

**Additional Public Comments on Subsistence Finding Standard and
Chitina Dipnet Fishery March 16 - 21, 2010, Hilton Hotel, Anchorage**

Michael Kramer PC52	James Mykland PC99
Thor Weatherby PC53	Alaska Outdoor Council PC100
Scott Seaton PC54	Jake Sprankle PC101
Rocky Pavey PC55	Philip Oman PC102
Valerie & Raymond Mackler PC56	Brian Lee PC103
Charles Addis, and others PC57	S&L Landaluce PC104
Fred Deiser PC58	Lori Lee PC105
William Lindow PC59	Travis Lee PC106
Brent Davis PC60	William Black PC107
Lauren Padawer PC61	Cordova District Fishermen United PC108
Diana Burton PC62	Eric Lian PC109
Norm Campbell PC63	Jason Metz PC110
Jay Lawless PC64	Steve Joslin PC111
Lorena Hegdal, and others PC65	Thomas Lamal PC112
David Blake PC66	Warren Brown PC113
Fred Marinkovich PC67	Bruce & Diana Carr PC114
John Grocott PC68	Barb Webber PC115
Richard & Osa Schultz PC69	Mitchell Nowicki PC116
John Burch PC70	Cliff Ward PC117
Wrangell-St. Elias Nat. Park SRC PC71	David & Donna Bount PC118
Jeff Phillips PC72	Anna Pirtle PC119
Ken Manning PC73	Ahtna, Inc. PC120
Chris Bourgeois PC74	Mark Hem PC121
Mary Bishop PC75	The Tutt Family PC122
Richard Bishop PC76	Bill Craig PC123
B&F O'Connor PC77	Ronald Goodrich PC124
Rick Ellis PC78	Patrick Schlichting PC125
Victor Bell PC79	Michael Pollen PC126
Richard Levine PC80	Ken Carlson PC127
Robert Coyner PC81	Richard Kimball PC128
Kawerak, Inc. PC82	Shawn Gilman PC129
Robert Linville PC83	Leo Americus PC130
Ron Fassett PC84	Rick Ballas PC131
N. Castle & W. Suess PC85	Sarah Ecolano PC132
John Klingel PC86	Wade Buscher PC133
Charles Derrick PC87	CDFU PC134
Byron Haley PC88	William Robertson PC135
George Hobson PC89	PVOA PC136
Paul Costello PC90	William Webber PC137
Brett Nelson PC91	Robert Kalt PC138
Tom & Karen Malone PC92	AFWCF PC139
Tanana Valley Sportsmen's Assoc. PC93	Mike Kramer PC140
Nome Eskimo Community PC94	AF&WCF PC141
Kent Herschleb PC95	Chitina Dipnetters Assoc. PC142
William Schwaab PC96	Mike Kramer PC143
James Pahl PC97	United Fishermen of Alaska PC144
Ronald Bless PC98	

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MAR 03 2010

BOARDS

AFWCF and CDA supported Amendment to Proposal 200:

PROPOSAL XXX - 5 AAC 99.0XX. subsistence finding standards. Adopt subsistence finding standards as follows:

Add a new section in 5 AAC 99 as follows:

5 AAC 99.0XX. subsistence finding standards. In the identification of fish or game stocks or portions of fish or game 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 consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life.

Michael C. Kramer

Borgeson & Burns
Key Bank Center
100 Cushman St. Suite 300
Fairbanks, Alaska, 99701
(907) 452-1666
mkramer@bnblaw.com

Attn: BOF COMMENTS
Boards Support Section
Alaska Dept. of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526

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MAR 04 2010
BOARDS

From: Thor Weatherby
PO Box 58209
Fairbanks, AK 99711

Subject: comments to Board of Fish regarding proposals 200 and 201.

Proposal 200

I strongly oppose the language in proposal 200 that defines a "subsistence way of life" to mean 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 instead support the definition of "a subsistence way of life" to mean a way of life that is consistent with the long term use of fish & game resources, when available, to supplement the basic necessities of life.

Proposal 201

I support proposal 201 to give a "Customary and Traditional" finding for the Chitina sub-district dipnet fishery. The Chitina dipnet fishery is critically important in providing me and my family with the fresh wild fish that is a major part of our diet. Chitina is a scheduled event for my family each year and helps along with the halibut and moose I harvest to provide a healthfully varied Alaskan diet.

Thank you for providing **Alaskans** with the opportunity to use the resources of the great state of Alaska.

Thor Weatherby

ADF6 Board Support
Box 115526
Juneau, AK 99811-5526

SCOTT Seaton
Box 6225
Sitka, AK 99835

Proposals 200:201

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MAR 04 2010
BOARDS

Hello BOF:

I'm a Cordova fisherman and have been since 2000. My income supports Cordova and the Sitka area.

I am worried that designating the Chitna dipnetters as "subsistence" would take them out of the responsibility for conservation and that comm: sportfish would be impacted.

In my mind, the local people of the Copper like mentasta, etc do qualify as subsistence users based on history, use, and need & based on a cultural tradition. Dipnetters do not. If the season on the Copper is slow - they have the option to dipnet the Kenai & visa-versa. Real subsistence users don't have that option.

The pie is already fully allocated and we all need to shoulder the burden of conservation.

SCOTT Seaton
Public Comment #54

Rocky Pavey
428 Shannon Drive
Fairbanks, AK 99701
456-4188
heatme@acsalaska.net

To: ADF&G
Board of Fisheries

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MAR 04 2006
BOARDS

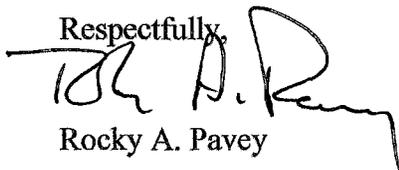
To whom it may concern:

As an Alaskan resident for 35 years, I have come to rely on the Copper River dip-net fisheries for a substantial portion of our annual wild game harvest. I wish to strongly urge you to reconsider the classification of the Chitina dip-net fishery from the present "personal use" categorization, to "subsistence" categorization.

I do not feel one's income or geographic location alone can determine whether they are "subsistence" or "personal use". The current definition of "subsistence" is, I feel, much too restrictive in its application. I believe it is the right of every Alaskan citizen to enjoy the rewards and bounty this State has to offer regardless of their income or locale. For far too long it has been evident that Alaska's fisheries are being managed for the best interests of out-of-state commercial fishing fleets, to the detriment of her citizens.

Again, I strongly urge you to reclassify the Chitina dip-net fishery as "subsistence" use.

Respectfully,



Rocky A. Pavey

Alaska Board of Fisheries
Feb 27th 2010
Dear Sir,

I was born & raised
in New Zealand, right on the
sea coast, on a sheep farm,
where we subsisted on fish.
I came to America when I
married a C.I. after W.W.II.
and we lived in Missouri and
fished the streams, rivers & lakes
whenever we could get away
from St Louis.

In 1981 we came to Alaska
& settled next door to our son
in Fairbanks. We went to China
dipnetting with him
every year until



NEW ZEALAND KIWI

he died in a plane crash. My husband and I were able to continue dipnetting for a few more years on our own but eventually we had our good neighbor proxy fish for us as the canyon walls were too steep for us to clamber up and down. I loved dipnetting and hated giving it up but we were able to continue enjoying the Copper River reds and the few Kings we were allowed. How I love smoked King bellies! I hope the oldy returns that we can have more than one



NEW ZEALAND KIWI

King. As soon as our neighbor arrives with the fish I start up my barrel smoker and we eat smoked & fresh fish for days. The rest go in the deep freeze for our winter fish meals. I do not buy any fish!

As I understand it subsistence users of fish take priority over personal use fisheries. Also as I understand it subsistence means customary and traditional use. Dipnetters have been going to Chitnao long before we came up here & we have been here for twenty eight years



NEW ZEALAND KIWI

so what is the time line for customary & traditional use? Is it a hundred years, fifty years? In all fairness to the thousands of dijoneters who go down to Chitna for their salmon each year they should be classified as subsistence fishermen.

If there's any curtailing of harvesting it should be with the commercial boats, who are getting more than their fair share both legally, & illegally. Put a sting in Cordova. You may find a few surprises.

Sincerely,

Valerie Mackles

84 years old



NEW ZEALAND KIWI

Alaska Board of Fisheries
Please amend Proposal 200
201 for Chitna Subdistrict.

Feb 24th 2010 Valerie Mackler

I feel that too many reds and
especially kigs are taken by
commercial fishermen at sea.
The fish should be available to
all Alaskans first not the commu-
cial fishermen.

Raymond E. Mackler.
age 89



NEW ZEALAND KIWI

March 1, 2010

Boards Support Section

Alaska Dept. of Fish and Game

P. O. Box 115526

Juneau, Alaska 99811-5526

I would like to voice my concern about Proposal 200 that the Board is considering to establish a definition for a subsistence way of life. This definition, as currently written, will not lead to a resolution of the problem that exists with the fishery and surely lead to eliminating Fairbanks area dipnetters as subsistence users in the Chitina sub-district. I support the language of proposal 201, which states that the Chitina Sub-district of the Upper Copper River District has supported subsistence use for many years, and also establishes a limit for the subsistence use. This proposal (201) provides a simple, fair and manageable solution to the problem.

The primary responsibility of the Board is to assure that this fishery continues to produce as it has for many years. Concerns about overfishing will always be justified. Following that, it is important that the Board be fair in its allocation. The fish taken, both currently and in the past, clearly demonstrate that it is an important aspect of our lives in the interior of Alaska. A decision to eliminate a priority for Chitina dipnetters, puts the needs of commercial fishing ahead of this essential use and is completely unjustifiable. The quantity taken for this use is quite small compared to the overall total, but it has a significant impact on a large number of residents who rely on the fishery to supplement the food for their families. I would further add that it is improper and inappropriate to hold the hearing for this issue in Anchorage, rather than Fairbanks, where a large number of Chitina users reside. For most of us Chitina is the only reasonable access that we have to the fish we rely on for our subsistence.

Thank you for your consideration.

Charles Adlis

5080 Ringstad Dr.
Fairbanks, AK
99709

(907) 388-8184

March 1, 2010

Boards Support Section

Alaska Dept. of Fish and Game

P. O. Box 115526

Juneau, Alaska 99811-5526

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MAR 05 2010
BOARDS

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Thank you for your consideration.



Richard E. Busch Jr.

March 1, 2010

Boards Support Section

Alaska Dept. of Fish and Game

P. O. Box 115526

Juneau, Alaska 99811-5526

I would like to voice my concern about Proposal 200 that the Board is considering to establish a definition for subsistence. This definition, as currently written, will not lead to a resolution of the problem that exists with the fishery. I support the language of proposal 201, which states that the Chitna Sub-district of the Upper Copper River District has supported subsistence use for many years, and also establishes a limit for the subsistence use. This proposal (201) provides a simple, fair and manageable solution to the problem.

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Thank you for your consideration.

Jim Loftus
1326 Ridgepoint Drive
Fairbanks, Alaska 99709

March 1, 2010

Boards Support Section

Alaska Dept. of Fish and Game

P. O. Box 115526

Juneau, Alaska 99811-5526

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Thank you for your consideration.

Denise Connor
2262 Cordes Way
Fairbanks, AK
99709

March 1, 2010

Boards Support Section

Alaska Dept. of Fish and Game

P. O. Box 115526

Juneau, Alaska 99811-5526

I would like to voice my concern about Proposal 200 that the Board is considering to establish a definition for a subsistence way of life. This definition, as currently written, will not lead to a resolution of the problem that exists with the fishery and surely lead to eliminating Fairbanks area dipnetters as subsistence users in the Chitina sub-district. I support the language of proposal 201, which states that the Chitina Sub-district of the Upper Copper River District has supported subsistence use for many years, and also establishes a limit for the subsistence use. This proposal (201) provides a simple, fair and manageable solution to the problem.

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Thank you for your consideration.

Joseph L. Cockrell

Joseph L. Cockrell

2262 CORDS

FAIR BANKS A.K. 99709

907-455-6441

March 5, 2010

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

RECEIVED
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BOARDS

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MAR 05 2010
BOARDS

Subject: SUPPORT Proposal 200 and OPPOSE Proposal 201

I am a 59 year resident of Alaska who has fished commercially in Prince William Sound for 35 years.

I have raised a family and conducted my business to maximize its economic benefit to the State of Alaska.

I feel the Chitna personal use fishery should not have priority over my business. In times of shortage, personal use and the commercial fleet should share restrictions to meet escapement goals.

In fairness this protects the priority given subsistence users!

I lived at Nabesna in the early 1970's. In my experience people living the subsistence lifestyle are the ones deserving a priority.

Thank you,



Fred Deiser
351 S Seward Meridian Pkwy.
Wasilla, AK 99654

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

March 5, 2010

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MAR 05 2010
BOARDS

Dear Board of Fisheries:

I am a resident of Cordova, and a 31 year veteran of the Copper River and Prince William Sound gillnet fishery. This fishery provides a majority of the annual income for my family, and is extremely important to the very existence of the city of Cordova.

I am writing in support of Proposal 200, Subsistence Finding Standards, and in opposition to Proposal 201, Customary and Traditional Uses of Fish Stocks.

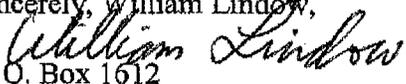
With regard to Proposal 201, I feel that participants in the Chitina Personal Use fishery do not meet or comply with all eight criteria in 5 AAC 99.010(b). The idea that largely urban residents living over 100 miles from Chitina, with a relatively short history of resource use, should qualify as subsistence users is very wrong.

It is essential that the Personal Use fishery users continue to share equally in the conservation of the salmon stocks on the Copper River along with sport and commercial users. If the Chitina Personal Use fishery is converted to subsistence, the sport and commercial users on the Copper will be greatly harmed in years of low salmon returns, as they will bear the entire conservation burden.

If Proposal 201 passes, and as the state's population continues to grow, the number of Chitina Subsistence fishermen will likely grow, eventually to the point where the commercial and sport users will be squeezed out of any meaningful participation. I urge you to oppose Proposal 201.

Thank you for your service on the Board of Fisheries.

Sincerely, William Lindow,


P. O. Box 1612
Cordova, AK 99574

Brent Davis
PO Box 1171
200 S. 2nd St.
Cordova, AK 99574

March 4, 2010

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: (907) 465-6094

RECEIVED
MAR 05 2010
BOARDS

**SUBJECT: SUPPORT Proposal 200 & OPPOSE Proposal 201 – 2010
Statewide Finfish meeting**

Dear Alaska Board of Fish Members,

My name is Brent Davis. I live in Cordova and have a wife and two children. I am an area E drift net fisherman. I make my living for myself and my family off of this fishery. The Copper River is very important to me and my family. The State of Alaska Department of Fish and Game have done a great job of managing this fishery. It is sustainable and healthy. I hope it stays this way.

To be honest, I always thought that I was going to spend my life farming. I think providing food for people is an important job. I was impressed with the sustainability and management of this fishery. I decided that harvesting a wild and sustainable food source made more sense than farming. I purchased a State of Alaska Commercial Fisheries Limited Entry Permit and built my livelihood around the Copper River salmon resource. Now it is 15 years later and I am very dependent on commercial access to this resource.

I believe in the importance and in the fairness of sharing the burden of conservation. In times of plenty, we all share in the abundance of fish. In times of scarcity, we all do our part in what is needed to conserve the resource. There is no guarantee in mother nature and certainly not in runs of wild fish.

Thank you for allowing me the opportunity to comment on these proposals.

Respectfully,
Brent Davis

Lauren Padawer
PO Box 394
Cordova, AK 99574

March 1, 2010

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

SUBJECT: Proposal 200 & 201 - 2010 Statewide Finfish Meeting

Dear Board of Fisheries,

I recently purchased a Copper River/Prince William Sound Drift Gillnet Permit and boat. I am 31 years old and I have been a resident of Cordova for eight years. I have invested in the commercial fishery because it is a valuable next step to supporting the economic vitality of the community of Cordova. I do not yet have a family but I also see how the fishery supports many local families. I have long loved the Copper River – it's expansive beauty, wilderness and wildlife... but the lifeline of it all is the salmon and the subsistence way of life they provide so many people.

I do not envy the Board of Fisheries and the dilemma in defining "a subsistence way of life". It can be described in so many ways and it is very difficult to define in modern times. At risk of sounding too charged, may I pose a couple scenarios to help the Board of Fisheries understand how approvals of Proposals 200 & 201 may be detrimental:

1. How can an Alaskan resident/family that is supported by a full time job, which includes a 401K retirement plan and three weeks paid vacation be classified a "subsistence user" by traditional standards?
2. How can a person who has traveled 400 miles to catch some fish be called a "subsistence user" by traditional standards?
3. How can a group of friends or a retired couple or a young family show up in a \$150,000 motorhome towing \$30,000 worth of 4-wheelers be called "subsistence users" by traditional standards?
4. How can an adult and his/her family who has lived at a military base with no long term desire to live in Alaska meet minimum residency standards and become classified as an Alaska resident and dipnet Chitina salmon be called a "subsistence user" by traditional standards?

These four scenarios are quite likely and common for Chitina personal use dipnetters in the last 5-10 years. I realize the feeling of entitlement that Chitina dipnetters harbor for their salmon rights and I deeply respect the desire for salmon fishing and for wild and natural nourishment so connected to the land. But as Alaska's population grows, there is no cap to the number of residents who can classify under a "subsistence way of life". Not every accessible river in Alaska can support this burgeoning growth, much less singling out the Copper

River to meet such a lofty goal. At the very least a **subsistence classification for Chitina dipnetters should require a rural priority rather than defining the term in such a way that includes urban and rural users alike** that would support the examples stated above.

Since Chitina dipnetters are not subsisting in a traditional way, they need to share the burden of conservation to meet escapement goals with sport and commercial users. If they were given priority under these proposals they'd even have priority over the well-established Glennallen Subdistrict fishwheel subsistence users by virtue of their geographic downriver location... and that wouldn't make any sense at all.

The biggest loss for Copper River fishermen if these proposals are approved is the potential loss of the fishery in the early part of our season, namely May 15 - June 1. This is the single highest grossing part of the fishing season because the market value of the fish is based on the fact that Copper River salmon are the first gillnet salmon to return each spring to the river. The hype drops off by Memorial Day and our prices drop commensurately.

Finally I'd like to state the importance of the commercial fisheries to the economy of the State of Alaska. It is the driving force behind the second largest private employers in the State as well as the backbone of many coastal communities that are part of our State heritage. **This is not simply a battle between 545 drift gillnet permit holders versus 100,000+ Alaska residents... there is an extraordinary network related to the Copper River fishery including tendermen, crewmembers, cannery workers, net hangers, welders, electricians, boat builders, store owners, barbers, pilots, wives and children.**

And by virtue of this large network I'd go so far as to say that the qualitative values of the Copper River commercial fishery exceeds its quantitative value which is substantial.

Thank you for the opportunity to comment on these proposals.

Respectfully,



Lauren Padawer

Diana R Burton
PO Box 6
Cordova, AK 99574

March 4, 2010

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

SUBJECT: Support Proposal 200 & Oppose Proposal 201
2010 Statewide Finfish meeting

Dear Board of Fisheries,

I am an Alaskan Native, lifelong resident of Cordova and a fifth generation commercial fisherman. Growing up in a rural town off the road system, my Mom and Grandma taught me a subsistence lifestyle and my Father taught me how to make a living out of fishing. I started fishing with my Dad on the Copper River and in Prince William Sound when I was 7 years old. I am now 27 years old, with a family, house, boat, and permit in Cordova.

To me a subsistence lifestyle is a complete way of life. It is not just about harvesting one resource, in a short period of time, once a year like the personal use fishery in Chitina. Subsistence means a long-term, reliance including seasonal activities that have been passed down from generation to generation. These harvests are conducted right out of my back door, and are highly efficient and economic. This year, for instance, I went on a moose hunt less than 10 miles from my home. I also hunted for rabbits, seals, and sea otters. Gathered berries, plants, and kelp. Set pots for shrimp and crab, harvested herring and roe, longlined for halibut, and fished for, prepared and processed salmon for the winter. These activities included the participation of my Dad, Mom, husband, in-laws, cousins, and my daughter. Subsistence is a multigenerational activity, taught to me by my family, and achieved with my family. We learned from each other, we respect the land and it's resources, and together we appreciate the strong spiritual connection between our heritage and the foods we subsist on.

I am in support of proposal 200 defining subsistence, but I ask that you not make this definition any looser. It is offensive to me as an Alaskan native subsistence user that the urban resource users from Anchorage and Fairbanks think that driving their motor homes with their four wheelers 500+ miles RT, taking vacation time off from their jobs with benefits and a 401K to harvest their salmon should be classified as subsistence.

I believe that everyone in Alaska has a right to harvest and use the resources and that there are also ample opportunities to do so in this state. But I do not believe that the

Chitina personal use fishery should be classified as subsistence or that they should have priority over subsistence or commercial fishing.

Commercial fishing completes the circle in my seasonal activities. I invested into the fishery because it is my way of life, it is my bloodline. It supports the whole community of Cordova in one form or another. Each year I hope that the resources are healthy enough to share between all users groups and will give me the ability to pay for the roof over my head, clothing, and the things I need for my family. If it is not, I tighten the belt, I find other seasonal jobs. But I **NEED** this salmon to survive, and so does my community, and I know that the personal use fishermen cannot say that.

Thank you for giving me the opportunity to share my lifestyle with you, and comment on these proposals.

Sincerely,

Diana R. Burton

A handwritten signature in cursive script that reads "Diana R. Burton".

5 March 2010

Norm Campbell
Box 873176
Wasilla, AK 99687

AK Dept Fish and Game
Boards Support Section

To the Board of Fisheries,

I am a life long Alaskan and Commercial Fisherman. The Area E fisheries are my primary source of income. I believe the Dept of Fish and Game has done a good job with our fisheries management.

I am asking you to support proposal 200 and oppose proposal 201.

The commercial fishing fleet has borne nearly all of the conservation burden to date. If Chinook becomes a subsistence fishery, management up river becomes even more difficult. The only management tool I can see being used would be more upriver enforcement to get an accurate accounting of how many fish are really being taken.

Thank You
Norm Campbell

JAY T. LAWLESS
680 SELDOM SEEN RD
FAIRBANKS, AK 99712

3-6-10

ATTENTION BOF COMMENTS, BOARDS SUPPORT
SECTION A, D, OF FISH & GAME

I HAVE BEEN A DIPNETTER AT CHIENA
FOR ABOUT 30 YEARS. I WOULD LIKE TO
MAKE IT KNOWN THAT I STRONGLY OPPOSE
THE LANGUAGE IN PROP. 200 DEFINING THE
SUSTAINABLE WAY OF LIFE FOR THE TAKING
OF FISH

AS A USER OF FISH AND GAME IN THE
STATE OF ALASKA I SUPPORT PROP. 201.

YOURS TRULY

Jay T. Lawless

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Lorena A. Hegdal

P.O. Box 82209

Fbks AK 99708

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.

Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters.

Signed

Lorena A. Hegdal 3/6/2010
(907) 479-0139

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Bill H Swift name

118 Gruening Way address

Fairbanks AK 99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means **a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.**

Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters ~~to supplement the basic necessities of life.~~

Signed Bill H Swift

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Anna Swift name

118 Gruening Way address

Fairbanks, AK 99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters ~~to supplement the basic necessities of life.~~

Signed Anna M. Swift

Mail or Fax to:

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P.O. Box 115526

Juneau, AK 99811-5526

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Rose Meier
P.O. Box 750140
Fairbanks, Alaska 99775

Proposal 200 - Oppose

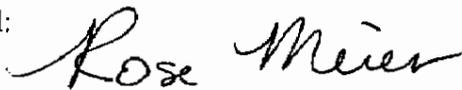
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Proposal 200: I am strongly opposed to proposal 200 creating new language in Criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long-term reliance on fish and game resources for the basic necessities of life. As I see it this means that without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new or existing Customary and Traditional use could meet, and it would almost certainly result in a negative Customary and Traditional finding for the use of salmon stocks in the Chitina Dipnet Fishery. If this change were made, our traditional dipnetting use of Copper River salmon would have no preference over commercial fishing by residents or nonresidents. That's not right.

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means **a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.**

Proposal 201: I support a positive Customary and Traditional finding for the Chitina Dipnet Fishery based on the historic long-term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed:



Mail or Fax to:
ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Bernard Masheff name

2951 Bridger Rd address

Northpole AK 99705

Proposal 200 - **Oppose**

Proposal 201 - **Support a positive C&T finding for the Chitina Dipnet Fishery**

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed

Bernard Masheff

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Mike Gray name

3211 Plack Rd. address

North Pole, AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed M Gray

Mail or Fax to:
ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Ellen Angelle
1121 Coppet St.
Fairbanks, Alaska 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters.

Signed Ellen Angelle

Mail or Fax to:
ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094
Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

WILLIAM R WELLS name

369 PANK WAY #2 address

NORTH POLE AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed William R Wells

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Linwood L. Ayotte

1121 COPPET ST

FBKS, AK, 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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Signed

Linwood L. Ayotte

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Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Edwin R. Ruff name

607 Old Steese Hwy, Ste B-740 address

Fairbanks, AK 99701

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed


Edwin R. Ruff

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Steven Lane name
889 DAKOTA St. address
North Pole AK. 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Edward W. Moore Jr. name

P.O. Box 35247 address

FT. WAINWRIGHT AK. 99703

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Edward W. Moore Jr.

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Frederick F Strojny name

3433 Lineman Ave address

North Pole, AK 99705

Proposal 200 - Oppose

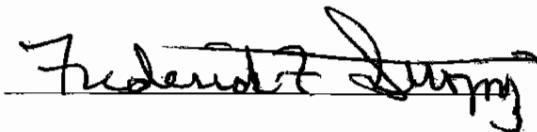
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

DONALD CRESSLEY name

3128 RIVERVIEW RD address

NORTH POLE AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Corey Rouse name

P.O. Box 72583 address

Fairbanks, AK 99707

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed Corey L. Rouse

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

DOUG BRATTEN name

2743 CORMORANT ST, address

FAIRBANKS AK 99709

Proposal 200 - Oppose

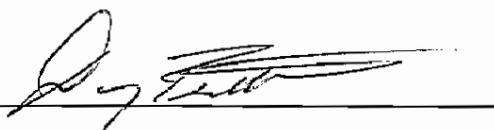
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

HENDRICKSON, RANDYL name

P.O. BOX 81887 address

FAIRBANKS, ALASKA
99708-1887

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed Randy W. Hendrickson

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Richard Stone name

3020 Davis Rd. D-1 address

Fair, AK. 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed Richard E. Stone

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Jonathan Houx name

3450 Feela Lane address

Apt 1 North Pole Ak

Proposal 200 - Oppose

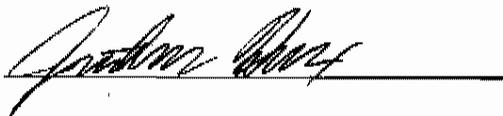
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.

Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed



Mail or Fax to:
ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Tim Renner name

2339 Sunflower Loop address

North Pole AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

David Houx name DAVID HOUX

2331 GRANITE DR address
NORTH POLE ALASKA 99705

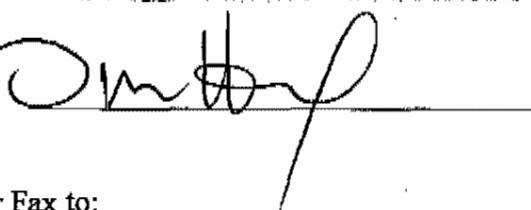
Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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Signed 

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Shawn Masterson name

1050 Eastwood Ln. address

PBKS AK 99712

Proposal 200 - Oppose

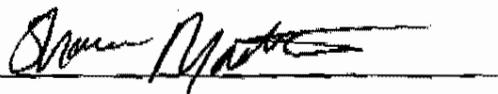
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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Signed



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Juneau, AK 99811-5526

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

SCOTT A COMARZ name
PO Box 55628 North Pole address
ALASKA, 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed Scott Comarz

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Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094
Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

ARAM HOBBS name

3891 RIDGEVIEW DR. address

FBKS, AK 99709

Proposal 200 - Oppose

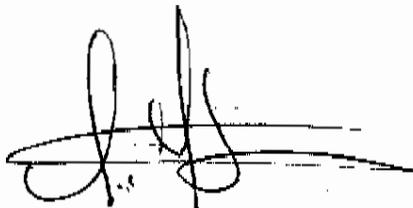
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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Bill Stewart name

PO box 83743 address

FLVS AK 99708

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Bradley Nussbaumer name

P.O. Box 82553 address

Fairbanks AK 99706

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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Bradley N. Nussbaumer

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Todd Fitzgerald name

2077 Amy Dyan Rd address

Fairbanks Alaska

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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Todd Fitzgerald

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Wayde Leder name

2366 Cordes Drive address

Fairbanks, Alaska 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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Wayde Leder

FAX (907) 465-6094

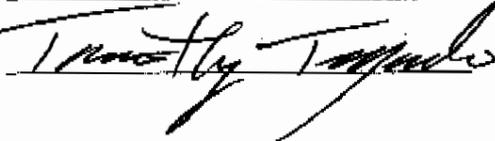
Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Timothy Teegardin name

1289 Lowbush Lane address Fairbanks, AK 99709



Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Ken Charron name

7350 GRAYLING AVE address

Fairbanks AK 99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Zachary B. Johnson name

P.O. Box 10238 address

Fairbanks, AK 99710

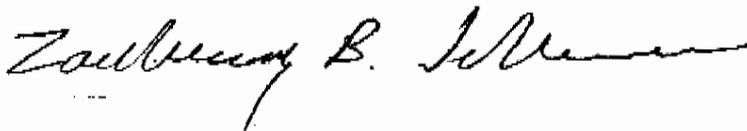
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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Roger Prince name

P.O. BOX 372 address

ESTER AK 99725

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Brian Leonelli name

PO Box 55696 address

N.A. AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. ~~Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.~~

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Signed Brian Leonelli

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

RYAN JAEGER name

P.O. Box 4733 address

Eielson AFB AK 99702

Proposal 200 - Oppose

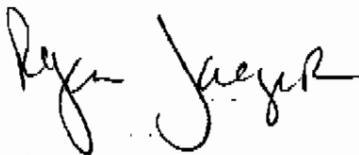
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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~~Then, am I suggesting this would have no more preference than commercial fishing use by non residents and residents. That's not right.~~

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means **a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.**

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Robert T Wilson name

384 SNOWY OWL LN address

FAIRBANKS AK 99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

~~then on the main one would have more of a reliance on the subsistence user's needs and resources. That's the right~~

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Kevin Winker
P.O. Box 750140
Fairbanks, Alaska 99775

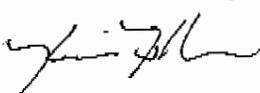
Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Proposal 200: I am strongly opposed to proposal 200 creating new language in Criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long-term reliance on fish and game resources for the basic necessities of life. As I see it this means that without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new or existing Customary and Traditional use could meet, and it would almost certainly result in a negative Customary and Traditional finding for the use of salmon stocks in the Chitina Dipnet Fishery. If this change were made, our traditional dipnetting use of Copper River salmon would have no preference over commercial fishing by residents or nonresidents. That's not right.

