery is a highly commercialized recreational style fishery that uses professional charter vessels, guides, and fish cleaning services to help the "permit holders" harvest their catch. Find below excerpts from the internet concerning the "water taxi" charter business in Chitina:

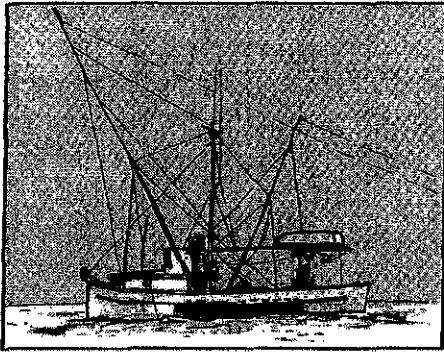
"We don't do reservations anymore. In an effort to make charter operations more efficient and hold the fee at \$100, the charter service has put dipnetters on a first-come, first-served basis. As they load the last six dipnetters, the captain

tells the people still in line, "Don't be discouraged, your turn will come." The average dipnetter, is after 80 salmon: his 30-fish limit, plus 10 bonus fish the Alaska Department of Fish and Game allows when the run is particularly strong, plus another 30-plus-10 on a "proxy." The water taxi owner says he's thinking about turning away future proxy dipnetters. They tie up too many fishing spots for too long, he says, making life more difficult for the charter business. When the proxy dipnetter finally calls it quits for the day -- one fish short of his 80-fish goal -- it is left for the water taxi personnel to do the heavy lifting of the day's catch".

Criteria 1 calls for "long term, consistent non-commercialized use... There is no way that there can be a positive finding for customary and traditional use of the fish stock in the Chitina Subdistrict. We do not need to go any further.

Due to the preceding statements, I am of the strong opinion that the Chitina Subdistrict fish stock does not qualify as a "subsistence use fishery".

I thank you for the consideration of my views. James Mykland, 121 W Davis Ave, Cordova, AK 99574



**Alaska Trollers Association**

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(907)586-9400 phone  
(907) 586-4473 fax  
ata@gci.net

RC 137

March 18, 2010

Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Dear Chairman Webster and Board Members:

**Proposal 200 OPPOSE**

ATA supports the intent embodied in proposal 200 and think the Board of Fish has done an admirable job crafting language that clarifies the definition of "subsistence way of life" by Alaska standards.

In *Payton v. State of Alaska* (Supreme Court No.S-7557 Superior Court No. 3AN-94-1750 CI) [No. 4831 - June 13, 1997] the court refers to findings by the Alaska legislature that state:

1) there are Alaskans, both Native and non-Native, who have a traditional, social, or cultural relationship to and dependence upon the wild renewable resources produced by Alaska's land and water; the harvest and use of fish and game for personal and group consumption is an integral part of those relationships;

(2) although customs, traditions, and beliefs vary, these Alaskans share ideals of respect for nature, the importance of using resources wisely, and the value and dignity of a way of life in which they use Alaska's fish and game for a substantial portion of their sustenance; this way of life is recognized as "subsistence"[.] Ch. 1, § 1(a)(1)-(2), SSSLA 1992.

In the recent *Chitina Dipnet Association v. State* (Case N. 4FA-09-1515 CR), Judge MacDonald provided the state some guidance by drawing the distinction between personal use and subsistence in this way:

*"Subsistence requires something more than personal use. Criteria 8 distinguished subsistence from personal use by requiring the taking and use to be tied to cultural, social, spiritual and nutritional values. It requires the taking and use to be tied to the need to engage in fishing in order to provide for the basic necessities of life."*

It appears that proposal 200 meets the spirit and intent of the subsistence designation in Alaska, while addressing court directives calling for additional clarity and providing an objective standard supported by law.

**Proposal 201 OPPOSE**



ATA opposes reclassification of the Chitina dipnet fishery as subsistence, as it does not reflect the true nature of a subsistence fishery and fails to achieve the customary and traditional standards. This will be particularly true should proposal 200 pass and allow the Board of Fisheries to identify subsistence as an activity intended to provide for *the basic necessities of life*.

In ADFG v. Manning, the court stated that, "One purpose of Alaska subsistence statute and its implementing regulations is to ensure that Alaskans who need to engage in subsistence hunting and fishing in order to provide for their basic necessities are able to do so."

The 2000 census counted 123 people, 52 households, and 30 families residing in the Chitina area. The Alaska Subsistence Fisheries 2003 Annual Report (ADFG, 2005), states that just 29 personal use permits were issued to Copper Basin residents. Of those, 19 fished with a harvest of 232 fish - just 0.3% of the total Chitina personal use harvest (Table XII-5).

The vast majority of the fish were harvested by people traveling from the urban areas of Fairbanks (2,034 permits issued/ 28,949 fish) and Anchorage (1,475 permits issued/ 19,443 fish caught). Rounding out the top five communities harvesting in the Chitina personal use fishery were Delta Junction, Eagle River, and Eilsen Air Force Base (Table XII-5). Most of these communities can hardly be identified as subsistence in nature, or lacking other opportunities to secure *the basic necessities of life*.

Those who travel to Chitina from urban communities often do so at great expense. Not only do they pay the cost of traveling to Chitina, they often secure the services of guides, water taxis, and custom process facilities. Some estimates place that expense at no less than \$300. This makes even personal use need questionable to some Alaskans, much less subsistence where such cash based activity is rarely, if ever, found to exist. Given that there are other personal use opportunities closer to Fairbanks and Anchorage, it appears obvious that this fishery fails the subsistence criteria #3, as the methods and means of harvest are neither efficient nor economic in terms of effort and cost.

The regulatory history of the Chitina dipnet fishery clearly shows that the Board of Fisheries considered it an area worthy of personal use designation, not subsistence:

The Board over time has established specific parameters around personal use fisheries, to delineate this use from subsistence and protect both the resource and other, longstanding fishing interests. When establishing the personal use category in 1981, the BOF made its intent quite clear with respect to personal use priority:

7. ...It is the intent of the Board that subsistence, commercial, and sport users have a reasonable opportunity to take any surplus before a personal use fishery is allowed.

However, the Board has also taken care to provide ample opportunity to personal use fishermen when developing regulatory measures. This is revealed in harvest limits that far exceed what many Alaskans consider necessary for basic sustenance. The Board's intention to be somewhat liberal in the application of personal use is also revealed in a memo to ADFG Commissioner Frank Rue from Assistant Attorney General Stephen Daugherty dated March 21, 1996 indicates that:

... although the proposal for creation of personal use fisheries presented to the Board of Fisheries was very restrictive, the board adopted a much less restrictive regulatory scheme for personal use fisheries. As originally proposed, personal use fisheries could only be conducted

where they would not negatively impact an existing resource use, and initial bag limits were proposed at very low levels. The board modified the proposed regulations to allow for the provision of personal use fisheries if they were in the broad public interest, and it also adopted bag limits based on amounts taken under subsistence regulations. The board explicitly rejected some uses permissible under subsistence regulations and provided that it was illegal to buy, sell, trade, or barter fish taken in a personal use fishery, but the board did not provide an explicit prohibition on sharing. See Board of Fisheries Proposal 107 (Apr. 1982); 5 AAC 77.010(b).

and,

The record indicates that although personal use fisheries were not intended to have a priority over sport and commercial fisheries, they were also not considered lower in priority. The legislation treated personal use fisheries on the same basis as sport and commercial fisheries and subjected them to the same allocation criteria.

Unfortunately, what is obvious to many of us around the state is that some personal use fishermen from urban areas are interested in putting their interests over that of the commercial and sport fishermen and their communities. Given the Board and legislative actions to date, the only way to do so would be through a subsistence designation with its priority status.

While we do not deny that the personal use fishery is important to Copper Basin residents and others around the state, we note that giving the Chitina dipnet fishery a subsistence priority over other resource users could negatively impact both sport anglers and the Copper River gillnet fishery. Those fisheries, and the larger public served by the seafood industry, are part and parcel of the 'broad public interest'. The Copper River fleet provides significant jobs and economic value not only to local communities in Prince William Sound, but to the state overall through general fund assessments on the landings.

ATA opposes subsistence status for the Chitina dipnet fishery and considers such a designation for this fishery to be in conflict with the true intent of subsistence to *provide for the basic necessities of life*.

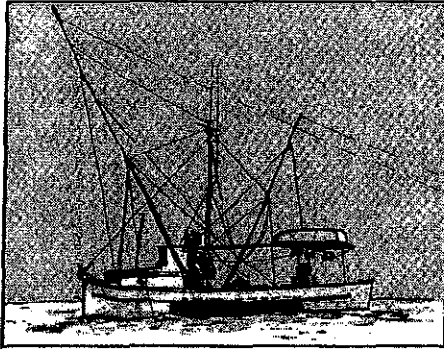
Finally, ATA points to the Payton decision that ruled it appropriate for the Boards of Fish and Game to establish separate parameters when making customary and traditional findings and establishing regulations.

Thank you for considering ATA's viewpoint, and for your service to the people of Alaska.

Best regards,



Dale Kelley  
Executive Director



## Alaska Trollers Association

130 Seward #205  
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(907) 586-4473 fax  
ata@gci.net

March 14, 2010

Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Dear Chairman Webster and Board Members:

The Alaska Trollers Association has reviewed the statewide proposals and offers the following comments.

### Proposal

166	No sportfish license for personal use fishermen.	O
167	Clarify use of bait with mechanical jigging machines.	S
175	Sablefish bag limit: Resident - 2 with 4 in possession, no annual limit. Nonresident - 2 with 4 in possession and annual limit of 4.	S
180	Definition of electric fishing reels.	S
182	Limit use of power assisted fishing reels to certain persons.	S
184	Prohibit use of felt soled wading boots.	S
190	Allow crew to retain fish on charterboats with clients aboard.	O
195	Close commercial Dungeness fishery in Southeast D2.	O
200	Clarify definition of 'subsistence way of life'.	S
201	Re-classify Chitina dipnet fishery as subsistence.	O

### Proposal 167 SUPPORT

Confusion exists regarding the use of bait in the jig fishery. We support ADFG's attempt to clarify this matter.

### Proposal 175 SUPPORT

Sablefish are a long-lived species that are going through a period of decline. Federal and state managers have worked together to conserve and manage the commercial sablefish fishery, which is now operating under and catch share program. At this time, sport harvest is not even considered by federal managers. It is important that sport harvest be built into the management equation, in order to ensure the long-term viability of this species, which supports a 100 year old commercial fishery that consistently provides high value to the state and nation.

The sablefish IFQ program came at great expense to license holders and deckhands in the Southeast region, as many were left out of the initial program and most have had to buy into the fishery at considerable cost. We have seen other commercial hook and line fisheries dramatically impacted by growing sport harvest. The sablefish fishery affords the opportunity to get ahead of the game and build in an additional user while also conserving the resource and ensuring adequate allocations for all.

ATA supports the bag and possession limits outlined in proposal 175 and believes they provide fair and reasonable opportunity for sport anglers to access sablefish, while allowing for sustainable management of this valuable resource.

### **Proposal 180 SUPPORT**

It is important that any definition of electric reel draw a very bright line between sport and commercial gear. It is also important that any definition of electric reel not compromise a troller's ability to sportfish off their vessels when they are not employed for commercial use.

ATA supports ADFG's proposed definition of electric reels, which allows for special needs considerations while maintaining the true spirit and intent of sport fishing.

### **Proposal 195 OPPOSE**

The District 2 Dungeness fishery was placed under a rigid rebuilding program in the mid-1980s and has recently re-opened to commercial fishing after ADFG identified a harvestable surplus. The proposers identify soft shell crab as a concern warranting closure of the commercial sector, but do not speak to similar closures for other fisheries. If ADFG believes the Dungeness resource is threatened to the point of closing the spring commercial fishery due to the handling of soft shelled crab, then all users should also be subject to closure.

ATA is most concerned that this proposal is being taken up at the statewide meeting after it was just dealt with during the January Board of Fisheries meeting in Southeast. Given that no conservation concerns are being expressed by ADFG, we suggest this issue be dealt with at a regularly scheduled meeting in the Southeast region, where all affected users would have adequate opportunity to provide input.

### **Proposal 200 OPPOSE**

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Finally, ATA points to the Payton decision that ruled it appropriate for the Boards of Fish and Game to establish separate parameters when making customary and traditional findings and establishing regulations.

Thank you for the opportunity to comment, and for your service to the people of Alaska.

Best regards,

A handwritten signature in black ink that reads "Dale Kelley". The signature is written in a cursive, slightly slanted style.

Dale Kelley  
Executive Director

# Federal Subsistence Fishing Permit

2009

RC138

Chitina Subdistrict

Valid: May 15, 2009 - September 30, 2009

Permittee's Name (Last, First, MI) <i>Hem, Mark</i>		Permit # <b>FFCR0222009000076</b>																								
Mailing Address <i>PO Box 58</i>		Community of Primary Residence <i>Chitina</i>																								
City, State, Zip Code <i>Chitina, AK 99566</i>		Telephone Number(s) <i>823-</i>																								
Household members Designated to Fish with this Permit (must be a Federally-qualified subsistence user)		AK Drivers License # or other acceptable ID <i>55</i>																								
<table border="0"> <tr><td>Name</td><td><i>Susan Hem</i></td><td>DOB</td><td></td></tr> <tr><td>Name</td><td></td><td>DOB</td><td></td></tr> <tr><td>Name</td><td></td><td>DOB</td><td></td></tr> <tr><td>Name</td><td></td><td>DOB</td><td></td></tr> <tr><td>Name</td><td></td><td>DOB</td><td></td></tr> <tr><td>Name</td><td></td><td>DOB</td><td></td></tr> </table>		Name	<i>Susan Hem</i>	DOB		Name		DOB		Name		DOB		Name		DOB		Name		DOB		Name		DOB		I have received the permit conditions (general and specific) and understand that failing to comply with reporting requirements may make me ineligible to receive a subsistence permit during the following calendar year.  <i>x Mark Hem</i> <span style="float: right;"><i>5/23/09</i></span> Permittee Signature (not valid until signed) <span style="float: right;">Date</span>
Name	<i>Susan Hem</i>	DOB																								
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Subsistence permit holders are encouraged to contact the Issuing Office prior to fishing as open areas and seasons may be changed by in-season emergency orders. All the telephone numbers can be found in the current Federal Subsistence Fishing Regulations.																										
*A knowingly false statement on any part of this permit may be grounds for revocation of the permit. Also, you may be punished by fine or imprisonment.* (U.S. Code, title 18, section 1001)		<i>x [Signature]</i> <span style="float: right;"><i>5-23-09</i></span> Issuing Officer/Agent (not valid until signed) <span style="float: right;">Date of Issue</span>  Federal Contact Telephone Number: <b>(907) 822-5234</b>																								

## Federal Subsistence Harvest Report Return by October 31, 2009

Check here if you did not fish

Harvest Date	Gear Used/ fish wheel #	Dipnet/Rod Reel Location - Please be specific	Sockeye (Red)	Coho (Silver)	Chinook (King)	Steel-head	Other Species or Comments
<i>June</i>	<i>Dipnet</i>	<i>woods canyon</i>	<i>28</i>				
<i>July 11</i>	<i>11</i>	<i>11</i>	<i>42</i>				<i>NA the laws of permit</i>
<i>This permit is a reserved permit. (a copy of original)</i> <i>Ranger Bruce James</i> <i>8-12-09</i>							

\*\*\* Attach additional sheets if necessary \*\*\*

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information. This information collection is authorized by the Alaska National Interest Lands Conservation Act and regulations promulgated thereunder. It is our policy not to use your name for any other purpose. The information that you provide will be used by the Federal Subsistence Board to meet the needs of Subsistence users. All names and identifying information will be removed when we compile the reports and only summary information will be reported. This information is maintained in accordance with the Privacy Act. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned clearance number 1018-0075. We estimate that it will take you about 15 minutes to fill in the form and record your harvest. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222 Arlington Square, Washington, D.C. 20240, (1018-0075). Thank you.



**Permit Conditions:**

Number of people in household 2

This permit entitles a household of one person to harvest 30 salmon (including no more than 5 Chinook (king) by dip net and 5 Chinook by rod and reel). Upon request, permits for additional salmon will be issued for up to 200 salmon total (Chinook limit does not change).

Harvest amount requested: \_\_\_\_\_

This permit entitles a household of two persons to harvest 60 salmon plus 10 salmon for each additional person in a household over 2 persons (including no more than 5 Chinook by dip net and 5 Chinook by rod and reel). Upon request, permits for additional salmon will be issued for up to 500 salmon total (Chinook limit does not change).

Harvest amount requested: 500

You must immediately remove the anal (ventral) fin from the salmon prior to concealing the fish from plain view or transporting the fish more than 50 feet.

If you are fishing with a fish wheel, the wheel must be registered with the Alaska Department of Fish and Game. You may only operate one fish wheel at a time. A wood or metal plate, 12 inches x 12 inches, must be attached to the fish wheel bearing the permit holder's name and address. The fish wheel owner may display either their name and address or Alaska Driver's license number/identification number.

All fish wheels must be checked every ten (10) hours and all fish must be removed from the wheel every ten (10) hours.

*Fold on this line - After making the folds, tape this flap to the bottom of the letter, making sure first the return address is visible.*

Permits must be returned to Wrangell - St. Elias National Park/Preserve by October 31, 2009.

Permits may be mailed or dropped off at the Copper Center or Slana Visitor Centers.

**Call 822-7256 for current information regarding the fishing periods in the Federal Chitina Fishery**

**This permit does not grant the permittee permission to trespass on private land.**

**Permit holders are responsible for contacting private landowners directly.**

**Chitina Native Corporation 823-2223**

**Ahtna Inc. 822-3476**

*Fold on this line*

**Wrangell - St. Elias National Park and Preserve  
P.O. Box 439  
Copper Center, Alaska 99573-0439**

place  
stamp  
here

**Wrangell - St. Elias National  
Park and Preserve  
P.O. Box 439  
Copper Center, Alaska  
99573-0439**

**Special Publication No. BOF 2008-11**

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**Customary and Traditional Use Worksheets:  
Upper Copper and Upper Susitna River Area  
Nonsalmon Finfish Species  
and  
Prince William Sound Salmon**

**Prepared by**

**William E. Simeone**

**for the December 2008 Cordova Board of Fisheries meeting**

**December 2008**

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**Alaska Department of Fish and Game**

**Division of Subsistence**



comparative approach that enables the C&T pattern to be contrasted with other patterns of use, themselves embedded in contrasting economic, social, and cultural contexts and histories (see also Wolfe 2004<sup>1</sup>).

## DATA SOURCES AND ORGANIZATION OF THIS WORKSHEET

This worksheet is based upon the worksheet prepared for the January 1993 meeting of the Alaska Board of Fisheries (Worksheet II-13) (Fall et al. 1993). Two sources of data were used in the preparation of this current worksheet: 1) data from household surveys conducted by the Division of Subsistence in 1982-1983, 1987-1988, and 2001-2002. These data are summarized in Stratton and Georgette 1984, McMillan and Cuccarese 1988, and Simeone and Kari n.d. [2004], and were collected from households throughout the entire Copper River Basin; 2) resident fish species subsistence permits issued by and returned to the ADF&G Glennallen area office. This data set encompasses a 40-year period from 1962-1963 to 2007, and is maintained by the Division of Sport Fish.

Before examining the eight criteria in relation to nonsalmon finfish species it is necessary to provide a general overview of the subsistence use patterns of nonsalmon finfish species established by the Ahtna, who are the original inhabitants of the Copper River Basin. **This pattern forms the basis of all customary and traditional uses that have developed in the Basin over the past two centuries.**

## AHTNA CULTURE IN THE LATE 19TH AND EARLY 20TH CENTURIES

Traditional Ahtna territory ranges over an area of 23,000 square miles and includes the entire Copper River drainage as well as the upper reaches of the Matanuska, Talkeetna, and Susitna river drainages (Figure 1).

In the 19<sup>th</sup> century, Ahtna society was organized into small groups, or bands, that inhabited well-established territories over which they exercised land use rights. These rights were held by common consent and could not be infringed upon without the threat of violence (Reckord 1983:78). Marriage between the groups carried obligations to share (in-laws were obligated to share food); as a result, members of several bands often held access rights to a single territory.

Band territories often included several ecological zones which offered a combination of resources that could be harvested during different seasons. The seasonal round was organized so that Ahtna families spent the summer along the Copper River harvesting salmon and the spring and fall hunting large game and harvesting quantities of whitefishes and Arctic grayling. During the winter and spring, Ahtna fished through the ice for burbot, lake trout, and steelhead trout. Nonsalmon finfish species were crucial to the traditional economy because they were a reliable source of food that could be harvested at practically any time of year, and because they could be relied upon as an alternative to salmon if the salmon runs failed (Simeone and Kari n.d. [2004]).

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<sup>1</sup> In a comprehensive overview of research on subsistence hunting and fishing systems in Alaska, Wolfe (2004: i) concluded that "subsistence is shown to comprise a diverse set of localized systems of food production and distribution, representing relatively unique combinations of ecological, cultural, and economic factors. The report concludes that there is not one subsistence tradition in Alaska, but a multitude of subsistence traditions linked to particular localities. The creators and principal users of these localized subsistence traditions are the long-term residents in the communities and areas where they occur."

RC139  
Board of fish & game please  
consider, please consider cdfu 200  
proposal, heres the reason, why one  
man's dream, Captain Lathrop, came  
to cordova, built the railroad from  
cordova, to kenndicot copper mine.  
With hopes of shipping coal, from  
Bering River and continue the railroad  
futher, through out the state of  
Alaska, but the federal government  
,said no, So he, built the cordova  
harbor, with the idea of exporting  
natural recouces. So while in Seattle,  
he got the top of line canning  
equipment, for the Glacier Fish  
Company 1936 , 74 years later ,

Cordova has been providing first class Red and king salmon , with the help of Asme and Bill Webber jr. latest equipment , of bedding and processing salmon, 45000 each month are laid off from work industry .Along with the possibility, of Cordova, Valdez, Whittier, Anchorage ,Seward, Keni Plants. The Local Merchants, Alaska Airlines Plus, The cannery workers , Many in the lower 48, as well across the world , May 15 are waiting to put fresh salmon on the table, so please allow one mans dream Captain Lathrop, to continue on processing

,The Copper River Red and king salmon, to feed many around the world. The present system has worked very well for many years. Managing the copper river, you have the Power to either, keep many employed or put everybody out of business , yours sincerely LLOYD Montgomery

Board of Fisheries Oral Testimony March 20, 2010

RC140

Hello, Mr. Chairman and Board of Fisheries Members.

My name is Mike Mahoney. I've been a Cordova resident for 11 years and I've held an area E Gillnet permit for 10 years. I support proposal 200, and oppose 201.

The Fairbanks Advisory Committee states that the board would "have a hard time finding any fishery in the state that provides the basic necessities of anybody's way of life". MANY Alaskans would disagree with that, and it demonstrates a lack of understanding about what real subsistence is.

People ARE living that way of life and there is nothing stopping anyone else from living that way. But it requires sacrifice. He would have to give up that high paying job and "relative affluence" (as they put it). His security would no longer come from a healthy retirement plan, but from being a full member of a *healthy social and ecological community* which includes plants, animals, people, land and water. The health of that community and his basic life necessities would be *interdependent*. **Reliance** in its highest form. It is a different sort of affluence that only a true subsistence user would understand.

*Subsistence status must remain distinctive* with a definition that is more than supplementing your diet with food from someone else's backyard. By making the false statement that "we all have access to Carr's and Fred Meyer," they are again demonstrating an inability to see past their own noses. Many Alaskans don't have easy access to those places and they rely on fish and game resources for more than to satisfy a desire for salmon meat; *and they wouldn't have it any other way*. They gladly sacrifice certain amenities and the common definition of "affluence" so they can be part of a *rich social and ecological community*.

The FAC claims that you can't consider users, only uses. They then contradict themselves and ask you to tell the difference between two users. Let's do that.

(represented by 2 photos)

The Ahtna woman from 1898 was most likely at summer fish camp with members of her community harvesting fish that would keep them alive through the winter. She spent many days preparing the fish, using methods

passed down from countless generations. She used that time to share those traditions, skills and ideas with other community members. It was all part of a process that made up her identity.

The modern user, if she represents 99% of the current dipnet fishery, rolled into town from hundreds of miles away in luxury. She paid 100 dollars cash to hire a boat to transport her because she isn't capable. She would have the option to pay someone to clean her fish. She might post information online so the guy who just moved up from Texas can find Chitina and learn how to get **his** fish next year.

She'll then hop in the truck and head for home, maybe stopping along the way to grab a burger. Then its back to work or soccer practice, getting back into the rhythms of daily life in Fairbanks, The Valley or Anchorage. Leaving Chitina as a pleasant memory.

So please follow the FAC's suggestion and consider the users and what those fish mean to them. Ask if they rely on those fish or if they merely satisfy some wants.

Thank You for your time.



Mr. Chairman, members of the Board of Fisheries, thank you for providing us an opportunity to offer testimony on these important issues.

My name is James Burton, I am a lifelong commercial seiner and Alaska resident.

I would like to address Proposal 201 and offer the following reasons of opposition.

In regard to the criteria set before you today, I would specifically like to address Criteria one, and its requirement for a long term consistent pattern of non-commercial taking, use and reliance on the fish stock.

In considering the noncommercial aspect, I would like the Board to note that there are no known examples of any kind of charter, guide, or water taxi service in operation for commercial gain in any subsistence fishery in Alaska.

The Chitina dipnet fishery however, has at least three advertising guide / water taxi services profiting from what they would like to re-classify as a subsistence fishery. The services provided by these outfits include water taxi drop off fishing, fishing from the vessels themselves, equipment rental, and instruction on how to dipnet. The services range in price from an advertised 100 dollars per person for a drop off fishery, 180 dollars for a couple fishing on one tag, with additional charges for catching supplemental fish, to 170 dollars per person for vessel based dipping, and 650 dollars to rent the entire boat for a 5 hour period.

Additionally, at least two of the charter outfits offer additional services in the way of fish processing for a small fee, or allow a person to "donate" money for the use of the equipment.

The commercial operations in the Chitina Subdistrict are designed to provide services such as transportation, guidance, advice, and transporting fish. The operators are exempt from guide license requirements unless actual "sport fishing" takes place, but make no mistake, these outfits are certainly profiting from their "cash only" services to guide personal use fishermen.

No subsistence fishery should include the ability to profit from the services that these outfits provide. In fact, Federal regulations specifically prohibit charters for subsistence fishing.

In my opinion, the fact that these commercial operations have been operating for over 20 years, points to a pattern that commercial taking does exist, and is in conflict with the very first criteria set to be examined.

Secondly, I would like to address whether the Chitina Subdistrict personal use fishery has established a pattern of taking or use that is characterized by efficiency and economy of effort and cost.

Some basic figures, which you may have seen in the 2000 survey of the Copper River Fishery include data suggesting that the average round trip between the users home, and the Chitina Subdistrict is 550 miles.

Taking gas prices into consideration, the fact that the surveyor's concluded as many as 51% of the users took time off from work to fish, and additional cost associated with the fishery or equipment used, a reasonable conclusion can be made that the fishery is not characterized by efficiency and economy of effort and cost.

Cost figures are not available for every vehicle used to get to/from Chitina simply due to varying types of vehicles being used for transportation. However, I have personally visited Chitina on multiple occasions, during the dipnet fishery, and observed dozens of motorhomes, trucks with campers, and RV's with some exceeding \$200,000 in value. Many of the vehicles are towing trailers equipped with generators, freezers and ATV's. I have seen 4 and 6 place flatbed, and enclosed snowmachine trailers equipped with canning equipment, pressure cookers, generators for lights, music, and electric fillet knives, smokers, vacuum sealing equipment, and freezers. Again, looking at the equipment used, the cost of transportation, and other cost associated with making the trip, including the cost of provisions and time off of work, suggest that the trip to dipnet the Copper River is NOT characterized by efficiency.

Finally, the fact that personal use and subsistence opportunities exist in the Fairbanks area, suggest that the fisheries closer to home provide an ample opportunity to harvest fish locally, in a far more efficient manner.

To name a couple, the Tanana River and Yukon River both allow personal use taking of salmon with limits far higher than those currently available on the Copper River. Those fisheries include the use of gillnets, dipnets, and fishwheels. An argument from those in favor of Proposal 201 might be "but those aren't Copper River Reds and Kings!" My answer would be that they are exactly right, and it demonstrates prime example of this being a fishery of want, not need.

Thank you for hearing my testimony.

On a subsistence way of life and the Chitina Personal Use Dipnet Fishery

I have a few points I feel need to be further discussed and will be included in this testimony. First is on a subsistence way of life, and the next is on the issue of classification of the Chitina Dipnet Fishery. I will try to keep my comments clear and to the point, as well as not very long.

On the Subsistence way of life, my family is Ahtna, and have lived a subsistence way of life for their entire existence. My great, great, great grandfather was Chief Nicoli, was leader of all the Ahtna people, during a time when there was no talk of subsistence, regulation, Department of Fish and Game, State of Alaska and when people showed respect for the land, the resources and each other. Since then we have changed so much for the worse, but I assure you, my relatives have and will continue to live a honest subsistence way of life.

Which brings me to the definition before you. I feel strongly that the wording offered by Ahtna, Inc. and supported by several organizations meets best the spirit of what you as a Board of Fisheries are trying to encompass with this definition. It also does exactly what the court has asked you to do, and is a fair and just definition to apply to a subsistence way of life. I feel that we are looking to a historic activity and action, not a shortly performed one. And it must be viewed on more than just the one simple act of catching a fish, but to gathering and relying upon all resources, wood, water, berries, bushes, other animals, especially when we are talking about the definition do we need to look as all of this.

Next, the dipnet fishery within the Chitina Sub-district on the Copper River near Chitina. You will hear several comments from commercial fishermen, from dipnetters, and each in agreement in their own fight for this fishery and its classification. When you look at the eight criteria and apply each one to the typical dipnetter, not the ones who come before you to testify, I think you can see the ones before you to testify are not the mean in representation of the dipnetter, but their elected leadership and outside the norm, you will see that the typical dipnetter does not meet the eight criteria, and therefore should be classified as personal use.

The ADF&G has presented you with a summary report of the permits issued for the fishery in Chitina. If you look to the total number of permits issued, you will see that the number issued and the membership level of the dipnet association don't match, and you can see they are a minority representation of the dipnetters, and also again, not likely representing the average dipnetter who travels to Chitina, and doesn't have the same opinion. I am not trying to say don't listen to the dipnet association when they testify, I am simply stating that those present to testify are trying to speak for a larger group of people than they have authority to, and are not the typical dipnetter in Chitina.

Next I would like to address the issue of this fishery being commercialized. There is evidence on the internet, in advertisements throughout Alaska, in Chitina, which clearly demonstrates the commercial aspect of this fishery. If you visit or even just take a look at the fishery within the

Glennallen sub-district you will not see any commercialization of that fishery, of which the main comparison has been made in differences of the fisheries. But yet, visit or even look at Chitina dip netting, you can find videos on you tube that show you the commercial aspect of this fishery. It is a primary means of income for boat operators who capitalize on these fishermen who can afford to pay and stand in line to do so for fishing in this fishery.

Then look to people who bring their fish to a man at O'Brien Creek to have them cleaned, you won't find that being done by honest subsistence people, they cannot afford to be hauled by boat, to catch their fish, they cannot afford to pay anyone to clean their fish for a donation of \$2 o \$3 per fish. They simply cannot afford to do so, but look at these dipnetters, they pay for fuel to get to Chitina, extra groceries for their weekend or week long trip, to haul the four wheelers and pull the trailers, and bring the extra coolers, and buy the ice to keep them cool for the trip home, hundreds of miles away.

Which brings me to another fundamental difference between these dip-net fishermen and honest subsistence fishermen. A subsistence fishermen has a reliance upon the resources in the area they live in, not having to travel hundreds of miles to get their moose, berries, fish, firewood and other necessary resources. But these dip-net fishermen travel from all over Alaska to Chitina, simply spending hundreds of dollars just to get there. Not traditionally the way it was done for hundreds of years by honest subsistence people.

I have watched this issue since 1999, which was a few short years after I returned from serving in the our United States Army for just under 9 years, and was honorably discharged. I have not seen any change in the fishery or the participants in it, I felt in 1999 that they were personal use fishermen, and I feel even more strongly today that they are still personal use fishermen, and I encourage you to vote to keep the fishery in the Chitina Sub-district for dip-netting personal use. I thank you for your time, I know how important your service on this public board is, thank you.

A handwritten signature in black ink that reads "Joel Hart". The signature is written in a cursive style with a large, looping initial "J".

RC 143

My name is Angela Vermillion. I was born in the Copper River Basin Area and raised in Gulkana Village. I live in Gulkana Village which is located on the Copper River and the Gulkana River. Thank you for allowing me time to testify today. I am here to testify that the Ahtna Athabascan customary and traditional ways are alive and active today and to distinguish long term subsistence use from users who are not long term but only desire a subsistence allocation. I strongly oppose Proposal 201. I hope to show a comparison of my subsistence way of life to someone who is a personal user, a Chitina Dipnetter, based on the 8 criteria to establish a customary and traditional use..