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means **a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.**

Proposal 201: I support a positive Customary and Traditional finding for the Chitina Dipnet Fishery based on the historic long-term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to supplement the basic necessities of life.

Signed: 

Mail or Fax to:
ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

FAX (907) 465-6094
Or- drop at Board Support Office at Fish & Game Bldg.

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

JOE FIELDS

FOB 73303

FELLS, AK 99707

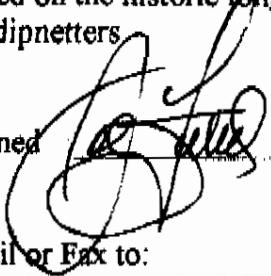
Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.

Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters

Signed 

Mail or Fax to:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Cody L. Koch name

702 Suncrest Dr address

Fairbanks AK 99712

Proposal 200 - Oppose

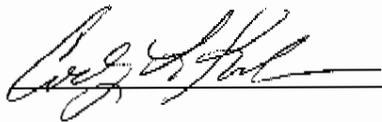
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

ANDREW BISEN name

1378 Glade Ct address

Fbks AK 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Mike Rogers name

PO Box 55601 address

North Pole AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Clinton Rowe name
PO BOX 58626 address
Fairbanks Ak, 99711

Proposal 200 - Oppose
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed Clinton Rowe

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Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Amanda Morris name

2090 Loose Moose address

North Pole, AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed

Amanda Morris

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Juneau, AK 99811-5526

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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Walter Robinson name

Hc 33 Box 329.25 address

Kenana AK 99760

Proposal 200 - Oppose

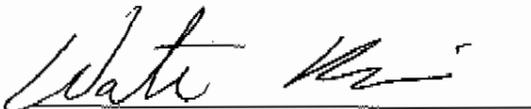
Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

NATHAN JOHNSON name

960 Amanita Rd address

FBKS AK 99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Gregory Wyman name

2455 Locksley Ct address

Fairbanks, AK 99709

Proposal 200 - Oppose

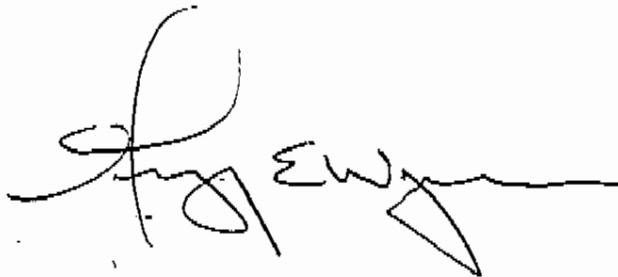
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Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Marty & Cheryl Laudert name

3238 Edby Road address

Fairbanks AK 99709

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

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Marty Laudert by Cheryl Laudert
& Cheryl Laudert

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

CLEMENS CLOOTEN name

1163 LINDA LOU LANE address

FAIRBANKS, ALASKA

99712

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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I HAVE BEEN FISHING IN CHITINA SINCE 1983 PROVIDING KING AND RED SALMON FOR MY FAMILY. WE FREEZE AND CAN THE SALMON SO WE CAN EAT IT ALL YEAR LONG.

Clemens M. Clooten

FAX (907) 465-6094

Or- drop at Board Support Office at Fish & Game Bldg.

On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

GLEN C. SIMPSON name

PO. BOX 80212 address

FAIRBANKS AK, 99708

Proposal 200 - Oppose

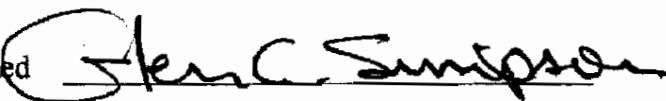
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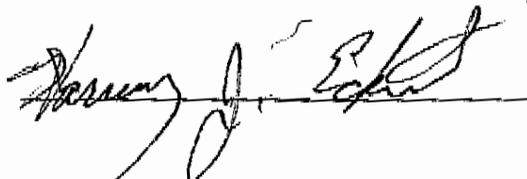
Alaska Board of Fisheries

Housekeeper
63 address

Proposal 200 - ~~Oppose~~
Proposal 201 - ~~Support~~ a positive C&T finding for the Chitina Dipnet Fishery
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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

JAMES HILL name

P.O. Box 10447 address

FAIRBANKS, AK 99710

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

Prop. 200 I am strongly opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery. Then, our dipnetting use would have no more preference than commercial fishing use by non-residents and residents. That's not right.

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Signed

James Hill

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Juneau, AK 99811-5526

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

STEVEN S. CALHOUN name

1229 DEJA-VU LANE address

NORTH POLE AK 99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Lisa Masheff name

3211 Pleck rd address

North pole, Alaska
99705

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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Signed Lisa Masheff

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On time comments due March 12 for Proposals 200 & 201

Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted By:

Lucas Clooten name

237 Ellingson St. address

Fairbanks, AK 99701

Proposal 200 - Oppose

Proposal 201 - Support a positive C&T finding for the Chitina Dipnet Fishery

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On time comments due March 12 for Proposals 200 & 201

David Blake
PO Box 374
Marysville, WA 98270

Summer: PO Box 2705
Cordova, AK 99574

March 7, 2010

Alaska Department of Fish and Game
Boards Support Section
PO Box 115526
Juneau, AK 99811-5526
FAX 907-465-6094

I am writing in SUPPORT of Proposal 200 and OPPOSE Proposal 201 of the Statewide Finfish Meeting March of 2010.

To: Member of the Alaska Board of Fisheries:

I am a commercial gillnet fisherman that has fished the Copper River and Prince William Sound area of Alaska since 1983. This has been my summer home for 27 years. I choose to make my home in the winter in Washington state. I am not a resident of Alaska but I am a property owner in Cordova, AK. I do support the local residents by coming to this town every May and staying until September each fall. I purchase supplies, fishing gear, and repair parts from the local businesses. I am not a Alaska Resident only by a few months each year. I do purchase an out of state permit for commercial fishing in Alaska. While in Alaska I purchase a non resident sport fishing license. My catch from my commercial boat provides raw fish tax to the town of Cordova. My fishing boat has a permanent slip in the Cordova harbor which I gladly pay the moorage fee and local taxes associated with this moorage. I do consider myself a member of this community during the summer that I am in town. I have served on the Board of Directors of PWSAC. I am a serving member of the Copper River Marketing Association finance committee. When my other job allows I personally attend the board of Fish meetings effecting the Area E fisheries. I consider Cordova my summer home and look forward to coming each spring.

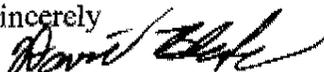
This fishery is how I make my living each summer. I have invested in the boat, permit and local real estate in the running of my small business. This small business as well as all of the other fishers in Cordova support the town and in other ways the State of Alaska. This is not only a small business it is a way of life that I have chosen to pursue. I choose to fish in the Copper River / Prince William sound area. I started commercial fishing in WA state at age 15. I watched the fishery be divided up between user groups without looking out for the resource. This resource in Washington state by way of dividing between user groups and not protecting the habitat is now gone. All users of the resource need to be part of the whole not one above the other. What attracted me to the Alaska fishery was that the Alaska Department of Fish and Game managed the fishery with the health of the fishery at the top of their job.

I do not believe that the Chitna dip net fishery is in need of being reclassified to subsistence. If this were to happen then all of the other user groups would shoulder all of the conservation measures to insure that we all have fish into the future. Fish into the future is what we all count on in Cordova. The Copper River fishery is the life blood of Cordova and its population. The early King and Red run are world known as one of the best exports from Alaska. Yes the proposed change could adversely effect my income and way of life. It could do more harm to the City of Cordova who's population rely almost exclusively on the fisheries around this port city. It could adversely effect the State of Alaska's world reputation of a supplier of World Class Copper River Salmon to the markets of the world. All users need to share in the resource as well as the conservation of the resource. If the Chitna dip net fishery is to become subsistence then there is an unfair burden placed on all other users. This includes the sport fisheries, personal use fisheries and commercial fisheries.

This proposal is nothing more than a reallocation of the fishery among users. The guide services of the upper copper are another commercial user of the resource and giving them a free ticket to avoid any conservation would be a misuse of the current working subsistence , commercial and personal use laws that are already in place.

I appreciate the opportunity to be able to participate in the process of being able to comment on these proposals.

Sincerely



David Blake

Fred Marinkovich
8721 137th St. NW
Gig Harbor, WA 98329-7222

March 7th, 2010

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

SUBJECT: Proposal 200 & 201-2010 Statewide Finfish meeting

To the Board of Fisheries,

My name is Fred Marinkovich. I am testifying in SUPPORT of proposal 200, and to OPPOSE proposal 201.

I have fished Alaska state waters for over 30 years. This is my family's sole source of income to support a family of five. It is a lifestyle that, over the years has faced many challenges, but one that I wouldn't trade for anything.

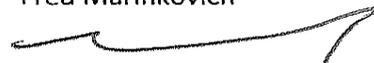
I have been involved in the B.O.F. process twice already this off season (Bristol Bay and Area M meetings). In both of these meetings I watched the Board make well thought out decisions that didn't restructure or drastically change the fisheries. If it's not broke, don't fix it is a great approach on such a delicate resource.

The Copper River supports a relatively small salmon run. Many seasons the run is forecast less than a million fish. The burden of conservation is a constant with this river system. This burden should be shared by all user groups. The last couple of salmon runs on the Copper River been small, and our fishing time have been very limited to conserve these runs.

A subsistence allocation for the Chitina Subdistrict would devastate the economics of this fishery, and the communities that support this fishery.

Thank you for the opportunity to comment on these proposals, and all the time and effort you've all put in during the B.O.F. process.

Fred Marinkovich



P.W.S. Driftnetter
F/V Bristol Sound

John Grocott
Po box 2193
Cordova Ak 99574

March 5, 2010

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

Re; 2010 Statewide finfish meetings
Proposals 200 and 201

To the Board of Fisheries,

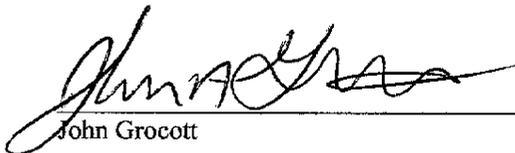
I have been Gillnetting out of Cordova since 1983 It has been the main fishery supporting my family and is now starting to provide employment for my grandkids.

After the previous personal use priority was over turned I felt it was safe to invest further in Cordova, I have Since Built a warehouse, an apartment, and now a new bowpicker. If personal use is given priority I have made a grave business error.

Fish and Game has done a good job of insuring adequate fish passage in the Copper. These proposals could easily lead to devastating over escapement because the Commercial fishery occurs long before the fish reach the personal use fishery.

Please consider my livelihood, and The Cordova economy. Don't fix a fishery that isn't broken. Thank you for your consideration.

Respectfully,



John Grocott

March 7, 2010

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: (907) 465-6094

**SUBJECT: We SUPPORT Proposal 200
& We OPPOSE Proposal 201**

To the Board of Fisheries,

I began commercial salmon gillnetting in the early 1970's as a crewman, then bought a limited entry permit in 1975. Osa, my wife started crewing with me in 1980. My Area E permit to gillnet salmon has been our primary source of income for over 30 years. Our lives and our livelihood in Cordova are based on this profession.

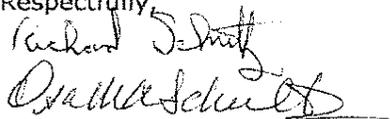
Despite the many challenges, physical as well as economic, commercial fishing continues to be an essential part of our lifestyle as Alaskans. After so many years of experience and our significant investments in fishing equipment for this area, it would be unthinkable to do anything else.

It has taken incredible resiliency to survive the economic affects of the eXXon Valdez spill over the last 20 years, personally and as a community. However, many of us in this fishery have done so and it demonstrates our dependence on and commitment to this way of life. We ask you to carefully review the many aspects of the decisions you face that will affect this long standing community and our heritage.

The Copper River provides an incredible resource for the communities that stretch out along the basin. This resource is the backbone to the economies of those communities. **The thoughtful and fair management of this resource is crucial to many. The burden to provide for escapement goals should be evenly distributed to all users. No one group, by intent or consequence, should be given unrestricted preference.**

Thank you for the opportunity to comment on these proposals.

Respectfully,



Richard & Osa Schultz
PO Box 1291
Cordova, Alaska 99574
907-424-5269

John F. Burch
P.O. Box 1012
Cordova, AK
99574

March 8, 2012

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

subject: proposal 200 & 201 - 2012 Statewide
Finfish meeting

To the Board of Fisheries,

I am a commercial salmon gillnetter from Cordova, an Alaskan resident, and live year round in Cordova. I have been gillnetting the Copper River Flats since 1966, and commercial fishing is my primary source of income. Any action that targets commercial fishing only to reduce our fishing time would have a significant economic impact on myself and my community. I believe the management plan already in effect is more than adequate to meet escapement goals and allow access to the resource for all user groups.

respectfully,
John F. Burch
John F. Burch

Wrangell-St. Elias National Park
Subsistence Resource Commission

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

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,



Suzanne McCarthy
Vice-Chair

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

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

Jeff Phillips
Box 1565
Cordova, AK 99574

March 8, 2010

Alaska Dept. of Fish and Game
Boards Support Section
PO Box 115526
Juneau, AK 99811-5562
FAX (907) 465-6094

To the Board of Fisheries,

Subject: Support Prop. 200
Oppose Prop. 201
2010 Statewide Fin-fish Meeting

I am a 30 year Copper River Flats drift fisherman. I have been a resident of Cordova since 1991. I have raised two children in Cordova.

This fishery provides a large percentage of my annual income. If Prop. 201 is adopted, I will lose a significant part of my annual income. At age 61, it will probably be impossible for me to replace that income.

If adopted, Prop 201 will mean personal use will not share the burden of conservation with sport and commercial users. This is unfair - The majority of personal use fisherman are urban residents who are not dependent on salmon. The fact is, personal use fishers already annually catch a generous number of salmon. Most personal users catch more salmon than the average family consumes in a year.

This proposal is a re-allocation of salmon. It ignores the damage it will cause many families and communities who are, in fact, currently depending on the resource. And for what?? So that a user group (personal use) who is generally successful, can continue to be successful at the expense of another user group?

There is no justification to place extreme hardship on commercial fisherman to guarantee personal use fisherman their annual harvest, when the personal users are already successful with their fishing efforts.

Alaska Dept. of Fish& Game
Boards Support Section
P.O. Box 11526
Juneau Alaska 9811

Honorable Board of Fisheries,

I'm writing in concern of proposals 200 and 201. I am supporting 200 for the reason that traditional, historic users of the state's fish and game should have clear legal access to their main food source. Non-commercial use of these resources to provide for a family and support of a household is something that should be clearly defined in by law. To have an arbitrary or inconsistent law or fisheries regulation concerning subsistence is a handicap to fishery managers and communities that depend on these resources.

I am opposed to proposal 201 in that reclassifying the Chitina subdistrict to a subsistence fishery would damage the economy of Cordova and the fishermen that depend on it for their living. As a 30+ veteran of commercial fishing on the Copper River I see these two proposals in a similar vein. 200 would sustain and give clarity to a rural way of life that is the lifeblood of rural Alaska. 201 would seek to end a fishery that sustains a community and many fishermen that harvest a fish that has become a poster child for sustainable, quality, Alaska salmon.

To put the burden of escapement on the commercial fleet, to allow thousands of fish past the Miles lake sonar before any commercial opener would be a misuse of this resource. The trickle down economics from these fish is felt throughout the region and beyond. Please consider these proposals carefully.

Thank You,

Ken Manning

March 9, 2010

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

Dear Board of Fish Members:

I have been fishing on the Copper River since 1995. I have managed to make a living for me and my family of five over these past years. I also own a tender which works the Copper River and helps to support three, local, Cordova families.

The Copper River Fishery is the most important and substantial part of my annual income. Early season reds and kings can often represent 40 % of what I earn in a year. It is hard to imagine that a decision that you make could drastically reduce my ability to feed and clothe my family and sustain us through winter months.

I also enjoy sport fishing with my children in various parts of the State of Alaska. I would never want to negatively impact a person's livelihood by greedily asking for a subsistence level of fish when I was in fact participating in sport.

User groups can share a resource. User groups must share the conservation burden. The Copper River's abundant resource falls in a unique geographic location. If Chitina becomes a subsistence fishery, it will irrevocably damage the commercial fishery on the Copper River flats as well as the well-established subsistence fishery in Glennallen. I urge you to realize this in making your decision to retain the Chitina fishery as an obvious personal use fishery.

Thank You,



Chris Bourgeois
PO Box 1945
Cordova, AK 99574

**Mary L. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151**

March 9, 2010

Boards Support Section
Board of Fisheries Comments, ADF&G
POB 115526
Juneau, AK 99811-5526
By FAX: 907-465-6094

Dear Board of Fisheries members:

Below are my recommendations:

Proposal #200 should be rejected. Please recall – objectivity is required by the Court's ruling. So, please favorably consider a similar but more reasonable definition like – "subsistence 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."

In these times, no one's use could meet the stringent requirement suggested by the current proposal's wording. Really, the proposed definition adds NO objectivity to the 8th criteria. Objectivity is required by the Court's ruling.

Proposal #201 should be adopted. Please return the Chitina subdistrict dipnet fishery to a customary and traditional subsistence use fishery – like it once was classified – with an allocation of 100-150,000.

I don't believe it will be necessary to dramatically increase the allocation for this use. However, if the salmon runs decline, I don't think the Dipnetters should be disadvantaged in order to fill the nets of Lower 48 and Alaskan commercial fishers at the mouth of the Copper River.

Sincerely,



Mary L. Bishop

Richard H. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

March 9, 2010

Boards Support Section
Board of Fisheries Comments, ADF&G
POB 115526
Juneau, AK 99811-5526
By FAX: 907-465-6094

Dear Board of Fisheries members:

Proposal #200, to be considered at your March meeting, should be rejected.

The proposed definition of "subsistence way of life" is not, as the Court has required, an objective definition.

The definition borrowed the phrase "basic necessities of life" from past Alaska court cases but left the context of the phrases' use behind – rendering it just another warm and fuzzy expression that is as subjective as "subsistence way of life" – which it is supposed to objectively define – but does not.

There is no definition of what "basic necessities" are – much less any standards by which to objectively determine what those needs are or whether those needs would be met.

The "basic necessities of life" could be interpreted as total reliance on fish for food. No fishery could meet that standard, since no one in Alaska totally depends on a fishery for food. In an article on subsistence uses in the *Alaska Magazine*, June '09, it was reliably reported that even among Alaska Natives that's the case: "Today's Native population gets at least 50% of its food from stores..."

The Alaska Supreme Court in the 1989 McDowell case noted that "one purpose of the 1986 act 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." That Court also noted that there were substantial numbers of people living in urban areas that relied on subsistence uses, while there were "numerous Alaskans" living in rural areas that did not engage in subsistence activities. The Court did not elaborate on how much is enough for either urban or rural users, but obviously were aware that there are differing levels of subsistence uses of fish and game and that those uses are important to those involved – whatever their level of use might be.

Most importantly, the McDowell decision ruled that place of residence could not be used to exempt any resident from the opportunity to participate in a resource use. The Superior Court echoed this prohibition by instructing you not to consider "the per-capita consumption of wild food in the home community of various users."

Whether Alaskans are using a lot or a little of fish for food – a basic necessity – their uses are just as important. Yet Proposal #200 implies, but does not define, that "more is better".

This is not the objective definition required of you by the Superior Court. Today's reality is that the subsistence use of fish **supplements** "the basic necessities of life".

Proposal #200 should be amended to state that "a subsistence way of life" means "a way of life that is consistent with the long term use of fish resources, when available, to supplement the basic necessities of life".

Proposal #201 – I support this proposal.

The record is clear that the Chitina dipnet fishing meets customary and traditional standards under state law.

Sincerely,


Richard H. Bishop

Public Comment #76

FAXED
3/9/10

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

1630 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

FAX COVER SHEET

To: Boards Support Section / Board of Fisheries

Date: 02/09/2010

Telephone:

Fax: 907-465-6094

From: Rick C. Ellis

Telephone: (907) 376-6703

Cell: (907) 232-5531

Number of pages: 1 (including cover sheet)

Comments:

To members of the Board of Fisheries:

Please amend BOF Proposal #200 with its current proposed definition of "subsistence way of life" to read: "**subsistence way of life**' means a way of life consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life."

Additionally, I support the adoption of BOF Proposal # 201, which confirms Chitina dip-netting as a subsistence fishery with an allocation of 100-150 thousand salmon.
Thank you.



Rick C. Ellis
341 S. Gastman Ct.
Wasilla, AK 99654

8 Mar 2010

Board of Fisheries
Board Support Section
Alaska Dept of Fish & Game
PO Box 115526
Juneau AK 99811-5526

Dear Sirs;

I have fished Copper River Salmon
by dipnet to feed my family for
the past 10 years, I think, as
an Alaskan I should have a right
to this subsistence use. Isn't that
what subsistence is - taking care
of one's family


VICTOR C BELL
PO Box 55457
North Pole AK 99705

P.O. 72349
Fairbanks, Alaska 99707-2349
March 6, 2010

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

Re: Proposals 200 & 201

I have hunted, fished and gathered berries from the bounty of Alaska for many years. I have been involved in the Chitina dipnet fishery since the early 1970's. Salmon from the Copper River have fed my family and other families with whom I have shared my catch. I count on harvesting these fish every year and for me no other area has the quality of salmon from the Copper River.

This letter is to express my opposition to **proposal 200**, in particular the language defining a "subsistence way of life". I support an amended wording "a subsistence 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.** Additionally, the definition of a "subsistence way of life" should require coordination with the Board of Game, since it was the Joint Boards that developed the eight subsistence criteria.

I **support proposal 201** to give a positive Customary and Traditional finding for the Chitina dipnet fishery.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Levine". The signature is written in black ink and is positioned above the printed name.

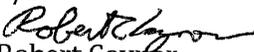
Richard A. Levine

7 Mar 10

Sirs,

I'm an Alaskan resident, combat veteran only since '94. I've been stationed, lived all over the world and I intend to live my remaining days in the greatest state in the USA; Alaska. Since 1994, I've been fortunate enough (whenever not deploy/reassigned) to partake in the Copper River dipnet fishery. What an amazing, Alaskan benefit to be able to do. I'm 1/5 Cherokee Indian and believe that the definition of the use of such a fishery should be one that supports a way of life that is consistent with the long term use of fish & game resources, when available, to supplement the basic necessities of life. Myself and 3 family members relish the fact of this harvest and were sadly disappointed last year of not being able to partake in a single Chinook salmon (especially when I remember the limit as five). I believe the fishery should be changed to subsistence as opposed to "personal use". Please support such a measure.

V/R


Robert Coyner



KAWERAK, INC. • P.O. Box 948 • Nome, AK 99762



TEL: (907) 443-5231 • FAX: (907) 443-4452

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 QLOMON
 TEBBINS
 T. MICHAEL
 ELLER
 INALAKLEET
 VALES
 WHITE MOUNTAIN

March 9, 2010

Mr. Vince Webster, Chairman
 Alaska Board of Fisheries
 P.O. Box 115526
 Juneau, Alaska 99811-5526

Re: Comments Regarding Supplemental Proposal 200

Dear Mr. Webster,

Kawerak requests that the Alaska Board of Fisheries (BOF) delay action on Supplemental Proposal 200 due to the extreme importance of this issue to subsistence users statewide. The superior court has directed the BOF to define the term "subsistence way of life" in a way that establishes standards and criteria that the BOF may then apply to all Alaskan residents. Alaskan Natives and rural subsistence users have been granted only 30 days to respond to this late BOF proposal, and we feel that more time is required to solicit comments on this important issue.

We understand that delaying action on this proposal may put the BOF out of compliance with the superior court's order and direction on this matter, however, subsistence users statewide will have to live with the outcome of your decision regarding the definition of "subsistence way of life" for years to come. The ramifications of this decision go way beyond the Chitina personal use dipnet fishery, and we feel that it is important to get it right the first time and not rush through the process in order to satisfy the court order.

Thank you for considering our comments on these important fisheries issues. If you require any additional information, please contact Michael L. Sloan, Fisheries Biologist, at 907-443-4384 or msloan@kawerak.org.

Sincerely,

KAWERAK, INC.

Loretta Bullard
 President

March 8, 2010

From: Robert G. Linville
PO Box 1753
1205 Vista Ave.
Seward, AK 99664
linville@ak.net

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

SUBJECT: **Support** Proposal 200, **Oppose** proposal 201 – 2010 Statewide Finfish meeting

Dear Board of Fisheries:

For most of my life, I have worked, invested in, raised three kids, and supported local economies in my hometown of Seward, as well as Cordova, Valdez, and Anchorage by commercial salmon fishing on the Copper River out of Cordova. By historical standards, the last thirty years of salmon runs have been very good on the Copper. But continued abundance, although desired by Alaskans of all stripes, is anything but a given. It takes not only good biological management, but political will to fund the necessary science and share in the conservation of this wonderful resource. In particular, the politics of sharing in conservation are exceptionally tough when it comes to fish.

Proposal 200 and 201 are the third time in the last twelve years that we have debated the relative burdens of conservation between commercial fisherman and personal use fisherman in front of the Board. We are directed to once again reopen this issue by Judicial Order. Quoting from the document "SUPPLEMENTAL PROPOSALS for the Alaska Board of Fisheries March 2010 Meeting", the court ruled that the Board must 1) define the term 'subsistence way of life' as used in 5 AAC 99.010(b)(8) using an **objective standard supported by law**". I propose that AS Sec. 16.05.940. Definitions, in concert with 5 AAC 99.010(b)(6) be used to meet the objective standards called for in this Judicial Order to define the "**subsistence way of life**":

- (31) "**subsistence fishing**" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a **rural area** of the state for **subsistence uses** with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;
- (28) "**rural area**" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area; and,
- (33) "**subsistence uses**" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a **rural area** of the state

for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption.

Please contrast the above definitions to those in AS 16.05.940. Definitions for Personal Use:

- (25) "**personal use fishing**" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and **not for sale or barter**, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries; and,
- (27) "**resident**" means (A) a person who for the **12 consecutive months** immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country; (Subsections (C), (D), and (E) go on to include members of the military, their dependents, and aliens as residents as well after 12 months in the state of Alaska.)
- 5 AAC 99.010(b)(6): 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**;
- 5 AAC 99.010(b)(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, **including customary trade, barter**, and gift-giving; and

Even considering court rulings that limit the rural basis for subsistence designations, the residency difference between subsistence and personal use as defined by statute and code is there; one year vs generations. Subsistence users can share and barter their fish, while, by statute, personal users can't. These are a couple of standards that I see which differentiate the two in existing language. Personal use regs are a compromise between full fledged subsistence as defined by Alaska Statute above and the need to honor all Alaskans wish to put fish and game on the table. Personal use is not being shortchanged by the existing system. Those who make the effort will get fish. The question of who gets a priority right to the fish in the State of Alaska is a political conundrum but it should be more that a political contest. I urge the Board to tread very carefully into this morass, and to hold the conservation of the resource to be paramount. Conservation has to be a responsibility shared by all or it simply becomes meaningless. I support language in Proposal 200 that will do this. I oppose language which give the massive personal use population priority over commercial and sport fisherman and further erodes subsistence. I adamantly oppose Proposal 201 in its entirety. Passage of this proposal would pretty much gut the meaning of subsistence across the board once and for all, violating all precedent and statute before it. By granting priority in times of scarcity to practically the entire states population, there is no willingness to conserve the resource on anyone's part. We will have essentially lost the political will to do so.

Proposal 201 also threatens the long term health of the Copper River salmon population in other ways. Is there any argument that this proposal is made in order to restrict the commercial fleet fishing the Copper River? By doing so, management of upriver escapement becomes much more problematic. For the last thirty years or so, the Copper has seen very good salmon runs by historical standards. This has been done by carefully controlled commercial openers maintaining the biologically optimal escapement level (including the needs of all users upriver) as determined by the counter at the Million Dollar Bridge. The more the fleet is beached as it will be by this proposal, the less that this management style can be utilized. Major challenges to future productivity will be presented by either very large or very small runs. In the event of a large run, certain river and lake systems may suffer severe overescapement. It is my understanding that precisely this event has occurred during the parent years on the Kenai River for this years run and they are expecting an unusually low return in 2010. Theoretically, this proposal wouldn't affect the commercial fleet in years of large runs. Get a grip. Passage of this proposal will affect our commercial fishery every year from here on out regardless of the run size. Proposal 201 will be used to bludgeon the commercial fleet with the same politics which have brought it back to the Board repeatedly over the last dozen years.

During years of scarcity, other problems arise from the passage of Proposal 201. Catch counts are not as accurate or as prompt upriver. Inseason closures are thus much more difficult to call. The political pressure is ramped up to blame any shortages, or even perceived shortages on the commercial fleet as ammo for further closures. The town of Cordova would suffer great economic harm. It is a radical change from the status quo which has provided decades of good results. The true subsistence fishery above the Chitna bridge will be positioned behind the personal use fishery with a no priority over it at all. Hopefully, the runs will always remain strong enough that this wouldn't matter. But once conservation is passed off to the other guy, don't count on it.

I urge you to vote against Proposal 201 for the reasons stated above.

Sincerely,

Robert G. Linville
Seward, Alaska

March 10, 2010

Ron Fassett
4840 East 112th Avenue
Anchorage, Alaska 99516

Board of Fisheries

RE: Support of Chitna Dipnetting as Subsistence Use

Dear Board of Fisheries,

I have been a long time advocate of fish management for the broad use of Alaskans and not to have it undermined by a small group in state and mostly out of state commercial users so I wanted to contact you and tell you of my support and desire to have you amend the BOF Proposal #200 current proposed definition of "subsistence way of life" to read: " ' subsistence 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". I have often used the Chitna dipnet fishery to supplement our family's food resources and want to insure it will be available to my sons and grandchildren. Also, I'd like to see you adopt Proposal #201 which confirms Chitna as a subsistence fishery with an allocation of 100-150 thousand salmon.

Thank-you for your time and consideration.

Ron Fassett

.....

PO Box 82193
Fairbanks, Alaska 99708
(907) 488 4582
Fax: (907) 488 2694

March 10,2010

Alaska Department of Fish & Game Boards Support Section
PO Box 115526
Juneau, Alaska 99811

Public Comment for the Alaska Board of Fisheries Meeting March 2010

I have been a resident of Alaska for over 25 years. I depend on the salmon we dip net from the Copper River to supplement and enhance our diet. It assure my family, that we are eating healthy and nutritious food , along with the moose my husband hunts and the other foods we harvest from the land. It is an Alaskan tradition and needs to be protected so that the average Alaskan can provide for themselves and their family. As an Alaskan I feel that the time honored tradition of dip netting on the Copper River should be given prior over commercial fishing.