For criterion 1, regarding long-term use, I am an Athabascan Indian and was raised eating moose, caribou, berries and lots of salmon from my local customary and traditional use area. I have two small children and moved back to the village when my son was an infant so they can grow up around my grandparents and parents to learn our traditional ways. I have grown up learning to cut fish and now my children are learning our way of life. In comparison, 67% of Chitina personal users have fished less than 20 years. Growing up, it seemed that we ate fish three times a day all summer and throughout the year and we still heavily rely on salmon. My grandfather just turned 96 years old and still drives, tells lots of stories and is very active. I believe this is due to his diet of lots of fish and at times drinking fish oil. When he had heart problems, he drank fish oil every day. I believe this attributes to his mobility and great memory at 96 years old.

For Criterion 2, I don't believe that Chitina Dipnetters can establish a pattern of taking salmon when they fish on average only 1 or 2 weekends per year. In Gulkana, we fish from June to September continually.

For Criterion 3 and 4, most of the Ahtna villages are located along the Copper River. As subsistence users, we do not travel far for our subsistence use. I don't believe the Fairbanks dipnetter harvest is economical when they travel 628 miles roundtrip to fish for 14 salmon. I do not believe that

people who are residents of a Non-Subsistence Use Area should be allowed to travel to another area and establish subsistence methods and uses.

For Criterion 5, we put away the fish in many ways such as canning, smoking, freezing and drying. Although I have worked with fish all my life, I'm still learning our customary and traditional ways for processing fish and enjoy it.

For Criterion 6 regarding the handing down of knowledge, this past summer, my family along with other young people learned how to make fish oil at the Gulkana Culture Camp from my grandparents and other elders. In comparison, 43% of Chitina Dipnetters learn by themselves and 44% of learn from friends. This is very different from our customary and traditional ways.

For Criterion 7, we share our salmon with the Ahtna villages of Cantwell and Mentasta who do not have access to the Copper River. We also store fish for upcoming memorial potlatches to give away. Sharing is deeply entrenched in our customary and traditional way of life.

With saying all that, I want to testify that I strongly support the Board of Fisheries decision to keep the Chitina Subdistrict as a personal use fishery and not as subsistence use. I do not believe that the Chitina Dipnet personal use qualify for as a subsistence use.

Thank you for your time and consideration.



March 20, 2010

RC 144

Comments for the Alaska Board of Fisheries on BOF Proposals 200 and 201

Enclosed are supplemental comments of the Ahtna Tene Nene' Customary & Traditional Use Committee on proposals 200 and 201 that will be brought before the Alaska Board of Fisheries meeting on March 20-21, 2010 meeting in Anchorage, Alaska. These comments supplement the comments submitted by Ahtna Tene Nene' on March 18, 2010.

**1. The Board Does Not Need to Formally Adopt a New Regulation Defining the Subsistence Way of Life.**

The court's decision in *Alaska Fish and Wildlife Conservation Fund v. State of Alaska, Board of Fisheries*, Case No. 4FA-09-1515 Civil (Alaska Super. Ct. March 4, 2009) clarifies that the BOF does not need to adopt a regulations at this meeting. The court's Order Denying Reconsideration, Clarification and Injunction is attached hereto. The Order states on p 1-2:

"The plaintiff asks the court to issue an order requiring the Board of Game and the Board of Fisheries to meet jointly to modify 5 AAC 99.010(b). But the court upheld that regulation. *No modification of the current regulation or joint board meeting is required.*

*Id.* (emphasis added). The court held further that:

... plaintiff asks the court to stop the board's planned response to the court's ruling. But the court will not pre-empt the board's administrative procedures. The court reversed and remanded the board's C&T finding *with instructions for the board to formulate and apply an objective standard.*

*Id.* (emphasis added). Thus, the court's ruling upholds the regulation, 5 AAC 99.010(b), and explicitly states that no modification of the regulation is required. All that is required, according to the court's order, is that the

Board “formulate and apply and objective standard” of the “subsistence way of life” as it deliberates proposal 201.

The court issued the above decision as a “clarification” of its Decision and Order of 12/31/09. If the court intended its decision to require a regulatory change, it most certainly would not have stated in its clarification order that modification of the regulation is not required. Likewise, if the adopting a new regulation was the intent of the court’s original decision, it would not have ordered for clarification that the Board need only to “formulate and apply” an objective standard on remand.

There is nothing in the original Decision and Order of 12/31/09 that requires the Board to adopt a new regulation. In that Decision the court held:

Because the board failed to properly articulate and apply an objective standard when interpreting 5 AAC 99.010(b)(8), this case is remanded to the board with instructions to 1) define the “subsistence way of life” as used in 5 AAC 99.010(b)(8) using an objective standard supported by law; 2) provide the plaintiffs an opportunity to supplement the record in light of that definition; and 3) re-apply 5 AAC 99.010(b) consistent with that definition, in light of the supplemented record . . .

12/31-09 Decision and Order at pp. 1-2. The court fully and unambiguously upheld the facial validity of the C&T eight criteria regulation, recognizing that the eight criteria,

. . . implement, interpret, and make specific the subsistence statutes. Indeed the criteria are necessary to distinguish subsistence from personal use. A survey of the criterion show that each advances the subsistence inquiry.”

Decision and Order at p. 10. The court engaged in a discussion of each of the criterion, spending the most time and detail on criteria eight and the “subsistence way of life”. *Id.* at pp. 14-18.

. . . to keep the subsistence category from swallowing up all personal use fishing, considerations such as those found in criterion eight are reasonably necessary. Both subsistence and personal use rely on the taking of salmon for food and by the most efficient harvest means. Both involve sharing the harvest. Both have been carried on for generations and the means and locations



and methods of both activities have been passed on from mouth and traditions to distinct family and social groups for generations.

But subsistence requires something more than personal use. Criterion eight allows the board to consider what more subsistence requires. Criterion eight distinguishes subsistence from personal use by requiring the taking and use to be tied to cultural, social, spiritual, and nutritional values. . . . Not only is that permissible, it is essential in order to distinguish subsistence from personal use.

*Id.* at pp. 16-17. The court's clear and strong recognition of criterion eight, its value, and consistency with the spirit, intent and letter of the subsistence laws, is consistent with the position of Ahtna Tene Nene' that no new regulation related to criterion eight is required or necessary. Nothing in the decision finds fault with the regulation.

The court simply found that the 2003 Board's decision was arbitrary because it failed to sufficiently articulate its rationale in an objective and measurable way when applying criterion eight, and particularly the "subsistence way of life." Decision and Order at pp. 19-22.

Because the application of criterion eight was central to the board's determination, and because so many of the board's members failed to apply criterion eight in a reasoned manner, the board's determination is reversed and remanded for more reasoned decision-making. . . . *This court has held, above, that criterion eight is not vague and is consistent with applicable law. And the court has found that criterion eight can be reasonably interpreted.* The board is free to formulate its own definition. But as the board's definition must be objective and supported by the law.

Decision and Order at p. 22 (emphasis added). The decision upholds the validity of the criterion and does not require the board to adopt an amendment to the regulation.

Ahtna Tene Nene' intervened early on in this lawsuit on the side of the Board and participated fully as a party to the litigation. After the Decision and Order was issued on 12/31/09, the AFWCF and Chitina Dipnetters filed a Motion for Reconsideration arguing that the court's decision required the Board of Fisheries to adopt a new regulation clarifying 5 AAC 92.010(b)(8), and requesting that the joint boards be ordered to amended and adopt the regulation. In response to the Dipnetter's Motion, Ahtna argued that nothing

in the court's order required the Board to adopt a regulation clarifying criterion eight. Ahtna argued as follows:

The essence of the court's ruling is that at the single Board meeting under the court's review, certain members of the Board of Fisheries acted arbitrarily in their application of one aspect of criterion eight. Decision at 19-22. The court had no evidence before it that either the Board of Fisheries or the Board of Game has had any trouble applying criterion eight in the hundreds of other customary and traditional use determinations the Boards have made throughout Alaska over the years. . . . The court did not decide that the criterion itself was lacking. Thus, this court's decision is similar to the decision in *Payton v. State*, 938 P.2d 1038 (1997) where the Court also found that the Board of Fisheries erroneously applied several of the eight criteria. In *Payton*, the Court did not order the Board to amend the regulations containing the C&T criteria, and it certainly did not order the Joint Boards to meet to amend the criteria. The *Payton* Court simply ordered a remand back to the Board to reconsider the issue consistent with the court's decision. That is also the correct remedy in this case, to remand the issue back to the Board for action consistent with the court's decision. . . . In Ahtna's opinion, this court's order only requires the Board to hold a meeting to review its C&T determination for the Chitina dipnet fishery, and to evaluate the "subsistence way of life" aspect of criterion eight during that meeting pursuant to the guidance provided in the court's decision. Also, prior to meeting on remand, the Board needs to provide notice to the parties and public of the guidelines under which it will articulate its evaluation of criterion eight. Nothing more is required.

Ahtna Tene Nene' January 29, 2010 Reply to AFWCF's Motion for Reconsideration at pp. 2-3. As shown above, the court's response to the Dipnetters Motion and Ahtna's response was its March 4, 2010 Order Denying Reconsideration. In that Order the court held that "No modification of the regulation or joint board meeting is required." Order at 2. The Board does not need to adopt a regulation defining the "subsistence way of life". As the Alaska Supreme Court held in a very similar case concerning the Board's mis-application of the eight criteria, the Board on remand only needs to reapply the criterion consistent with the court's holding and to allow the parties to present additional evidence. *Payton v. State*, 938 P.2d 1038, 1045-46 (1997).

## **2. The Proposed Clarification of "Subsistence Way of Life" Should be Amended.**

The objective clarification for the "subsistence way of life" contained in Board Proposal 200 should be amended as follows (proposed additions in bold underlined text):

**5 AAC 99.0XX. Board of Fisheries subsistence finding standards.** In the identification by the Board of Fisheries of fish stocks or portions of fish stocks that are customarily and traditionally taken or used by Alaska residents for subsistence uses under 5 AAC 99.010(b), "subsistence way of life" means a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life, **which include cultural, social, spiritual, economic and nutritional needs as reflected throughout the eight criteria.**

The amendment above proposed by Ahtna Tene Nene' is consistent with the court's decision and with the intent of the Board's Proposal 200. The suggested amendment only clarifies the intent that the "basic necessities of life" are not limited to nutritional needs, but also include the cultural, social, spiritual and economic aspects of life. The suggested amendment also refers back to and incorporates the eight criteria to clarify that the criteria provide sufficient guidance and objective standards for helping determine what the "basic necessities of life" consist of in the context of living a "subsistence way of life."

As acknowledged in BOF proposal 200, the proposal was generated in response to the Decision and Order in *Alaska Fish and Wildlife Conservation Fund v. State of Alaska, Board of Fisheries*, Case No. 4FA-09-1515 Civil (Alaska Super. Ct. December 31, 2009). The court ruled, in part:

The statutes and common law of Alaska provide ample guidance in determining what standard should apply when evaluating subsistence activity or a subsistence way of life. The board can turn to this law when determining the meaning of the term “subsistence way of life.”

When determining whether a stock is used as part of a subsistence way of life the board can look for a way of life that includes the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish for direct personal or family consumption as food or for customary trade, barter, or sharing for personal or family consumption. *The board can look to see that the taking and use reflects the cultural, social, spiritual and nutritional values embodied in subsistence laws.* The board can look to see if the taking and use is relied upon for the basic necessities of life. There is sufficient guidance in the law to give meaning to this criterion.

Decision and Order at 17 (emphasis added).

The BOF proposal also confirms that the intent of the proposal 200 is to capture “the gist of the court’s guidance on this subject”, and that the Board would, if it adopted Proposal 200, interpret 5 AAC 99.010(b)(8) as follows: “a pattern

- that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and
- that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life (a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life).”

Further clarification that the State and BOF intent as apply and interpret Proposal 200 broadly to include cultural, social, spiritual, economic aspects of life when determining the “basic necessities of life” are found in ADF&G’s comments to Proposal 200 and in the State’s legal briefing in the Chitina Dipnetter case. The following is an excerpt from the State’s February 26, 2010 Opposition to AFWCF’s Motion for Clarification. The AFWCF was arguing that the “basic necessities of life” standard in Proposal 200 amounted to a starvation standard.

Plaintiff's focus on nutrition and build a "straw man" standard equating basic necessities to starvation if the particular resource is not available. This is not a reasonable interpretation of the proposal language. In the context of the entire criterion eight and the other criteria in 5 AAC 92.010(b), "basic necessities of life" goes beyond nutrition to include significant economic, cultural and social contributions to the way of life, as well as nutrition.

ADF&G's comments for Proposal 200 similarly acknowledges that the courts decision confirms that the "subsistence way of life" addresses "cultural, social, spiritual, and nutritional values" and that under criteria eight a "subsistence way of life" includes "economic, cultural, social and nutritional elements." The Comments further note that:

Although "basic necessities" might be understood to focus primarily on the nutritional and economic values of wild resources in general and the subject fish stock in particular, it would be reasonable to conclude from the court and from reading the proposed definition in the context of entire the criterion eight that "reliance" and "basic necessities" extend to other values associated with, for example, social relations and cultural traditions.

Thus, the amendment suggested by Ahtna clarifies the intent of BOF Proposal 200 consistent with the positions expressed by the Department of Law, ADF&G and the Board. Ahtna's amendment is also more clearly reflective of the court's Decision and Order. The definition, intention, and implementation of the eight C&T criteria is central to providing for and protecting subsistence uses. Therefore, the intent of the proposed definition of the "subsistence way of life" should be clearly stated in the text of the definition to provide clear guidance to the public and future Boards.

### **3. The Chitina Dipnet Fishery Does Not Qualify as a C&T Subsistence Fishery Under the Eight Criteria.**

Ahtna's comments of March 12, 2010, included in the Board Book, PC 120, detail much about the Ahtna Peoples' subsistence way of life and their long-standing C&T use of salmon in the Copper River. These comments provide an example of a fishery that meets the eight criteria and is a subsistence fishery. In contrast, the Chitina dipnet fishery does not meet the criteria.

It is Ahtna's position that in determining whether a fishery satisfies criterion eight –“a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resource and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life,” the essential question is the degree to which the Board elements of the eight criterion are practiced in the fishery at question.

In other words, criterion seven requires “a pattern of taking, use, and reliance where the harvest effort or products of that harvest is distributed or shared, including customary trade, barter, and gift giving.” In order to satisfy criterion seven, it is not enough to show some degree of sharing between immediate family or a few friends. It is not enough to show sharing of a few fish from a fairly minimal harvest. Criterion seven requires a pattern of “reliance” on sharing. It requires inquiring into a pattern of sharing of the harvest effort as well as the harvest product. It requires inquiry into a pattern of distribution of harvest that includes customary trade, barter, and gift-giving. The Board must look at the degree and breadth of the pattern of sharing and distribution. Is it community-wide? Does it include cultural norms and traditional laws about taking care of elders, the widowed and others in need who cannot harvest for themselves? Is there a pattern of customary barter and taking care of relatives and elders in other villages where salmon are not so readily available? Is there a pattern whereby the harvest effort is consistently shared among extended family and others? Does the pattern of harvest include intentionally harvesting a significant number of salmon to meet sharing obligations? Ahtna's view of how to apply the eight criteria is supported by the court's Decision and Order.

Both subsistence and personal use rely on the taking of salmon for food and by the most efficient harvest means. Both involve sharing the harvest. Both have been carried on for generations and the means and locations and methods of both activities have been passed on from mouth and traditions to distinct family and social groups for generations. But subsistence requires something more than personal use. Criterion eight allows the board to consider what more subsistence requires. Criterion eight distinguishes subsistence from personal use by requiring the taking and use to be tied to cultural, social, spiritual, and nutritional values. . . . Not only is that permissible, it is essential in order to distinguish subsistence from personal use.

Decision and Order at pp. 16-17. It is the degree to which the eight criteria are met that determines whether the pattern of taking, use and reliance provides substantial elements of the subsistence way of life. As the Board looks at the information about the Chitina dipnet fishery, and investigates the depth and degree of the patterns of taking, use and reliance that are associated with that fishery, it will be clear that the dipnet fishery is a personal use fishery, and not a C&T subsistence fishery.