I submit the following comments in regards to Prop 200 and Prop 201

In regards to Prop 200:

I strongly oppose this proposition as the wording for "Subsistence way of life" as it is now written suggests that the subsistence user would starve without the harvest of the fish. Rather, I would like the wording changed to mean a "Subsistence way of life" to mean A way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.
I would like to see the wording of this proposition changed so that it clear that commercial fishing does **NOT** have a preference over dip net fishing.

In regards to Prop 201:

I support this positive finding , historical, the use of salmon in the Chitina sub-district has been a supplement to the basic necessities of life.

Thank you for your time,

Sincerely

Nancy Castle 10 March 2010
Nancy Castle date

.....

.....

PO Box 82193
Fairbanks, Alaska 99708
(907) 488 4582
Fax: (907) 488 2694

March 10,2010

Alaska Department of Fish & Game Boards Support Section
PO Box 115526
Juneau, Alaska 99811

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I have been a resident of Alaska for over 25 years. I depend on the salmon we dip net from the Copper River to supplement and enhance our diet. It assure my family, that we are eating healthy and nutritious food , along with the moose I hunt and the other foods we harvest from the land. It is an Alaskan tradition and needs to be protected so that the average Alaskan can provide for themselves and their family. As an Alaskan I feel that the time honored tradition of dip netting on the Copper River should be given prior over commercial fishing.

I submit the following comments in regards to Prop 200 and Prop 201

In regards to Prop 200:

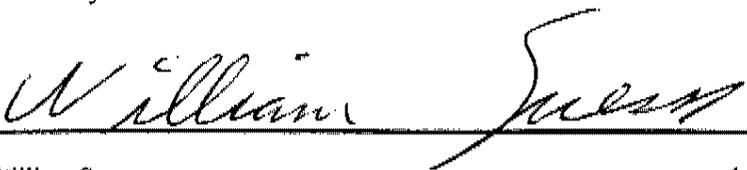
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In regards to Prop 201:

I support this positive finding , historical, the use of salmon in the Chitina sub-district has been a supplement to the basic necessities of life.

Thank you for your time,

Sincerely

 3-10-10

William Sues

date

.....

2/10/2010

Alaska Board of Fisheries

BOTTOM LINE:

I strongly encourage you to classify dipnetting on the Copper River, below the bridge, as a subsistence activity. Further, I also encourage you to adopt the language suggested by the Alaska Outdoor Council as it pertains to subsistence in general, that being (paraphrased) "a subsistence way of life is consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life."

THE REST OF THE TUNE:

I fully understand that, when a salmon run is quite poor, my being allowed to take a salmon via dipnetting will, effectively, steal a salmon from a commercial fisherman. And, as "we all know", commercial fishermen should have priority, because that is how some folks choose to make a living, right? I hear that argument all the time, and I'd like someone to explain to me how a commercial fisherman having one less fish is any different than my having one less fish. We are both negatively affected financially. Just because a person chooses to fish for a living does not mean that I should be required to give up my harvest for him or her. This is a nonsensical argument perpetrated by those involved with commercial fishing. Frankly, I find this argument (Commercial first!) as no more rational or socially responsible than "Me first!" in any situation. We are all in this State together, and no one profession has any more "right" to exist or prosper than any other legal profession. My dipnetting puts food on my table, so it is a profession.

I am generally sympathetic with people who are out of work, but there is inherent risk in any profession that does not have a steady paycheck. Risk of high pay, and risk of low pay are part of commercial fishing; ditto for mining and many other industries. Deciding to work in those fields is a bit risky, bordering on gambling. I tip my hat to those who are willing to take such risks, but taking such risks should be tied to taking responsibility, too. The responsibility to find supplemental employment, at times, is one of those.

It is not for a Capitalist Government to, essentially, subsidize one group of people by taking away from another group. Does the State of Alaska ban me from buying groceries when the construction industry takes a nose-dive? After all, we ought to make sure there is plenty of food for those out of work, right?

When salmon runs are low, there are different subsidy programs that should be explored before taking away another individual's food. Robbing Peter to pay Paul has not worked real well in the history of mankind.

Thank you for your ear.

John Klingel
1025 Eastwood Lane
Fairbanks, AK 99712
457-7024

Public Comment #86

March 9, 2010

Public Comment to AK Board of Fisheries Proposals 200 & 201 March 2010 Meeting

Charles Derrick
891 Seldom Seen Rd.
Fairbanks, AK. 99712

I oppose Prop. 200 as written.

Proposal 200 language sets the definition of "a subsistence way of life" as meeting the basic necessities of life, far out of the attainability of a positive C&T for any new subsistence use as well most existing C&T classified subsistence uses. This appears to be an intentioned wording to eliminate the Chitina Dipnet Fishery from a positive C&T finding. The Chitina Dipnet Fishery is a tier 1 subsistence fishery where all Alaskan residents can take part in the use of that salmon stock. To word your definition to eliminate a priority for dipnetters, who harvest salmon at Chitina for themselves and their families' consumption, and place them on equal status with the commercial harvest, whose members include many nonresidents, is a slap in the face to the Alaskan way of life.

I support amended language to proposal 200 stating that, a subsistence 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. This wording better reflects C&T uses today.

I support a positive C&T finding in proposal 201.

The Chitina dipnet fishery exhibits all the characteristics of a tier 1 subsistence fishery. It would be no different in makeup (fish wheels and dipnetters) as the subsistence fishery in the Glennallen sub-district, if after passage of the first state subsistence law in 1978 giving priority to subsistence uses, the then Board of Fisheries had not forced all fish wheels in the area of the now Chitina sub-district to move and fish above the McCarthy bridge. This began the move to eliminate the priority for the then almost 4,000 dipnetters who partook in the Chitina dipnet fishery. I ask that as you scrutinize the dipnet fishery with your 8 criteria that you keep in mind all Alaskan residents can partake in a tier I subsistence fishery and that the long time local fish wheelers did not abandon the good fishing below the bridge, but were kicked out by the state in an attempt to make the remaining dipnetters appear less as subsistence users. The Katie John lawsuit bears this out. Part of her suit was to regain the ability to subsistence fish by fish wheel and dipnet at Taral, the historic Ahtna village site within the Chitina sub-district. She prevailed and unlike the state of Alaska, the federal government found that salmon stocks within the Chitina sub-district were subsistence use stocks.



3/10/10

Byron Haley Pres. CDA
1002 Pioneer Road
Fairbanks, Alaska 99701
Phone=907-456-4426
E-Mail==bwhaley4@gci.net

I oppose proposal # 200 as written.
The Chitina Dipnet Fishery is a tier 1 subsistence fishery where ALL ALASKAN RESIDENTS can take part in the use of the salmon stock.

Please amend Proposal #200 as follows "A
SUBSISTENCE 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".

I SUPPORT A POSITIVE C & T FINDING IN
PROPOSAL #201

The Chitina Dipnet fishery exhibits all characteristics of a TIER 1 SUBSISTENCE FISHERY. The Board of Fisheries moved the Fish Wheels out of the Chitina sub-district but now the Federal Government said it is OK to use fish wheels and found that salmon stock within the Chitina sub-district where subsistence use stock

Thank You

Byron Haley Pres. CDA

To The Board of Fisheries

Proposal 200

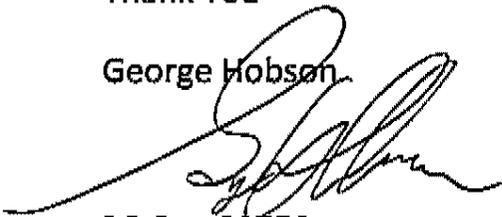
I don't believe that any one in the state meets the requirement for subsistence as you have it proposed. I know of no one that uses fish and game as their only resource for the basic necessities of life.

I have dip netted at Chitina for 35 years. It is about one fourth of my yearly food supply and my only source of the heart healthy fish I need to combat the heart disease I have.

I think a much better statement would be "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".

Thank You

George Hobson



PO Box 80750

Fairbanks AK 99708

907-479-5212

ghobson99708@hotmail.com

Attn. BOF Comments
Boards Support Section
Alaska Dept. Fish & Game
P.O. Box 115526
Juneau, AK. 99811-5526

Fax: 907-465-6094
March 10, 2010

Dear Board Members,

I have been dip-netting at Chitina since 1971 and the fish I harvest from that river has played and will continue to play a very significant role in my life and that of my family. I depend upon those fish every year as a significant contribution to our welfare and well being. I agree with the position taken by the Chitina Dipnetters Association in opposition to Proposal 200 and a finding for customary and Traditional finding as outlined below. Their arguments are outlined below and I heartily agree with them. In fact I like them so much I copied them verbatim.

Prop. 200 I am absolutely opposed to prop. 200 creating new language in criteria 8, defining "a subsistence way of life" as a way of life based on consistent, long term reliance upon the fish and game resources for the basic necessities of life. As I see it this means without the harvest of these fish and game resources the subsistence user would starve. In these modern times this language would set a standard that no new as well as existing C&T use could meet and surely result in a negative C&T finding for the use of salmon stocks in the Chitina Dipnet Fishery.

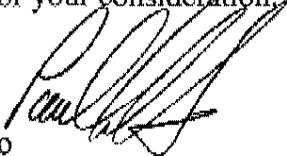
I support more appropriate amended language to prop.200 stating that "a subsistence way of life" means **a way of life that is consistent with long term use of fish and game resources, when available, to supplement the basic necessities of life.**

Prop. 201 I support a positive Customary & Traditional finding for the Chitina Dipnet Fishery based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by Dipnetters **to supplement the basic necessities of life.**

~~It is time for you to look out for the average Alaskan resident and not the commercial interests of Seattle and points south.~~

Thank you for your consideration.

Sincerely,


Paul Costello
962 Bennett Road
Fairbanks, Alaska 99712

BOARD OF FISHERIES COMMENTS

Proposal 200 and Proposal 201

I grew up in North Dakota and was taught to hunt and fish at a young age. These pursuits are part of who I am as a person and important to me beyond words. This is why I feel compelled to comment on these proposals currently in front of the BOF.

I moved to Alaska in January 1998 and lived in Fairbanks until August of 2005. From August 2005-present I have resided in Palmer. I have utilized the Chitina dipnet fishery since 1999 when I first became eligible to participate and have come to rely upon the sockeye and king salmon I dipnet each year from the Chitina subdistrict for sustenance throughout the year. I also hunt (big game and small game), sport fish, pick wild berries and utilize garden produce as the vast majority of my foodstocks each year. I would estimate that 80-90% of the meat and fish I consume each year is from hunting, fishing, and dipnetting wild fish and game in Alaska. Approximately 40-60% of the vegetables I consume are garden raised and the only berries I get are raspberries, blueberries, or lowbush cranberries picked from public land sources here in Alaska.

Since I started dipnetting on the Copper River in the Chitina subdistrict back in 1999 I believe I have harvested a full limit every year except one when I came up a few fish short. In years past I have even been fortunate enough to take advantage of some supplemental harvest periods. The trips I make to dipnet in the Chitina subdistrict each year are very important to me as it is a unique opportunity for me to enjoy the company of and socialize with fellow Alaskans participating in the dipnet fishery to provide for their family. Camaraderie, helping friends and their families/kids learn to dipnet, sharing dipnet fish some years with friends who are hurt or otherwise unable to dipnet for themselves, and just getting out to enjoy the wonders of Alaska are the primary reasons I dipnet in addition to obtaining the fish stocks I need for sustenance through each year.

Proposal 200:

My primary opposition to proposal 200 is the proposed definition of subsistence. I think the proposed definition is arbitrarily being set extremely high with the ultimate goal being to preclude most Alaskans from participating in a subsistence way of life. A better definition of subsistence would be "A pattern of harvesting and using fish, game, or other natural resources either as a primary source of sustenance or as a supplement to the basic necessities of life."

I strongly feel that the goal in defining subsistence shouldn't be to preclude any users as appears to be the intent with the definition being set forth by the BOF in Proposal 200. Why should subsistence be limited to the poverty stricken or the sourdough with a 50 year history in Alaska? To be sure, these folks have a right to partake in a subsistence way of life but I would argue that a newly arrived resident of Alaska has an equal right to pursue a subsistence lifestyle and pursuing that lifestyle does not need to include forsaking employment and living in the bush.

I understand it is difficult for commercial fishermen to imagine having to cut back on their harvest of Copper River king and sockeye salmon. The important point here is that Alaskans have the right to pursue subsistence opportunities including dipnetting for sockeye and king salmon on the Copper River in the Chitina subdistrict. I don't think anyone will argue that it is perfectly reasonable to allow

commercial fishermen to participate in the salmon harvest whenever surpluses exist. However, I feel very strongly that based on the time honored principle of "highest and best use" subsistence and sport fishing needs must trump commercial harvest. The courts have routinely upheld that subsistence needs trump other user groups. I would argue that sport fishing should be the secondary user group as on a per fish basis sport fish are worth far more to the Alaska economy than commercial fishing especially if those commercial fishing interests are owned or based outside of Alaska.

Proposal 201:

I wholeheartedly agree with the portion of this proposal that finds a C&T use of salmon stocks in the Chitina subdistrict. The part I disagree with is the part that establishes 100,000-150,000 salmon as an amount reasonably necessary for subsistence uses in the Chitina subdistrict. My concerns are two-fold:

- 1) I see absolutely no reason why a number of fish needs to be stated in this proposal. The number of salmon needed to support subsistence uses in the Chitina subdistrict must be whatever number of fish are needed to meet the needs of ALL SUBSISTENCE USERS DESIRING TO PARTICIPATE. To be sure, I see no reason why the per family limit would need to be raised for the dipnet fishery. Granted, many Alaskans could certainly utilize more than the 15 or 30 fish they are currently allowed but in the interest of sharing the resource I think it is reasonable to maintain the existing limits or with a slight increase say to 20 and 40 fish. I do think it is very important to get the king salmon limit back up to at least 3 fish per household.
- 2) My second concern with Proposal 201 is that it doesn't stipulate the types of salmon. The huge majority of the subsistence dipnet use is based on sockeye salmon. Kings are also of great importance and dipnetters have been unfairly scaled back to 1 per year. What I definitely want to point out is that while I think it is proper and necessary that dipnetters be allowed to pursue silver salmon in the fall these fish are a very tiny fraction of the subsistence harvest. My concern is that by not stipulating the salmon types most heavily relied upon for subsistence, the BOF is setting up a scenario where dipnetters will be pushed toward utilizing more silver salmon and taking fewer reds or kings.

The quality of the king and sockeye salmon that I harvest via dipnetting in the Chitina subdistrict are far and away the best quality fish I have access to each year. This is the reason I rely on dipnetting so heavily as a means of sustenance. The oil content, omega 3 content, and overall fresh quality of the fish is second to none other than possibly the mouth of the Yukon River in my experience but that fishery is not accessible to the great majority of Alaskans and so the Copper River is my pantry of choice.

Thank you for the opportunity to provide comments.



Brett Nelson
PO Box 3696
Palmer, AK 99645
907-746-9811

Tom and Karen Malone
PO Box 83783
Fairbanks, Alaska 99708
455-6769
tmalone@ptialaska.net

March 9, 2010

ADF&G
Board of Fisheries
PO Box 115526
Juneau, Alaska 99811-5526

Dear Board of Fisheries:

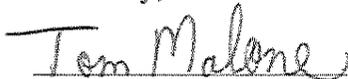
I believe that the Chitina dipnet fishery should be considered a subsistence use of our resources.

Please amend the BOF proposal #200 to read "subsistence 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".

Also adopt BOF proposal #201 which confirms Chitina dipnetting as a subsistence fishery with an annual allocation of 100- 150 thousand salmon.

Thank you for your service on the Board of Fisheries.

Sincerely,



Thomas Malone



Karen Malone



Tanana Valley Sportsmen's Association
Incorporated
P.O. Box 70669, Fairbanks, Alaska 99707

March 10, 2010

Boards Support Section
ADF&G – Board of Fisheries Comments
POB 115526
Juneau, AK 99811-5526
By FAX: 907-465-6094

Dear Board of Fisheries Members:

The Tanana Valley Sportsmen's Association (TVSA), based in Fairbanks, has been active in State and Territorial fish and wildlife matters for over 90 years. We can trace our roots to 1916 and were incorporated as a non-profit organization in 1937. Many of our members have been dipnetting at Chitina for decades.

We wish to provide you with the following recommendations:

Proposal #200 should be rejected. This is not the objective definition required of you by the Superior Court. Today's reality is that the subsistence use of fish supplements "the basic necessities of life." In these times, no one's use could meet the stringent requirement suggested by the current proposal's wording.

We recommend that a similar, but more realistic definition be adopted: "Subsistence 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.

An alternative action is to defer proposal #200 to a future meeting of the Joint Boards of Fisheries and Game. Ultimately, the decision will affect game as well as fisheries management, because the eight criteria, including #8, the "subsistence way of life" criterion, are Joint Board regulations, used by both boards to determine whether a use of fish or game is "customary and traditional" and qualify for the State's subsistence priority.

Of most importance, an objective definition, supported by state law, is required by the Court's ruling.

Proposal #201 should be adopted. Please return the Chitina Subdistrict dipnet fishery to a customary and traditional subsistence use fishery – like it once was classified and surely is.

Thank you for your service on the Board of Fisheries, a very challenging task.

Sincerely,

Grant L. Lewis
President, TVSA

**Nome Eskimo Community**

Box 1090
Nome, Alaska 99762
Phone (907) 443-2246
Fax (907) 443-3539



March 9, 2010

Mr. Vince Webster, Chairman
Alaska Board of Fisheries
P.O. Box 115526
Juneau, AK 99811-5526

RE: Comments regarding Supplemental Proposal 200

Dear Mr. Webster:

While it is in the interest for our Tribal Council and Tribal Members of the Nome Eskimo Community to see a definition for "subsistence way of life", we write to request that the Board of Fisheries postpone their choice of a definition. The finalization of a definition will impact the future livelihood of the Eskimo, Indian, and Aleut residents throughout rural Alaska that will include our members, as well as the non-Native residents throughout Alaska. Due to its importance, it is crucial that we're able to gather input to aid in an effort to derive a definition that will satisfy all those whom it will impact; this is not a matter that should be rushed.

Finding the right definition of "subsistence way of life" for the Chitina dip net fishery is crucial, but not only for that fishery, because such definition will touch all rural Alaskans who may qualify and participate in a subsistence lifestyle. A concrete definition will help in the preservation of a customary and cultural lifestyle that will allow qualifying hunters and fisherman the privilege to provide for their families in a manner in which they are historically familiar. Due to the importance of the issue, we feel it is important to obtain greater input of our members prior to submitting further comment.

Thank you for consideration of our request to postpone a decision on defining "subsistence way of life". Should you require additional information, please contact Gerald Trigg, Tribal Resources Specialist at (907) 443-9130 or geraldtrigg@gci.net.

Sincerely,

NOME ESKIMO COMMUNITY

A handwritten signature in cursive script that reads "Denise Barengo".

Denise Barengo, Executive Director

Cc: Kawerak, Inc. – Fisheries Program

Mar 10 10 01:14p

KENT HERSCHLEB

5038922989

p. 1

Kent Herschleb
P.O. Box 1661
Cordova, Alaska 99574

March 10, 2010

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

Subject: Support Proposal 200 Oppose Proposal 201
2010 Statewide Finfish Meeting

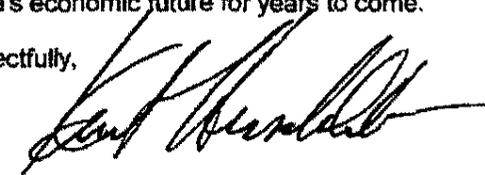
To the Board of Fisheries,

I have commercial fished for salmon on the Copper River and in Prince William Sound since 1968. My grandfather was a troller in Southeast and his son my uncle also trolled and then went on to king crabbing for many years. Of five brothers in my family four have commercial fished out of Cordova. My son and daughter work on a seine crew out of Cordova. My nephew is a Copper River gillnetter. In other words, we are a fishing family. As such we are part of the fabric that makes up the lively, economically viable town of Cordova. A fishing town. A fishing town with a long history. A town that survives and thrives because of commercial fishing.

Let there be no doubt that the effort to reclassify Chitina dipnetting to a subsistence fishery is part of a long standing campaign by some to put an end to economically viable commercial fishing on the Copper River Delta. It is no less than this. If eventually successful, this effort will lead to end of Cordova as we know it.

I support Proposal 200 and I oppose Proposal 201 because I want to see fishing towns like Cordova remain an important part of Alaska's economic future for years to come.

Respectfully,



Kent Herschleb

March 11, 2010

Board of Fish Comments, Boards Support Section

ADF&G Juneau, Alaska

Re: BOF Proposals #200 & #201

I strongly urge you to amend the BOF Proposal #200 current proposed definition of "subsistence way of life" to read: "a 'subsistence way of life' means a way of life that is consistent with the long term use of and game resources, when available, to supplement the basic necessities of life."

I dip net salmon each summer to supplement my families' winter diet to provide at least one Alaska wild salmon per week. This should be considered a "subsistence way of life", for there is no other way for me to supplement my diet with such salmon. I don't want my way of life in Alaska eliminated by the current proposed definition of "subsistence way of life."

It appears that the BOF proposed definition of "subsistence way of life" will set a precedent for the Joint Boards of Fisheries and Game to extended that definition to game rules as well, which will eliminate State subsistence hunts for thousands of Alaskans.

Also, I strongly urge you to adopt Proposal #201 which confirms Chitina dipnetting as a subsistence fishery with an allocation of 100-150 thousand salmon.

Thank you addressing these concerns.

Sincerely,


William J. Schwaab

2647 Havitur Way

Anchorage, AK 99504

March 10,2010

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

Subject: Support Proposal 200, and Oppose Proposal 201

Dear Board of Fish Members,

Hello, I am James Pahl, I have lived in Cordova since '75 and been a self employed fisherman (PWS set net) since '82 and a Copper River fisherman since '99. I have seen good and bad fishing years. I support Proposal 200 and oppose Proposal 201

I would like to point out that the time period mentioned in Criteria 1 for state subsistence use(not less than one generation) is questionable in the case of many dip netters. Many of the Fairbanks and Anchorage people are not rural, and tho I don't begrudge them Personal Use fish, I do not see them needing subsistence quantities, as freezer burnt fish is often not used, and at times ones expectations are bigger than ones stomach. I, who was married to an Eyak woman, only kept one king a year and, along with reds and silvers, it fed us well.

I'd also mention that the city of Cordova gains funds from the commercial fishery in the raw fish tax paid by the processors. Plus of course the many businesses which would be hurt if priorities are changed.

Also up river law enforcement is probably not enough (\$ and manpower) and some people in Criteria 7 may well be bartering for greenbacks. I must mention that I have never been to the up river dip net grounds.

Thanks for your attention and consideration, James Pahl

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

March 10, 2010

FAX (907) 465-6094

Regarding Proposals 200 & 201:

Defer BOF Proposal 200 to a future meeting of the Joint Boards of Fisheries and Game. This proposal will adversely affect use opportunities for both fish and game if accepted as written.

-- AND --

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

Ronald Bless
PO Box 60811
Fairbanks, AK 99706
907-488-0787



March 10, 2010

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

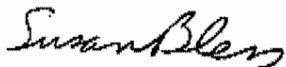
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Susan Bless
PO Box 60811
Fairbanks, AK 99706

907-488-0787

Alaska Department of Fish & Game,

Board Support Section

To Vince Webster, chair & BOF members,

First of all thank you for the opportunity to present my views and thank you for reading my comments. I **support** proposal # 200 and I **oppose** proposal # 201.

I have been a commercial fishermen, based out of Cordova since 1976 and have owned a home there since 1980. I have participated in the commercial ground fish, herring, and salmon fisheries. I currently have PWS drift and herring permits. In **supporting** proposal # 200 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 also support the validity of the DOS survey and C&T worksheet that already exists. This DOS survey was the most important information presented during the 2003 Board of Fisheries meeting. I support the information contained within this survey, as it remains the newest most accurate data in this debate (with the exception of the recent court's decision). The court has stated, and I believe correctly, that the classification of fish stock does not violate Alaska's equal protection clause. The fish stock in the Chitina Subdistrict has been classified as "Personal Use", that is a correct classification and there is certainly no justification for change.

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)”. The Chitina PU fishery is definitely a recreational type fishery, which does not reflect the cultural, social, spiritual, and nutritional values embodied in subsistence laws. The fish stocks there, are not and never have been a “true” subsistence fish stock. The Chitina PU fishery does not meet the 8th C&T criterion for classification as a subsistence fishery. Because of the fore mentioned statements I oppose proposal # 201.

An important aspect of my opposition to # 201, is that if the Chitina fishery becomes a subsistence fishery, then this fishery will no longer share the conservation burden with sport and commercial fisheries. This “new” subsistence fishery will also occur before the well-established Glennallen subsistence fishery, therefore giving the Chitina users priority, due to their location on the Upper Copper River. In my view, there is not enough fish resource in the State of Alaska for every PU fishery to have its fish stock classified as “used for subsistence purposes”. When we quit using biology for the management of our fish resource and start managing for political access to this resource, we will then be on a road to the end of sustainability of our fishery resource. The only State in the Union that has sustainable fisheries is Alaska. The burden is ours to ensure our great State of Alaska continues to have “sustainable” fisheries in the near future. I ask that you **support** #200 and **oppose** #201.

Thank you for your consideration, James Mykland

PO Box 1241, 121 W Davis Ave, Cordova, AK 99574

Alaska Department of Fish and Game

Boards Support Section

To Vince Webster, chair & BOF members,

Thank you for the opportunity to make public comment and thank you for taking the time to view my input. First of all I **support** proposal #200 and I **oppose** #201. My name is James Mykland and I have been a commercial fisher, home ported in Cordova, since 1976. I offer below excerpts from a recent article (Anchorage Daily News "Alaska Voices" written by Rudy Wittshirk, dated 2/21/10), to support my views concerning proposals #200 & 201:

"THE SPIRIT OF SUBSISTENCE -

Let's review the recent actions of the Alaska Outdoor Council and it's recreational, commercial, political, in-state and out-of-state allies regarding "subsistence"---and their shameful unwillingness to admit the reality that "rural preference" (for game in times of shortages) obviously takes precedence over the recreational and sporting needs of relatively wealthy urban economies and wealthy outside sporting types.

The nasty "debate" over the imperfect but sensible subsistence compromise of "rural preference" brought out many claims that road network Alaskans---who live a Lower 48 lifestyle and "subsist" mainly on industrial agriculture---have an "inalienable right" to claim the mantle of "subsistence" hunter-gatherer on weekends.

The Alaska "aircraft and car culture" has already virtually destroyed subsistence along the Alaska road network and caused great damage to that lifestyle in even the most remote areas of the state. At their worst, those urban-style Alaskans, lobbying for oxymoronic "urban subsistence," descended to stroking deep-seated

racial fears. Rural preference will cause "an elitist caste system dividing Alaskans against themselves," they said.

But the movement for rural preference didn't cause racial divisions, religious bigotry or excite the infinite covetousness of the urban tribe---it merely flushed these prejudices back out into the open. In true subsistence cultures, meat and gathered food is shared, often anonymously, with those who have need. However, the Alaska Outdoor Council and their commercial, in-state and outside allies united to mightily resist any hint of a "need" basis to determine anyone's eligibility for any "subsistence" qualification for any so-called "subsistence hunt." They disparagingly called it "welfare." But then they turned right around and scraped the bottom of the pity barrel to unleash a barrage of slogans to justify predator control to squeeze a few more moose out of the land for themselves with such subsistence-sounding variants as "depend on" (as in, we "depend on" wild meat), "traditional use" (we have always been doing this) and the sentimental standby, "feeding my family."

THE "URBAN SUBSISTENCE" TRADITION -

We all live off the land---everything comes from the land. Except that most of us live on the industrial grid---a system of industrial agriculture, industrial production and fossil-fueled transport systems to distribute the food and goods. There is little direct connection to the land. We depend on mostly distant lands. There is no subsistence. Read part one of this series if there is any doubt in your mind.

A lady from Wasilla recently wrote a letter to the Anchorage Daily News saying that her family has a "subsistence tradition," "culture" and "heritage" of hunting moose, catching fish and gathering berries to fill their freezer. Just like the Natives, she claimed.

What she described is quite an achievement---requiring lots of hard work and good hunting and fishing skills. [I'm assuming this lady's family butchers their

own meat rather than hauling the moose carcasses down to the local meat processing plant.]

However, what she describes cannot be subsistence. It is urban, motorized, intensive, recreational sports hunting with an Alaska-sized payoff of great wads of meat and berries. I know a number of families who accomplish this same feat and they work really hard at it. And these days it isn't so easy to shoot a moose anymore because there aren't that many left. Fish numbers are declining here in the Mat-Su as well.

But you will pardon me for pointing out the obvious: that in order to purchase all the necessary motor vehicles and equipment, including the freezer to store the meat and berries and the electricity to run it, this family---while claiming to belong to a "subsistence culture"--- actually depends on "job subsistence."

There is not much actual subsistence left in the Alaska Bush---but there is absolutely none along the road network. It just requires too much money to live in the money economy. Besides, there isn't enough fish and game to "subsist" in any meaningful manner in heavily "harvested" areas under any circumstances--- including many areas of Bush Alaska.

We live in a cash economy and I don't know anyone who can pay the bills by hunting moose, catching fish and gathering berries. The word "subsistence" is misused in the above-mentioned letter to the editor. The "tradition" and "heritage" referred to is an urban "culture" of motorized, intensive, industrial-strength killing of wildlife using expensive modern tools and technology in one's spare time.

I can understand this Wasilla lady's resentment that Natives have a subsistence "tradition" when they now also use modern tools and technology. I can understand why she wants to have a "culture" of her own. However, simply eating some wild foods does not a subsistence lifestyle, culture, heritage or tradition make---Natives are not called "the first people" for nothing.

COPPER RIVER SUBSISTENCE?

There is no way that modern Alaskans can take a few weeks off from their jobs to go hunting and still call it “subsistence.” Nor does a long weekend drive to Copper River to dip net salmon qualify.

I have no problem allowing dip netters a more generous share of Copper River red salmon over the interests of commercial fishing. What I don't like is an “arm of the Alaska Outdoor Council” filing suit to “reclassify Chitina dip netting as subsistence use rather than personal use” (“Fish Board ordered to revisit dip netting personal-use issue - Subsistence fishing in Copper River at question” - Anchorage Daily News, 1-9-10.)

“Personal use” is an adequate description to differentiate this fishery from commercial use---to call it “subsistence” would be inaccurate and pretentious. It is just another example of using the word “subsistence” in order to grab more of the resource in the name of a lifestyle which simply does not exist along the road networks.