Ahtna suggests that there are at least two other important considerations for the Board when making this C&T determination. First, criterion 4 requires the Board to consider the "area" in which the pattern of taking, use and reliance of the salmon stock has been established. For the Ahtna people, the subsistence way of life includes an intimate relationship with the land, water and area of harvest. The Ahtna harvest their salmon and other fish, their moose, caribou and other wildlife, and their berries and plants from the same traditional territory used from time immemorial. The Ahtna traditional harvest area is close or reasonably accessible to where they have established their villages and homes. They have a special knowledge and relationship with the area and its resources. The rivers and landmarks have Ahtna names. Elders can tell which tributary of the Cooper River a salmon comes from by looking at it as it is pulled from the fish wheel. This relationship to an area, to a "pattern of harvest" that occurs in a specific area, is an essential part of the subsistence way of life.

A second essential element of the subsistence way of life is reflected in criterion eight, a pattern of "taking, use and reliance for subsistence purposes upon a wide diversity of fish and game resources." The Ahtna people harvest, when needed and available, a wide variety of the fish, wildlife and plant resources that exist within their traditional territory. These diverse resources all contribute in unique ways to the patterns of harvest, sharing, distribution, skills, values and lore that define the Ahtna as a culture and people. This relationship between a wide diversity of resources taken from a specific area defines the subsistence way of life.

Finally, it is Ahtna's position that the Board has already made findings on many of the essential criteria and determined that the pattern of uses established by the dipnet users is not a subsistence use. Over 90 percent of the users of the dipnet fishery reside within communities and areas that the Joint Boards have determined are nonsubsistence use areas under AS 16.05.258(c). "A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community." *Id.* In making that determination, the Joint Boards are required to consider, among other

factors; "the variety of fish and game species used by those domiciled in the area or community", "the cultural, social, and economic values associated with the taking and use of fish and game", "the geographic locations where those domiciled in the area or community hunt and fish", and "the extent of sharing and exchange of fish and game by those domiciled in the area or community." *Id.* Once the Joint Boards determine that a community is not a subsistence community, and declares the area around the community a nonsubsistence use area, no fish stock or game population within the area can be identified as customarily and traditionally taken or used for subsistence. AS 16.05.258(a).

Thus, the Joint Boards have established nonsubsistence use areas for the communities from which the vast majority of dipnet users reside. This determination was based on the communities' lack of subsistence characteristics; the patterns of taking and use of wild renewable resources in these communities does not demonstrate a reliance on these resources for a subsistence way of life (the cultural, social and economic values associated with the taking of fish and game). Based on the Joint Board findings, it is Ahtna's position that the Board would be acting within its authority to find that a fishery almost exclusively established by those residing within a nonsubsistence use area is a personal use fishery – not a subsistence fishery. It simply does not make sense that the subsistence statute, AS 16.05.258, forbids the Boards from allowing subsistence uses within and nonsubsistence use area, based primarily on finding that the residents of those communities do not live a subsistence way of life, but allows a nonsubsistence use community to establish a C&T subsistence use for a fish population hundreds of miles distant from the community.

Thank you for your consideration of Ahtna Tene Nene's comments.

John Sky Starkey

  
Attorney for Ahtna Tene Nene'



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

THE ALASKA FISH AND WILDLIFE )  
CONSERVATION FUND, and THE )  
CHITNA DIPNETTERS )  
ASSOCIATION, INC., )

Plaintiff, )

v. )

STATE OF ALASKA, ALASKA BOARD )  
OF FISHERIES, AND ALASKA, )  
DEPARTMENT OF FISH AND GAME )

Defendant, )

and )

AHTNA TENE NENE' )  
Defendant-Intervenor )

Case No. 4FA-09-966 CI

RC 145

ORDER DENYING RECONSIDERATION, DENYING FURTHER CLARIFICATION,  
AND DENYING INJUNCTIVE RELIEF

The parties each filed a Motion for Reconsideration asking the court to address certain aspects of the Decision and Order. The plaintiff also filed a Motion for Clarification and a Motion for a Preliminary Injunction. For the reasons set forth below, the motions are denied. The request for hearing on the motions is denied.

The plaintiff asks the court to issue an order requiring the Board of Game and the Board of Fisheries to meet jointly to modify 5 AAC 99.010(b). But the court upheld that regulation.

No modification of the regulation or joint board meeting is required.

In addition, by way of a request for clarification and a request for preliminary injunction, the plaintiff asks the court to stop the board's planned response to the court's ruling. But the court will not pre-empt the board's administrative procedures. The court reversed and remanded the board's C & T finding with instructions for the board to formulate and apply an objective standard. The board should now be allowed to do so without court interference.

The state and Ahtna argue that the court misconceived the facts concerning the Boards reliance on per capita consumption of wild foods in the home community of the user. But the court stands by its initial interpretation. The question before the board in this case is whether Chitna fish stock is taken for subsistence purposes. The fact that others in the users home community do not participate in subsistence activities has no bearing on whether the users themselves are taking for subsistence purposes. The focus of the inquiry is the user's purposes.

It is true that taking and use of wild fish stock may be part of an integrated community activity. And when this integrated community activity is present and it is probative of the purposes of the taking and use, the board may properly take

it into account. Such an inquiry is permissible because it focuses on the purposes of the specific taking and use, in particular how that taking and use may or may not relate to subsistence activity.

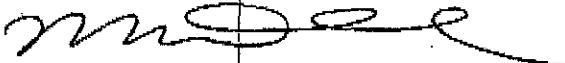
What the board may not do is impose unrelated food consumption figures on urban subsistence activity. The board must establish a connection between the statistical data and the actual taking and use. Without a showing that the broader community's per capita wild food consumption figures bear a relationship to the resource users' purposes in taking, those figures have no relevance. They serve only to create an anti-urban bias and result in a de facto exclusion of urban subsistence activity, contrary to *McDowell v. State*, 785 P.2d 1, (Alaska 1989).

For the foregoing reasons,

IT IS HEREBY ORDERED that all Motions for Reconsideration are DENIED.

IT IS FURTHER ORDERED that the Motion for Clarification and the Motion for Preliminary Injunction are DENIED.

DATED this 4<sup>th</sup> day of March, 2010 at Fairbanks, Alaska.

  
Michael A. MacDonald  
Superior Court Judge

Faxed to:  
Kramer  
AGO  
Starkay

3/4/10  


RC 146

**Chitina Personal Use Fishing Savings on Fish Purchases Schedule**

ITEMISED EXPENSES	COST
Fuel 600 miles RT Fairbanks-Chitina 12 MPG in Fuel Efficient Motorhome 50 gallons@\$4.00/Gal	\$ 200.00
Heavy Duty Dipnet	125.00
Food for 2 Days	50.00
Chips	10.00
Beer	25.00
Garbage Bags	8.80
Cooler	75.00
Sport Fishing License	24.00
Fillet Knife	17.50
Safety Line	26.00
Fish Bonker	12.49
Hand Cream	12.00
Speeding Ticket	125.00
Utility Shears for cutting fins per regulations	13.52
Ice	15.00
Sharpening Stone	25.00
Shotgun	250.00
Slugs	20.00
Bug Dope	9.50
Rain Gear	126.00
Rubber Boots	77.00
Filson Hat	69.00
Handy Man Jack	105.00
Tools	150.00
Fish Stringer	12.00
Toilet Paper	7.99
Paper Towels	8.99
Flat Tire Repair	25.00
Another Fiat Tire Repair	25.00
First Aide Kit	24.50
Portable Fire Extinguisher	29.99
Polaroid Sun Glasses	27.50
Welding on 4 wheeler trailer hitch (1 hour shop time and supplies)	90.00
Fish Gloves	7.99
Ice Cream in Glennallen	9.25
Burgers in Delta	15.00
Dipnet Charter Fees	150.00
Cleaning Fees 30 fish@\$2.00 per fish	60.00
Fuel Efficient Motorhome	125,000.00
4 wheeler and Trailer	10,500.00
Propane	18.50
Oil Change in Motor Home (6 quarts oil and heavy duty filter, do own work)	35.00
Storage rack in garage for coolers, dipnet and supplies (parts only, do own work)	219.00
Freezer bags	40.00
Vacuum Sealer	139.00
Band-aids	7.00

**Total Cost of Personal Use Dipnetting in Chitina** **\$ 138,022.52**

Less Savings From Fish Purchases	
29 reds@6 lbs/fish average	174.00
1 King@ 20 lbs/fish average	20.00
Total weight (lbs)	194.00
Fillet Weight@ 65% efficiency (lbs)	126.10
Market Price @ Fred Meyer Copper River Reds	\$ 12.99
Net Savings from Fish Purchases	(1,638.04)

**Cost of Personal Use Fishing Net of Savings** **\$136,384.48**

**Cost Per Pound Net of Savings (Fillet Weight of 126.10 lbs used)** **\$ 1,081.56**

**Cost per fish (based on average harvest of 14 salmon)** **9,741.75**

Submitted by James Mykaland

a territory ~~not a state~~.

~~Chugach Corp.~~ of Chugach Corp. Aleut Corp.

and Eyak Corp.

I have been on the Eyak Tribal Council for  
last 10-12 years

I have fished the Copper River Delta for 45 years  
commercially and for subsistence.

I have hunted the Copper River and its drainages  
to provide for my family and my tribe. True Subsistence

I teach our young people thro ~~Native~~ Native Culture  
Camps, Spirit camps how to respect and  
take care of fish and game.

I have split pellet 1000 lbs of King  
Red and Silver Salmon from the  
Copper River to give away to Elders and  
needy people of Alaska.

~~Chugach Corp.~~

I am the acting Historic Preservation officer  
for Eyak tribe. And I know a lot about  
Sacred sites a burial areas ~~Chugach Corp.~~

I ~~Chugach Corp.~~ educate people about trespass  
issues on Chugach Corp land, and Eyak and  
land on the copper river.

Tatitlic

Submitted by Mark King

Copper River. 1 for Eyak fish research of  
in river monitoring of King and Red Salmon.  
2 for guiding hunters and monitoring  
Use of Conspiration land, and Safety.

---

I have traveled up the Copper River from Cordova  
many time during to summer. I have observed  
the true dip net fishery from ~~the~~ Haley <sup>creek</sup> to  
obrian creek. I have watched people been in  
picked up and dropped off along the Woods can  
walls. I have seen the campers in tents  
and motor homes. with trailers hauling 4 wheelers  
and ATVs worth Thousand of dollars. The  
boats with big engines and every other type  
of water craft emanagble. ~~in~~ inflatables, canoes  
and kayaks. I have seen the fires on the  
beachs and garbage left behind along with home  
waste.

I have watched how the people handle ~~the~~ <sup>and</sup>  
~~catch~~ the fish, along with trespass issues and  
disrespect for the land, to call <sup>this</sup> a subsistence  
fishery in my opinion would be like a sl  
~~in~~ face to the real <sup>true</sup> subsistence way of  
life in Alaska.

Board of Fisheries Subsistence Finding Standards and Chitina Dipnet Fishery  
Meeting held at the Anchorage Hilton, March 20-21, 2010

RC 148

Public Testimony Sign Up List

<u>Name</u>	<u>Representing</u>	<u>Subject / Related RC, PC or AC</u>
1. Lloyd Montgomery	Area E	Prop 200 & 201 RC 139
2. Roy Ewan	Gulkana Native Village	Prop 200 & 201
3. Christopher Gene	Gakona Village	Prop 201
4. Kenneth Adams	Self	Chitina dipnet RC 133
5. Jason Lee	Self	reliance on the stock RC 135
6. James Mykland	Self	Support 200, Oppose 201 RC 136
7. Marilyn Joe	Chitina / Ahtna	Prop 200
8. Diane Williams	Chitina / Ahtna	Prop 200
9. Angela Vermillion	Gulkana Village	Prop 201
10. John Renner	Self	Prop 200 & 201 RC 128
11. Gloria Stickwan	Self	Prop
12. Eric Lian	Self	Prop 200 & 201
13. Elmer Marshall	Native Village of Tazlina	History, processing, sharing
14. Jim Stubbs	Self	Prop 200 & 201
15. Arleen Lenard	Chitina Native Corp	Support 200, Oppose 201 RC 131
16. Carl Pete	Self	Prop 200 & 201
17. Daniel Stevens	Chitina Village Council	Stocks, lay of land, enforcement
18. Bob Henrichs	Native Village of Eyak	Prop 200 & 201
19. Charles Derrick	Chitina Dipnetter's Assoc.	Prop 200 & 201 RC 132
20. Mark Hem	Chitina Dipnetter's	Support 200 & 201 RC 138
21. Karen Linnell	Cheesh-Na	Copper River fishery
22. Rochelle van den Broek	CDFU	Support 200, Oppose 201 RC 129-130
23. Linda Tyone	Ahtna, Inc	Prop 200 - 201
24. Virgil Umphenour	Self	Prop 200 - 201
25. Tom Carpenter	CR/PWS AC	Prop 200 - 201 AC 7 & AC 13
26. James Burton	Self	Support 200, Oppose 201
27. Nick Jackson	Ahtna	Prop 200 RC 141
28. Darin Gene	Gakona	Prop 200

Board of Fisheries Subsistence Finding Standards and Chitina Dipnet Fishery Meeting held at the Anchorage Hilton, March 20-21, 2010

Public Testimony Sign Up List

<u>Name</u>	<u>Representing</u>	<u>Subject / Related RC. PC or AC</u>
29. Rick Isaacson/John Garner	Trident Seafoods	Prop 200 & 201
30. Mel Grove	AOC	Prop 200 & 201
31. Bruce Stamper	Self	Loss of jobs
32. Mike Mahoney	Self	Support 200, Oppose 201 RC 140
33. Bruce Cain	Self	Oppose 201 RC 127
34. Nikita Kuzmin	Self	Support 200, Oppose 201
35. Ken Federico	SCADA	Prop 200 & 201
36. Leroy Cabana	Self	Dipnet
37. Steve Schoonmaker	Self	Prop 200 & 201
38. Doug Heimbuch	Self	Subsistence vs. Personal Use
39. Andrew Craig	Self	Prop 201
40. Eric Manzer	Self	Prop 200
41. John Sky Starkey	Ahtna Tene Nene	Prop 200 & 201 RC 144 & 145
42. Keith van den Broek	Native Village of Eyak	Prop 200 & 201 RC 125
43. Gus Linville	Self	Commercial fishing importance
44. Robert Linville	Self	Support 200, Oppose 201
45. Scott Blake	Self	Support 200, Oppose 201
46. Mark King	Self	Support 200, Oppose 201
47. Tracy Morphis	Self	Prop 200 & 201
48. Paul Shadura	Self & Kenai/Soldotna AC	
49. Aaron Bloomquist	Anchorage AC	Prop 200 & 201 AC 5

end

*Note, the board also heard oral testimony on Proposals 200 and 201 from the Central Peninsula AC, Susitna Valley AC, Fairbanks AC, and Matanuska Valley AC on March 16, 2010.*



## **What is subsistence?**

**Subsistence is a way of life; it defines people. It is who we are. Subsistence is not something people participate in; it is the lifeblood of people. Conversely, the dipnetters do not even call themselves subsistence users; they call it dipnetting, i.e. the Chitina Dipnetters Association not Chitina Subsistence Association. In other words, this dipnetting is a choice of this user group, it is a lifestyle choice privileged to Alaskan residents. Subsistence at its core is life itself. The subsistence user relies on locally available food and traditionally subsistence would not rely on a source of food many 100's of miles away. Simply the lack of knowledge of non-local food sources is and for time eternal the biggest hindrance to tapping into a "foreign" non-local food source.**

**Traditionally, the Native dialect did not have numbers to define subsistence quantitatively, which in the tradition of subsistence to this day is difficult if not impossible. Subsistence is something qualitative and in fact, the word subsistence cannot describe the gathering of food in the Native dialect because the term simply never existed until statehood. In conclusion, I urge the Board to view proposal 201 as what it really is, an allocation issue and not an issue of subsistence.**

Tom Haluska  
Native Village of Eyak  
Tribal Biologist

To modify the proposed clarified definition by adding ambiguous words like “**to supplement**” and “**if available**” only seek to *weaken* the **true** meaning of subsistence. What those that support these language modifications fail to **comprehend** is that the basic necessities of life means **more** than simply **putting food in your mouth to survive**. **Eating** is but one part of a *complex arrangement* that includes cultural, traditional, nutritional, economic and inherited **needs**. Ignorance of this detail only **highlights** the fact that the users in the Chitina fishery do not meet the criteria for C&T, and have **not** established a *subsistence way of life*. Like a puzzle with missing pieces, their depiction of “subsistence” is **seriously lacking in substance**.

When reviewing the 8 criteria for application in Proposal 201, perhaps the most important consideration is **RELIANCE**. How **DO** you differentiate between what is **true RELIANCE** on the resource, and what is merely a reliance for recreational purposes.....a fun weekend activity.....a desire to eat well.....or perhaps a craving for adventure? You cannot consider reliance without considering who it is that is reliant. You cannot consider use without considering who it is that is using it. As has been proven time and time again, the examination of use and users is valid and grounded in law.