The Alaska Outdoor Council and their allies fought tooth and nail to deny anyone who actually needs wild meat. These recreational sporting types expended and applied the full weight of their emotional, commercial, economic and political power against giving special subsistence consideration to anyone else who might more clearly require the extra food---while at the same time invoking the sacred spirit of selfless subsistence in order to qualify themselves as thoroughly “equal.” Those who didn't really “need” the meat to survive, in the name of “equal access,” sought to justify their own motorized taking of too much wildlife by making themselves “equal“ to those few people living in the Bush who definitely do “need“ the meat.

As a result of this highly-organized, well-funded, urban political pressure, wildlife in Alaska is now managed in the unofficial name of “subsistence” and “need” and “depend on.” But the actual spirit of subsistence sharing is deader than a roadside moose on opening day. The mindless application of emotional slogans has become the politically-imposed operating credo of Alaska Division of Fish & Game---not “science.” That’s why Alaskans are squabbling about calling a personal use dip net fishery a “subsistence” fishery when it hasn’t got a darned thing to do with real subsistence. That’s why we are losing our fish and wildlife---because too many takers of Alaska’s wildlife and fish are pretending, against all evidence, to be true-blue “subsistence users” when clearly they are not”.

I believe Rudy has done a good job of presenting the current state of affairs concerning “subsistence” fishing and hunting in Alaska. It is my belief that there are not enough fish resources in the State of Alaska for everyone to “live a subsistence way of life”. If the Chitina PU fishery is changed to a subsistence fishery, there is greater possibility that the Copper River Chinook return will lose its sustainability. The last three commercial seasons saw the smallest harvest of Chinook since statehood. ADF&G has done a good job of making sure we are reaching the SEG for Chinook, though what is happening to our decreasing Chinook runs, remains a mystery to us all. Why are they not reaching the spawning grounds? Why is there not full accountability of all “harvested fish” upriver? These are questions that need to be answered, before our Chinook run falls below the SEG. Changing the Chitina PU fishery classification will be a disaster in the making. I ask that you **support** #200 and **oppose** #201.

Thank you for your consideration, James Mykland

PO Box 1241, 121 W Davis Ave, Cordova, AK 99574



Alaska Outdoor Council
and
Alaska Fish & Wildlife Conservation Fund



310 K Street, Suite 200
Anchorage, Alaska 99501
Phone: (907) 264-6645, Fax (907) 264-6602
E-mail: aoc@alaskaoutdoorcouncil.org
Website: www.alaskaoutdoorcouncil.org

March 11, 2010

Boards Support Section
Board of Fisheries Comments, ADF&G
POB 115526
Juneau, AK 99811-5526
By FAX: 907-465-6094

RE: Alaska Outdoor Council (AOC) comments on BOF March 20th meeting on proposals # 200 and #201.

Dear Chairman Webster and Board of Fisheries members:

Thank you for the opportunity to provide written comment on behalf of AOCs statewide membership of over 10,000 Alaskans who choose to supplement their annual food supplies with wild food harvests of fish from Alaska's waters.

AOC's sister organization the Alaska Fish and wildlife Conservation Fund (AFWCF) and its member club the Chitina Dipnetters Association Inc. brought suit against the Alaska Board of Fisheries (board) after the board's failure to reconsider returning the Chitina Subdistrict of the Upper Copper River District to a subsistence fishery in 2008.

The Superior Court for the State of Alaska found that the board failed to properly articulate and apply an objective standard when interpreting 5 AAC 99.010(b)(8). Also the court found that AOC was correct to point out that the board had improperly considered the per capita consumption of wild foods in the home community of the user when the board voted to deny Alaskans living in Fairbanks, Anchorage, and the Mat-Su area a subsistence priority under 5 AAC 99.010 to salmon dipnetted from the Copper River at Chitina. These court decisions have lead to the board generated proposals #200 and #201 that you will be deliberating on March 20 21, 2010.

AOC recommendations, to the Board, on **Proposal #200 is Amend and adopt.**

The board proposed definition of "subsistence way of life" does not provide an objective definition that would give interested parties notice as to what information may be used to supplement the Board's administrative record. Defining the "subsistence way of life" as a way of life that is reliant on fish resources for the basic "necessities of life" is subjective.

There is no definition of what "basic necessities" are. Statutory definitions of "subsistence uses" in AS 16.05.940 include the use of fish for purposes in addition to food and nutrition, such as, to the extent reasonably applicable, shelter, fuel, clothing, tools, handicrafts, transportation, customary trade, barter, or sharing for personal or family consumption. If these are considered the "basic necessities of life" in regard to the boards determination of whether salmon dipnetted at Chitina are used by non-Copper River Basin Alaskan residents for their subsistence uses it would still be a subjective standard when applying the 8 criteria found in 5 AAC 99.010(b). The courts remand to the board would not be met.

AOC recommends amending the proposed definition to read:

... "subsistence 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.

"Protecting your Hunting, Trapping, Fishing and Access Rights"

The Official State Association of the National Rifle Association.

Alaska's subsistence law AS 16.05.258 allows all Alaskans to gather wild food resources when the harvestable surplus is great enough to meet all users' needs. The Alaska Supreme Court in the 1989 McDowell case noted that "one purpose of the 1986 act 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." That Court also noted that there were substantial numbers of people living in urban areas that relied on subsistence uses, while there were "numerous Alaskans" living in rural areas that did not engage in subsistence activities. An objective standard for determining who lives a greater subsistence way of life when the board needs to differentiate among users would more accurately be measured by what percentage of their necessities of life are being met with fish and game resources.

AOC recommends adoption of proposal #201.

The board failed to consider the fact that all Alaskans who gather wild food resources qualify as subsistence users when they voted to deny Alaskan's living outside of the Copper River Basin a subsistence use of Copper River salmon based on 5 AAC 99.010(b).

The ADF&G Subsistence Division in their Customary and Traditional Use Worksheets for salmon in the Copper River District provided the board with figures comparing the per capita harvest of wild foods based on household surveys taken in the 80's, 90's, and up to 2002 for the communities of the Copper River Basin and Anchorage, Fairbanks, and the Mat-Su area. The court has ordered the Board to reapply the eight criteria without reference to community-based average harvest data. Once the Board reevaluates the eight criteria without reference to community-based harvest data, as directed by the court, the only way your action will be in compliance with Article VIII, section 3 Common use, of the Alaska Constitution will be if you adopt a positive customarily and traditionally subsistence use of salmon for the Upper Copper River District.

The court record is clear that the Chitina dipnet fishing meets customary and traditional standards under state law.

AOC has expended a considerable amount of energy and funds over the last two decades to make sure AOC membership and all Alaskans have the rights and privileges afforded them by the Alaska State Constitution regarding access to publicly owned wild food resources. AOC asks for your support in assuring these rights and privileges for Alaskans to harvest wild food resources continues to be the law of the land.

Thank you for your consideration.

Rod Arno

Executive Director
Alaska Outdoor Council

Bill Iverson

President
Alaska Outdoor Council

"Protecting your Hunting, Trapping, Fishing and Access Rights"

The Official State Association of the National Rifle Association.

**Public Comment for the Alaska Board of Fisheries March 2010 Meeting Submitted by:
Jake Sprankle, 2665 Monteverde Rd. Fairbanks, AK 99709**

Thank you for the opportunity to provide written testimony regarding Proposal 200 and 201. I would also like to thank you for the commitment you have made in helping manage Alaska's fisheries resources for current and future Alaskans. Your task is no small one and the decisions you make, and will make, have a tremendous impact on the residents of this extraordinary State. You are charged with ensuring the conservation of the greatest fisheries on this planet while also adhering and abiding by our State Constitution, which should be your guide during all of your deliberations. Our Alaska State Constitution clearly states that our "*fish, wildlife, and waters are reserved to the people for common use*" and that they shall be managed "*for the maximum benefit of its people*". Make no mistake: the highest and best use of our fish and wildlife resources is feeding Alaskans. That is why our State Constitution is written the way it is. Failure to recognize this one simple, yet extremely significant point, is failure to uphold our State Constitution and failure to manage our fisheries in the way you have agreed to in taking your seat on this board.

I have read all of your bio's and resumes posted on the ADF&G website and I see that one of you believes that one of Alaska's "jobs" is to "*provide excellent quality fish for the tables of the world*". This can only be our "job" when we have provided for our tables—Alaskan tables—first and foremost. Again, the highest and best use of our fish and wildlife resources is feeding Alaskans. All other interests, whether or not they are commercially advantageous to individuals or the State as a whole, need to take a back seat to this simple tenet. The Alaska Board of Fish has, in years past, failed to recognize this point. Subsequently they have also failed to serve the best interest of Alaska, and most importantly its residents. Your own proposal, Proposal 200, is a continuation of this failure and I am adamantly **opposed** to this proposal. With six simple words ("*for the basic necessities of life*"), you have excluded virtually the entire population of Alaska from ever being defined as "subsistence users". Either you are unaware of what "basic necessities of life" entail or you are deliberately trying to abolish the rights of all subsistence users in the State.

The ramifications of such an action on fish and wildlife management—and the residents of this great State is exponential—exponentially wrong. I support amending the wording to define a subsistence way of life to mean "*a way of life that is consistent with the long term use of fish & game resources, when available, to supplement the basic necessities of life.*" I also believe that the definition for a "subsistence way of life" should involve the Board of Game, since it was the Joint Board that previously developed the eight subsistence criteria. Your Proposal would have great impact on the Board of Game and how they manage subsistence resources as well.

If you are wondering why we, the Chitina dipnetters, are so impassioned about our fishery and our rights in harvesting fish from our rivers, know that it is because we value and care about feeding our families. Still, to say that this is just an issue about food, greatly misses the mark. It is much more than that. It is about the entire process—holding our nets in the eddy we have chosen, waiting and fighting the current, feeling the bump and pulling back, clubbing and cleaning, hauling and hiking out our catch, processing our food that has been caught by our own hands and then, most importantly, watching our children eat and be nourished by what we Alaskans have harvested from our Alaskan waters.

The value of the 30 salmon we harvest far exceeds the monetary replacement value were we to buy our fish from a market. In many regards, the salmon we dipnet from Chitina is priceless. It corresponds with our values of providing for ourselves. It teaches our children self-sufficiency, responsibility, and stewardship of renewable resources. Like the moose, caribou, and sheep that fill my freezer, salmon dipped from Chitina are an integral part our diet. My children are healthy and intelligent because of the numerous nutritional benefits the fish and game we have harvested from our lands and waters have afforded us. Knowing where our fish were harvested, knowing how they were handled and processed, and knowing my children are learning valuable lessons about harvesting food from our lands and waters cannot be substituted.

Dipnetting at Chitina is not sportfishing. I enjoy sportfishing—particularly chasing rainbows and steelhead with a flyrod in hand, but that is for fun and recreation. Dipnetting at Chitina is not about fun and recreation. It is about harvesting. It is about “supplementing the basic necessities of life”. It is about subsistence. Classifying dipnetters as “personal use” so that we are subject to the whims of the Sportfish division of ADF&G makes no sense whatsoever. Last year’s Chinook closure for dipnetters exemplifies this point. The commercial take for Chinooks continued, as did that for sportfishing. The fact that someone with a rod and reel fishing for “sport” or someone fishing for money could take Chinooks while those of us trying to feed our families could not is egregious. It is almost criminal in some ways and certainly irresponsible. Again, the highest and best use of our fish and game resource is feeding Alaskans, not reserving them for play, not selling them for profit, but harvesting them and consuming them. For these basic principles, I support Proposal 201, which dictates a positive Customary & Traditional finding for the Chitina Dipnet Fishery. Based on the historic long term, consistent use of salmon stocks in the Chitina sub-district area by dipnetters to “supplement the basic necessities of life”, you should too. Please, do what is right. Abide by our State Constitution and put Alaskans first. Put Alaska is above commercial interests. My children—our children—are counting on you.

Again, thank you for the opportunity to provide written testimony regarding Proposals 200 and 201 and for the commitment you have made in helping manage Alaska’s fisheries resources for current and future Alaskans.

Sincerely,



3/11/10

Jake Sprankle
2665 Monteverde Rd.
Fairbanks, AK 99709
Email: jakesprankle@gmail.com

Philip Oman
PO Box 2328
Cordova, Alaska 99574

March 6, 2010

Alaska Department of Fish & Game
Boards Support Section
PO Box 115526
Juneau, Alaska 99811

Proposals 200 & 201 - 2010 statewide finfish meeting

Board of Fish Members;

I have fished the Prince William Sound –Copper River Delta for 33 years. This fishery is the lifeblood of my family and the people and businesses' of the town of Cordova.

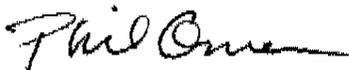
The state of Alaska's management of their salmon resources is a model of success for the whole west coast of the United States and Canada. A big reason for this is their priorities for harvesting fish, especially in times of weak runs. To put a personal use fishery in the same category of true subsistence use would not only demean the term subsistence but it would open subsistence up to everyone in the state. The resource can't take the pressure of subsistence for all.

I am for proposal 200 as it would be a reasonable definition of subsistence if it includes the term "basic necessities of life". This would obviously keep personal use from being categorized as subsistence as the personal use fishermen that need salmon as a basic necessity of life are probably already classified as subsistence users .

I am obviously against proposal 201.

I trust the board will use its good judgment and vote against proposal 201 and continue successfully managing the state's salmon runs for future generations.

Respectfully yours,



Philip Oman

Brian Lee
31250 W. Lee Drive
Sutton, Alaska 99674

March 9, 2010

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

Subject: Proposal 200 and 201 – 2010 Statewide Finfish meeting

To the Board of Fisheries,

I am a PWS Drift gillnet fishermen. I have fished in PWS for 24 years. My wife and I and our 2 children depend almost exclusively on commercial fishing for our livelihood. Jobs are scarce in the Glacier View community where we live. Fishing has provided a living for us as well as allowed us to work together as a family.

I support proposal 200 and oppose proposal 201.

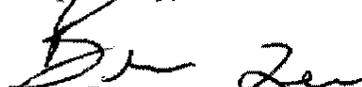
The early Copper River fishery is an extremely important part of my annual income. We have worked hard to market the Copper River salmon. The potential loss of these early high value fish would significantly impact my ability to make a living from this resource.

I believe that it's critical to share the conservation burden with all user groups. If Chitina becomes a subsistence fishery the burden falls upon the sport and commercial fisheries. Frankly, I don't see the need to prioritize the Chitina fishery as a subsistence fishery. All the user groups are presently able to get all the fish they need if they give the appropriate time and energy to fishing.

I want to also address the young people who are buying into the PWS gillnet fishery. The debt burden to go fishing today is enormous. We have a high percentage of young people buying into the fishery....my 21 year old son is one of them. The potential loss of the early fishery would be devastating to them in terms of making their financial obligations. I ask you to carefully consider all these ramifications as you make your decisions on this critical issue.

Thank you for allowing me to comment on these proposals.

Respectfully,


Brian Lee

Gentlemen,

I was born and raised in Cordova. I am 24 years old and fishing is my life. Fishing is all Cordova has. I have been fishing as long as I can remember with my father. I am a second generation fisherman. I seined for six years and have been gillnetting for the last three. I recently bought a boat and permit. My family and fishing livelihood would be deeply impacted by a loss of early Copper River fishing.

Please understand the importance of our early Copper River fishery to the fishermen and the community. If we let all the fish go up the river for the dip netters – there won't be an early Copper River market anymore. The early Copper River fishing would be over - and this would hurt the economy of Cordova and its fishermen.

Sincerely,

Sabin Landaluce

Gentlemen,

I am very concerned about the proposal 200-201. I have been a commercial fisherman for 33 years. I believe if these proposals go through to allow the urban masses the Copper River fish, the livelihood of our region will suffer. This is my family's sole source of income and my son Sabin Landaluce also fishes the Copper River. I will retire in a few years; it is the young fishermen and the community that will suffer the most.

Sincerely,

Luis Landaluce, Cordova

31250 W. Lee Drive
Sutton, AK 99674
March 10, 2010

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

Subject: Proposal 200 and 201 – 2010 Statewide Finfish meeting

To the Board of Fisheries:

I am **in favor** of Proposal 200 and **opposed** to Proposal 201.

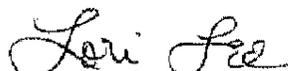
I am a boat owner and have drift gillnet fished in PWS since 1985. Our family has depended on commercial fishing since 1980. We see commercial fishing for our long-term employment and as a family affair, as well. Our two children have been on the boat and fished all their lives. Our son is buying into the PWS driftnet fishery this year. Proposal 201 will have a very negative affect on our livelihood.

Proposal 201 will also adversely affect hundreds of other commercial fishermen who depend on the Copper River Flats for a major portion of their income. That in return affects many businesses... providing food, fish buyers, marketers, parts providers, net hangers and menders, mechanics, boat builders, just to name a few.

In this time of economic challenges it doesn't make sense to me to harm any major, healthy means of making a living in our Wonderful State, especially one, commercial fishing, that has far-reaching positive financial effects on many other businesses in our state.

There is no problem with catching a sufficient number of fish up river for dip netters, personal use and subsistence fishermen with the way things are currently being managed. It is presently a win-win situation. Everyone is getting fish.

Thank you for your time and consideration.


Lori Lee

746-0868

blee@mtaonline.net

31250 W. Lee Drive
Sutton, AK 99674
March 10, 2010

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

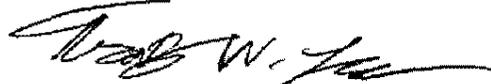
Subject: Proposal 200 and 201 – 2010 Statewide Finfish meeting

To the Board of Fisheries:

I am **in favor** of Proposal 200 and **opposed** to Proposal 201.

I have been commercial fishing my whole life and almost all of my money comes from fishing. I have been a deck hand on my Dads boat for eleven years. I recently bought a bowpicker and am in the process of buying a PWS permit. The Copper River fishery is a big part of my planning. Losing the Copper River Flats would make it a lot more difficult to meet my payments in the fall for my operation.

Travis Lee

A handwritten signature in black ink, appearing to read "Travis Lee", written over a horizontal line.

William T. (Bill) Black
309 Observation Ave.
Cordova, Alaska
99574
Salmonbill@comcast.net

March 7, 2010

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

Subject: Proposal 200 & 201- Statewide Finfish Meeting

To the Board of Fisheries,

First, put me down in support of Proposal 200 and in opposition to Proposal 201. I appreciate this opportunity to comment on these proposals which are before you which are very important in framing the future of our great State.

I've fished for my living for more years than I can count on my fingers and not get confused, which is a combination of 1., a lot of years and 2., well, a lot of years (if you know what I mean). I began my commercial fishing career in the Fall of 1970, as a crewman on an old wooden boat (the Eureka), king crabbing out of Homer. My cousin and I built a boat that Winter in Homer and sailed around to Cordova in the Spring of 1971 where I've fished every year since, in addition to a couple of forays to Southeast. Seining (for salmon and herring), gillnetting (for salmon and herring), long lining (for halibut and black cod), crabbing, grappling (for roe kelp), herring "pounding" and diving for "wild" kelp have been my principal fisheries. Looks like 40 years so far. 2010 will be year 41. I've had financially great seasons and financially horrible seasons. I've had children born in-season and I've had family members die in-season.

I've got three offspring who are now 21, 26 and 31. By June all three will have graduated from college. The youngest (who will be the June 2010 graduate) is hoping to do her student teaching in Cordova (she's planning to be a teacher and hopefully in a viable Cordova) while my elder two hope to continue fishing for a living into the foreseeable future. That's what Hope is a lot about... Jobs (and Health!, the two are very related).

If I had a magic wand I'd make sure that all families in Alaska had Jobs. Jobs which are meaningful, but mainly could support those families. Jobs which pay the bills. Board members, in a very genuine way, you do have that magic wand. In your deliberations over these two proposals keep in mind that the production of seafood is currently the largest source of non-governmental jobs in Alaska. Seafood jobs keep Alaskans employed.

Please vote Yes on Proposal 200 and No on Proposal 201.

Thank You and Sincerely,
William T. (Bill) Black

Jerry Mc Cune

March 11, 2010

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

Subject: Support Proposal 200, Oppose Proposal 201- 2010 Statewide Finfish Meeting

To the Board of Fisheries,

I was born and raised in Alaska and I am a third generation commercial fisherman. I have been out fishing on the Copper River since I was nine years old. I started running my own operation in 1963 in a small wooden skiff and doghouse (a tiny little house on a skiff). I have fished every season since and currently do so today. I have approximately \$220,000 dollars invested into commercial fisheries.

I have five children; one son fishes in the Copper River Drift fishery, one son tenders on the Copper River and plans on buying in, and my daughter crews in the fishery. This fishery is very important to me and my family. My wife works for Lynden Transport and works to help move a lot of salmon during the summer. When the Copper River is open that is only fishery I fish, other fishermen move on to the Prince William Sound fisheries.

If any more restrictions are placed on the Copper River drift fleet we won't have a viable fishery; instead we'll have too many boats and lost opportunity, including the local Delta stocks and hatchery stocks which are paid for by commercial fishermen.

The loss of thousands of early jobs would be a huge hit to the communities of Cordova, Valdez and Whittier. We only fish 12 hours a week at the beginning of the season and there are already two mandatory fishery closures by ADF&G for Chinook salmon conservation.

With that said, I respect the personal use fishery as an opportunity for residents to gather salmon. We have shared in the conservation burden many times over the years, back to the many closures over the years to built Copper River runs. This is a small run; a 2 million sockeye run is huge and fully allocated to all users. There is only so much of the pie to split up, and over the last 10 years escapement goals have been met many times well over.

I was at many of the meetings when Personal use was established, if you read the materials and look at 5AAC77.001 [3] "there presently are areas of the state with harvestable surpluses of fish in excess of spawning escapement needs and present

levels of subsistence, commercial and sport uses." [B] "It is the intent of the board that the taking of fish under 5 AAC 77 will be allowed when the taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use or is in the board public interest".

Personal use is the second biggest user behind commercial fishing and is not a subsistence fishery. It was created to provide opportunity to residents that didn't fit other fisheries. Not everyone can have priority, we have to be able to slow other fisheries down for conservation and share in the times of plenty.

Last year the commercial drift fleet was shut down to provide escapement up the river, while the personal use fishery still went on with a "no kings taken" restriction in place. If personal use has priority along with State and Federal subsistence, how will that work? Since the personal use takes place geographically before the other existing fisheries, with the exception of commercial.

I support proposal 200 as written and oppose proposal 201

Thank you for the opportunity to comment on these proposals.

Jerry Mc Cune
President, Cordova District Fishermen United

Eric Lian
Cordova, AK 99574

March 11, 2010

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

Subject: **SUPPORT PROPOSAL 200** and **OPPOSE 201** - Statewide Finfish meeting

To the Board of Fisheries,

I am a fourth generation Copper River commercial drift gillnet fisherman and lifelong Cordova resident. My great grandfather was one of the first seven seiners of Prince William Sound and one of the first Copper River commercial drift gillnetters. My family has had an uninterrupted presence in the commercial fisheries of Prince William Sound and the Copper River for over 100 years. My introduction to commercial fishing began at the age of 11 as a deckhand on my father's salmon purse seine vessel. Since that time I developed a strong work ethic and learned a valuable career skill; both I hope to pass on to my children. For example, commercial fishing provided me with a financial means to put myself through college.

I bought into the PWS S03E drift gillnet fishery in the winter of 2005 and began my path of financial independence. It has been a bumpy ride with many emotional and financial ups and downs; my career as a drift gillnet fisherman has not been all profit. The business has required me to spread my earning amongst raw fish taxes, local vendors and especially local repair shops.

Many Alaska residents are under the impression that most commercial fishermen are non-Alaskans that take their earnings and spend them out of the State. Despite this, 75% of the Copper River commercial fishing fleet are Alaska residents and ALL fishermen, regardless of where they reside, contribute greatly to the financial, cultural, and social well being of Cordova. All fishermen pay fish taxes, purchase supplies from local vendors, and support local repair shops. For these reasons, the strength and longevity of the Copper River commercial fishery is paramount for the existence of Cordova; and here is why you should support proposal 200 and oppose 201.

Defining "subsistence way of life" as "a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life," reaches to the core of what it means to truly live a subsistence lifestyle.

A looser definition, such as a "life that is consistent with the long term use of fish & game resources, when available, to supplement the basic necessities of life" (Website: Chitina Dipnetters Association), should be viewed as a crude attack on the true subsistence user, by people who only wish to pervert the real act of subsistence.

A person subsisting from the land and water should lead of a lifestyle that shows a strong reliance for their very own survival. A person who has the financial and technological capacity to have easy access to modern forms of resource gathering, such as grocery stores, restaurants, shopping malls, cinema theaters, movie stores, fuel stations, vehicle repair shops, etc, does not need to lead a subsistence lifestyle. They may choose to do so, but for these people subsisting off the land is not a basic necessity.

SUPPORTING proposal 200, with no additional modification, and OPPOSING 201 will allow the State of Alaska to leave the current areas of the Copper River District designated the way they are. All Alaska residents have *reasonable opportunity* to engage in subsistence, commercial, personal use, or sport fisheries, and the necessary requirements are in place to sustain a healthy resource for all users. Let's keep it that way by recognizing that our resources are limited, and *we all must share equally the burden of conservation*. All we can work toward is *fairness* of access for all Alaska residents.

Please view it is as strong testimony for SUPPORTING PROPOSAL 200 and OPPOSING 201. Thank you all for your service to the great State of Alaska.

Sincerely yours,

Eric Lian

March 7, 2010

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

Re: Proposal 200 & 201 -2010 Statewide Finfish meeting

Board of Fisheries'

I am a lifelong commercial fisherman, who started fishing when I was only thirteen years old. Having fished for over 25 years now, I plan on continuing for as long as we have a fishery to fish. I employ Alaskans, I support Alaska businesses, and I support my family all on one important element – **healthy fish stocks**.

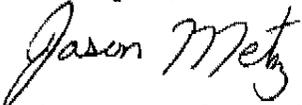
All across the world there are fisheries being lost. Some already lost, and others that are soon to be lost. In my opinion, human greed is the cause of this depletion. One example is Blue Fin Tuna. Big money, big politics, and very little science, add up to an endangered species. My point being, science is the only tool to ensure a healthy management. Alaska is on the leading edge of fishery management, and I believe it is because Alaska still uses science based management to manage our fisheries. Unfortunately one fishery has been politically managed and that is Cook Inlet. One look at Cook Inlet shows what can happen when a fishery is mismanaged. It starts with over escapement, which in turn leads to poor run returns. This in turn leads to less fish for everyone. Less fish means fewer jobs, fewer people coming to the Kenai, fewer people supporting local businesses, and a smaller amount of food on the table.

Let's not let what happened on the Kenai River happen on the Copper River. As Alaskans we should share in the responsibility of making certain that we have healthy fish stocks. I *do not* believe Chitina should be classified as subsistence. In a time of shortage I do believe that we should all share in the burden of less fish.

Fish and Game in addition to science based management, and good law enforcement will help ensure good healthy fish stocks. Let's not let politics and greed manage our fisheries. Let science and biologists make sure we have healthy fish stocks for generations to come.

I thank you for your time, and for your consideration to my thoughts on this issue.

Best regards,



Jason Metz "Life Long Fisherman"
37104 Tiny Road
Soldotna, AK 99669
Email: beccan]@acsalaska.net

Dear Board of Fisheries,

3-11-2010

I and my family have been dip netting at Chitna for 20 years. It is an important part of our diet. I don't agree ~~you~~ with your proposed definition of subsistence. Please amend the BOF Proposal #200 current proposed definition of "subsistence way of life" to read: "Subsistence 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". Please adopt proposal #201 which confirms Chitna dipnetting as a subsistence fishery with an allocation of 100-150 thousand salmon. Alaska residents that eat this food source deserve your consideration.

Thank You,
Steve Joslin

Steve Joslin, PO Box 377
Delta Jct., AK 99737

Public Comment #111

Thomas K. Lamal

1734 Becker Ridge Road

Fairbanks, Alaska 99709

907 479-7544

Boards Support Section

Board of Fisheries Comments, ADF&G

POB 115526

Juneau, Alaska 99811-5526

By FAX: 907 ~~456~~-6094

465-6094

Dear Board of Fisheries Members:

Proposal #200 OPPOSE

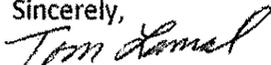
I started commercial fishing in Alaska in 1971 (before limited entry) and have been involved in many fisheries throughout Alaska. I seined in Southeast, and drifted in Bristol Bay, Norton Sound and the Lower Yukon. I started dip netting in Chitina in the mid 1970's and only missed the years I was able to bring some lower Yukon kings home. A Chitina red is better than an ocean caught Bristol Bay red. Alaska residents cherish the ability to harvest Copper River Reds for their winter assortment of food along with moose, caribou, ducks, etc. Harvesting fish each year to eat is definitely a subsistence life style and many residents depend on this resource to feed their families.

Ivan Thorall (past chair of the joint Board of Fish and Game) was instrumental in developing this fishery for all Alaskans. Ivan was a great Alaskan and would be very disappointed with any board that would not keep Chitina Dip Netting as a subsistence fishery.

Proposal # 201 SUPPORT

The Chitina Dipnet fishery definitely passes the litmus test for a customary and traditional standards. Please refer to State law.

Sincerely,


Tom Lamal

ALASKA BOARD OF FISHERIES
3/12/2010
RE: PROP 200, 201

CHAIRMAN AND MEMBERS OF THE BOARD

MY NAME IS WARREN BROWN, AN ALASKAN RESIDENT AND COMMERCIAL FISHERMAN FOR 36 YEARS. OVER THE YEARS I HAVE COMMERCIAL FISHED ALL OVER THE STATE, BUT NOW I SPEND MOST MY TIME DRIFTING FOR SALMON IN THE COPPER RIVER/ PRINCE WILLIAM SOUND AREA.

I WOULD LIKE TO TAKE THIS CHANCE TO ASK YOU TO VOTE IN FAVOR OF PROPOSAL 200 AND AGAINST PROPOSAL 201.

THE CHITINA SUBDISTRICT HAS ALWAYS BEEN A RECREATIONAL USE/ SPORT FISHERY AND NOT A SUBSISTENCE FISHERY. A CHANGE IN THIS DETERMINATION WOULD BE DETRIMENTAL TO THE MANY FISHERS, FAMILIES, PROCESSORS AND CANNERY WORKERS WHO RELY ON THIS FISHERY.

THANK YOU FOR LISTENING.

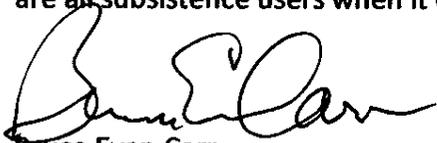
WARREN BROWN

Attn:
BOF Comments
Boards Support Section
Alaska Dept of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Fax: 907-465-6094

It is interesting that lawyers, board members and special interest groups should be able to decide who gets Alaska's fish. If you look past the titles, each individual is a single human being requiring space, air, water and food to exist. I believe all the residents of Alaska, regardless of race, religion, age, sex, income level or all the other artificial man-made categories, should be able to harvest the fish in Alaska for their personal needs before the resource is allocated to people not living in the state. What is left can be shared with others, but shouldn't we make sure the people living here have what they need to eat? Market hunting is banned – it would deplete the resource. Should we allocate air and water to the people? Already fisheries are being over-exploited worldwide. It is the commercial fisheries that are responsible. Do we owe them a fancy living on a big income? And where do the fish end up exactly? How much is wasted? How much goes to countries that's human population is already over carrying capacity? When is the human world going to wake up to their waste and overly abundant population? It is not global warming and oil consumption that are the real problems. If one pays attention to what is happening in the world and the world's oceans, it is lack of food and water that will or are killing people - even now.

Alaska is in a unique position in that we have few people and vast resources. Anyone who has studied population dynamics would realize the northern latitudes support fewer large mammals per square mile. We need to limit growth and development in Alaska now before we end up like the other over populated places on earth. Alaska's resources should be for all Alaskans, so write proposal 200 to reflect that idea. Proposal 201 should state that we in Alaska are all subsistence users when it comes to feeding ourselves.



Bruce Evan Carr
PO Box 81023
Fairbanks, AK 99708-1023
907-479-3747

Attn: BOF Comments
Boards Support Section
Alaska Dept of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Fax: 907-465-6094

I support proposal 201.

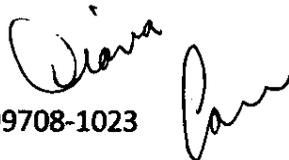
I came to Alaska as a toddler in the 50's. My Mom and Dad took me on my first trip to Chitina, giving instructions on how to keep the face of the net open, how to use an eddy to trail the belly of the net upriver, and how to slit around the gills properly when cleaning the fish we caught. I've Chitina fished from rubber rafts, from river boats, wading out off a sandbar in hip boots, and roped to a stout tree hanging off the rocks. I've frozen in the rain, wind-burned in the hot sun, and dozed off from exhaustion with the pole wedged between my legs to keep it in the water, waiting for that little bump.

It costs a lot in time off work, fuel, equipment, and ice to bring home a cooler of fish from Chitina. Sure, we could drive an automobile down to the grocery store to buy a fish. But dipping is the way we live. Those white-wrapped packages in the freezer are an important part of how I define myself as an Alaskan. I'm proud to be known for that brown-sugar-rum-glazed smoked salmon specialty I take to potlucks. The summer's last package came out of the freezer three weeks ago. Can't wait for this coming season to start mixing brine for the next batch.

For entertainment when we are outside visiting relatives, we browse butcher shops to check the outrageous prices they are charging for a salmon fillet in Seattle. The commercial fishermen don't get nearly all those dollars, but I suppose they are the start of a tremendous economic boom for somebody.

But... the people who grow up and live and grow old in this land, the individual mom and dad and children unto multiple generations, should be able to keep their access to the fish. The very best fish in Alaska is the Copper River Red. My husband will argue that it is the Copper River King, but I favor the Reds. Individual Alaskans should not lose our rights to the bounty of our rivers because there are more commercial boats than fish available to fill them.

Diana Dee Carr
PO Box 81023
Fairbanks, AK 99708-1023
907-479-3747



Barbara E Webber
PO Box 934
Cordova, AK 99574-0934
(907) 424-7343
westerly@gci.net

March 12, 2010

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

SUBJECT: Proposal 200 and Proposal 201 – 2010 Statewide Finfish meeting

I support proposal #200 and I oppose proposal #201.

Cordova's life and livelihood is commercial fishing. My husband and children have roots deeply entrenched in commercial fishing. Jim was born in Katalla, AK in 1932. He has strong Tlingit roots. He grew up in a "fishing family" in Katalla and Cordova. He has been a commercial fisherman for as long as he can remember. He'd spend summers out on the Copper with his father. When he was a youngster, he was out drifting the Copper River Delta in an open skiff powered by a nine horse kicker pulling his gear by hand. He still, at 77 years young, looks forward to each May opener to get back to his life fishing on the Copper River Delta.

We have two daughters that grew up in a fishing each summer in a "fishing family". They both have been out on the Copper River Delta fishing with their dad. Their dream is to someday own their own boats and fish with their families. They each have two children. Both of their significant others are fishermen on the Copper River Delta. The commercial fishery on the Copper River Delta is very important as a lifestyle and means of support for all of us to exist.

We partake of deer from Prince William Sound and moose when we are drawn. We harvest fish from the sea to eat year round. We pick berries to make goodies. We live year round in the area where we harvest these resources. We don't go to Anchorage, Fairbanks, or other metropolitan areas to subsist. We choose to live in a rural area because our roots are in this area. Why do cosmopolitans living in urban areas need to travel many miles to "subsist" in the rural Chitina area?

It is important for all user groups to share the burden of conservation of the Copper River salmon stocks. The Chitina Subdistrict fish stock has always been a "recreational use" type fishery. It is definitely not a "true" subsistence fish stock. Please review each aspect of your decision. Please realize how a reclassification of the Chitina Subdistrict to subsistence will negatively affect Cordova and the citizens relying on the commercial fishery on the Copper River Delta for life and livelihood.

I thank you for your time and effort dealing with these matters.


Barb Webber

3/8/10

Dear Board of Fisheries,

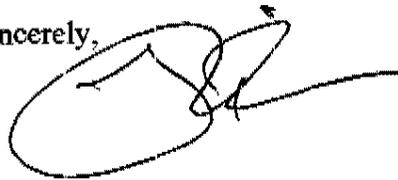
I am an Area E salmon drift gillnetter. I have been fishing the Copper River for 21 years. I support proposition #200 and oppose proposition #201.

I believe the Chitina area has always been predominantly a sport fishing use area.

I hope all users that benefit from the marvelous Copper River Salmon can always work together in managing this resource.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mitchell Nowicki', with a long horizontal line extending to the right.

Mitchell Nowicki
P.O. Box 2232
Cordova, AK 99574

Cliff Ward
Box 264
Cordova, AK 99574
cliffw@att.net

3/12/10

To: ADF&G
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Board Members:

I'm writing in SUPPORT of Proposal #200 and in OPPOSITION to Proposal #201.

Being a 30+year resident of AK, member of the Cordova community, and Area E salmon fisheries I depend on the continuing viability of the Copper River Fishery as a major component of my livelihood...as do a majority of those who live in Cordova and the surrounding PWS community. Being isolated from major cities via no Hwy connection and blessed with natural, well-managed fish and game resources many of us get our protein from the surrounding stocks not only preferring it's wild nature but we live amidst healthy stocks that can be had without much travel or expense.

Traditionally, that's been the lifestyle in these parts...the fish swim thru it. And having lived 1st hand thru the unthinkable nightmare of the Exxon Valdez Oil Spill it's critical for ALL OF US to be aware of the bigger picture...and not only take but help manage, protect, and conserve the resources that we live amidst. I think you'll find a healthy dose of habitat enhancement and protection of the Copper River emanating from Cordova as well as promoting and facilitating tools to better manage the resource.

The Chitna-subdistrict on the other hand has historically been deemed a recreational use type fishery as many fishers drive hours from major metropolitan areas to vacation while taking in stores for offseason consumption. For those who live in the remote Chitna / Glenallen areas traditional uses have been for subsistence...lacking access to supermarkets close at hand...and relatively cheap energy.

Alaska's fish and game resources are vast, healthy, and very well managed. ALL OF US who take advantage of it whether it be for food, sport, or livelihood have a stake in it's management, conservation, and protection...equally. It's very existence is critical to what makes Alaska such a great place to be a part of. For it's continuation as such I think it's critical to not change something that has worked for so long.

If a weak run of fish requires commercial resource users not take fish, other users of like classification should not take as well. We all should share...in good times and in bad...as in this state...by way of great management and for-sight there's plenty to go around...as well as other site options to choose from.

Thanks for taking the time to consider my thoughts and for all your time and self-sacrifice in helping to manage the resources of our great state on all of our behalves.

Sincerely,

Cliff Ward

P.S. I was all excited when the Feds came out with the 'Subsistence halibut fishery' for rural residents and participated in that program long enough to find it more cost-effective to just buy my halibut already butchered, vac-packed, and blast frozen...or fresh from my local sources. I think if many 'subsistence' fishers of salmon penciled out their trip expenses....they might come to the same conclusion.

David and Donna Blount
Box 1912
Cordova AK, 99574

March 12, 2010

Alaska Department of Fish and Game
Boards Support Section
P. O. Box 115526
Juneau, AK 99811-5526
Fax: (907) 465-6094

Subject: Support Proposal 200 and Oppose Proposal 201-2010 Statewide Finfish meeting.

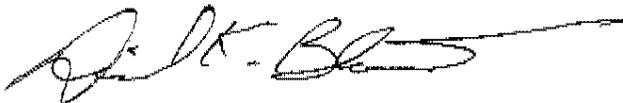
To the Board of Fisheries

My family would like to ask your help in protecting our economic survival. We commercial fish on the Copper River as a family and my wife works with fishermen and others in the industry as a massage therapist. Our entire community of Cordova depends upon the commercial fishery to sustain our economy. Please use your good do not allocate us out of existence. There are not enough fish to allow every person in the state to be a subsistence user. Many of these people have well paying jobs in large cities that do not rely on commercial fishing. The people that are truly dependent upon these fish are the traditional upriver subsistence users and coastal communities that rely on commercial fishing. Management is geared towards this type of scenario as well. I feel that managing a free for all subsistence dipnet fishery would be a logistical nightmare for the department.

Thank you for the opportunity to express my opinions and for your consideration of my family and communities plight in this matter.

Respectfully submitted

David and Donna Blount



Anna R Pirtle

March 12, 2010

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

RE: Support Proposal 200 & Oppose Proposal 201 Statewide Finfish meeting

Dear Board of Fisheries,

I am a full time Cordova resident who is dependent on commercial fishing. I grew up commercial fishing with my father both on the Copper River and in Prince William Sound. We had a family boat where my mother, and us kids made up the crew. As I got older I crewed on other boats, and eventually got engaged to a young Alaskan Native fisherman with a large fishing family and history. I go out and help him when he needs me and also work full-time at the Prince William Sound Aquaculture Corporation.

The Copper River is very important to me, and commercial fishing supports local families, rural communities, and the State of Alaska.

I support the sustainability and management of this fishery and believe in the importance and fairness of sharing the burden of conservation. The State of Alaska Department of Fish and Game has done a great job of managing this fishery. Please let them continue to do so. I oppose Proposal 201. Reclassifying the Chitina Personal use fishery as a subsistence fishery would change the management and would also be a huge disservice to the true subsistence users of the State. It would also greatly hurt the commercial fishing families and the town of Cordova in the event that we would lose out on valuable fishing time at the beginning of the season.

May 15- June 1 is the single highest grossing part of the fishing season for my family. If commercial fishermen lost out on this fishing time it would result in an economic loss for my family, the community of Cordova, and the State of Alaska.

Thank you for the opportunity to comment on these proposals. Please support proposal 200 and oppose proposal 201.

Anna R Pirtle





March 12, 2010

Alaska Board of Fisheries
 Boards Support Section
 Alaska Dept. of Fish and Game
 PO Box 115526
 Juneau, AK 99811-5526

RECEIVED

MAR 12 2010

BOARDS
ANCHORAGE

Ahtna Shannon

*BOF - Chitna dipnet
Public/Tribal
Comment*

To the Alaska Board of Fisheries:

Enclosed are the comments of the Ahtna Tene Nene' Customary & Traditional Use Committee on the two fisheries proposals that will be brought before the Alaska Board of Fisheries meeting on March 20-21, 2010 meeting in Anchorage, Alaska.

Please take our comments into consideration when deliberating on these two fisheries proposals.

Sincerely,

Blonia Stierwan
for
Eleanor Dementi
 Eleanor Dementi,
 Chair, Ahtna Tene Nene' C&T Committee

**Alaska Board of Fisheries Meeting
March 20-21, 2010
Hilton Hotel
8:00 a.m. - 5:00 p.m.**

Sign up deadline to testify on Subsistence Findings Standards and Chitina Dipnet Fishery is 10:00 a.m. Saturday, March 20, 2010

Proposal 200 – 5 AAC 99.0XX. Board of Fisheries subsistence finding standards. By Alaska Board of Fisheries.

Adopt the subsistence finding standards as follows:

Add a new section in 5 AAC 99 as follows:

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.

Comment:

We urge the Board of Fisheries to use great caution about how it defines and implements the elements of “subsistence way of life”. In applying criterion eight, the members of

the Board of Fisheries should not just be looking at merely numbers, or simply nutritional and economic needs, but rather at the whole picture, regarding the cultural, social, spiritual and nutritional values embodied in subsistence traditions and customs and as an essential element of way of life.

The subsistence way of life is much more than biological data, number of permits, etc. It is more than simply the act of catching some fish for the freezer. It is the foundation of the Ahtna culture, of extended families harvesting fish and the associated activities involved in this process. It is about the spiritual involvement of adhering to customary and traditional tribal laws regarding the harvesting of fish processes. It is about the nutritional value to the health of the Ahtna People. It is our identity as a people and our intimate relationship to our homelands and wild resources, including the Copper River. We are the Copper River People.

The Ahtna people continue to live a subsistence way of life. Extended family members continue to harvest, prepare, and preserve a wide variety of fish, meat, berries and other wild resources. We continue to teach the younger generation how to cut and dry salmon, salt salmon, freeze, can or jar salmon, ferment and prepare it for dinner. Information is shared from generation to generation at fish camps and culture camps that are held in the villages.

Harvesting of meat and berries is also done in the same manner. Certain people hunt for caribou, moose, and other wild game for the rest of the extended families. Then it is cut up and dried, freeze, jar or canned by members of the

extended families. This also is done at homes of family members and at culture camps. Family members harvest roots, blue berries, low and high cranberries, black berries, strawberries, and rose hip berries. Usually the women pick berries, clean it and freeze or prepare it for food. We harvest all these resources from our traditional territory. This pattern of harvest and use creates a relationship between the Ahtna people and this territory that is an essential part of living a subsistence way of life.

One of the strongest arguments we have is that our name "the Ahtna", means Copper River People. We have the longest customary and traditional use of the resources in our homelands, since time immemorial. We have tribal laws that govern the harvesting and processing of fish, meat and berries. We respect ownership and use patterns of lands, take care of harvested fish, game, berries and roots. We share our resources frequently, broadly and generously with relatives, elders and those in need according to traditional patterns. We share throughout and beyond our tribes and villages. We share our fish, meat, berries at culture camps and potlatches. We have respect for our tribal laws.

Proposal 201 – 5 AAC 01.616. Customary and traditional subsistence uses of fish stock and amount necessary for subsistence uses. By the Alaska Board of Fisheries.

Find a customary and traditional use of salmon stocks in the Chitina Subdistrict and establish amounts necessary for subsistence as follows:

This proposal would allow the Board to decide whether to amend 5 AAC 01.616 as follows:

- (a) The Alaska Board of Fisheries (board) finds that salmon stocks are customarily and traditionally taken or used for subsistence in the following locations:

(7) the Chitina Subdistrict of the Upper Copper River District described in 5 AAC 01.605(1).

- (b) The board finds that the following amounts of salmon are reasonably necessary for subsistence uses in the following locations:

(6) Chitina Subdistrict of the Upper copper River District: 100,000 – 150,000 salmon.

Comments:

We adamantly oppose Proposal 21 to find a customary and traditional use of salmon stocks in the Chitina Subdistrict and to establish amounts necessary for subsistence uses in the Upper Copper River District.

In 2003 there was more than sufficient information to support the BOF negative finding for C&T in the Chitina sub-district. A great deal of relevant and persuasive information was provided on Criterion Eight through written comments, public testimony, and the research conducted by the ADF&G Subsistence Division.

Also, in 2008, the Board of Fisheries made the correct decision regarding a proposal for C&T use of salmon in the Chitina sub-district. No new information was provided to the Board to warrant a new C&T determination.

The Ahtna People have fished in the Copper River, including on the north and south side of the Chitina River Bridge, since time immemorial. The Ahtna people had villages and fish camps along each side of the Copper River, from the headwaters down to Woods Canyon.

Dip netting in the Chitina Subdistrict for the vast majority of people from urban areas really began in the 1980s. Just a few of urban based dip netters, less than 1%, fished with dip nets for 50 years or more in the Chitina Subdistrict. In other words, 99% of non-local dip netters have less than a long-term, consistent pattern of use of the fishery. (Results of Survey Conducted in 2000 Salmon Participants to the Copper River Subsistence Salmon Fishery: January 2003, Master Page, 54 Figure 24).

Ahtna People continue to fish in the Upper Copper River District throughout the summer and fall months. In mid-May, fish wheels are put into the Copper River and stay there until the end of September. We fish 7 days a week for

4 or 5 months. The Ahtna people do not have a recreational fishery. Our fishery is not a “weekend” fishery as appears to be the pattern for the Chitina sub-district dip net fishery.

Salmon is dried and put away by the Ahtna people for winter use. Back bones of salmon are fed to the dogs. Fish is fermented for 7 or 10 days and made into soup. Grease from fish heads is used in blue berry pudding and used for dipping with dried fish. Fish heads are soaked 7 or 10 days for this purpose. Fish is hung for 3 days, sometimes referred to as “half dried fish”, and then boiled and eaten. Salmon is baked in coals or put on sticks and roasted by the fire. Fish soup is used for medicinal purposes. Broth is fed to the Elders and others when a person is sick. The skin is burned by the fire and is dripping with grease, juicy and eaten while it is crispy and hot. Other Ahtna C&T uses of salmon are mentioned in the preceding paragraphs. Dip netters do not have patterns and practices of preparing salmon by these methods. These patterns are part of the Ahtna People’s “subsistence way of life”.

For Ahtna, stories and knowledge about our culture and subsistence way of life are handed down to the younger generation by parents, grandparents and Elders at fish camp, home, and culture camps. This pattern of handing down stories, lore and knowledge, handed down through the generations, does not exist, at least to any significant degree, for the dip net fishery. There is no significant incorporation of dipnet fishing lore, passed through generations of dip net fishers, stories that reflect a culture and way of life, because the dip net fishery is a personal use fishery – it is not a part of a subsistence way of life.

Dip netters must travel from Fairbanks, Anchorage, and Barrow to fish in the Copper River. Dip netters from Fairbanks must travel over 600 miles roundtrip to fish in the Chitina Subdistrict. They do not live close to the resource. Gas is expensive for them to travel thus far, and it is not economical for them, which is most likely the reason why their dip netting is done in an inconsistent manner and sporadic.

Some of the dip net participants travel this long distance in mobile homes. This type of transportation is not a subsistence life style or "subsistence way of life". Some of the dip netters charter a boat to dip net, which is also expensive, and is not customary and traditional or historical method of fishing in the Upper Copper River District. Hiring a boat for \$100 per head or more is not a characteristic of Ahtna's subsistence fishery. The dip net fishery is a personal use fishery.

Sharing is the "subsistence way of life" for the Ahtna People. It is an unspoken tribal law. We have always shared what we have with others who do not have fish, meat, etc. We give fish and meat away at potlatches too. Dip netters do not have a pattern and consistent practice of following customary and traditional tribal laws and ways of fishing and sharing. The Ahtna people's sharing is significant and essential to their way of life. The pattern of sharing in the dip net fishery does not demonstrate that it rises to the level of being a part of a way of life.

Ahtna People live close to the resources, so we are able to continue to gather a wide diversity of fish and game resources, which provides substantial economic, cultural

and social and nutritional elements of the subsistence way of life. We continue to harvest hares, ducks, salmon, fresh water fish, caribou, moose, wild berries, roots and many other plants and wildlife. It is this harvesting that supplements our food and saves money for our families to use for other bills. It is part of the culture and way of life for Ahtna families, communities and tribes. It provides an essential age-old practice for family members, tribes, and communities to stay connected with each other and with the traditional area where they have fished, hunted and gathered from time beyond memory.

The dip net fishery is not a part of a way of life – it is a personal use fishery. For some the dip net fishery is a quick, weekend trip to get some fish for the freezer. For other it is a recreational adventure. But it is not a subsistence fishery; it does not provide substantial economic, cultural and social and nutritional elements of the subsistence way of life.

Difference between Chitina Subdistrict and Glennallen Subdistrict in Salmon Use, Location, Historical Use, and Method and Means

Since 1984, when the Board of Fisheries (Board) determined that the Chitina Subdistrict was to be a personal use fishery, the Board has only once in 1999, determined a positive C&T finding for the Chitina Subdistrict. The Board for the most part has been consistent in their decision regarding a negative finding for the Chitina Subdistrict. The Board has justifiably based its decision upon research studies conducted by Division of Subsistence, public testimony and written comments.

Residents in the Copper River Basin primarily fish north of the Chitina Bridge. In contrast, most permits issued for the dip net fishery are issued to non-local residents of Alaska. According to ADF&G, the number of Chitina Subdistrict permits issued from 1999-2008 to Copper River Basin residents was 1 percent. For Anchorage it was 30%, for Mat Su - 16%, Fairbanks - 43%, and for other locations - 10% (Summary Data for the 2009 State of Alaska Upper Copper and Upper Susitna Area Subsistence, Personal Use and Sport Fisheries, February 2010, Mark Somerville, Table 5)

A survey conducted by ADF&G's Subsistence Division in 2000 shows that 98% of Ahtna and 83% of other Copper Ahtna People have established fish wheel sites that are in use and handed down by their relatives and ancestors. These fish wheel sites are entrenched fishing sites and are respected by the Ahtna People regarding the use of these traditional fishing sites. We do not randomly change our fish wheel sites from year to year. Each fish camp is utilized by family members each year without interruption, unless erosion has occurred near the fish sites or regulations prevented us from using fish wheels, such as in 1976, when we told to shut down our fish wheels during the week.

The Ahtna subsistence fishery is based upon extended family and community use; it is not an individual use. It is based on tribal and community uses and practices. The subsistence way of life is based upon community customs and traditions. The subsistence way of life is not based on individual uses of salmon. Individual use of salmon is a

pattern which best describes the Chitina Subdistrict dip net fishery. Individual use of salmon is a personal use fishery, not a subsistence fishery.

Our length of fishing in the Copper River has been since time immemorial. Compare this history of use to those who fished in the Chitina Subdistrict in 2000. At that time only 19% of the fishermen surveyed reported that they had been fishing in Chitina for 21 years or longer. Most also reported that they learned to dip net from their friends on weekend trips to the Copper River. The same survey reports that 57% of the people fishing in the Glennallen Subdistrict had fished 21 years or longer. (C&T Worksheet 2010-RC 9 at p. 65, Figure 34).

The Ahtna People traditionally fished in what is now known as the Chitina Subdistrict. We stopped fishing there because of a lack of understanding state regulations, but mostly because we were forced from that area due to overcrowding and competition for fishing sites.

We depend upon the fish to supplement our food. Salmon harvested in our subsistence fishery provides a substantial part of our economic and nutritional way of life. Please take this into consideration. It is well known that the Copper Basin is an "economically depressed area". Jobs are scarce in the Copper Basin. According to the 2000 U.S. Census Report, the per capita income for the 7 Ahtna villages are Chitina \$10,835, Copper Center, \$15,152; Chistochina \$12,362, Gakona \$18,143, Gulkana \$13,548, Mentasta Lake \$11,274, and Tazlina \$23,992. Most of the available jobs are state and federal government, local services and businesses, tribal governments and native

corporations, construction and tourism. Community
Database Online.

http://www.commerce.state.ak.us/dca/commdb/CF_BLOC
K.CFM.

March 10, 2010

Alaska Board of Fisheries
Board Support Section, ADFG
Attn: Jim Marcotte
P.O. Box 115526
Juneau, Alaska 99811-5525
Delivered via Fax: 907-465-6094

RE: Proposals 200& 201- March 2010 meeting

Dear Chairman Webster & members of the Board of Fisheries:

I urge you to take no action on proposal 200 without a joint meeting of the Board of Fish and Board of Game. If you refuse to wait, I would only support proposal 200 if it read, to supplement the basic necessities of life; otherwise no one could meet the high standard unless they were starving.

I am a dipnetters. I consider myself to meet the 8 criteria for being subsistence. You must do the right thing and adopt proposal 201 designating the fish stock in the Chitina subdistrict subsistence.

Sincerely,



Mark Hem
P.O. Box 58
Chitina, AK 99566

3-12-2010

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

Subject: Proposal 200 & 201 – 2010 Statewide Finfish Meeting

To the Board of Fisheries,

I am 47 years old, a 45 year resident of Alaska, my wife and children were born and raised and continue to live in Alaska. My father started commercial fishing the Copper River in 1966, I fished with him and started on my own at 19 years old, my three sons all fished with me growing up and all started on their own at 17-18 years old. We all represent lifelong resident families committed to the conservation of and access to all the fisheries of PWS/Copper River.

My sons represent the third generation of commercial and sport fishermen in our family, our livelihoods depend on a well managed and sustainable fishery, any decisions that effect the access to our opportunity to continue to make a living should be made very carefully and with much consideration. I believe the Copper River commercial fishery has a very high percentage of resident participation, any decisions that effect allocation of this fishery do have a significant impact on Alaskans.

My understanding of the commercial, sport, and personal use fisheries is that they have been sharing in the burden of the conservation of Copper River salmon stocks, and I believe this is fair and right. The Chitina Sub-district fish stock has been a 'recreational use' type of fishery and is most assuredly not a 'subsistence' fishery. The true subsistence users, those who live in the river drainages and truly subsist out of necessity on those fish, should maintain a priority over other users. There should not be a 'reallocation' of fish stocks to a user group that already has fair and reasonable access. If this status is granted to the Chitina sub-district fishery personal use fishermen, they could actually have the first access to fish, given its geographic position downriver from the Glenallen subsistence fishery.

I want to express my support of proposal #200, and I oppose proposal #201, I thank the Board of Fisheries for allowing the opportunity to comment on these proposals.

Respectfully submitted on behalf of the Tutt family,

Steve Tutt

Sons-

Eric Tutt(age 22)

Joel Tutt(age 22)

Colten Tutt(age 19)

Homer, Alaska

Handwritten signatures of Steve Tutt, Eric Tutt, Joel Tutt, and Colten Tutt. The signatures are written in black ink and are positioned to the right of the typed names.

Bill Craig
8601 East 17th Avenue
Anchorage, Alaska 99504

March 12, 2010

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

SUBJECT: Proposal 200 & 201 - 2010 Statewide Finfish meeting

To the Board of Fisheries,

I am a ten-year Anchorage resident earning a significant portion of my income as a drift gillnetter on the Copper River flats and Prince William Sound fishery. My wife and I have four young children and we enjoy sport and personal use fishing and hunting. I support Proposal 200 and oppose 201.

A commercial fisherman's income is only a small portion of the fishery's benefit to society. In addition to my Alaska resident harvesting job, jobs are created each time the fish move toward the retail consumer; these include tender, dock, processing, shipping, wholesale, retail, and restaurant jobs. Because reclassifying the Chitna fishery as subsistence could result in additional reallocation of the resource to a group that creates almost no jobs, the potential impact of Proposal 201 to Alaskans is very important.

It is also very important to remember that many Alaskans get their salmon from the commercial fishery. This is especially relevant when considering the proposed amendment that the Alaska Outdoor Council is recommending to Proposal 200. They advocate the subsistence way of life definition be amended so that users of fish and game that SUPPLEMENT the basic necessities of life qualify. Under the proposed AOC amendment, an Anchorage resident who supplements their basic necessities by purchasing Copper River salmon from Costco or Fred Meyer would be living a subsistence way of life. That is not logical. There are a few thousand Anchorage residents that obtain Copper River Salmon in the Chitna personal use fishery; but far more who obtain their fish from local retailers and restaurants. These resident users are not represented by the ADFG Anchorage Advisory Committee, nor are they likely to be involved with this Board of Fisheries process.

The proposed amendment to Proposal 200 advocated by the Anchorage Advisory Council would define Subsistence Way of Life using the term "Subsistence Fishing". This is hard to comprehend and it appears to me that under this circular definition, any act of harvesting fish for food would be subsistence fishing and therefore the harvester would be living a subsistence way of life, making it difficult to discern sport and commercial fishing from true subsistence.

Lastly, and in my opinion, a fishery that is predominantly used by people who travel hundreds of miles by highway and charter a vessel for transportation can't be subsistence. The term subsistence to me implies a very close tie to the land. Please keep Chitna a personal use fishery.

Thank you for the opportunity to comment on these proposals.

Respectfully,



Ronald O. Goodrich
PO Box 1808
Cordova, AK 99574

March 12, 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 the Board of Fisheries,

I support proposal #200 and I oppose proposal #201. I just celebrated my 50th anniversary of when I moved to Cordova, Alaska. I am a son of a Southeast troller. I graduated from the University of Alaska Fairbanks in 1973 with a Bachelors degree in Accounting and Economics. I have been a commercial fisherman in Prince William Sound and the Copper River since 1965. I was a Seine Permit holder from 1978 to 2008, and I have been an Area E gillnetter since 1984. I have supported my family from fishing since 1978. For years now, we have been shut down on the inside for kings early on to allow for more escapements. We have been letting more kings up the river, although our catch of kings is down. We have let excess Red Salmon up the river to ensure future runs. I believe all user groups need to share the load regarding conservation and the future runs.

Proposal #201 shifts the priority in favor of subsistence use at the expense of sport and commercial users. My definition of a subsistence user is far narrower than Proposal #201. I live on the Copper River, I am a subsistence user. I do not consider someone living in Anchorage or Fairbanks a subsistence user of the Chitna subdistrict.

Thank you for the opportunity to comment on these proposals.

Respectfully,



Ronald Goodrich
PO Box 1808
Cordova, AK 99574
907-424-7231

BOF Comments
Boards Support Section
Alaska Dept. of Fish and Game
PO Box 115526
Juneau AK 99811-5526

March 12, 2010

Re: Board of Fisheries decision on future Chitna Dipnetting

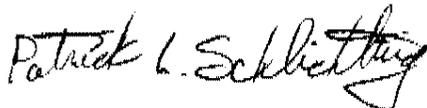
In consideration of all Alaskans who use the resources of the Copper River, I would press the Board of Fisheries to amend the BOF Proposal # 200 current proposed definition of "subsistence way of life" to read: "subsistence way of life' means a way of life that is consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life.

In conjunction with this amendment I would also urge the BOF to adopt Proposal # 201 which confirms Chitna Dipnetting as a subsistence fishery with an allocation of 100 to 150 thousand salmon. I would like all species to be included.

The subsistence issue is more important now than ever in these economic times. No group should be singled out or excluded in the allocation of resources.

Thank you for the opportunity to communicate with those who have the authority to make these requests possible.

Sincerely,



Patrick L Schlichting - Resident since 1972

HC 60 Box 3050
Delta Junction, Alaska 99737
schlich@wildak.net

March 12, 2010

Attention: Board of Fish Comments

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

Re: Comments regarding Proposals 200

Dear Board Members,

Thank you for your service to the people of Alaska. I appreciate the opportunity to submit these comments regarding the above referenced proposals.