March 20, 2010

From: State of Alaska  
Kenai/Soldotna Fish & Game  
Advisory Committee  
Chairman Mike Crawford  
P.O. Box 2067  
Soldotna, AK. 99669

RC 151

To: Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK. 99811-5526

ATTN: Alaska Board of Fisheries

Chairman: Webster

The Kenai Soldotna Fish and Game Advisory Committee consists of 19 members: 3 designated commercial fishing seats, 3 designated Sport Fishing guide seats, 5 at large seats; a personal use, subsistence, trapping and hunting seat; and four alternates.

On February 18, 2010 thirteen committee members met, we had public present and ADF&G staff from sport fish, a game biologist; in addition Ted Spraker from the Board of Game was present as a member of the public.

The committee spent time discussing with the public and the board proposals 200 and 201. A discussion of priorities preceded the vote.

On Proposal 200

**The group voted 0 for, 12 against with 1 abstention.**

Our comments in discussion included; we were concerned about the vagueness of the proposal, does not go far enough to define subsistence way of life, to ambiguous. This needs to be a joint board decision, it affects game as well.

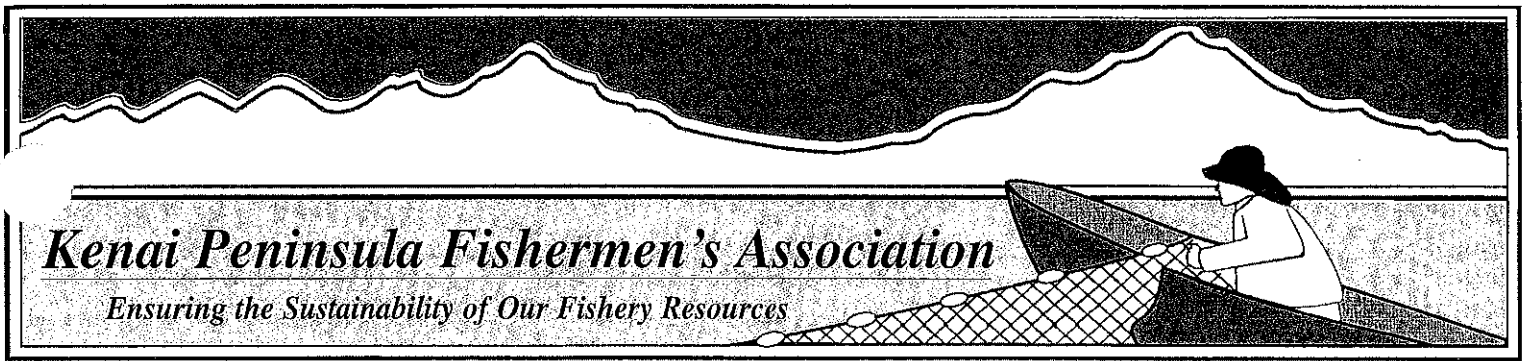
On Proposal 201

**The group voted 0 for, 13 against with no abstentions.**

Our comments that the priority of subsistence fishery will affect other user groups. Our Chair commented that he did not want to see Personal Use fishermen on the Kenai River reclassified as Subsistence fishermen.

We also discussed other BOF statewide proposals and BOG proposals as noted in the minutes of RC 69.

Submitted by,  
Paul A. Shadura II  
Vice - Chairman



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276  
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

March 20, 2010

Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK. 99811-5526

ATTN: Alaska Board of Fisheries

Chairman: Webster

The Kenai Peninsula Fishermen's Association (KPFA) is a fifty year plus non-profit 501 (c) (6) organization that works for '*ensuring the sustainability of our fishery resources*'.

With approximately 30,000 Personal Use permits issued in 2009 and a total harvest estimated to be over 400000 sockeye in Upper Cook Inlet, our industry is extremely concerned of the downstream effects that your action may have on the future of commercial fisheries around the state.

We are not opposed to a "reasonable opportunity" as it applies to residents of the state who should all be afforded access to the resources at a defined level.

5 AAC 77.001 Intent and application of this chapter

Within this regulatory finding it is clear that prior BOF have given this board clear guidance to the term reasonable opportunity as it pertains to Personal Use (PU) fisheries. **No resident is denied access to the resource.**

*In (a) (3) there are presently areas of the state with harvestable surpluses of fish in excess of both spawning escapement needs and present levels of subsistence, commercial and sport uses;*

*(a) (4) (B) since the use is not customary and traditional use, the fishery cannot be classified as subsistence;*

RC 152

5 AAC 39.222 Policy for the management of sustainable salmon fisheries

*(f) (15) "harvestable surplus" means the number of salmon from a stock's annual run that is surplus to escapement needs and can reasonably be made available to harvest.*

In 16 USC 3111 Sec. 801

*(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;*

*(3) continuation of the opportunity for subsistence uses of resources on public lands and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, ...*

The Board has two directives; conservation and development as defined AS 16.05.221 sub notes.

The question here is have the residence of the state been afforded a "REASONABLE OPPORTUNITY" to access to a harvestable resource at a reasonable level of success?

Proposal 200

**KPFA does not support the language. We believe that the BOF must go further in defining the subsistence way of life to clarify the difference between those that truly subsists on the resource and who have a direct access to the harvesting grounds in a traditional and historic manner; and to those that have a lesser claim to this status.**

Proposal 201

**KPFA OPPOSES this proposal! Our belief is that this is an unwarranted action. The State has supplied equal access to the resource with restrictions in place for the conservation of the resource. The board has used the allocation criteria to justify the management plan that is in place to allow a fair and orderly harvest.**

*KPFA continues to encourage the Board to more closely define the terms it uses to establish regulations. These two proposals are just more examples of the Boards lack of direction that is a direct result of its aversion to refining it rules to better inform the public and to give clear guidance for future actions.*

You can dance on a head of a pin but some day someone is going to fall, I think you get the point.

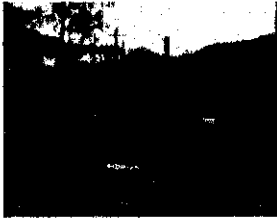
Paul A. Shadura II, KPFA, Executive Director

The following examples are printed directly from commercial charter websites, that exist within the Chitina Subdistrict.

It is important to note, there are no known commercial operations in ANY subsistence fishery in the State of Alaska.

This relates to both criteria #1 and #4.

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## Captain Kim's Good Time Charters

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Captain Kim's Good Time Charters  
P.O.Box 56151  
North Pole, AK 99705  
United States  
ph: 907-460-5899  
[captainkims05@yahoo.com](mailto:captainkims05@yahoo.com)

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## Dip-Netting

### Enjoy Dip-Netting OnThe Copper River

- We will have Fishing, Hunting, and Trapping licenses for purchase, and Chitina Dip-Netting permits available for you at our office.





**We offer 5 hours of dip-netting aboard our 24' twin engine river boat. You will need to be an Alaska resident with an Alaska fishing license, (which we have available at our office). We also rent nets to our clients for \$20 per trip. You will need to bring rain gear, rubber boots, and anything you would like to eat or drink. And a nice size cooler for all your copper river reds. We charge \$170 per person or \$650 for the entire boat (up to 4 people).Cash only. Feel free to contact us and we can make all of the arrangements. (SALMON)**

**Customer comments:** "Boat fishing on the Copper with Captain Kim and Rose makes me wonder why I ever fished from shore! They are friendly, efficient, and extremely helpful. Tell Captain Kim what you want, and he and Rose will do their best."

- Susie

Well worth the money...had a great time... Thanks for staying out that little extra time to get everyone closer to their limits. Your obvious knowledge and experience of the river made everyone feel safe and secure. I hope I can make it down to fish with you some more this year.

Mark Caputo

Satisfied Charter Customer 2006.

I had a great time with Kim and (wife's name, I forget). They were helpful and friendly. It was my first time dipnetting and they showed me the ropes.

It was a great experience and I look forward to coming down there again to get my winter supply of fish. Laura in Talkeetna

**Dipped Wed. June 20th, my first time!!**



---

Me and five others dipped Wed evening with Captain Kim and his wife, Rose. (Captain Kim's Goodtime Charters) Spoke with Kim the Fairbanks Outdoor show and decided to book his show special a few months ago.

Two Dad and son teams on the boat so we had 4 permits to fill. Ended up with 90 fish including 4 kings. It seemed like we dipped just as many kings as reds.

I would get a couple of reds then a king, two more reds then another king. Ended up dipping 5 kings, another guy on the boat dipped 4, both dads dipped at least two each. One of the sons dipped a couple as well. This can drive you nuts when you have your limit of kings on the boat!

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[Web Hosting by Yahoo!](#)

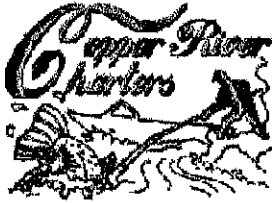
Captain Kim's Good Time Charters  
P.O.Box 56151  
North Pole, AK 99705  
United States  
• 907-460-5899  
[captainkims05@yahoo.com](mailto:captainkims05@yahoo.com)

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-



← Is this considered  
to be respect for  
the resource?



Home Area History Photo Gallery Dipnetter Essentials News Maps Services

Dear Clients,

Welcome back for the 2010 season.

Copper River Charters in partnership with Hem's Charters will be operating two boats from the O'Brien Creek landing where public boat launching is still currently unavailable.

Please call the fishing hotline before you depart to obtain the daily report including most recent fishing updates, hours of operation and any changes to our daily schedule due to fluctuating conditions of the river.

Be sure to take a look at the "dip-netters essentials" section and our recommended packing list to make SAFETY a part of your fishing adventure.

Best regards,

Sam McCallister

Sam McCallister
Owner & Operator
Copper River Charters - Serving you since 1989
2005 - U.S.C.G. (US Coast Guard) 5-Star Safety Rated: ★ ★ ★ ★ ★

River Charter Services: "Fishing Hotline"
Please call: 907-823-2200



Dip Net Drop Off - Round Trip -
Cost: \$100 Per Person
Cost: \$ 180 Couple fishing "Single Tag"
Additional 10\$ fee if you catch supplemental fish.
We no longer accept Proxy fishers

Form of payments accepted: Cash or AK-Check only.
(No credit cards)
Available for Alaska residents only
Approximate season run: June 1 to August 31

Hours of Operation
Mon-Saturday , 5am - 8pm
First Come - First Serve
Line starts at 5am - Ask for Mark or Sam
Check in at the boats on the "point" at the O'Brien Creek

Related Links

Open scheduled for June 4th 8am

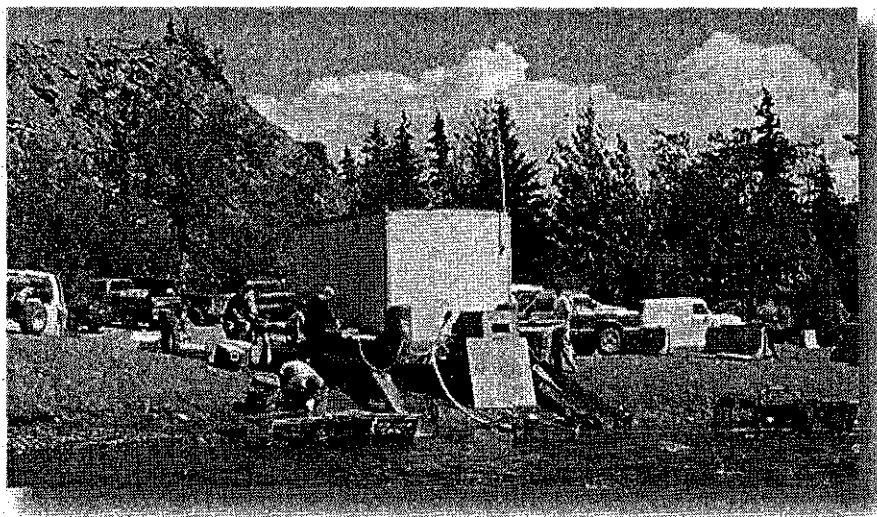
Copper River
Fish Sonar Count
Click Here

Weather
Click Here



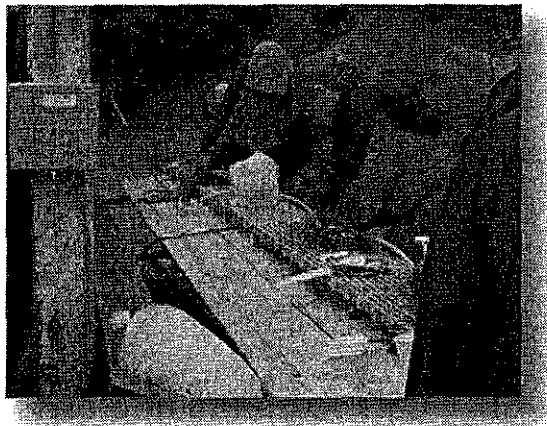
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The cleaning facility is located at the waterfront on O'Brien Creek.



This unit was purchased in 2005 and is mutually owned by Copper River Charters and Hem's Charter. It is equipped with running water, gut and debris chutes, waist high cutting surfaces and work tables.

Hours of operation range from approximately 7:00 AM to 9:00 PM. (Hours may vary slightly)



**Your cleaning options:**

**Cleaned by cleaning facility staff**

1 dollar per fish cut per your specifications: fillet , steak , gut and gill , etc.

**Use of the facility, using your labor**

5 dollar donation per dipnetter - (Or more if you like).

*Cooler ice is not currently available at O'Brien Creek.  
(See Services - Chitina One Stop)*

" In GOD We Trust "

© Copper River Charters 2005 - 2010 - All rights reserved

RC 154

Chairman Webster and members of the Board of Fish,

You have the opportunity to build on a body of work that has been developed over decades by the legislature, courts and past boards.

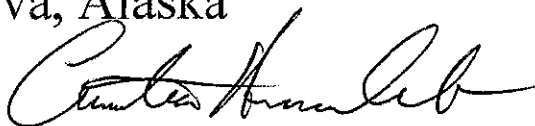
The Superior Court Judge, in his Decision and Order, stated that the board's 2003 deliberation on the status of the Chitina Subdistrict was very nearly **legally sound**.

The only major flaw in the deliberation was the board's failure to use an objective, legally grounded definition of "subsistence way of life" in its application of the 8 criteria of 5 AAC 01.616.

In order to get this issue off of your agenda, I humbly but emphatically urge you to be very patient and thorough in your record building so that there is solid record for future boards and/or courts to look at when addressing this issue.

Thank you.

Curt Herschleb  
Cordova, Alaska



LC 155

To chairman Webster and members of BOF,

I thank you for the opportunity to speak today and for you to hear my words.

My name is Bob Linville from Seward, AK. I came to Alaska from Idaho as a young man in the early seventies, and have lived in Valdez, Kenai, Cordova & now Seward for the last twenty nine years. My parents hunted and fished for food, passed their tradition on to me, and I have done so all my life, teaching my children as well. For 18 years my family owned and operated a commercial set net operation in PWS. All three of my children were raised at the beach camp, where we lived, worked and put up food for the winter, from May to September, every year. I have also longlined Halibut, drift gillnetted salmon, worked construction in the winter, and my wife now has a full time job in Seward.

I strongly support proposal #200, especially the language, which states "consistent long term reliance" on the fish and game resources, for the basic necessities of life. I do not believe those of us who have other resources to live, such as the means to make money, by working at jobs outside the subsistence area, have the reliance on the resource that people that do not have any of those things, and have few other sources of food do. I include myself in this category, even though I work hard every year to put up my fish and game, and eat it almost every

day year round. I would not starve without this resource, it is supplemental to me, and I have other resources I can use to buy food. I called myself a personal use fisherman although it is very important to me. I still believe true subsistence to be justified at a higher level of priority to my use.

The Copper River can continue to provide for all of our needs, long into the future, though only if we all take a strong ownership of the necessary burden of conservation. For this reason I strongly oppose proposal #201. Personal Use fishermen from Fairbanks, Anchorage & Mat Su Valley vastly outnumber all other users. Politically managing this resource for conservation becomes very difficult, once this massive user pool feels that conservation is not their priority. Management can become a slippery slope of finger pointing at the other guy, long after the other guy (in this case the Copper River commercial fisher) has been politically obliterated. A small minority of Chitina dip netters wants more, more, & more. This element will always be there and enough will never be enough. Over the long run there will plenty for all, but only if we go forward with the conservation mindset, that includes both sharing of the fish stock and the burden of conservation, by the vast majority of users.