My family has enjoyed the bounty of the Chitina dip net fishery for many decades, and we consider the extraordinary abundance and quality of fish from this magnificent resource to be a part of our family's heritage. The definition of subsistence that is promulgated in proposal 200 does not adequately define the historical importance of this resource to the four generations of our family that participate in this fishery. The definition of a subsistence way of life should mean "*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.*" It is also my opinion that the subsistence definition should be reviewed and agreed on by the Board of Game as well as the Board of Fish.

Sincerely,



Michael R. Pollen
1606 Heather Drive
Fairbanks, Alaska 99709

March 11, 2010

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

Re: Oppose Proposal 201

Dear Board Members,

I am writing to oppose Proposal 201, which finds a customary and traditional use for individuals harvesting salmon stocks in the Chitina Subdistrict. The majority of salmon harvested in the Chitina dipnet fishery are harvested by urban fishers. These individuals do not rely on fish and game as a basic necessity of life. They do not display a pattern of taking and reliance on a wide variety of wild resources to provide substantial economic, cultural, social and nutritional elements of their way of life. The division between personal use and subsistence should remain clear. Those that harvest fish in the Chitina dipnet fishery should share the conversation burden with the sport and commercial fisheries of the Copper River. Please oppose Proposal 201

Thank you for the opportunity to comment on this proposal.



Ken Carlson
2172 Stanford Drive
Anchorage, AK 99508

FAX TRANSMITTAL COVER PAGE

DATE: 3/12/10

TO: Board of Fisheries

FIRM: State ADF & G - JUNEAU AK

FAX NUMBER: 465-6094

FROM: Richard Kimball

TOTAL NUMBER OF PAGES _____, INCLUDING COVER PAGE

~~IF~~ YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL: (907) 277-1541

WE WOULD LIKE TO SEE YOU AMEND
 PROPOSAL #200 CURRENT PROPOSED DEFINITION OF
 "SUBSISTENCE WAY OF LIFE" TO READ:
 'SUBSISTENCE WAY OF LIFE' MEANS A WAY OF LIFE
 THAT IS CONSISTENT WITH LONG TERM USE OF FISH
 AND GAME RESOURCES, WHEN AVAILABLE TO SUP-
 PLEMENT THE BASIC NECESSITIES OF LIFE. ALSO
 TO ADOPT PROPOSAL #201 WHICH CONFIRMS CHITINA
 DIPNETTING AS A SUBSISTENCE FISHERY WITH AN
 ALLOCATION OF 100-150 THOUSAND SALMON.

Richard Kimball
Supervisor
Wild Resources
Bead Wash

Shawn Gilman
Mile 2.2 Whitshed Rd
Cordova, Alaska 99574

March 5 2010

Alaska Dept. of Fish and Game
Board Support Section
Box 115526
Juneau, Ak 99811

Subject Proposals 200 & 201 --2010 Statewide finfish mtg.

To the Board of Fisheries,

I am writing this letter to ask that you support proposal 200 and oppose proposal 201. The necessity to have the Chitina Dipnet fishery share in the conservation of the Copper River fish stocks when runs are weak is imperative to keep all users involved in maintaining healthy runs over time. We all need to share in times of shortage and enjoy in times of plenty. The current classification of the dipnet fishery as a Personal Use fishery is the most accurate classification we can use. A large majority of people participating in this fishery could actually be classified as sport users more easily than they could be classified as subsistence users. As a lifelong Alaskan I have never tried to stop a fellow Alaskan from getting fish and game for their pantry or freezer. I will however try to stop people from commercializing a personal use fishery and then asking for a Limited Entry commercial fishery be cut back so they can further capitalize on their commercial interest in a Personal Use fishery. This includes trying to get a PU fishery reclassified as subsistence so they will not have to share the burden of conservation in their business. I also will not support Sport interest that would use this sort of reclassification effort in hopes of gaining more fish for themselves. This is why I ask you to support proposal 200 and oppose proposal 201. I appreciate the time and effort that you devote to the Board of Fishery process.

Thank you,

Shawn Gilman

March 12, 2010

**Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: (907) 465-6094**

**SUBJECT: SUPPORT Proposal 200 & OPPOSE Proposal 201 – 2010
Statewide Finfish meeting**

To the Board of Fisheries,

I am writing to show my support for proposal #200 and opposition to proposal #201. Giving personal use fisheries a subsistence preference is the wrong thing to do. Since 1997 there have only been two restrictions posted on the personal use fishery in Chitna. One when the commercial fleet was shut down for 10 days and last year when the kings were not showing up. It should be noted the commercial fleet was also restricted at these times. The personal use fishery still met their harvest averages for sockeye.

The Copper River fishery is functioning smoothly now. It is providing a valuable economic engine to the state economy. In the past years and presently there are many contractors from other places working in Cordova. They are working on projects directly funded by fishing dollars. By placing personal use preference over commercial you threaten the economic viability of a community. The state does not need any more towns creating a burden on the budget.

I have lived in Cordova for 7 years and will be fishing my 6th season in area 3E. Previously I lived 24 years in Palmer, AK.. During those years I participated in the personal use fisheries. I can say for myself and the people I went with it was more about fun and eating sockeye than subsistence. Now that I live and participate in the fishery I understand how important and dependant our community of Cordova is on the Copper River fishery.

Thank you for your time.

**Leo Americus
Box 2112
Cordova, AK. 99574**

Rick J Ballas
FV/ Eyak Ryder
March 10, 2010

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

SUBJECT: Proposal 200 & 201 – 2010 Statewide Finfish meeting

To the Board of Fisheries,

My name is Rick Ballas and I am a Commercial Fisherman from Cordova, Alaska. Commercial Fishing provides 100% of my earned annual income. This sole source is used to support our family; paying our home mortgage, fishing permit loan, fishing vessel loan, license fees, fishing vessel insurance, gear replacement and repair, as well as disproportionately high rural fuel, water and electricity costs. Additionally our local retailers for grocery, hardware, and all else charge much more than in urban cities.

Over the years, we as commercial fisherman have continued to evolve in becoming true stewards in ways of conservation focused at maintaining the vitality of this Copper River salmon run. We, the fishing economy, ebb and flow with the strength of the salmon's return. It is in our best long term interest to maintain healthy sustainable salmon returns.

When the run is returning below pre-season predictions, we as Commercial Fisherman are the first to be affected. We take the hit in the form of reduced fishing time, area restrictions and period closures. These are the conservation methods we face in order to perpetuate the run. These efforts harbor tremendous, I mean tremendous costs to Cordova's businesses and individuals, especially permit holders. We need to share more of the conservation responsibilities among the user groups NOT LESS.

No user is above doing their part in this biological management equation. We should all share in the conservation responsibility of the specie. Proposal 201 does NOT HELP the fish, its hurts them: NO 201!! **SUPPORT PROPOSAL 200**

Cordova as a Commercial Fishing Town should be PROUDLY recognized and fully supported and protected by our State's Government. We are one of the last of Alaska's devoted small commercial fishing towns, if not the worlds, where its residents care, **DEPEND** and respect the fish that give us life more than anything. Without priority to the fish we will cease to exist. The effects of Proposal 201 would, without doubt,

impact Cordova permanently; ripping away the lifeline our existence depends upon. NO to 201! **SUPPORT PROPOSAL 200**

What's not obvious in this picture is the fact that the early part of our season, "the King return", fishing time has been so severely cut over the years that it is almost non existent. Every fishing closure or reduction in time hurts not only us commercial fishers but also our entire community immensely. The impacts are only vaguely acknowledged by any other than fisherman and the businesses in town. They are real and hard felt. Local fisherman and families begin by tightening their belts which results in a stalled economy, simple as that. By supporting Proposal 201, you would be ending the town of Cordova, and the lives of the majority owned Alaska resident salmon permit holders who fish and reside there. No more lost fishing time -- **NO PROPOSAL 201!**

We do not yet have simple upriver Baseline Data and currently lack any upriver law enforcement and habitat protection. There are many basic unanswered questions that should be dealt with first before any reprioritizing is considered. ADF&G already has a management system in place that works well, let's make it work even better. ADF&G Biologists are the best at managing the resource. It is what they do, are trained to do and are already authorized and empowered to do.

I urge you to **SUPPORT PROPOSAL 200.** Stand by Cordova and its Commercial Fishers - **NO to 201!**

Sincerely: Rick J Ballas
F/V Eyak Ryder

Sarah M Ecolano
Box 2222 Cordova, AK 99574

March 12, 2010

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

**SUBJECT: SUPPORT Proposal 200 & OPPOSE Proposal 201 – 2010
Statewide Finfish meeting**

To the Board of Fisheries,

I am a second generation, life long commercial fisherman. I fished growing up through my childhood years and on into young adulthood. Now I am not so young but have weathered many seasons of set backs, hardships and uncertainties in Cordova's fisheries. Unfortunately the hardest to survive have all been man made. Proposal 201 looks to be another of these.

My livelihood and that of so many others in my community would be negatively impacted with the passing of proposal 201. The salmon fishery is the life blood of our town's economy. We are a self reliant bunch and thankfully so. Few of us have access to affordable health care plans, (this is usually only achieved through marriage to a state or city employee), our food and fuel costs are well above the national average, the cost of living is extremely high and it is increasingly tough these days to make ends meet. There is little other economic opportunity in our community. And few in the state that could provide well for a family while NOT depleting a natural resource. Our sustainable harvest practices are well managed and always put the fisheries resource first, as it should be. With out the salmon we are nothing.

The burden of responsible use falls to all of us. No user group is more important than conservation and sustainable management practices. If Chitna is granted a subsistence fishery classification they will be exempt from the much needed management guidelines that successfully oversee sport and commercial use.

I urge you to consider the long term negative ramifications of proposal 201 on our community and oppose it. Alternatively, please help ensure the passing of our life style of commercial fishing on to the next generation by supporting proposal 200.

Thank you for your time and consideration.
Warmest Regards, Sarah Ecolano

Wade Buscher
PO Box 1032
Cordova, Ak 99574

March 12, 2009

Alaska Dept. of Fish and Game
Boards Support Section
PO Box 115526
Juneau, Ak. 99811-5526

Subject: Proposals 200, 201

To the Board of Fisheries,

I support proposal 200, and oppose proposal 201.

I am a commercial salmon fisherman. I reside at 200 Boardwalk Wy., Cordova, Ak., and I rely on the Copper River commercial salmon fishery for my livelihood. In 2000, I purchased a limited entry permit from the State of Alaska for \$60k which allowed me to catch and sell salmon on the Copper River Delta. As you well know it takes much more than the initial investment of a limited entry permit to catch fish; it takes a boat, and nets, and periodic maintenance of both to be successful. There are more than 500+ limited entry permit holders for area E, and each and every one of them sells their catch, services their equipment, and buys groceries in Cordova. Imagine then this economic engine that comes to life every summer when the fishermen return and the population of our little town nearly doubles in size.

I mention all this because mine and our town's livelihood depends on whether you grant subsistence priority to the Copper River personal use fishery. I do believe that subsistence users of the resource should have priority over all other user groups, and that during times of shortage all user groups (commercial, personal use, sport) should share in the burden of conservation. However, the Copper River Personal Use fishery is not a subsistence fishery.

It might be of interest to the Board to read an excerpt taken from "Subsistence Management Information" (<http://www.subsistmgtnfo.org/about.htm>). In the section entitled "Preference Among Subsistence Users", there are comparisons drawn between subsistence users during times of resource shortage. It's interesting to note that both the federal and state management definitions are virtually the same when it comes to subsistence users, however Alaska state law prohibits the inclusion of 'local residency' or rural preference as one of the criteria. But it seems to me, even without 'rural preference' as part of the criteria we can conclude from the below definition what a true subsistence user is.

"Under (Alaska) state law, if a harvestable portion of a fish stock or game population isn't enough to provide for all subsistence users, the state differentiates between users, employing the following criteria: 1) customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood and, 2) ability of the subsistence user to obtain food if subsistence use is restricted or eliminated."

Please support proposal 200, and oppose proposal 201.

Sincerely,

Wade Buscher



Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@ak.net

March 12, 2010

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

RE: Support Proposal 200 & Oppose Proposal 201 – 2010 Statewide Finfish meeting

Dear Chairman Webster,

Thank you for the opportunity to comment on Proposals 200 & 201 as part of the 2010 Statewide Finfish Board of Fisheries meeting in Anchorage.

Attached, you will find written comments prepared by Cordova District Fishermen United on behalf of the Board of Directors and members of the commercial fishing fleet in Prince William Sound.

We trust that the points we raise in these comments provide you with sufficient information to support the clarified definition presented in Proposal 200, and to oppose Proposal 201. If you require further clarification on any of the points we raise, we welcome questions either during the public testimony portion of the meeting or at any other time preceding deliberations.

Sincerely

Rochelle van den Broek
Executive Director



RC#

Supporting The Definition “Subsistence Way Of Life”

Support Proposal 200 - 5AAC99.0XX

“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. We support this definition because it brings the Board of Fish into compliance with the Chitina Dipnet Association v. State Decision and Order (D&O) by defining “subsistence way of life” using an objective standard supported by law.

D&O LEGAL EXCERPTS SUPPORTING THIS DEFINITION:

1. P.15 par.2 of the superior court D&O. The Judge cites the Alaska Supreme Court in the case of ADF&G vs. Manning. “One purpose of Alaska subsistence statute and it’s 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.”
2. P.16 par.2 D&O.” In order to distinguish between subsistence and personal use, and to keep the subsistence category from swallowing up all personal use fishing, considerations such as those found in criteria 8 are reasonably necessary.”
3. P.16 par.3- P.17 par.1 D&O. “. . .it [criteria 8] requires that the taking and use be tied to the need to engage in fishing in order to provide for the basic necessities of life. Not only is that permissible, it is essential in order to distinguish between subsistence and personal use.”
4. P.17 par.3 D&O.” 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 law to give meaning to this criterion.”
5. Pg 16. par.3.”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.”

We accept the board- generated proposal defining subsistence way of life as being well grounded in statute and case law, and in compliance with the superior courts decision and order, but we defer to the upriver tribes and Copper Basin residents to comment on the definition’s ability to capture the true meaning of subsistence in their eyes.



RC#

Supporting Validity Of DOS Survey And C&T Worksheet

Oppose Proposal 201 - 5AAC 01.616

CDFU opposes Proposal 201, and supports the validity of the Division of Subsistence (DOS) survey and C&T worksheet, as presented during the 2003 Board of Fisheries meeting and considered by the board.

The DOS survey was the most important information presented during the 2003 Board of Fisheries meeting and included a survey of users from both the Glennallen and Chitina Subdistricts. We support the information contained within this survey, and it remains the newest most pertinent information in this debate with the exception of the Chitina Dipnetters Association v. State Decision & Order (D&O).

D&O LEGAL EXCERPTS SUPPORTING THE DOS SURVEY

1. P.23 par.3 "...the board was specifically instructed not to use the survey's portrayal of the Glennallen group as a legal standard for customary and traditional use. There is nothing in the board's deliberations to suggest that the board did not understand the limitations of the worksheet's methodologies or to suggest that the board used the Glennallen group as a legal standard for customary traditional subsistence use".
2. P.24 par.2 "The board can consider all evidence presented to it and give the weight to the evidence it believes the evidence deserves. There's nothing in the record to suggest that the board adopted the worksheet wholesale without accounting for its methodology".
3. P.25 par.1 "Similarly, the board can properly consider what the survey has to say about the characteristics of the various Chitina users. In doing so the board is not necessarily focusing on improper evidence. This evidence is probative of the reliance of the user on the resource, thus it is probative of whether the resources are being put to subsistence use".

The DOS survey was flawed in its methodology **only if** it were to be used for a direct comparison of Chitina and Glennallen. The board was made aware of the differences of methodology and was instructed not to use the surveys portrayal of the Glennallen group as a legal standard for C&T determinations. There is nothing in the deliberations to suggest the board did not understand this. The evidence was not presented in a misleading fashion. The board can consider what the survey has to say about the Chitina users separately to the Glennallen users. By doing so, the board is only learning about the two groups, not comparing them. The D&O refutes one of the main arguments presented by the Chitina subdistrict users that the board has focused too narrowly on "uses" and not the characteristics of the "users". ***The stock is what is classified as subsistence or personal use. It is classified based on its "use". The "uses" are defined by the relationship of it's "users" to the stock therefore the characteristics of the "users" is valid evidence.***



RC#

Use vs. Users

Oppose Proposal 201 - 5AAC 01.616

CDFU opposes Proposal 201, and supports the validity of the Division of Subsistence (DOS) survey and C&T worksheet, as presented during the 2003 Board of Fisheries meeting and considered by the board.

In the event the argument of *use* versus *users* arises again during this meeting, CDFU would like to point out the following information:

EXCERPT FROM 2008 DOS C&T WORKSHEET

1. P.4 par.5 "...using the eight criteria, the Board identifies c&t uses of fish stocks by examining a use pattern with a set of criteria (characteristics). It is important to note however that it is not possible to describe a use pattern of a fish stock for purposes of a c&t determination without describing how particular groups of people use that stock. Groups of people and communities establish the use pattern through their activities and carry on the traditional use of the stock over time".
2. P.4 par.6 Citing the first director of the Division of Subsistence, Thomas Lonner (1980a:4) when he advised the Joint Board in 1980 when state subsistence law was first being implemented: "It is suggested that customary and traditional use, uses and users are inseparable from one another; that is, if one attempts to describe the use or the uses (what, where, how, and how much), a significant part of the description includes an analysis of who is using and for what purposes."

Judge McDonald concurs that one of the main arguments presented by the Chitina subdistrict users (that the board has focused too narrowly on "uses" and not the characteristics of the "users") is not a viable argument. This is demonstrated in the Chitina Dipnetters Association v. State Decision and Order (D&O):

D&O LEGAL EXCERPT SUPPORTING THE UTILIZATION OF USERS, USE AND/OR USES:

1. P.26 par.2 "...comparisons serve no logical purposes. The per capita consumption of wild foods by others in the user's home community is immaterial to the reliance placed on the fish and game by the user. The per capita consumption of wild foods by the user is what is relevant."

The *stock* is what is classified as subsistence or personal use. It is classified based on its "*use*". The "*uses*" are defined by the relationship of its "*users*" to the stock therefore the characteristics of the "*users*" is *valid evidence*.



RC#

Significant Commercial Component

Oppose Proposal 201 - 5AAC 01.616

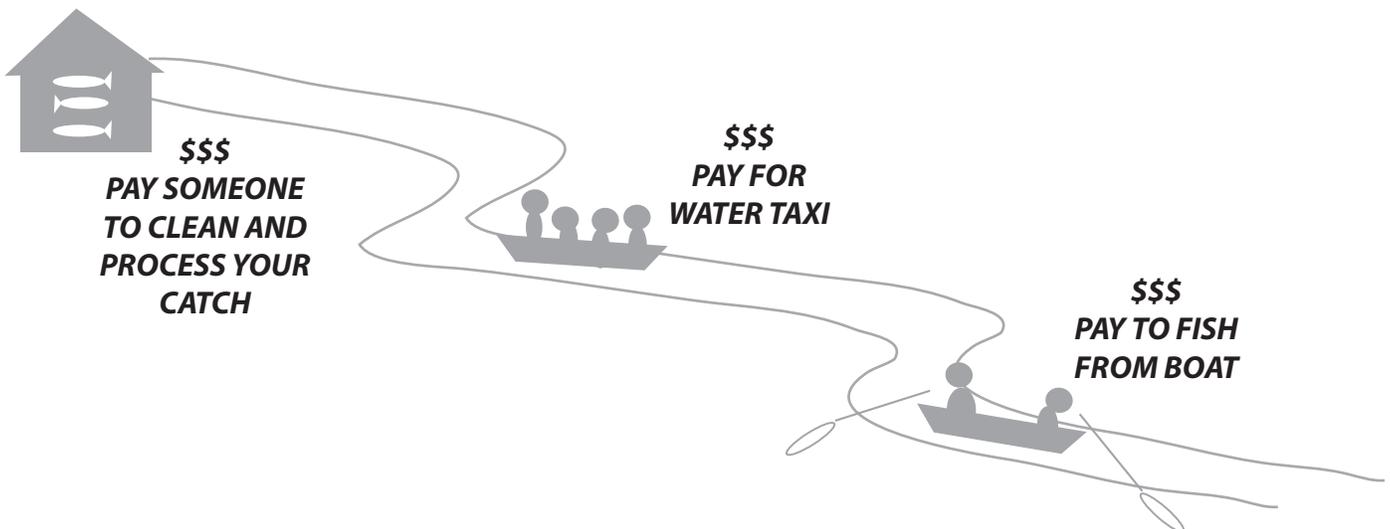
CDFU opposes Proposal 201, and believes the Chitina Subdistrict does not meet the criteria for C&T.

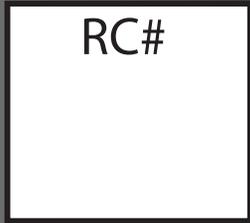
There is a significant commercial component of the Chitina Subdistrict Personal Use fishery. It is important to note that ***there are no known examples of any kind of charter, guide or water taxi service in operation for commercial gain in any subsistence fishery in Alaska.*** In fact, in the Federal Subsistence regulations charter operations aiding in the harvest of fish and game are ***not prohibited.***

This type of commercial activity is unique to Personal Use, Sport and Commercial fisheries, and directly conflicts with the “non-commercial” intent of subsistence fisheries as demonstrated in C&T criteria 1 & 4.

EXAMPLES OF COMMERCIAL ACTIVITY

1. There are several commercial operations in the Chitina Subdistrict designed to provide services such as transporting customers to and from their fishing spots, guidance and advice, and assistance with storing and transporting fish.
2. Some commercial operations offer guided “fishing from the boat,” and equipment rental.
3. New commercial fish-cleaning and processing services operating in the Chitina Subdistrict eliminate the need for people to participate in the process of handling and preparing their fish.





Efficiency & Economy of Effort

Oppose Proposal 201 - 5AAC 01.616

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

Per Criteria #3, the Chitina Subdistrict personal use fishery has not established a pattern of taking or use consisting of methods and means of harvest that are characterized by **efficiency** and **economy of effort and cost**.

SUPPORTING EXAMPLES

1. There are ample opportunities for users traveling from Fairbanks, Anchorage, and the Mat-Su to obtain salmon for personal use and subsistence within closer proximity to their place of residence rather than traveling to the Chitina Subdistrict.
2. Fairbanks subsistence and Personal Use Fishing opportunities that occur within closer proximity to Fairbanks than Chitina:
 - * Subdistrict 6-C Tanana River drainage and wood river and below the Salcha river. Set gillnets, fish wheels, and beach seines may be used for taking 10 chinook and 75 chum salmon.
3. Other opportunities for residents of Alaska to access fish (Personal Use):
 - *Yukon River district 5, *Tolovana River Drainage, *Koyukuk River Drainage, *Kantishna River Drainage (subsistence prior to August 15th, harvest limit 60 Chinook and 500 chum salmon per household. Whitefish and sucker fish caught with nets, dipnets, set gillnets, beach seines, and fish wheels. Northern Pike, Trout, Grayling, summer fishing and winter ice fishing.
4. The distance from Anchorage, Fairbanks or Palmer to Chitina varies between 428-604 miles. Averaging fuel consumption at \$3.40/gallon equates to between \$80-115 in fuel costs. Other costs can include dipnet gear rental: Captain Kim's Charters "rent nets to our clients for \$20 per trip", and charge "\$170 per person. Cash only" for dipnet charters. *This is comparable to other commercial charter operator fees in the Chitina Subdistrict. All are "cash only".*

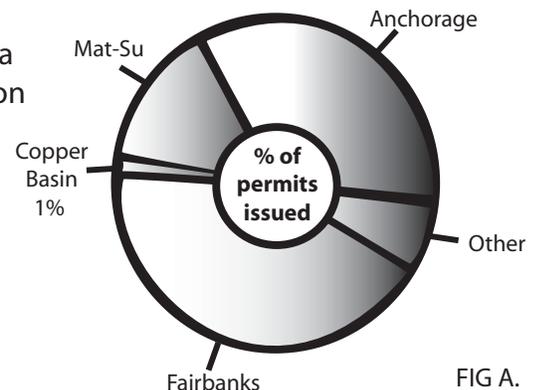


FIG A. Average % of permits issued in the Chitina personal use fishery between 2004-2009



RC#

Depth of Reliance ~ Degree of Dependence

Oppose Proposal 201 - 5AAC 01.616

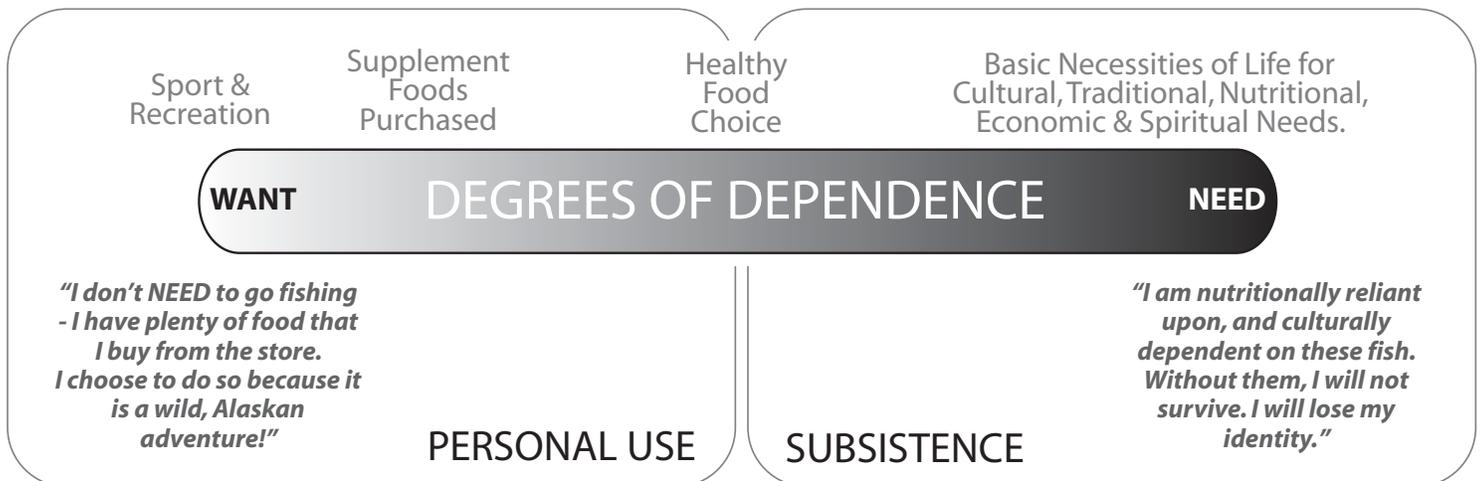
CDFU opposes Proposal 201, and believes the Chitina Subdistrict does not meet the criteria for C&T.

The Chitina Dipnetters Assoc. v. State Decision and Order (D&O) describes the relationship between and dependence on subsistence resources in the following sections:

LEGAL EXCERPTS ON RELIANCE & DEPENDENCE ON SUBSISTENCE FOODS*

1. Pg 14. par.3. It is the intent of the legislature to distinguish subsistence activities based on the users relationship to and dependence upon the wild resource.
2. Pg 16. par.3. "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.
3. Pg 12. par.2. This criterion [criteria 3] reasonably focuses on a pattern of reliance for essential food and other uses, rather than a recreational use. When sport or enjoyment of fishing may be as, or more important than the use of fish for food the use reflects a lessened reliance on the resource for food or other allowed subsistence uses."

In making subsistence determinations, it is the intent of the law to consider the degree to which the use reflects a reliance or dependence on the resource.





RC#

Copper River Hatchery Component

Oppose Proposal 201 - 5AAC 01.616

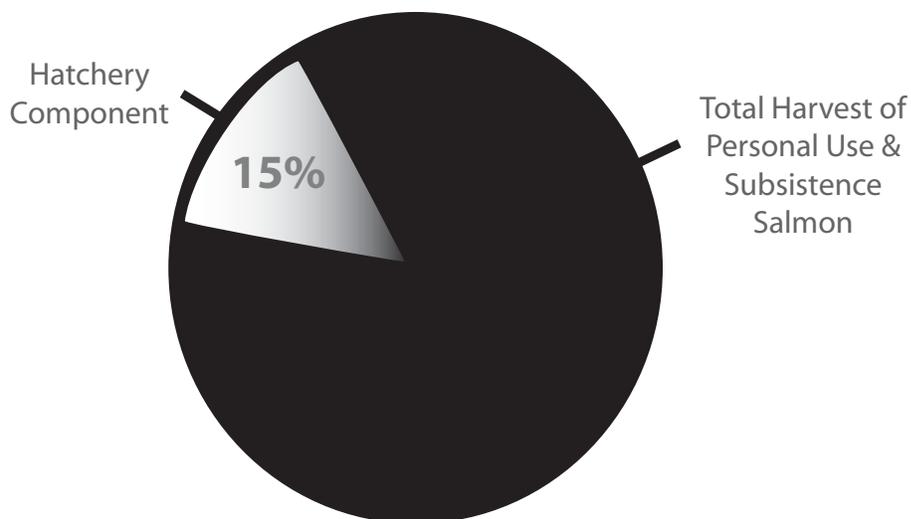
CDFU opposes Proposal 201, and believes the Chitina Subdistrict does not meet the criteria for C&T.

Area E commercial fishermen pay a 2% Salmon Enhancement Tax on income they receive for Copper River and Prince William Sound salmon. This tax contributes towards the operation and maintenance of the Gulkana Hatchery on the Copper River. This hatchery is also funded by a cost-recovery program in Prince William Sound which comes out of the common property fishery (i.e. paid by fishermen). The Gulkana Hatchery supplies a significant number of salmon into the Copper River system, for subsistence, personal use, commercial and sportfish users.

CDFU has always supported the provision of adequate resources to meet the needs of all user groups. CDFU representatives were part of a task force assigned to establish the personal use category back in the early 80's (the Copper River Working Group) to provide opportunities for Alaska residents to enjoy the seafood unique to our State.

HATCHERY COMPONENT OF COPPER RIVER SALMON Harvested in Subsistence and Personal Use Fisheries

Based on average harvest between 1999 - 2008



This information is based on the ADFG 2008 Annual Management Report for the Copper River., Bell et al. *in press*. The above graph demonstrates that the Copper River commercial fishing fleets committment to sharing the conservation burden, and working to ensure there are adquate resources available for all user groups.



RC#

Development of Personal Use Fisheries

Support Proposal 200 - 5AAC 99.0XX

CDFU supports Proposal 200, and believes that the clarified definition of "Subsistence Way of Life" improves the delineation between Personal Use and Subsistence fisheries.