RC 156

## Written Supplement to my Oral Testimony March 20, 2010

Mike Mahoney, Cordova

I appreciate the opportunity to offer my perspective as a citizen and fellow user of this important resource. I thank you for your dedication to the effective and fair management of our fisheries.

In support of proposal 200, I agree with your definition and think that it is appropriate to maintain a meaningful distinction between personal use and subsistence. I disagree with the Fairbanks Advisory committee when they imply that it would be difficult to find any fishery in the state that meets that criteria.

They say its inappropriate to look at "relative affluence and distance traveled", but I say it can be a guide in determining need and interdependence. Where does one gain his affluence? Is it from working in the oil and gas industry, or is it a different kind of affluence that comes from living the subsistence way of life that many dream about doing, yet few commit to? This is related to **criteria 3**, which deals with efficiency and economy of effort and cost. Without having the affluence associated with the economies that exist outside the Copper Basin, it would not be feasible for most of the dipnetters to make the trip to Chitina.

In **criteria 1 and 4**, it is clearly stated that both the use and the area in which the resource is used must be **non commercial**. Any quick search on the internet, and one can find a number of commercial charter operations offering transport, advice, assistance with the fish handling, and even a commercial cleaning station! I'm not against free enterprise, but the existence of these activities clearly indicate that this should be classified as personal use, and not subsistence.

In regard to the FAC's comments about the changing faces of the fishery, I'd like to add a point or two. That is an oversimplified view. I think that in their testimony, they would like to convince you that the only legitimate difference between the user groups is their "faces". Which I take to mean race. It is far from that simple, and race is not a determinant. Anyone is free to live the subsistence way of life, but you can't have the benefits of urban/suburban life as well as the benefits of a subsistence life. What is different about the typical modern user and the Ahtna's of the 1890's is expressed in **criteria 6 and 7**. The Copper Basin residents are part of a **pattern** of use that has been passed down from generation to generation, without interruption. They are also part of a pattern of use and **reliance** which depends on the distribution, trade and gift giving of the resource. The vast majority of the current Chitina dipnetters did not receive any such knowledge or traditions from the previous generation, or the one before; and their pattern of taking, use and reliance does not include customary trade, redistribution or barter. Sure, they might send some fish to the family down in Minnesota as a gift, but I'm not sure that is what the intent of the criterion here is.



The concept of being a member of a healthy social and ecological community including plants, animals, soil and water as well as people is a concept that Aldo Leopold referred to as being a part of a "Biotic Community" in the 1940's when he created what is known as the "Land Ethic" in his book "A Sand County Almanac". It is nothing new. I think it gets close to the meaning of a subsistence way of life as outlined in **critterion 8**. Both Native and Non Native peoples have understood and lived in this way on this continent for centuries. Yes it is getting more rare in today's modern world, but that is all the more reason to safeguard its meaning.

I believe that because of our sustainable fishery and subsistence economies, our overall economy, culture and democracy gain a significant amount of **resilience**. I believe that men like Thomas Jefferson and John Adams (as agrarians), had that in mind when they helped found this country.

The bottom line here is that we are charged with conservation of the fishery as defined in 5 AAC 99.010. It helps to bear in mind for some perspective that in 1940, Anchorage had a population of 3,000. By statehood, it was up to 83,000. 20 years later (after the oil boom), it was at 185,000. The current population is around 260,000 and growing. At some point in the not too distant future, these urban/suburban users will have the ability to overwhelm the resource and displace vibrant sustainable fishery and subsistence economies, so they can have access to "free" fish. This would erode the economic, cultural and nutritional **resilience** of our state, and ultimately our foundations of democracy. The vast majority of those people are NOT subsistence users. Many may accurately be able to call themselves "sportsmen". They are not dependent on fish and game for the basic necessities of life, whether it be nutritional, cultural, economical or traditional. Even their language in testimony refers to "wanting" access to Chitina fishery. I don't think they have ever said they rely on those fish.

I do not want to take fish from the personal users. But they must take full share in the burden of conservation. This is a case of a population outgrowing or displacing the fisheries resources in their own backyards and rather than taking the mature and responsible approach like addressing the issue of unsustainable growth and usage in their own watersheds, they simply make aggressive actions toward their "neighbors". They aren't acting neighborly. They aren't acting like people who know what subsistence means.

Rather than preemptively trying to take resources from our neighbors, we should all accept responsibility in preserving our fisheries and focus our attention on major threats like habitat destruction. It would be better for the fish and all user groups.

Thank you for all the time that you devote to the wise stewardship of this important gift.

Sincerely,  
Mike Mahoney

Fm Vingil Umphreus  
Fox AC

RC 107

Name: Bud Weise  
Date: October 26, 2000  
Place: Fairbanks, Alaska  
Present: Stan Bloom and Bill Simeone

This is Bill Simeone with Bud Weise and Stan Bloom at Bud's house on Oct. 26<sup>th</sup> at about 1:00 in the afternoon, and we're going to talk about dip netting in Chitna. So, can you just sort of tell us about how you started and what was going on down there when you first went down there, and what year?

Bud: It could be anytime; I would say 1947, 1948, or 1949, right in there. I kind of think it was 1947. And I do not remember how we found out about it, but when we went down there the only place you fished was on what they call Salmon Point, and there was a trail out to there. And you used wire nets, and there were wire nets lying there. You didn't have to bring your net. And you had to pack your fish back out of that trail along the side of the mountain. And of course we didn't have pack boards, so we had to carry them, I don't remember all of it, was in nets and in our hands and on strings and so forth. And I don't remember, we may have seen one other person fishing that first year we were down there.

And that went on for two or three years and then they fixed up a trail or a road where you could go down to where the old bridge and the railroad crossed the Copper River and entered into the Nabesna country. And we fished down there. And it was right in that period around 1950 when people started to use cloth nets. And I may have been one of the first, I don't know. I hand-tied one and I used it out on Salmon Point. There was kind of a place where the water was going around a rock and I started there, and that's the first time that I can recall using the cloth net.

Well, then the trail was fixed to go south out of Chitina toward O'Brien Creek, and the first way you could get down, you could get as far as Fox Creek and then you had to hike from there on down. And a lot of them then were going down to the cable crossing, where there was a big eddy, and they were doing just fantastic down there. But we had good luck above O'Brien Creek all the way up to Fox Creek, and even going down from Fox Creek. But that's when the people started to really show up, and there were lots of them, and there were no limits or anything else.

You could fish whenever you wanted to, and for the most part, people just took what they could use.

And I know for ourselves, we were in a tent. We took a tent, we took our camping and canning equipment, the pressure cooker and so forth, and so we'd go down and get about five, six, seven salmon and come up and put them in cans and get that going, and about the time it was getting near done or done, we'd go down and get another five or six salmon and come up and put them in cans and can them up. Then when we got ready to go home, we'd go down probably and get fifteen or twenty salmon to bring home. And on the way in to Chitina there was a bridge that glaciated up during the wintertime, and there was always ice there into July. So we could get our ice right there and we'd ice our salmon down and bring them home and either freeze them or fillet them or maybe can some more if we wanted to or started smoking them and so forth. So, I don't think I have missed a year since we started down there.

So right after the war, in 1946?

Bud: Yeah, I got back, I got discharged in December of 1945, and the wife and I went Outside for a short time and then we came back to Fairbanks. We owned some cabins that we'd bought here when we got married in 1943. There were eight where the water treatment plant is now. There are two old cabins there. And so we had those cabins and so we came back here, I don't know it was March, April of 1946, or maybe it was later. Then I went to work for Chevron, or Standard Oil of California at that time, and the wife went to work for the \_\_\_\_\_ Company and we've been here ever since, bought this place in 1951. So we've been pretty well here all the time, and as I say, we participate in Chitna every year.

Who fixed up the road that went down to Fox Creek? You say that was fixed up.

Bud: Well it used to be the railroad bed, and it was during the World War II that they picked up the rails, or right before. I think it was right during the war. They picked up those rails and the ties, and of course it was kind of washboardy, and there weren't really any bad spots to fix up to get to Fox Creek. But there was a trestle across there, and then that trestle fell. But it wasn't

safe to cross. You had to go down to Fox Creek and then climb the hill. Well then the Road Commission came in there. I think it was the Road Commission, and they bulldozed a trail to the right of the trestle where vehicles could get by, and then you could get down to O'Brien Creek. And then they made a slide down into O'Brien Creek and at that time the trestle was still standing at O'Brien Creek too. And it fell down later, but from then on people improvised and they went on down to the cable crossing and I don't know what year the Road Commission did, because when the dispute came about trespassing, we just started to take a boat and would go down to where the bridge is now and put our boat in there and fish from the boat, so we never did fish from the shore from then on. Yeah we just drifted in the boat – oh I take that back. One year Clem and I went down in August because the fish were running good and we just took a pickup and a trailer with some ice and we drove down and chartered – it wasn't Hems – it was somebody else there that was there late, and chartered them and they took us down to a rock and we got some good fishing. But outside of that, we've always just drifted.

So you started using a boat in the '80s or the '70s?

Bud: It was whatever year the trespass.

Stan: Okay after '71 then, it would be after '71.

Bud: Could be; I don't remember when it was.

Stan: Yeah the ANCSA was '71, so the trespass must have come after that sometime.

Bud: Yeah, and then we took the boat from then on.

What about the trail? You said there was a trail that was improved that went down to where the Chitna Bridge is now?

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~~Bud: Yeah, see the old railroad used to come through that cut in the mountains or the hill to go out to Salmon Point, but you couldn't go beyond that. Well then somebody went out there, and I~~

don't know if it was the Road Commission or who, dozed a trail along the hill down to where the bridge is now. They just followed the railroad bed. There was a railroad bed, in fact there was a couple of box cars setting down there at that time, and then there were the pilings sticking up where the bridge, where the old piling got knocked off every year because of the ice jams, I guess. And we used to just sit right on those pilings and fish right off those pilings right on shore and it was good fishing, except if the water was high, then you were licked. You had to come back when the water went down, but then of course they built the bridge and we road down to it.

So to get to Salmon Point you had to go through that [railroad] cut?

Bud: Yeah.

And then back that way [to the right, headed down river]?

Bud: Well you always went through the cut, and I think you went about maybe 50 or 100 yards and there was a little parking spot there, just a little one for one or two or three cars, which is still there. And then right to the right of it, you crossed where the pipe went down for the generating of electricity. You crossed that and walked along the side of that mountain out to Salmon Point. It was a pretty good hike and it was a trail just about a foot wide, and so you didn't have too much room, but that was the only place anybody fished.

So there were no Indian fish camps between Salmon Point and where the bridge is now? You never saw any fish camps there?

Bud: No, there were no fish camps. In fact, I never did see anybody fish there until after they put the road down and we started to fish there on the piling of the old bridge, the old wooden bridge, and then later on I did see there was a -- somebody fixed a road where you could drive down on the sand bars, and there was a couple of sloughs where they cut through that main channel. And I've seen people start fishing the eddies in those sloughs, little channels. But, then as I said, later on when you could get down to Fox Creek, that changed the whole thing because everybody went down further and further.

Was the cable still there going across the river?

Bud: Oh yeah, in fact I think I've seen people go across on it. There was some kind of a pulley on there where they could go across the river.

Do you know why that was there in the first place?

Bud: There was a gauging station right there where the cable was and I saw them go out on that little thing too, and they'd go out in the middle and they'd dip down with a long thing and take a sample of the water way out in the middle. And that's the only reason I think why that cable was out there, so they could go across the river there. That must have been it, yeah, because it didn't look like it could be used for anything else. And they took that out, maybe ten years ago. They took it out and the gauging station is probably no longer there, either, so I presume that was our Geological Survey or one of those guys. I thought it might have something to do with the hunters and the guiding or mining or something, but.... I never had any idea what the cable was for till that time I saw them down there.

Stan: Well that must have been it then.

Bud: And they wheeled themselves out in the middle and they dropped the big sample thing down and took water out of the middle of that river, and I wonder if the water in the middle is any different than the water

Stan: I'd like to get a dipnet down there!

Bud: I remember one time I was up there, where the bridge is now, fishing there, and there were horses across the river. They were evidently running wild. They were some guide's horses that he'd turn loose for the summer, you know. And I've seen that down at Delta too, on the Delta River. Beautiful horses there in the fall, wilder than a – they wouldn't let you get within a mile of them. But we have taken a fantastic amount of salmon out of there over the years, and like right now I always share it with people like the Kimmicks. Andy, probably, I think started to

fish that in 1939 or something, and he's had a stroke and he no longer can fish that, so the last couple of years we got proxies from Emily, his wife, and give them what salmon they want. But up to that, we just shared what we had, and we've got a lot of people who we share our catch with. It doesn't matter if it's salmon or lincod from the Tanana River or what it is. I like to share with those who are not able to fish.

Have you ever noticed the changes in the fishing, I mean in terms of more fish, less fish, over the years? Or size of fish?

Bud: No, not really. If you're there when they're running, you can get all you want. You could in those days anyway. If it was high water, you were lucky if you could get one or two or three. They just weren't there. But I've never found that at some time during the summer that there wasn't a lot of fish. One thing I have noticed since you mentioning that, is the early run of reds is no longer there.

Is that right?

Bud: Yeah. It used to be starting about June 1<sup>st</sup> to the 10<sup>th</sup> you could have good red fishing down there and kings. And the reds aren't there any more early. Very few of them. I think the commercial fishermen have completely wiped out that early run of reds, and that's going to show up in a couple of years.

When did you notice that?

Bud: I don't think it was until about, oh five or ten years ago.

Oh so it hasn't been quite a while ago? This has been fairly recent?

Bud: Oh no, just recent, yeah it's just been recent that we noticed that drop in that first, well there just aren't any fish there early.

What's the earliest you ever fished down there?

Bud: I imagine about the 4<sup>th</sup> of June. And I always figured up to that time, between the 4<sup>th</sup> and 7<sup>th</sup> of June was always the best time for kings. But we always got lots of reds, too.

At the same time?

Bud: Yeah, but you go down there early now and you maybe get some kings, but not many of them either, like it used to be. But you won't get any reds to speak of. There's just occasionally a red and that's it. That early run just isn't there any more.

You don't notice a difference in size of fish at all?

Bud: No, the biggest reds I ever got was on July 18<sup>th</sup> or 23<sup>rd</sup>. I had to go in there on business one time when I was working for Chevron and somebody had a pump down there, our brand and a sign, so I had to go in and get some papers signed and I took a little dipnet and a tub and I went down just above O'Brien. You couldn't drive into O'Brien then, and I went down the hill. It was someplace between 1960 and 1966, and I went down there and there was a big rock the current was going around and I dipped 40 of the biggest reds I've ever seen in my life. I don't think there was one of them under ten pounds. They were the biggest, and they had bellies on them an inch thick. They were the best ones I've ever seen in my life. I got all big ones, no small ones. Course I was dipping in current, and I was getting one just about every time I dipped, too. It didn't take long. And I had to take them right up a mountain. I took a rope with me and I tied it off so I'd have a way to help get back up there.

How far down the river do you go in the boat now?

Bud: We do sometimes go down to the Haley Creek, and fish right above the limits now. We've got the spots and like Clem and my son-in-law, they understand it and it doesn't take them too long as a rule to find out where the kings are or where the reds are. But sometimes we've had to go clear down to right above Haley Creek.



What was the earliest year that you've ever been to Haley Creek? Did you ever walk down there?

Bud: I walked about  $\frac{3}{4}$  or  $\frac{1}{2}$  - there used to be a railroad shack before you get to Haley, and there used to be right in that area there was a place you could go down the bank. And that's about as far as people were going that I know of, and it was up, and you were hanging on a cliff practically. And one time my daughter and I went down there and we got a bunch of salmon. We must have had about 30 salmon, or 35 because we figured it would take us two pack loads coming up. And there was a person there who said somebody will come by here in a riverboat and maybe you can talk him into taking the fish up. Well he came by with a riverboat, I think it had about three inch side boards. It wasn't very big, anyway, and he said that he'd take the fish up to O'Brien Creek if either my daughter or I would ride with him, that he wouldn't take them without one of us riding with him. Well I decided I would ride with him and my daughter would hike up. And so that's the way it was, and that's about the first boat I've ever seen on that river.

When was that?

Bud: Let's see, oh thirty-seven years ago would be back in the late '60s, I would say.

That's the first boat you saw?

Bud: Yeah, the first one I saw that I can recall. And it was hairy, but you know the guy knew what he was doing and he got me up there and that was the main thing.

When you went down to Fox Creek and then you went beyond to O'Brien, the first stage basically was to Fox Creek and then people started going down to O'Brien Creek?