Back in 1981, the ADF&G Subsistence Committee made recommendations to the Board of Fisheries to establish a fourth user group termed **Personal Use**. The Board of Fisheries developed Resolution #81-93-FB to direct the staff of ADF&G and the Department of Law to draft regulatory proposals establishing this new category.

In this Resolution, the Board of Fisheries recognized that there were presently areas in the State where surpluses of fish existed. Personal Use fisheries were established to "clean-up" these surpluses, and it was the intent of the Board of Fisheries that Personal Use fisheries have the lowest priority to the resource behind Subsistence, Commercial and Sport fisheries.

EXCERPTS FROM RESOLUTION #81-93-FB

- P.1 #5 "There are presently areas in the State.....where surpluses of fish exist. These surpluses are currently in excess of escapement needs and are not available for harvest by any other user group. Harvesting surplus fish for personal use with more efficient methods is compatible with sound biological management and the broad public interest."
- P.1 #6 "There are persons that desire to use more efficient methods (i.e. net fishermen) that may not qualify for a subsistence fishery and therefore cannot participate in a net fishery for personal use."
- P.1 #7 "Under current statutes and regulations, these more efficient net fishermen do not appear to fit into any of the existing user group categories, commercial, sports, or subsistence. **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.**"

Back in the early 1980's, Cordova District Fishermen United supported the intent of the Personal Use category and agreed that all Alaska residents should have an opportunity to access surplus fish. Over the years, the line separating Personal Use from Subsistence has blurred due to lawsuits and repeated attempts by Personal Use fishermen to claim a higher priority to fish stocks. The new definition laid out in Proposal 200 segregates the two categories and provides regulatory language that will ensure ample resources are available for true subsistence users in times of need.



RC#

No Need for Joint Board Action

Support Proposal 200 - 5AAC 99.0XX

We believe that the Board of Fisheries is correct in adopting the definition of "Subsistence Way of Life" independent of the Board of Game for application of criteria #8. No Joint Board action is necessary.

EXCERPT FROM PAYTON DECISION

Payton Decision Impact on Board of Fisheries C&T Determinations

Lance B. Nelson, Assistant Attorney General

November 19, 1999

- C. Differences with Board of Game C&T Determinations
2. The court held that the boards had separate statutory authority and could reach different conclusions based on the same facts.

EXCERPT FROM PROPOSAL 200

From the section on "Other Solutions Considered" in the Board generated proposal #200:
"Submission of this proposal to the Joint Boards of Fisheries and Game.....is not legally required because, although 5 AAC 99.010 is a Joint Board regulation, it is not required to be and this proposal does not amend 5 AAC 99.010, which the court found to be legally valid in every respect."

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

P2. par.1 "No modification of the regulation or joint board meeting is required."



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
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
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.

William B. Robertson
March 12, 2010

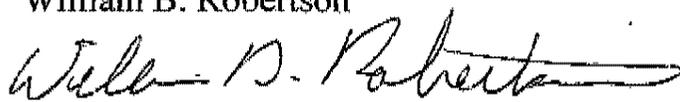
Alaska Dept. of Fish and Game
Boards Support Section

I support proposal #200 and oppose proposal 201.

I have commercial fished in Alaska for 46 years. I support a family of 3 besides myself. My oldest daughter will be going to UAA this Fall. I grew up in Kodiak and fished with my Dad until 1982, when I bought into the PWS drift fishery. I have seen the need for more fish upriver every since more people moved to the state because of the oil boom. It seems more guides are operating up there also and I have heard people with fishwheels leasing out time on them for others to catch their fish. I call it unlimited access to a limited resource. We, commercial fishermen, realized a long time ago that you can't have too many people accessing the resource and still make a living, so limited entry was formed. We also imposed rules allowing the fish to spawn in the protected river systems guarantying returns for the coming years. I can't believe the amount of activity that takes place upriver now in the spawning grounds of the fish. Every year I have fished the Copper we have either met or put more fish up the Copper than Fish and Game has wanted. A few years they even pulled the counter there was so much over escapement, yet all we ever hear from upriver is that there isn't enough fish for them to catch. Well, I don't always catch as much as I want either, that is the nature of the beast. We have to stay in the PWS area they can travel anywhere in the state to put in their fish. If we have a bad year we can't go over to the Kenai or other areas of the road system that produce fish. When I purchased my permit to fish PWS, I bought it at access levels to fishing opportunities that I could make a living at, but with the reallocation of the fish on the Copper River to the upriver users, it is getting hard to make ends meet.

Thank you for the opportunity to comment on this issue.

William B. Robertson



Box 2296
Palmer AK. 99645
907-245-0956

Public Comment #135

Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

March 12, 2010

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Via Fax: (907) 465-6094

RE: BOARD OF FISHERIES 2010 STATEWIDE FINFISH, SUPPORT PROPOSAL 200 OPPOSE PROPOSAL 201

Dear Chairman Webster and Board Members,

Petersburg Vessel Owners Association (PVOA) appreciates the opportunity to comment on the 2010 Statewide Board of Fish finfish proposals. PVOA is a diverse group of 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including *salmon, herring, halibut, cod, crab, and shrimp*. Many PVOA members are also active sport, personal use, and subsistence fishermen who depend on sustainable and conservative management of Alaska's fishing resources to ensure healthy fisheries for the future.

PVOA SUPPORTS proposal #200, definition of Subsistence Way of Life. We support the definition of "a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life" as clarified by Judge MacDonald's Superior Court decision:

"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."

We appreciate the BOF taking action to further define Subsistence Way of Life, as this issue is vitally important to all Alaskans.

PVOA OPPOSES proposal #201 to reclassify the Chitina dipnet fishery as a subsistence fishery. Considering the Chitina Subdistrict stock has not been customarily and traditionally used, we are opposed to action that reclassifies personal use fisheries as subsistence where the need does not exist. If Chitina is a subsistence fishery, the burden to meet escapement goals will fall upon Copper River sport and commercial fisheries.

Reclassifying a personal use fishery as a subsistence fishery where the need does not exist creates a powerful precedent that can affect all areas of the State of Alaska. Alaskan personal use fisheries were established "to provide an opportunity for Alaska residents to harvest Alaska's fish and game resources," and we are confident that the Chitna dipnet fishery falls within that definition.

Thank you for your time and attention to proposals #200 and #201. If we can provide further information or answer any questions as you make this important decision, please feel free to contact us.

Sincerely,



via fax

Julianne Curry
Executive Director

William F Webber.
PO Box 1230
Mile 6.25, Copper River Hwy.
Cordova, AK 99574

March 12, 2010

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

Subject: **SUPPORT PROPOSAL 200 AND OPPOSE PROPOSAL 201**

I am a lifelong resident of Cordova, AK & third generation commercial fisherman about to commence my 42nd consecutive year as a drift gillnet salmon harvester on the Copper River Delta. I am one of the many responsible people that have helped create the wonderful name in the global marketplace for Copper River (CR) salmon that we now enjoy today. I have personally participated in every promotional and quality handling project since day one in building the CR name and continue to do so in my Direct Marketing business Gulkana Seafoods-Direct, my commercial equipment manufacturing company Webber Marine & Mfg., Inc. and as Vice President of Alaska's first Regional Seafood Development Association.

While it is not within the Board of Fisheries authority to put back in place a "rural priority", it is important to note that the line segregating Personal Use fisheries from Subsistence fisheries has become blurred over the years as a result of various lawsuits. The clarified definition of "subsistence way of life" attempts to put that line back in place, separating the two categories from one another. For this reason, I support Proposal 200 and believe the language relating to "basic necessities of life" strengthens the true meaning of subsistence as identified in the 8 criteria for C&T, particularly criteria #8.

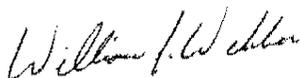
Even more so in my view with current state law on resource management of our salmon and having our managing authority having two divisions with conflicting mission statements and continued population growth in our state, we have crossed the threshold of jeopardizing our ability to remain sustainable into the future with our salmon stocks. This may take some time, but this is the path we are presently on with current state law. We are not managing for biology but more so for political access to the resource and this in its self will be the eventual demise of sustainability due to continued population growth in our state.

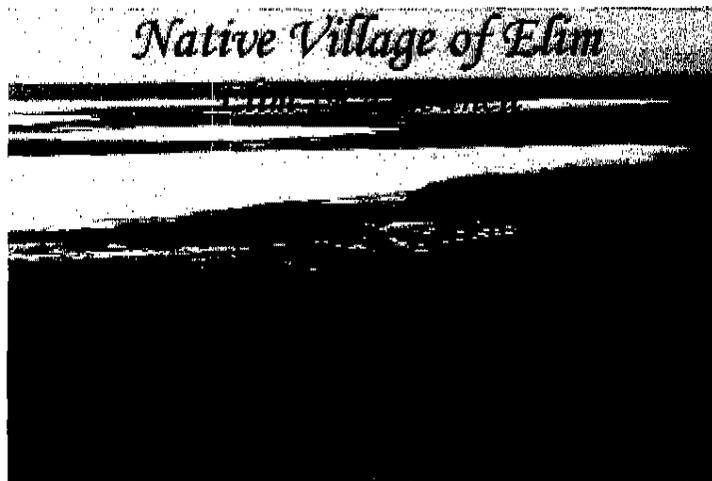
This has already happened on both of our coasts down in America. The definition of "Subsistence Way of Life" should remain to residents living in rural areas of the state, not the big cities in the state. Taking the big step of a constitutional amendment to bring back the "Rural Priority" defining the true subsistence user and defining the "Subsistence Way of Life" in addition to managing for biology should ensure continued sustainability well into the future, providing the oil and mining industries do not harm the watersheds.

This is the last place on the planet where we have such a bountiful wild salmon resource. As stewards and users we should be more cognizant of our history in other parts of the country that have all but brought on the demise of salmon runs on both coasts because of management for political reasons and not true sustainable biology for already fully allocated stocks in our river systems.

If we continue the same status quo management practices until the subsistence way of life can reflect on the true rural subsistence user, it is important for the three user groups (commercial, Personal Use and Sport) to share in the burden of conservation of the Copper River salmon stocks. The Chinta Subdistrict fish stock has always been a recreational use type of fishery and is definitely not a "true" subsistence fish stock.

Thank you for the opportunity to comment and share my lifelong and historical views with the Alaska Board of Fisheries.





DT: March 12, 2010

TO: Mr. Vince Webster, Chairman
Alaska Board of Fisheries

FR: Robert A. Keith, President
Elim IRA Council

RE: Supplemental Proposal 200

We are in receipt of Loretta Bullard's (Kawerak President) letter dated March 9, 2010. We support Kawerak's position and arguments that are articulated in her letter. We need to have the time to think out and explore the impacts and legal ramifications on supplemental proposal 200, it is our heartfelt desire to avoid any unintended consequences. We appreciate the intent to comply in a timely manner with Court but this regulatory change needs to be fully vetted before implementing. In that spirit we request a delay in adopting supplemental proposal 200, thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Keith".

LAW OFFICES

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March 12, 2010

Mr. Vince Webster, Chairman
P.O. Box 121
King Salmon, AK 99613

Dear Chair Webster:

Thank you for the opportunity to address Proposals 200 and 201 on behalf of the Alaska Fish & Wildlife Conservation Fund, and the Chitina Dipnetters Association.

As a long term advisory committee member, I have the highest respect for Alaska's publicly driven system of fisheries' management. As I address you and other Board members on the issue of Chitina subsistence, please remember that neither myself, nor the organizations I represent, are adverse to the Board or the system of management in which it plays a central role. We simply believed, and the Court agreed, that the 2003 erred. Currently, we disagree with the procedure adopted for the upcoming meeting as well as the language in Proposal 200.

I was raised in Fairbanks and have always practiced what I believe to be a "subsistence way of life". The extensive use of Alaska's fish and game resources to satisfy the protein needs of myself and my family began as a small boy when I lived in a one-room log cabin with no running water. This use continues to the present day when I live in a modern home, work in an office, and enjoy an income sufficient to allow me to buy my meat at the store if I so desire. I have no desire for store bought meat, and my traditional harvest activities include harvesting halibut in Prince William Sound, salmon from the Copper River, sheep from the Wrangell mountains, and moose from the Interior. Just last night, my family ate a Copper River red given to me by a dipnetting friend. Copper River salmon are used in virtually identical ways by Alaskans from Cordova to Fairbanks. Yet the only subsistence use pattern that must be constantly defended is the use at Chitina.

My customary and traditional use of these resources are just as important, and just as worthy, of legal protection as any other Alaskan, no matter where they live. Some current Board members have the good fortune of living in the small communities off the road system.

Availability of subsistence fish and game in these small communities is never a question, and I hope these resources are routinely harvested by you and your families under subsistence regulations where your rights to harvest for food come above those who harvest for fun or profit.

I would hope that none of you make feel that you ever have to justify your consumption of our commonly owned resources based on your socio-economic status or cultural background.

As a life member of the Alaska Outdoor Council, I have long believed that our Constitution demands that all Alaskans be treated equally with respect to access to our commonly owned fish and game resources. I am beginning to think that my understanding of equality is not shared by many of my fellow Alaskans, despite dozens of Alaska Supreme Court opinions that repeatedly affirm the principle that all Alaskans must be treated equally with respect to subsistence. Many Alaskans have, and will continue to have, strong personal reservations about any fishery practiced by urban Alaskans qualifying for the State subsistence priority.

None of us can ignore the fact that the commercial fish industry is adamantly opposed to granting a large number of Alaskans a subsistence priority to Copper River salmon. Some might believe that certain Board members' ties to commercial fishing render a negative C&T vote entirely predictable. I remain an optimist, and would hope that all seven of you would make a deliberate effort to disregard 1) the home communities or cultural backgrounds of Chitina users, 2) previous Board actions either finding negative C&T, or declining to find new information sufficient to revisit the issue, and most importantly, 3) the organized opposition of AHTNA and the commercial fish industry. I would trust that all of you would agree that the above three considerations would, in most circumstances, be inconsistent with your obligation to apply the current subsistence law to the relevant facts before you.

For the many years I have followed this issue, I have never understood why AHTNA opposes a subsistence priority for salmon in Chitina under State regulations. The AHTNA Indians started the fishery, and continue to participate in the fishery as personal use fishers under State law, and as federal subsistence users under a federal positive C&T finding made in 2000. The same individuals who advocated for a positive federal C&T in 2000 will be before you next week, arguing that salmon in Chitina have not customarily and traditionally been taken for subsistence.

The State subsistence law requires that in times of shortage, subsistence should to be protected at the expense of all other uses. It is obvious why a legal priority is such a cause for concern for commercial fishers in Cordova who annually harvests an average of 1.2 million Copper River salmon per year. These commercial fishers will stridently oppose the Fairbanks residents harvesting Copper River salmon under subsistence regulations to feed their families, yet they will vigorously defend their right to cast commercial gill nets to satisfy their own subsistence needs. Non-resident commercial fishers simply reserve an unlimited number of their commercial catch for their own personal consumption. They will argue our consumptive rights are adequately protected under personal use regulations. However, to continue that argument is irrelevant. The Board must determine whether under State law, the use of Chitina salmon is customary and traditional. If it is, it must be designated a subsistence fishery.

It is a fundamental belief that of the two entities I represent, that the highest and best use of Alaska's fish resources are as food for Alaskan families. All other uses, including commercial uses, are less important.

There are many procedural and legal issues relevant to your upcoming meeting, and deliberations on Proposals 200 and 201. I have attached as a separate RC our Motion for Summary Judgment, as well as relevant portions of Judge MacDonald's December 31, 2009 Decision and Order reversing the 2003 negative C&T determination by the Board. Complete copies of these court filings, including exhibits, etc. are available from your attorney advisor from the Department of Law. Please feel free to ask him to provide you with any material from the court case, or any prior legal opinions, such as McDowell, Madison, Payton, or Kenaitze or other information that you may find helpful to your deliberations on Proposal 200 and 201.

There is currently a great deal of confusion and inconsistency related to the procedural background and conduct of the upcoming meeting. You and the Board have ultimate control over how you address matters of procedure. Just because your attorney advisor or executive director encourage you to follow a particular path, does not mean that path is necessarily correct or consistent with current law.

PROPOSAL 200

We encourage you to amend your proposed definition of the "subsistence way of life" as follows:

Subsistence way of life means "A way of life that consistent with the long term use of fish and game resources, when available, to supplement the basic necessities of life."

Ultimately, the definition of "subsistence way of life" is only one of eight factors the Board must apply to help determine whether a particular use qualifies as a subsistence use. While ultimately each member's vote must be based on the totality of the criteria rather than a formulistic analysis, historically, the Board has found that the Chitina fishery qualifies under the first seven criteria, and that the eighth criteria, however subjective, has traditionally been the determinative factor for most Board members who have expressed an opinion, when considering whether to amend Proposal 200, the Board should carefully consider whether its proposed definition would serve to eliminate any future subsistence use anywhere. It is unlikely that any individual in Alaska could claim that a particular fish stock is "necessary" for them to meet their basic necessities of life.

Some Board members, especially those who live in rural coastal areas no doubt enjoy a broad variety of subsistence resources from which to harvest. These members and their neighbors likely enjoy cash incomes sufficient to satisfy your nutritional needs. We all recognize the importance of supplementing ones nutritional needs through a strategically placed shrimp pot, a beach seine to harvest a local run of salmon or even digging clams or collecting mussels on the beach. These are likely all subsistence uses practiced by you, your friends, neighbors and family. It would be difficult for you to say

that any of these uses were not a very important part of your identity as an Alaskan. Alaskans from all walks of life, who harvest wild foods as an important supplement to their cultural, emotional, and nutritional needs is what subsistence is about.

After analysis of the first seven criteria, if a majority of the Board is not already convinced that the long term customary and traditional use of Chitina salmon by Alaskan residents armed with dipnets qualifies as a subsistence use under State law, then and only then, should you turn to criteria 8. A restrictive definition of the subsistence way of life, as currently proposed and possibly measured by some in terms of life or death necessity, would very likely serve to defeat those types of subsistence uses enshrined in our law and elevated in terms of priority against all other uses. The amended definition proposed above would ensure that the Board has a valuable tool to help distinguish a true "subsistence" use, from a sport or recreational use of a fish stock. Almost every fish or game resource in the state only serves to "supplement" the basic necessities of life, and only when such resources are available.

In closing, with respect to Proposal 200, we would encourage the Board to always refer back to the statutory definition of customary and traditional: AS 16.05.940(7) defines customary and traditional as "the non-commercial, long-term and consistent taking of, use of, and reliance upon fish or game in a specific area, and the use patterns of that fish or game that have been established over a reasonable period of time, taking into consideration the availability of the fish or game".

The amendment to Proposal 200 is significantly more consistent with the statutory definition of customary and traditional than the Board's proposal.

PROPOSAL 201

After objectively defining the subsistence way of life, and without consideration of potential impacts to the commercial fishery in Cordova in times of shortage, the Board will then consider Proposal 201. We believe that the Board has erroneously framed Proposal 201 in the positive rather than the negative. The Superior Court in Fairbanks unequivocally reversed the 2003 negative C&T determination by the Board. The practical result of this opinion is that the Chitina fishery is currently a positive C&T subsistence fishery, the same as it was in 2003 before the Board voted for 4-3 in the negative to reverse the 1999 positive C&T finding.

Given that the current status quo is a positive C&T for the Chitina fishery, the appropriate procedural path for the Board to follow would be to frame Proposal 201 in the negative. Such an amendment should be supported by the Board as consistent with the approach taken in 2003. Just as appeals courts throughout the country always try to avoid reversing an earlier decision out of respect for that earlier decision, so to should this Board respect the decision of the 1999 Board. Though a current individual member may disagree with the ultimate outcome of the 1999 positive C&T, prior decisions of a Board should be given great respect by current Board members, even though on occasion, those earlier decisions may eventually be revisited and possibly reversed.

Every single year, since the late 1800's, Alaskan residents have harvested salmon at Chitina with dipnets. The only change to the use pattern at Chitina is in the hometown and cultural background of the user (see photo of AHTNA woman dipping in 1800's, and photo of Fairbanks woman dipping in 2000's. The improvements in technology, ease of transportation, and relative affluence of the participants, have changed everywhere subsistence is practiced. The most important fact that has not changed, and will not change, is that the salmon in Chitina are harvested by Alaskan's as an important food source.

Very truly yours,

BORGESON & BURNS, P.C.


Michael C. Kramer

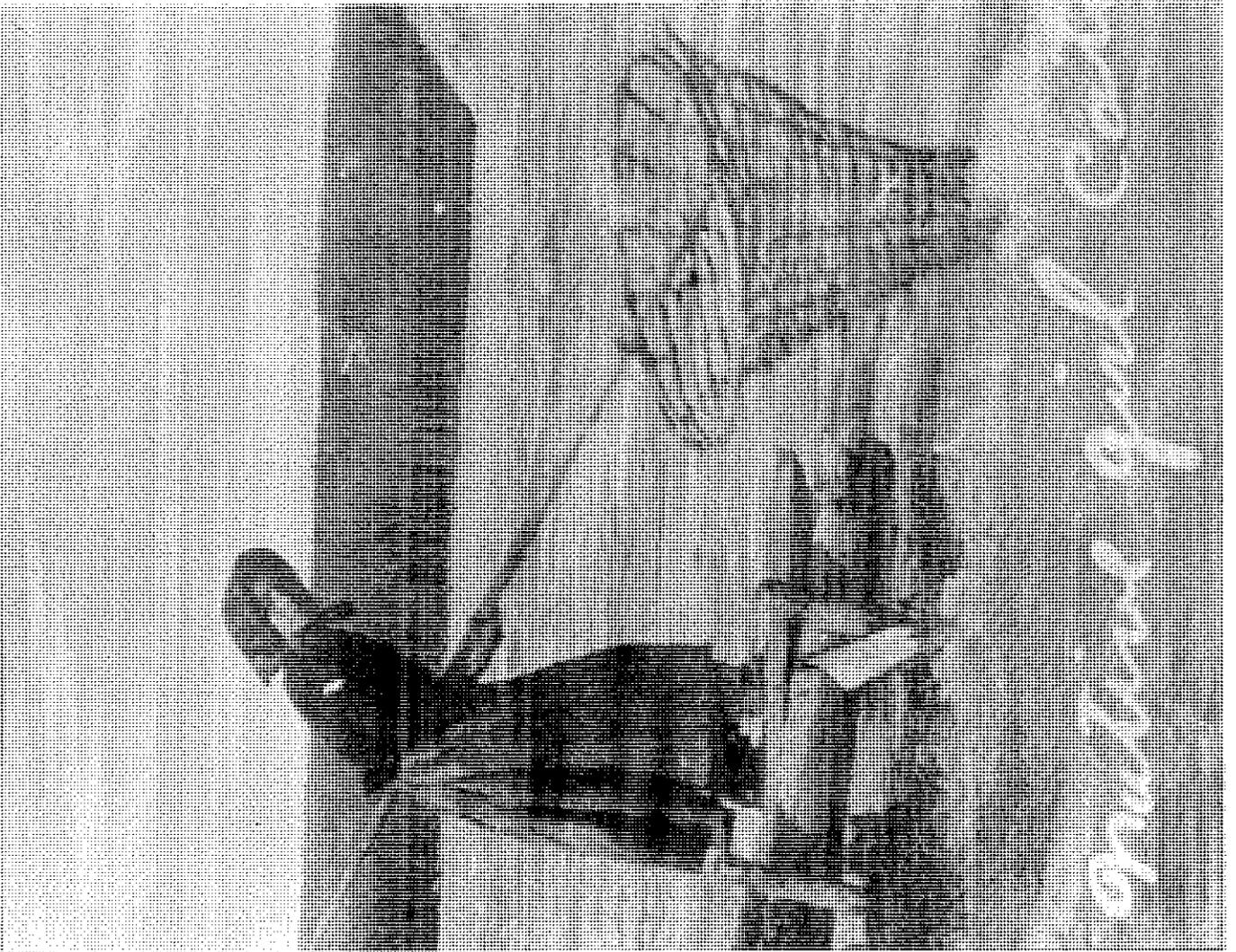
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Enclosures

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Overview of the Chitina Subdistrict Upper Copper River Fisheries

A Presentation to the Alaska Board of
Fisheries
March 20, 2010

By Mark S. Schupp
Alaska Department of Fish and Game
Division of Sport Fish

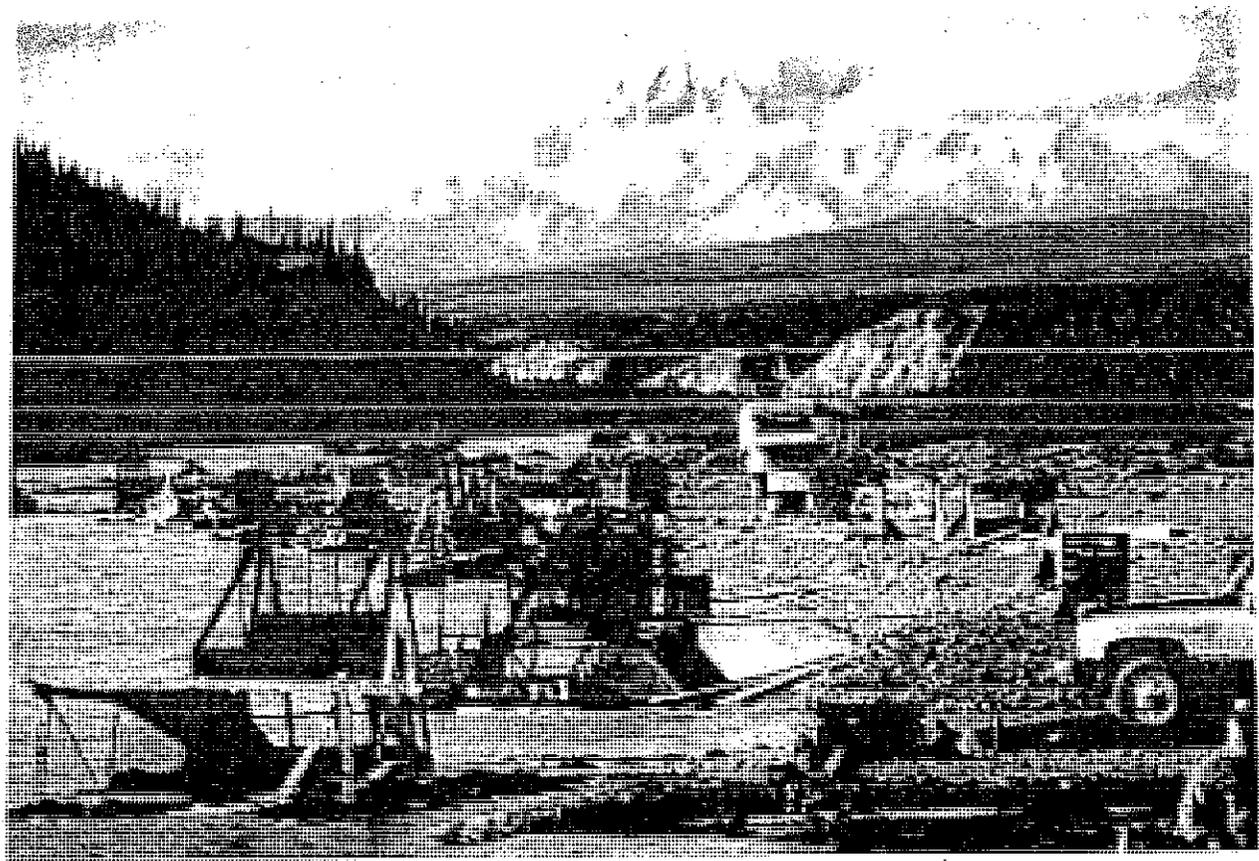
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KLST

Subsistence Worksheet

By Stan Bloom

Or the truth the Subsistence Division won't tell you



Alaska Board of Fishery
Meeting

~~Anchorage~~ Cordova, Alaska

~~Jan 31 to 6 Feb 2003~~

March 20-21, 2010

The Subsistence worksheet as it would appear if the Subsistence Division would tell the truth. It is set up a little different than the states but covers the same principles.

Table Of Contents.

General Background -----	1
State law Sec 16.05.258 -----	1
Photo of AHTNAs unloading a modern fishwheel below the bridge in the CSD 2002 -----	1a
Proposal 15 to the Federal Subsistence Board by the Copper River Native Association in 2000 -----	1b
Excerpts from the Madison Case 1984 -----	2
Excerpts from the McDowell case 1989 -----	2
Excerpts from the Payton case 1997 -----	3
Findings and purpose of the 1992 subsistence amendments -----	3
Excerpts from the Kenaitze case 1995 -----	4
Brief explanation of Katie John Case 1989 -----	5
Requests for Customary and Traditional Determinations -----	5
Proposal 44 submitted in 1999 -----	5a
Some Background on Procedures -----	6
Color Chart on subsistence "USE" -----	6b
Joint Boards Subsistence Policy -----	7
Eight Criteria-Criteria # 1 -----	7
Photo 1898 miners with net & drying Rack -----	8a
Memo to Sarah McCracken 1986 -----	8b
Interview transcripts of Native fishers -----	8c-8f
Criteria #2 -----	9
Criteria #3 -----	10
Criteria #4 -----	11
Criteria # 5 -----	12
Criteria # 6 -----	13
Criteria #7 -----	14
Criteria # 8 -----	15
Summary -----	17
Chitina Leader 1925 newspaper article -----	17a
Appendix I Attorney General Letter -----	19
Appendix I Madison Case -----	20-47
Appendix II McDowell case -----	48-67
Appendix III Payton Case -----	68-78
Appendix IV Kenaitze Case 1997 -----	79-92
Appendix V Katie John Case 1989 -----	93-106

Cover Photo Fishwheels jammed above the bridge
 Back cover photo Bear scat (photo by Bloom)

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General Background

Proposals 42 and 43 request the board do a new customary and traditional (C&T) determination of the Chitina Sub District (CSD). The proposal submitters actually ask the board to "repeal" the C&T done in 1999. However the people who proposed give no evidence that the "FISH STOCK" is NOT customary and traditionally taken **OR** used for subsistence. In fact the Copper River Native Association put in proposal #15 to the Federal Subsistence Board (FSB) in 2000 that asserted their C&T use of the Fish stock in the Chitina Sub District. (see proposal 15 page 1b) There was a federal positive C&T in 2000 and they allowed federal permits, for the first time in 2002. There were 123 federal permits and three fishwheels operated in the CSD last year. (see photo page 1a)

State Law says:

Sec. 16.05.258. **Subsistence use and allocation of fish and game.**

Items in red with ~~strike through~~ have been repealed by the Alaska Supreme Court.

(a) ~~Except in non-subsistence areas, (Kenatize)~~ the Board of Fisheries and the Board of Game shall identify the **fish stocks** and game populations, or **portions of stocks** or populations, that are **customarily and traditionally taken "OR" used for subsistence**. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

PROPOSAL F2001-15

1. What are you proposing to change? Change C & T determination to open Chitina Subdistrict to Federally-qualified subsistence users.