Bud: Well when they went to Fox Creek, most of them, I would say 99% or 95% of them hiked down to the big rock right above O'Brien, which is probably what,  $\frac{3}{4}$  of a mile or  $\frac{1}{2}$  mile above O'Brien, where the current started hitting and they had a good eddy, would fish from there down

and a lot of them were going down even to the cable crossing at that time and packing their fish back.

And at that time were there Indian fish camps at O'Brien Creek or anywhere around there?

Bud: I don't know – one year I did see a fish wheel right above O'Brien Creek, but I wouldn't even guesstimate what year that was. But there was one right above O'Brien Creek, I remember.

In the '60s and '70s were there fishing wheels down there? Did people from Fairbanks have fish wheels down there?

Bud: I don't remember what year that came, but the only time I think that I can remember of people other than that one right above O'Brien Creek, was after they put the bridge in.

The bridge across O'Brien?

Bud: Yeah. And then they started putting the fish wheels above there. But I don't think there was really an ideal spot for a fish wheel below. There could have been, but I can't recall it.

So you never saw any fish wheels like in the canyon or anything.

Bud: No, no.

Or on the other side of the river, even?

Bud: No, I don't recall it, no. I don't know how they could have gotten across except by boat, and as I said at that time, not many people ventured out there with boats.

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Yeah, it's rough water.

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Bud: I'll tell you, that jet boat works good in it, though. Yeah, we feel safe in that. We used to fish out of this little river boat, and sometimes we'd be drifting down there fishing and there would be about four inches above free board you know, and then you'd get a king and if it got out of your net one time, there were four of us in there and all four of us had a hold of a king that had gotten out of the net, and he finally got back in the water. In fact, we lost several of them that got out of the net. And so from then on we tried to hold them down in the boat and conk them, but with this one we haven't lost any of them over the side. But I feel safe in this one. Yeah, it sure has changed, but it sure is a terrific subsistence fishery. That is just unbelievable, you know. The quality of the fish is the best salmon in Alaska by far, I don't care whether you go to Cook Inlet or the Kenai. And I've been to them all, and I've been to Valdez and got the winter kings, and there's nothing can compare with those fish in the Copper River, both reds and kings.

What do you think about this restriction that the Board of Game imposed on dipnetters for one king this season?

Bud: That's harassment. That's all it is, is strictly harassment. When you've got commercial fishermen down there taking fifty and sixty thousand kings, and they limit the subsistence user to one. That's a subsistence fishery. That takes priority. Those people shouldn't be able to touch any kings until the subsistence fishermen get them. That's wrong. That is strictly wrong, as far as I'm concerned, and as far as I can read the law, it's strictly wrong. Now Fred Bouse was telling me this year, I don't know if that goes with this story or not, but the reason Gulkana had a good run of kings, there's a different biologist down there now, and when the reds didn't show up, he wouldn't let them fish. The Cordova men didn't fish, so a bunch of kings got through. And that's the only reason you had kings on the Gulkana this year. And that was about the 10<sup>th</sup> of June that that bunch came through, but there were no reds showed up. See, they cleaned out that early run of reds, so all they're getting on the early run now is the kings. And in those days when I was fishing down there, and I can't remember what year it started, those fishermen didn't want the kings.

Well do you think the dipnetters on the early period targeted the kings, or were they mostly after sockeyes?

Bud: They didn't use the boats. Most of them couldn't get out where the kings were, so kings were not very many of them caught. Very few caught in the early days. It was rare when you'd get a king. You'd go down there and you're fishing in the eddy and so forth, you may get, - there were usually three of us fishing - and we'd maybe get four kings. And then when we started to go to the boat and you get out where the kings go, unbelievable. But there was an eddy right below O'Brien Creek, well quite a ways below, and I know one time there were four nets there. My daughter's was one of them. And the water started to come up, and here come the kings, and out of that one hole, it was small, and there were four nets fishing it, they took out 42 kings in 24 hours. But old Patty King was a Native who lived down there, and he was under the influence of alcohol a good part of the time, but he knew the river and he knew the fish, like he said that he would see the kings or the salmon schooled up in eddies when the water was low, and he says just solid. And then the water started to come and a few minutes they'd all empty. And that's what happened that time. And that happened one time up at what I call the Glory Hole up there at Summit Lake. We were there one time and there must have been 5,000 reds in that hole. It was just solid. And a Fish & Game guy came by, he went up Fish Creek and broke a beaver dam, and when that high water hit that hole, in five minutes there was not a salmon left in there. They just all of them just took off right up Fish Creek. It was really something to see, how they did that.

Yeah, that's interesting.

Bud: But you know, in the early days people caught fish, snagged them there at the Glory Hole at the lower end of Summit Lake and they canned them right there.

Summit Lake at Paxson, the Paxson Highway?

~~Bud: Yeah, that hole right below Summit Lake. They used to go in there and snag them and they had camps set up there and canned them right there. There was no limit or no method or means~~

or anything else. It just was a subsistence fishery and so people wanted salmon and they would catch them and can them right there. In fact, we caught a few of them there and just brought them home when we were down there fishing for either lake trout or something.

Q: Those are sockeyes?

Bud: Yeah, they were sockeye. So it's been quite a revolution to see it from the time when there was only one or two people down there to what it is today. I remember Leroy Shebol telling me that he was down there waiting to go out sheep hunting, being flown out sheep hunting, and he walked out to Salmon Point and there was this big wire net and he put it in the water just to have something to do and a king got in it. And I don't remember if he said he landed that king or not, but he said it was about five feet long. It really tore up things. Those kings used to tear up those chicken wire nets pretty good. You'd loose a lot of them. They'd go right through it. But that was back in, I would say the '50s when Leroy Shebol did that.

About how many people do you think in your family and descendants are now participating in, or have participated in Chitina?

Bud: Well, let's see, all five of my grandchildren have been there, so we've got two son-in-laws and I've got two daughters, and the wife and I. So there'd be eleven of us right close, but then there's Clem and his wife, who are relatives of ours, and there are six of them. They've got four kids, so there's six of them, that's seventeen that are directly related, you know. But in years past there were always some friends or some other people who went down there like Adam's gone down with me and, oh gosh, I can't remember all of them that, even the people who used to work for Standard Oil, the managers and salesmen would go down with me. They'd either go with me or go at the same time and I'd show them how to do it and so forth. So, gee I don't know, 50 or 100 I guess. You know friends that I've taken down there and shown them how to get involved in the system and so forth.

Stan: That's great, because you know early on when I first started going dipnetting, I met Andy Kimet down there and he showed me a lot of things that I'm still amazed that he knew, and it pays to go with somebody who knows how.

Bud: Oh yeah, like I've talked to people even today and they'll go in an eddy and they'll sit there all day without a bump, you know. And I don't know who it was who told me, hey, or maybe I learned the hard way, if you sit in a place for about fifteen minutes and you don't get a bump or something, you'd better move, you know. It's the same with dipping, I'll go down there and I'll just keep dipping if I'm dipping in the current, that's before we had the boat. We'll try it a few minutes in one place and don't get anything, we'll move. We'll either go deeper or shallower, or something.

(Side Two)

Bud: ...wasn't able to fish. Well after I got about thirty fish and my daughter Anna was packing them up to O'Brien Creek where we had the rig, and he was cleaning my fish for me, because he said he liked to clean them. And then when I got, I don't remember how many, thirty or around that number, I said well I'll tell you what I'll do. If you'll pack them or you and your kids will get them up to the rig, I'll go fifty-fifty with you, every other one you get. So that was an agreement. That afternoon in a few hours, I dipped out 104 salmon, and I'll bet you there were thirty people along that bank, and they hadn't gotten ten fish. So I had to reach out, I had gum boots on, I had to reach out with a fairly long handle and get kind of like in a gravel chute, and when I could get the net down there I'd get fish. And there was just a narrow spot that you'd get them. And above O'Brien that happened one time Anna was fishing there, and that was in the days of the wire net. And she caught thirty-some reds and five kings there in the afternoon, and guys come up there and they'd get their nets tangled with hers and they couldn't catch a fish. So you know, you learn. Like you say, it's best to go with somebody first and find out what it's about and then you have to learn how to take care of your catch after you get it. I see people putting them on stringers and throw them in the water. Well I personally think that's the worst thing you can do to those fish is put it back in the water, and drown it.

So what do you do, what's the process?

Bud: Well now that we use the boat, we have a big container and we just put it in there and when we get quite a few of them we just come to shore and they set up an assembly line. Clem is usually the one who takes the head off and cleans them. His boys and my grandkids, they usually wash them. They put them in a pail, somebody grabs that pail, runs it up to the pickup where Bill is standing with big containers of ice, and he's icing them down. And we get them iced down, maybe I'll be the cook at that time and I'll cook up a little meal for them. As soon as we're done we'll go out and get some more and as soon as we get a few, depending on how fast they're coming, we'll just come to shore and clean them and ice them down. We've got a set process on how to do it. In fact, my son-in-law bought these big commercial fish boxes, insulated boxes, we haul our ice down there and ice them down as quick as we can.

And then you freeze them when you get home?

Bud: No, we can most of them. We wait till we get home. Like last summer I did most of the canning. I did 123 pints, I did 40 of those 303 cans, and I did 18 10-ounce jars. Those are the ones that oysters come in. What I do is usually when I trim the belly or something that doesn't fit in the can, I stick them in those because I'll just take one of them out and just sit there and eat it. I like those bellies and that front part that's got the fin on it, the cheeks. That's my favorite, you know, and gosh I see people down there cutting off those cheeks and throwing them away. They're throwing the best part of the fish away.

Stan: That's what my wife says. My wife makes fish head soup and she likes the heads really good, and she says just bring in the heads, they're the best part of the fish.

Bud: It is, you know, by far. But those cheeks work awful good too, but they're by far the best part of the fish, those cheeks, you know. So it's everybody to their liking. We used to make a lot of fish head chowder, take those king heads and boil them up, but that's a lot of work. It takes a lot of work to clean all that meat off in there.

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Why did you never decide to use a fish wheel?

Bud: Well we've been thinking of it real strong down there now. If you want to go back into history a little, I came up in '41, and in '42 down at Tanana a guy named Fred Twilliger – he was my father, I guess, or my godfather or something when I got to Tanana, he and Millie.

I knew Fred Twilliger. He was a very good friend of mine. Yeah he was a great man.

Bud: Well he died a few years ago. He and Millie both are dead now. He and I built a fish wheel down at Tanana, a big one. Fred was a good craftsman, but we never had a good location. We'd get a salmon now and then, but mostly we'd get white fish. And I was working at the Indian Service Hospital then. We'd get these Ciscos, and I'd get 75 to 100 a day.

In the fish wheel?

Bud: Yeah, and so as I say, I was the maintenance man there at the hospital. They generated their own electricity, they had their own sewer and water and everything, and I was running that for them. But I'd clean these white fish, and when I could get white fish, that's all the natives in the hospital, a 32-bed hospital, that's all they wanted was boiled fish. And when I'd clean those white fish, there were about ten kids who were allowed out during the day. They had a broken arm or something. And they were allowed to go out and they followed me like a bunch of puppy dogs. And they'd go down the river where I was cleaning these white fish and they'd stand in line and I had to give them the eggs from those white fish, and they'd stand there and eat them like candy. It was really something to see, so I did have experience with them. But I'm thinking real strongly of putting a fish wheel down here. I've looked at dimensions and everything, and we've had such good luck with the boat that we really don't have any problem, except that when you go down there once a year and you can use as many fish as we can, if you go fishing below the bridge like they had it this year, there really aren't enough fish for what we would like to have. And we haven't got on to really knowing how to catch them above the bridge out of the boat yet. We're getting some, but not like we can down below.

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So there's quite a bit of difference in the water up above the bridge than there is below the bridge?



Bud: I don't know what it is. Last year or the year before last we lost five nets above the bridge, five or six. And the year before that we lost some down below, it was in a king spot we lost them there. But I haven't talked to anybody who's been real successful in finding a good spot above the bridge as yet. Or fishing out of a boat. Now there's one eddy up there someplace, it's quite a ways up, that they have fair luck in, but nothing like what you might find down below. Now there was one eddy last year or the year before last down below that the kids pulled in to -- I wasn't with them -- but they'd found it the night before and they just fished it. I don't know how many they came back with, but it was getting late evening, so we sacked out and we figured out we had 35 more to limit out. Well they went down there in the morning, there were about four in the boat, two fishing, one holding the boat more or less in this eddy, and one throwing the little ones out, sorting out the little ones. And they caught 35 in 30 minutes. And that's not counting the little ones they threw away. Well the next year they went back to the same spot and they fished for an hour and they got one. So, I don't know.

Stan: Did you ever know where Dr. Evans had his fish wheel? They had a cabin or something up there at Five Mile out by the airport. They had a cabin there and they had a fish wheel right out in the front of it.

Bud: There is a couple of fish wheels right up by the airport. One of them is hanging on a cliff. They hang it up on the cliff, and I guess they've got some way of lowering it to the river when they want to fish. The kids have seen it. I wasn't with them the time they went way up there, and they've seen it.

See when they closed that above the bridge to personal use fish wheels, they wouldn't let them fish there anymore. He used to come to our meetings every month, telling us he wanted to do something about them closing his fish camp to fish wheels. And we tried and tried and he even wrote the governor and he did all kinds of things, but he never could get it back. And of course he's dead now, but I've often wondered exactly, I never did know exactly where he had it. They had a little cabin there, and the way he told me, they had a little pond out in front of their cabin, and they'd go down to the fish wheel and they'd catch a bunch of fish and bring them up and put

them in that little pond and then they'd just process them at their leisure, but they had them captured. But I never did know exactly where he had his fish wheel, but he did have one. He and a group of guys here in town had a fish wheel there.

Yeah, I've heard that, the kids I think mentioned it. Too bad Clem isn't here, because he could tell you exactly probably where that is, because they went clear up to or above the airport, just looking at the river. But I wasn't with them on that trip when they went upriver, so I don't know. But now, talking about that, Mike Tinker someplace around Copper Center or below, he was to put in a fish wheel this last summer. I saw him the other day, but I didn't ask him how he did. But I guess now they can put them anywhere above the bridge clear up to Slana and so forth now.

Yeah, if you can get in there, you can put it there.

There's a lot of them there in Copperville.

I had one there a couple of years ago. I know years ago when the \_\_\_\_\_ had that service station at the junction of the Tok Highway and the Richardson there, the guy who owned that station, Fred Lackey, he and Ken Hughes had a fish wheel down there and they did real good in it for reds. I don't think they got any kings to speak of. It was all reds. I know they gave me some one time. They were nice fish.

So you knew Fred Twilliger well?

Bud: Yeah, he was one of the first people I met, even when I went to Tanana. I went to work for the NC Company and I was given a room or a little apartment above the store, and that's where I lived. And one of the first people who came to visit me was Millie. And that fall Fred and I the NC Company had a boat, I think it was a sixteen horse on it, and the boss, \_\_\_\_\_ there, he came up in '96, a real nice gentleman, and he said if I could get somebody to go with me, we could ~~take the boat and go up the river to the rapids and hunt caribou. So I talked to Fred and I was~~ about going wild about then, you know, and Fred says, sure, we'll go out. So we got up to

\_\_\_\_\_, about sixteen miles above Tanana and here was Mike Sweeney. He'd had a heart attack and he had beached his boat, but he couldn't move, and he finally waved and we went over and then we took him back to town to the hospital. Then it was getting late in the afternoon and Fred didn't want to go, and of course I wasn't a boatman either, but I went as far as I could that night and we beached it and Fred cooked up some beans and bacon for breakfast and we went on up and there was a guy named John Larson, had the eddy right in there, so we pulled in there and we brought him a pint or two of whiskey and he was ecstatic about that, but he'd just gotten some caribou just above the rapids, it was called Garnet Island, I think, or Garden Island. And we went up there and there were a few crossing and our guess was we were maybe there an hour or two and some young ones came across and Fred picked out a couple of young bulls for us. That was the first year I was up here.

That's pretty good.

And that winter, I don't know if you remember the name Oliver and his wife Amalack, who used to do the Native dances.

Yeah, sure.

Well that winter he went down about ten miles below Tanana to the Melose River and set up camp and then he invited me down there Friday night. So I had dogs, so I hooked up my dogs and went down there, and by gosh I found their camp, and it wasn't the next day, it was the following day we got a nice bull moose. We loaded him up in the sleds and came on home. So Oliver and – what was her name – real popular Native dancers, real nice people. They were Eskimo and they were just the cream of the crop. They were nice people. So as I say I've had a fantastic life up here. It's unbelievable. We got married in Tanana. My wife was a nurse. She's been up here two years longer than I have, and we just had our 57<sup>th</sup> anniversary.

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END

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RC#

159

## Corrections to PC134 & RC129

CDFU would like to make the following corrections to PC134 & RC129:

**Part 4 of 10: Significant Commercial Component**

In the Federal Subsistence regulations, charter operations aiding in the harvest of fish and game *subsistence caught halibut* are prohibited.

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### FEDERAL REGULATIONS

#### 50 CFR 300.66

In addition to the general prohibitions specified in 50 CFR 300.4, it is unlawful for any person to do any of the following:

(i) Fish for subsistence halibut from a charter vessel or retain subsistence halibut onboard a charter vessel if anyone other than the owner of record, as indicated on the State of Alaska vessel registration, or the owner's immediate family is aboard the charter vessel and unless each person engaging in subsistence fishing onboard the charter vessel holds a subsistence halibut registration certificate in the person's name pursuant to §300.65(i) and complies with the gear and harvest restrictions found at §300.65(h).



RC#

160

## Respect for nature

CDFU would like to make the following observations concerning the footnote on page 15 of the Chitina Dipnetter's Association v. State of Alaska Decision and Order. This footnote includes an excerpt from **SSSLA 1992**, which reads:

"(2) although customs, traditions, and beliefs vary, these Alaskan's share ideals of respect for nature, the importance of using resources widely, and the value and dignity of a way of life in which they use Alaska's fish and game for a substantial portion of their sustenance..."

During public testimony, there were considerable references to trespass, waste, litter, and in general a significant disrespect shown towards the resource from users in the Chitina Subdistrict. Several outdoor forums discuss "throwing back the little ones" and limiting out after a few hours only to stay fishing for the remainder of the weekend for recreation, catching and releasing fish in their dipnet. <http://forums.outdoorsdirectory.com>

This is in direct conflict with the subsistence law referenced above.



**Table DP-3. Profile of Selected Economic Characteristics: 2000**

Geographic area: Glennallen CDP, Alaska

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>EMPLOYMENT STATUS</b>			<b>INCOME IN 1999</b>		
Population 16 years and over	459	100.0	Households	220	100.0
In labor force	319	69.5	Less than \$10,000	11	5.0
Civilian labor force	319	69.5	\$10,000 to \$14,999	13	5.9
Employed	303	66.0	\$15,000 to \$24,999	36	16.4
Unemployed	16	3.5	\$25,000 to \$34,999	32	14.5
Percent of civilian labor force	5.0	(X)	\$35,000 to \$49,999	54	24.5
Armed Forces	-	-	\$50,000 to \$74,999	29	13.2
Not in labor force	140	30.5	\$75,000 to \$99,999	25	11.4
Females 16 years and over	214	100.0	\$100,000 to \$149,999	19	8.6
In labor force	144	67.3	\$150,000 to \$199,999	-	-
Civilian labor force	144	67.3	\$200,000 or more	1	0.5
Employed	139	65.0	Median household income (dollars)	38,846	(X)
Own children under 6 years	58	100.0	With earnings	204	92.7
All parents in family in labor force	36	62.1	Mean earnings (dollars) <sup>1</sup>	39,921	(X)
<b>COMMUTING TO WORK</b>			With Social Security income	31	14.1
Workers 16 years and over	288	100.0	Mean Social Security income (dollars) <sup>1</sup>	11,132	(X)
Car, truck, or van - drove alone	137	47.6	With Supplemental Security Income	4	1.8
Car, truck, or van - carpooled	32	11.1	Mean Supplemental Security Income (dollars) <sup>1</sup>	4,200	(X)
Public transportation (including taxicab)	-	-	With public assistance income	14	6.4
Walked	90	31.3	Mean public assistance income (dollars) <sup>1</sup>	5,657	(X)
Other means	5	1.7	With retirement income	28	12.7
Worked at home	24	8.3	Mean retirement income (dollars) <sup>1</sup>	23,232	(X)
Mean travel time to work (minutes) <sup>1</sup>	7.5	(X)	<b>Families</b>		
Employed civilian population 16 years and over	303	100.0	Less than \$10,000	2	1.3
<b>OCCUPATION</b>			\$10,000 to \$14,999	6	3.9
Management, professional, and related occupations	128	42.2	\$15,000 to \$24,999	24	15.8
Service occupations	56	18.5	\$25,000 to \$34,999	18	11.8
Sales and office occupations	75	24.8	\$35,000 to \$49,999	40	26.3
Farming, fishing, and forestry occupations	-	-	\$50,000 to \$74,999	22	14.5
Construction, extraction, and maintenance occupations	23	7.6	\$75,000 to \$99,999	27	17.8
Production, transportation, and material moving occupations	21	6.9	\$100,000 to \$149,999	13	8.6
<b>INDUSTRY</b>			\$150,000 to \$199,999	-	-
Agriculture, forestry, fishing and hunting, and mining	6	2.0	\$200,000 or more	-	-
Construction	14	4.6	Median family income (dollars)	40,909	(X)
Manufacturing	2	0.7	Per capita income (dollars) <sup>1</sup>	17,084	(X)
Wholesale trade	14	4.6	<b>Median earnings (dollars):</b>		
Retail trade	30	9.9	Male full-time, year-round workers	29,375	(X)
Transportation and warehousing, and utilities	27	8.9	Female full-time, year-round workers	28,125	(X)
Information	2	0.7	Subject		
Finance, insurance, real estate, and rental and leasing	9	3.0	Number below poverty level		
Professional, scientific, management, administrative, and waste management services	13	4.3	Percent below poverty level		
Educational, health and social services	124	40.9	<b>POVERTY STATUS IN 1999</b>		
Arts, entertainment, recreation, accommodation and food services	17	5.6	Families	7	4.6
Other services (except public administration)	32	10.6	With related children under 18 years	7	8.0
Public administration	13	4.3	With related children under 5 years	7	17.9
<b>CLASS OF WORKER</b>			<b>Families with female householder, no husband present</b>		
Private wage and salary workers	194	64.0	With related children under 18 years	2	15.4
Government workers	78	24.1	With related children under 5 years	2	50.0
Self-employed workers in own not incorporated business	34	11.2	<b>Individuals</b>		
Unpaid family workers	2	0.7	18 years and over	48	8.0
			65 years and over	23	5.7
			Related children under 18 years	1	3.1
			Related children under 18 years	25	12.8
			Related children 5 to 17 years	18	12.5
			Unrelated individuals 15 years and over	10	11.0

-Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup>If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

**Table DP-3. Profile of Selected Economic Characteristics: 2000**

Geographic area: Seward city, Alaska

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>EMPLOYMENT STATUS</b>			<b>INCOME IN 1999</b>		
Population 16 years and over .....	2,271	100.0	Households .....	914	100.0
In labor force .....	1,218	53.6	Less than \$10,000 .....	64	7.0
Civilian labor force .....	1,205	53.1	\$10,000 to \$14,999 .....	86	9.4
Employed .....	998	43.9	\$15,000 to \$24,999 .....	133	14.6
Unemployed .....	207	9.1	\$25,000 to \$34,999 .....	93	10.2
Percent of civilian labor force .....	17.2	(X)	\$35,000 to \$49,999 .....	125	13.7
Armed Forces .....	13	0.6	\$50,000 to \$74,999 .....	203	22.2
Not in labor force .....	1,053	46.4	\$75,000 to \$99,999 .....	107	11.7
Females 16 years and over .....	878	100.0	\$100,000 to \$149,999 .....	75	8.2
In labor force .....	518	59.0	\$150,000 to \$199,999 .....	17	1.9
Civilian labor force .....	518	59.0	\$200,000 or more .....	11	1.2
Employed .....	470	53.5	Median household income (dollars) .....	44,306	(X)
Own children under 6 years .....	188	100.0	With earnings .....	776	84.9
All parents in family in labor force .....	99	52.7	Mean earnings (dollars) <sup>1</sup> .....	49,842	(X)
<b>COMMUTING TO WORK</b>			With Social Security income .....	147	16.1
Workers 16 years and over .....	978	100.0	Mean Social Security income (dollars) <sup>1</sup> .....	9,577	(X)
Car, truck, or van -- drove alone .....	591	60.4	With Supplemental Security Income .....	48	5.3
Car, truck, or van -- carpooled .....	111	11.3	Mean Supplemental Security Income (dollars) <sup>1</sup> .....	7,167	(X)
Public transportation (including taxicab) .....	6	0.6	With public assistance income .....	104	11.4
Walked .....	170	17.4	Mean public assistance income (dollars) <sup>1</sup> .....	3,705	(X)
Other means .....	42	4.3	With retirement income .....	145	15.9
Worked at home .....	58	5.9	Mean retirement income (dollars) <sup>1</sup> .....	19,011	(X)
Mean travel time to work (minutes) <sup>1</sup> .....	9.9	(X)	<b>Families .....</b>		
Employed civilian population 16 years and over .....	998	100.0	Less than \$10,000 .....	29	5.2
<b>OCCUPATION</b>			\$10,000 to \$14,999 .....	33	6.0
Management, professional, and related occupations .....	279	28.0	\$15,000 to \$24,999 .....	50	9.0
Service occupations .....	279	28.0	\$25,000 to \$34,999 .....	53	9.6
Sales and office occupations .....	250	25.1	\$35,000 to \$49,999 .....	73	13.2
Farming, fishing, and forestry occupations .....	28	2.8	\$50,000 to \$74,999 .....	155	28.0
Construction, extraction, and maintenance occupations .....	82	8.2	\$75,000 to \$99,999 .....	79	14.3
Production, transportation, and material moving occupations .....	80	8.0	\$100,000 to \$149,999 .....	55	9.9
<b>INDUSTRY</b>			\$150,000 to \$199,999 .....	17	3.1
Agriculture, forestry, fishing and hunting, and mining .....	54	5.4	\$200,000 or more .....	9	1.6
Construction .....	35	3.5	Median family income (dollars) .....	54,904	(X)
Manufacturing .....	32	3.2	Per capita income (dollars) <sup>1</sup> .....	20,360	(X)
Wholesale trade .....	25	2.5	<b>Median earnings (dollars):</b>		
Retail trade .....	110	11.0	Male full-time, year-round workers .....	36,900	(X)
Transportation and warehousing, and utilities .....	66	6.6	Female full-time, year-round workers .....	30,508	(X)
Information .....	21	2.1	Subject		
Finance, insurance, real estate, and rental and leasing .....	30	3.0	Number below poverty level		
Professional, scientific, management, administrative, and waste management services .....	56	5.6	Percent below poverty level		
Educational, health and social services .....	207	20.7	<b>POVERTY STATUS IN 1999</b>		
Arts, entertainment, recreation, accommodation and food services .....	172	17.2	Families .....	46	8.3
Other services (except public administration) .....	46	4.6	With related children under 18 years .....	44	13.6
Public administration .....	144	14.4	With related children under 5 years .....	25	20.0
<b>CLASS OF WORKER</b>			<b>Families with female householder, no husband present .....</b>		
Private wage and salary workers .....	615	61.6	With related children under 18 years .....	31	27.4
Government workers .....	278	27.9	With related children under 18 years .....	31	35.2
Self-employed workers in own not incorporated business .....	100	10.0	With related children under 5 years .....	20	46.5
Unpaid family workers .....	5	0.5	<b>Individuals .....</b>		
			18 years and over .....	239	10.6
			65 years and over .....	160	9.8
			Related children under 18 years .....	15	7.9
			Related children 5 to 17 years .....	79	12.7
			Unrelated individuals 15 years and over .....	46	9.8
				99	18.4

-Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup>If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.





**Table DP-3. Profile of Selected Economic Characteristics: 2000**

Geographic area: Fairbanks North Star Borough, Alaska

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>EMPLOYMENT STATUS</b>			<b>INCOME IN 1999</b>		
Population 16 years and over .....	60,618	100.0	Households .....	29,772	100.0
In labor force .....	45,008	74.2	Less than \$10,000 .....	1,661	5.6
Civilian labor force .....	38,793	64.0	\$10,000 to \$14,999 .....	1,629	5.5
Employed .....	35,258	58.2	\$15,000 to \$24,999 .....	3,109	10.4
Unemployed .....	3,535	5.8	\$25,000 to \$34,999 .....	3,601	12.1
Percent of civilian labor force .....	9.1	(X)	\$35,000 to \$49,999 .....	5,131	17.2
Armed Forces .....	6,215	10.3	\$50,000 to \$74,999 .....	6,664	22.4
Not in labor force .....	15,610	25.8	\$75,000 to \$99,999 .....	3,783	12.7
Females 16 years and over .....	28,859	100.0	\$100,000 to \$149,999 .....	3,147	10.6
In labor force .....	19,447	67.4	\$150,000 to \$199,999 .....	715	2.4
Civilian labor force .....	18,541	64.2	\$200,000 or more .....	332	1.1
Employed .....	17,009	58.9	Median household income (dollars) .....	49,076	(X)
Own children under 6 years .....	7,798	100.0	With earnings .....	27,159	91.2
All parents in family in labor force .....	4,493	57.6	Mean earnings (dollars) <sup>1</sup> .....	52,792	(X)
<b>COMMUTING TO WORK</b>			With Social Security income .....	3,416	11.5
Workers 16 years and over .....	40,504	100.0	Mean Social Security income (dollars) <sup>1</sup> .....	10,405	(X)
Car, truck, or van -- drove alone .....	29,500	72.8	With Supplemental Security Income .....	692	2.3
Car, truck, or van -- carpooled .....	6,796	16.8	Mean Supplemental Security Income (dollars) <sup>1</sup> .....	5,999	(X)
Public transportation (including taxicab) .....	299	0.7	With public assistance income .....	2,111	7.1
Walked .....	1,688	4.2	Mean public assistance income (dollars) <sup>1</sup> .....	3,954	(X)
Other means .....	696	1.7	With retirement income .....	4,427	14.9
Worked at home .....	1,525	3.8	Mean retirement income (dollars) <sup>1</sup> .....	22,536	(X)
Mean travel time to work (minutes) <sup>1</sup> .....	17.3	(X)	<b>Families .....</b>		
Employed civilian population 16 years and over .....	35,258	100.0	Less than \$10,000 .....	20,658	100.0
<b>OCCUPATION</b>			\$10,000 to \$14,999 .....	667	3.2
Management, professional, and related occupations .....	12,637	35.8	\$15,000 to \$24,999 .....	596	2.9
Service occupations .....	5,390	15.3	\$25,000 to \$34,999 .....	1,875	9.1
Sales and office occupations .....	8,949	25.4	\$35,000 to \$49,999 .....	2,239	10.8
Farming, fishing, and forestry occupations .....	119	0.3	\$50,000 to \$74,999 .....	5,043	24.4
Construction, extraction, and maintenance occupations .....	4,765	13.5	\$75,000 to \$99,999 .....	3,176	15.4
Production, transportation, and material moving occupations .....	3,398	9.6	\$100,000 to \$149,999 .....	2,696	13.1
<b>INDUSTRY</b>			\$150,000 to \$199,999 .....	564	2.7
Agriculture, forestry, fishing and hunting, and mining .....	930	2.6	\$200,000 or more .....	265	1.3
Construction .....	3,028	8.6	Median family income (dollars) .....	56,478	(X)
Manufacturing .....	772	2.2	Per capita income (dollars) <sup>1</sup> .....	21,553	(X)
Wholesale trade .....	757	2.1	<b>Median earnings (dollars):</b>		
Retail trade .....	4,365	12.4	Male full-time, year-round workers .....	37,075	(X)
Transportation and warehousing, and utilities .....	3,085	8.7	Female full-time, year-round workers .....	28,996	(X)
Information .....	835	2.4	Subject		
Finance, insurance, real estate, and rental and leasing .....	1,432	4.1	<b>POVERTY STATUS IN 1999</b>		
Professional, scientific, management, administrative, and waste management services .....	2,336	6.6	Families .....	1,137	5.5
Educational, health and social services .....	8,966	25.4	With related children under 18 years .....	975	7.6
Arts, entertainment, recreation, accommodation and food services .....	3,182	9.0	With related children under 5 years .....	592	11.1
Other services (except public administration) .....	2,116	6.0	<b>Families with female householder, no husband present .....</b>		
Public administration .....	3,454	9.8	With related children under 18 years .....	592	22.0
<b>CLASS OF WORKER</b>			With related children under 5 years .....	318	37.6
Private wage and salary workers .....	22,032	62.5	<b>Individuals .....</b>		
Government workers .....	10,818	30.7	18 years and over .....	6,206	7.8
Self-employed workers in own not incorporated business .....	2,299	6.5	65 years and over .....	4,033	7.3
Unpaid family workers .....	109	0.3	241	241	6.3
			Related children under 18 years .....	2,038	8.4
			Related children 5 to 17 years .....	1,281	7.2
			Unrelated individuals 15 years and over .....	2,450	18.3

-Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup>If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