[Note: this appears to be both a C & T, as well as a subpart D proposal.]

How should the new regulation read?

You may not take salmon in the ~~Chitina Subdistrict.~~

The Chitina Subdistrict is open to Federally-qualified subsistence users from the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

2. Why should this change be made? To allow Federal subsistence users to access their ~~traditional fishing areas~~ for subsistence use.

3. What impact will this change have on fish and shellfish populations? None

4. How will this change affect subsistence users? Increase opportunity, many subsistence users were ~~forced~~ away from their traditional fishing sites by state regulations and over crowding by people from the urban areas. State regulations closed fishwheel use in 1977, and opened this area only to dip netters, who were mainly from Fairbanks, Alaska.

5. Which communities have used this resource? When? The community of Chitina Elders says that the area was used historically and use only stopped when the state forced local people out, and also due to being forced out of the area by over crowding conditions. Many subsistence users from Chitina, AK left this area because outsiders coming to this area to dip net forced them out. People from Fairbanks, AK began to use the area in the early 1960's. The Native subsistence users of Chitina also did not understand the State of Alaska fishing regulations. They quit fishing in this area in the 60's, because they thought the area was closed to fishwheel use.

6. Where has the resource been harvested? In the Chitina Subdistrict from the Copper River Bridge downstream to Wood Canyon.

7. When has the resource been harvested? May through October.

Is there any additional information that supports your proposal? Yes, a report by Dr. Fall and Dr. Simeone, Patterns and Trends in the Subsistence Salmon Fishery of Upper Copper River, Alaska, dated December 1996.

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses;

End of state law: Sec. 16.05.258.

The board is required to allow subsistence fishing if the "FISH STOCK" has been customary and traditionally taken **OR** been used for subsistence. This **OR** is important as it refers to "USE" not the users.

There are four Supreme Court cases that the state has lost by **NOT** following the state law that I know about. You can give them a perfect score by not following it again!

The first is the Madison Case; 1984 (Appendix I)

It said that the requirement that an individual *"be part of a group to be a subsistence user was not in the legislative intent"*.

It also said that *"The legislators intended for dipnetters from Fairbanks to be primary subsistence users."*

And their conclusion was: *"under a law designed to protect subsistence" the board has devised a regulation to disenfranchise many of the subsistence users that the statute was designed to protect"*.

The Speech that Representative Anderson gave on the floor of the house said: *"the nonnative people in the state of Alaska have established customary and traditional uses of Alaska's fish and game for subsistence purposes."*

The second Case is the McDowell Case in 1989: (Appendix II)

The Court said: *"There are substantial numbers of Alaskans living in areas designated urban who have legitimate claims as subsistence users, and there are those living in rural areas that have no litigate claim to subsistence. In Kenatize they ruled that living close to a resource has no weight in state subsistence law"*

Justice Moore said: *"This is an equal protection case, and an easy one at that"*.

They also said that *"We therefore conclude that the requirement contained in the 1986 subsistence statute, that one must reside in a rural area in order to participate in"*

subsistence hunting and fishing, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution”.

They also restated the finding in Madison that:” *Customary and Traditional does not refer to users but “USES”*

Also: *“One purpose of the 1986 act is to insure that those Alaskans who need to engage in subsistence hunting and fishing in order to provide for their basic necessities are able to do so. This is an important interest. However, the means used to accomplish this purpose are extremely crude.”*

The third case is the Payton Case of 1997. (Appendix III)

The court said *“A Personal Use fishery is not subsistence “USE”*

“The board erroneously required a familiar relationship between current and past generations. Again the Court ruled: That Customary and Traditional refers to “USES” rather than “USERS” (State vs. Morry 1992, MCDowell vs. State 1989, Madison 1985.”

They said: *“the plain language of AS 16.05.258(a) and AS16.04.940(7) and our prior decisions that Customary and Traditional “refers to “uses” and “use patterns” of fish stocks. None of these authorities indicates that use of fish may be customary and traditional only if current users are related by blood to past generations who used fish in the same way. Instead the focus is whether the use has occurred consistently for an extended period of time”*

The court then quotes the Legislators intent of the 1992 subsistence revisions: see below:

FINDINGS, PURPOSE, AND INTENT OF THE 1992 SUBSISTENCE LAW.

(a) **The legislature finds that:**

(1) there are Alaskans, **both Native and non-Native**, who have 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 "**;

(3) customary and traditional uses of Alaska s fish and game **originated with Alaska Natives**, and have been **adopted and supplemented by many non-Native Alaskans** as well; these uses, among others, are culturally, socially, spiritually, and nutritionally important and provide a sense of identity for many subsistence users;

(4) while Alaska' and game generally are still plentiful, these resources are not unlimited and cannot provide for every desired use, now or in the future; competition for and the level of effort on these resources have required the legislature and the Board of Fisheries and the Board of Game to establish a preference for subsistence among the various beneficial uses of fish and

game in the state; and

(5) in most areas of the state, a preference for subsistence can be provided without an overly burdensome intrusion upon other consumptive uses of fish and game.

The court also said: *"Because the legislature recognized that customary and traditional uses can be "adopted" and "supplemented", the legislature apparently did not limit the meaning of customary and traditional uses to only those uses that are handed down to parent to child or relative to relative."*

The Court admonished the board for: *"the board neither played the tapes or asked questions about them."*

They also ruled that *"However criteria five specifically permits residents to **stop using certain methods based on "technological advances where appropriate"** It was error for the board not to explain why this statutory exception does not justify Skwentna residents failure to dry salmon"*.

*They also said: "the Board erred in basing upon upper Skwentna River residents failure to use methods and means of harvesting fish that were **prohibited by regulation** and that "the Paytons should not be faulted under criterion three for failing to use "methods and means" that are prohibited by regulation.*

And in footnote 9 *"For ex le , insofar as **the Board's mistaken understanding** of applicable law may have influenced the questions it posed to governments witnesses, such as the Division of Subsistence, it may need to question these witnesses again."*

Stan's note: As the Division of Subsistence has consistently, and over a long period of time, mislead the Board, I contend that the misunderstanding is the Divisions not the Boards. You should ask Mr. Nelson of the Department of Law, who is here today, what the law says and what it means!

And that brings us to the Keniatze Case. (Appendix IV) 1995

In that case the Supreme Court said: *"However the new statute (1996 revisions) also requires the Board to identify "non-subsistence areas- areas where no priority exists".*

The definition of a "non-subsistence area" *"is the negative of the definition of "rural"*

"for determining the non-subsistence areas "effectively re-establishes the rural/urban residency requirement struck down in McDowell"

McDowell makes: *"the residence based criteria are not permissible"*

"Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependant on whether one lives in an urban or rural area, eligibility to participate in a Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game."

"The fact that residents of non-subsistence areas must travel in order to utilize subsistence permits is not a limitation to their admission to a subsistence user group."

Conclusion *"The Tier II proximity of domicile factor violates sections 3, 15, and 17 of Article VIII of the Alaska Constitution, because it bars Alaska residents from participating in certain subsistence activities based on where they live."*

So you see, this issue has been thoroughly litigated and the state lost in each case.

And of course one cannot discuss subsistence fishing at Chitina without saying something about the **Katie John Case** (Appendix V)

The Department and the Board created two sub districts in the 70s, They forced all Native fishwheels above the bridge. (see Robert Marshall tape) They also required Personal Use (PU) fishwheels to be in the first 1/4 mile above the bridge. (See a photo of this mess page 1a). This caused crowding and considerable conflict between local and nonlocal fish wheels. It also forced Katie John who had been fishing at Fred Johns site at O'Brien Creek to move above the bridge. She ask for a site at Batzulnetas, The state stupidly refused Recently the 9th circuit issued its final ruling that:

"For these reasons, we hold to be reasonable the federal agencies' conclusion that the definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine. We also hold that the federal agencies that administer the subsistence priority are responsible for identifying those waters."

So the Feds took over management on certain lands and waters in and adjacent to conservation areas.

In 1985 the Supreme Court issued the Madison ruling and the dipnet fishery reverted to a subsistence fishery until the state amended the subsistence law, in 1986. They amended it to provide a "rural" priority but that was reversed in 1989 by McDowell.

Requests for a customary and traditional determinations

In 1996 I submitted a proposal to do a C&T determination of the Chitina sub district. In that meeting the Subsistence Division purposely mislead the Board to a vote on whether the dipnetters were C&T. They did NOT vote on the USE. The Division knew the difference as they led the Board on a proper vote an hour latter on the Cordova C&T determination. The vote should be **"IS THE FISH STOCK C&T TAKEN "OR" USED FOR SUBSISTENCE.** Don't let them neglect to mention the "OR".

In 1999 I submitted a proposal #44 to redo the C&T determination on the "FISH STOCK" and reiterated that the former C&T was not done properly, The department of law representative agreed and the board did another C&T. I participated on the committee and gave many examples of long term use, sharing, and generation to generation passing of knowledge. They voted for a positive C&T by 4 to 2 (one member missing). I have the tapes of that meeting with me if any Board members want to see it.

Proposal 44 submitted in 1999. notice it references that the natives are being cheated out of their traditional area so that dipnetters can't subsistence fish. See map by subsistence division showing traditional sites inc x and x

PROPOSAL 44 - 5 AAC 01.616. CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF FISH STOCKS. Amend this regulation to include the following:

The area between the bridge and Haley Creek is a customary and traditional area.

PROBLEM: Under provisions of AS 16.05.258, the 1992 subsistence law and 5 AAC 99.010 Joint Board subsistence procedures, I request that the board do a customary and traditional determination on the "fish stocks" between the McCarthy Bridge and Haley Creek.

- A. These fish stocks have been customary and traditionally taken by the Chitina natives for hundreds or years or even thousands of years. They only stopped in 1983 due to being cheated out of their traditional areas by board action. (See maps provided by subsistence division)
- B. The law in effect in 1984 required that "users" be declared customary and traditional users. The 1992 law requires the board to determine if the "use" has been customary and traditional. The fish stock has to have had a customary and traditional use. Not the users.
- C. The determination in 1996 was a disgraceful discussion of whether dipnetters were customary and traditional users. The word fish stock were never mentioned.
- D. O'Brien Creek and Taral were traditional native fishing sites before 1983 when they were required to move up stream by Fish and Game regulations.
- E. In 1986, after the Madison decision found the regs unconstitutional the PU fishery was returned to a subsistence fishery. After the McDowell decision the fishery should have returned to a subsistence fishery also and a new customary and traditional determination been done.
- F. I will never rest until the board does a fair customary and traditional determination under the 1992 subsistence law and the joint boards subsistence policy.
- G. Dipnetters were subsistence users for many years, until 1983, when the department said that under the 1992 law in effect in 1984, they had to be reclassified under ANILCA. We were customary and traditional then and are customary and traditional now.

WHAT WILL HAPPEN IF NOTHING IS DONE? Dipnetters and the Chitina natives will be cheated out of the customary and traditional areas to subsistence fish.

WHO IS LIKELY TO BENEFIT? The natives at Chitina.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Stan Bloom

(I-99-F-004)

59

Some Background on Procedures

The subsistence law has changed twice since 1984. The subsistence Division wants you to believe that the criteria and law are the same. Nothing could be farther from the truth. In 1984 the regulation said that the user had to be C&T or part of a community, that was thrown out by Madison. In 1986 the user had to be rural, that was thrown out by McDowell. So the c&t in 1999 was done after we had changed the law twice and the criteria at least once. Additionally there had been three Supreme Court rulings on subsistence, this is a lot different than it was in 1984!

When the first director of the Division Loner said the things below, he was under the gun to "comply" with ANILCA. We are under NO such mandate now or were we in 1996 or 1999.

Its simple if the "FISH STOCK" has been C&T taken OR used for subsistence the state SHALL have a subsistence fishery. Period no BS.

Loner said:

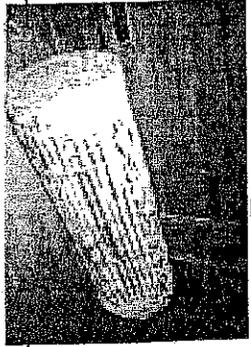
It is suggested that customary and traditional use, uses and users are inseparable from one another; that is, if one attempts to describe the use or the uses (what, where, how, and how much), a significant part of the description includes an analysis of who is using and for what purposes.

The above is not true. For example the subsistence "USE" can go on for thousands of years while users come and go, or die, or new users are born or move to Alaska. The methods of catching fish change also. For example when the white man brought the fishwheel to Alaska the Natives adopted it readily, However subsistence "USE" did not stop. The fact that it required very little work after it was built and put in the water freed up their time for other things. How ever for an Alaskan who lived in Fairbanks, just transporting one to Chitina was a major problem and then there was the problem of location and storage. No small thing when you consider we could only get 30 fish. The commercial fishers in Cordova had a Territorial regulation passed that only Alaska Natives could operate a wheel prior to statehood. In 1925 they even tried to deny the Natives using a fishwheel. They said that Natives and whites could get enough for family consumption with a dipnet. (see newspaper article page 6a) In the Chitina sub district at the present time it is illegal for state subsistence users to use a wheel. That's what Payton was talking about when they said: "*that we can't be faulted for following the regulations!*" Alaskans have been "USING" the fish for subsistence for thousands of years, however I have never seen a thousand year old person down there! As the former Pres says "IT'S THE USE STUPID" (see USE chart Next page 6b)

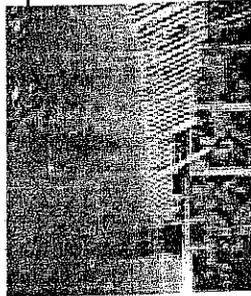
The Department thinks a fish changes "stock" when it swims under a bridge or past Haley Creek. That's BS, these fish in the CSD and GASD are the same "fish stock". Do they think swimming under a concrete bridge changes the genes in the fish, or is this a way to separate the Natives from dipnetters? The fish in the CSD are not managed as a unit, the people are!

It should be noted that the 1984 determination was organized around a **contrast** between the GASD and the CSD. Of course when you force all fishwheels upstream you will get these kinds of comparisons. If the Native fishwheel operators hadn't been forces

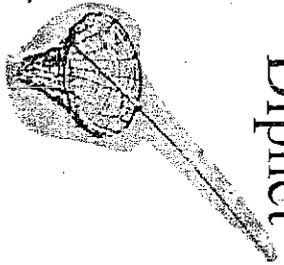
Methods Change
spears
traps
wiers
dipnets
fishwheels
Whats next?



Spear
Trap



Wier



Dipnet



Fishy

Copper River Subsistence

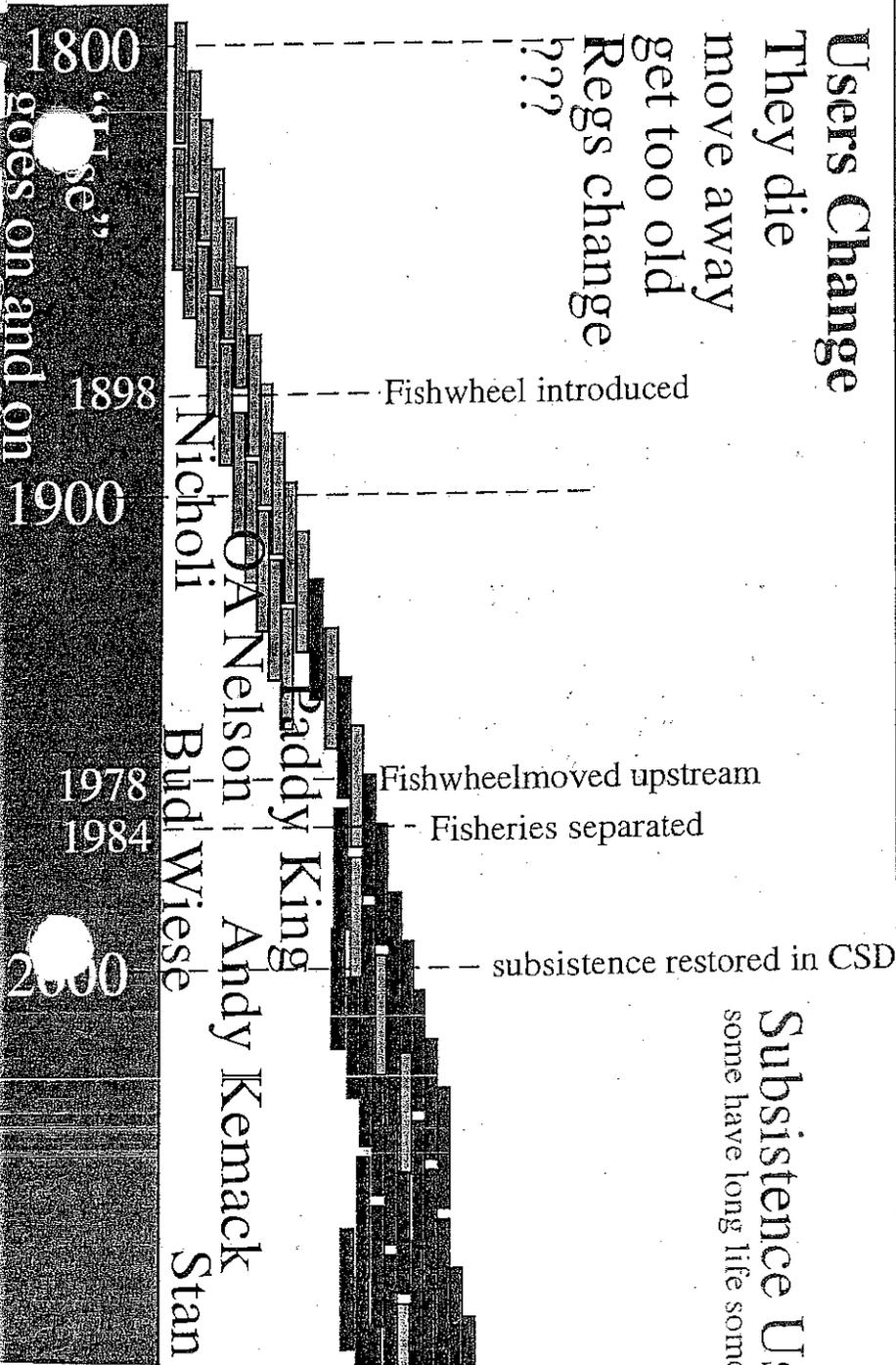
Customary and Traditional is about "USE" not u

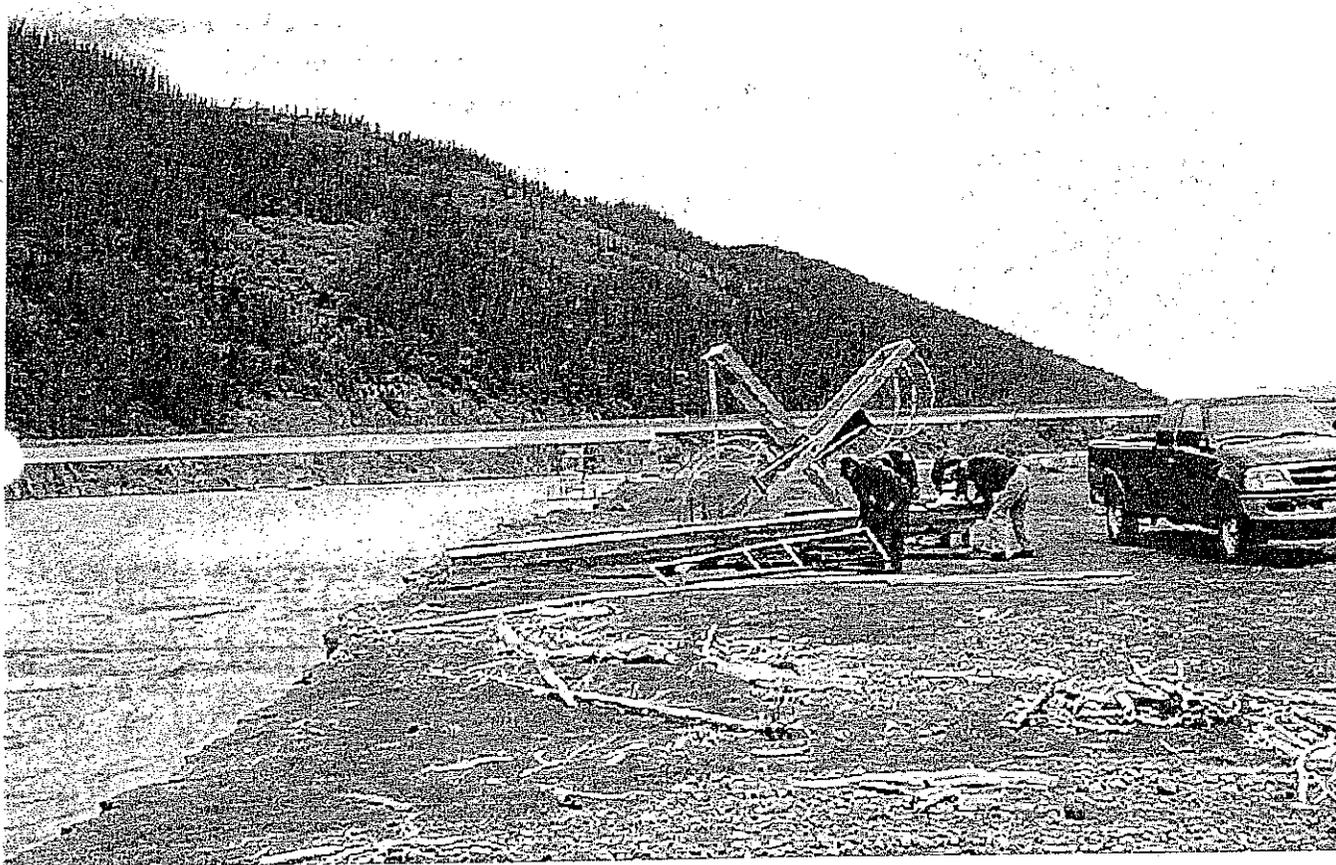
Users Change

They die
move away
get too old
Regs change
????

Subsistence U:
some have long life some

69





AHTNAs putting in a modern Native Fishwheel in the Chitina Sub District in 2002 under federal regulations. (Photo courtesy Eric Veach NPS Glennallen)

upriver then there would have been a mix in both sub districts and the contrast wouldn't be apparent or exist.

The "OUTCOME BASED RESEARCH" that the department is citing compares 109 AHTNA with 309 non basin residents. Of course if you ask an AHTNA how long they have lived here, they will say they have lived here all their lives and were born in Alaska. They also probably know everyone in their village or area, their relatives and parents live in Alaska and they probably have fished for a long time. However only a small percentage of AHTNA still live in the basin. There are probably more AHTNA in Anchorage and Fairbanks than in the Copper River Basin. I know of one old AHTNA lady who got a permit for last year and I and her son-in-law and grandson proxy fished for her. Her Name is Martha Major. We took her grandson along and taught him to dipnet. Is this a generation to generation sharing of knowledge between our cultures?

The Departments own research shows that Katie John and her husband dipnetted as late as 1960 to 1964 see (Memo to Sarah McCracken April 18 1986) Additionally the interviews with Native elders Maggie Eskilida said there was a dipnet station at Salmon Point in 1950 Maggie said she dipnetted for fish to feed Joe Goodlataws children after his wife died .Maggie Billum had a fishing spot at Salmon Point for both dipnet and wheel during the 1930s there were local whites who fished at Chitina—Al Taylor. Of course the subsistence division will not tell you this as they are willing to keep all the Natives upstream and continue to discriminate against urban Alaskans. Below is the states policy on subsistence.

JOINT BOARDS SUBSISTENCE POLICY.

S AAC 99.010. JOINT BOARDS OF FISHERIES AND GAME
SUBSISTENCE PROCEDURES. (a) In applying a subsistence priority, 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.

(b) Each board will identify fish stocks or game populations, or portions of stocks of populations, **that are customarily and traditionally taken or used by Alaska residents for subsistence uses** by considering the following criteria:

The 8 subsistence Criteria

(1) a long-term, consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of *not less than one generation*, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns; (or state regs)

Glennallen Sub District

Many AHTNA people have dipped and had their fish wheels in the

Chitina Sub District

The earliest evidence of dipnetting I found by non-natives, was the

Chitina Sub District. Of course the department forced them to move upstream of the bridge in the 1970s. The Departments own research cites instances of AHTNAs dipnetting from Katie John and her husband dipnetting from 1960 to 1964 at O'Brien Creek. (Memo to Sarah McCracken April 18 1986) §b

Additionally the interviews with Native elders Maggie Eskilida said there was a dipnet station at Salmon Point in 1950

Maggie said she dipnetted for fish to feed Joe Goodlataws children after his wife died.

Maggie Billum had a fishing spot at Salmon Point for both dipnet and wheel. during the 1930s there were local whites who fished at Chitina-Al Taylor. (see transcript page 9a)

The research was **"OUTCOME BASED RESEARCH"** In other words they are so determined to show that the dipnetters "USE" is not subsistence, that they slant every thing in a negative light. *But remember when they say 85% of subsistence fishers prefer fishwheels, that means at least 15% prefer dipnets!!!*

If the AHTNA fishwheelers had not been forced to fish in the GASD they would be spread along the river as they were historically. The Department says they were crowded out. That is not true listen to Robert Marshall's testimony before the fish Board hearing in Anchorage in 2000. The AHTNA

1898 photo in the Valdez Museum along with it was an entry in John Burke's diary describing how the miners were dipnetting and getting up to 200 a night. They had a Native net and a drying rack. (see photo & caption 8a)

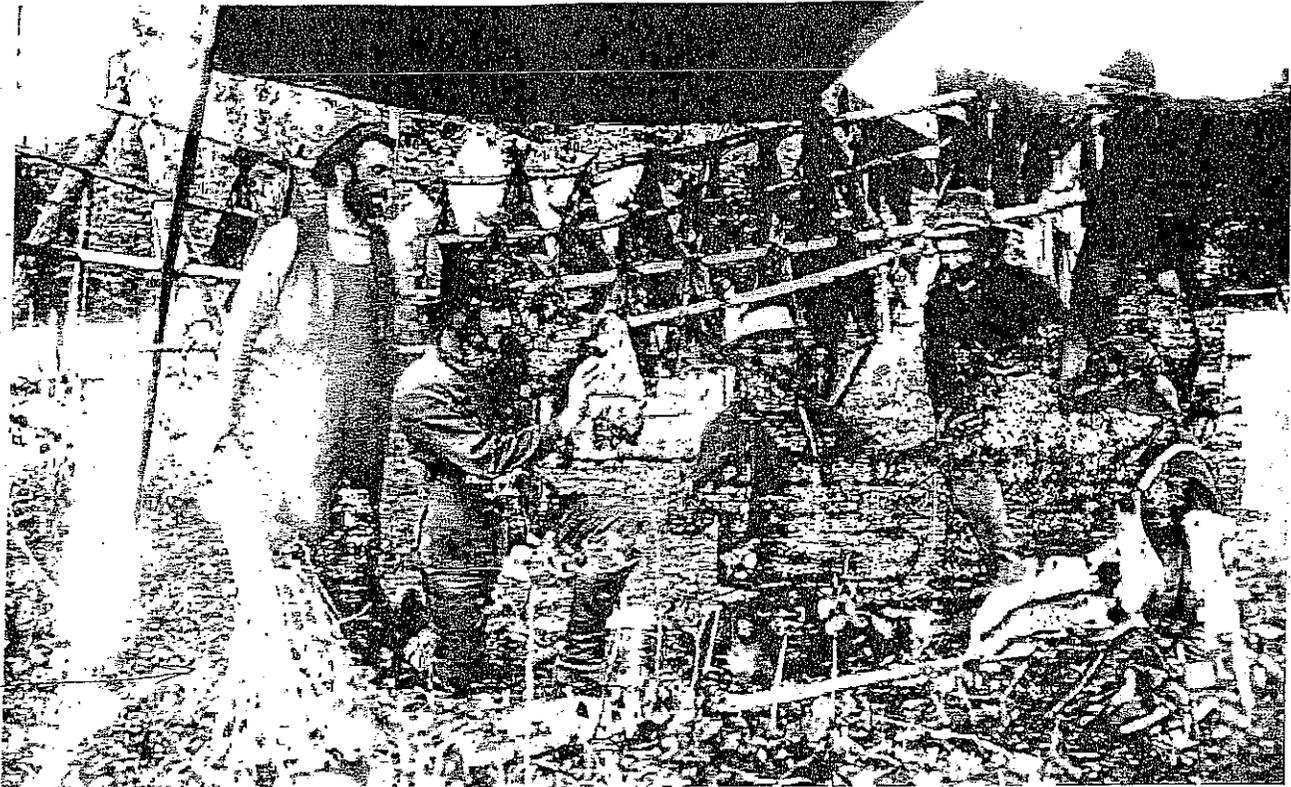
The next proof of long time "USE" is a personal communication from Philip Nelson, son of OA Nelson who lived in Chitina from the 1910 or 12 and bought the town from the Kennecott when they closed the RR in 1938. Philip told how his father dipnetted each year and when people from Fairbanks came down they used a pair of nets that were kept on the point and stayed in the commercial hotel.

The next person was Andy Kemak who dipped in the CSD since 1938. He has owned a home in Chitina, since the 30s, There was a news article about him in the Weekly Herald in the 1950s.

I had a personal phone communication with the son of the Alaska Road Commission in Chitina in the 1920s Bob Coats of Anchorage. He told how his father and brother had dipnetted from the 1920s and that his brother still dipnets.

The next example of long time "USE" is the 1947 use of Walter Eberhardt who with his sons and grandsons still dipnet (three generations). He related how the Native Paddy King had shown him a good place to dip. He said until 2000 he had dipped in the same spot.

dryng fish-



white
man

The Copper River Natives when they are fishing first make a basket of tin spruce roots, about twenty inches in diameter at the top and tapering down to six inches at the bottom and about Thirty inches deep. The roots are interwoven very openly leaving a large mesh.... Then a light pole nine feet long is tied across the mouth of the basket for a handle thus... The basket being finished they next build a skeleton platform out into the stream with one end resting on shore and reaching out about ten feet and probably a foot above the water, on the downstream side of this and close up to it, a sort of picket fence is built with the sticks too close for a fish to go through. So a fish, coming up along shore and meeting this fence, must turn out and around it to continue on its course. Here the fisherman stands over the outer end of this fence and throwing his basket up stream runs it with the stream by the end of the fence mouth forward and if a fish should at that moment be rounding the corner it is caught, but if not, the fisherman continues the operation till one is caught.

The white man is following the same method and doing well. The night best as Tony and I tried it in the day time and caught but a few while the rest of the boys went the following night and caught Eighty five whapping big ones.

We brought with us into this country a salmon spear, but it is of no use on any of these streams that run from glaciers as the water is muddy and it is this water we have to drink. Up at the lake where clear water streams run in, the men encamped there fasten a large hook to the end of a pole and pull the fish in by that means. In this way they catch from One to Two hundred in a half day.

Joseph A Bourke

A diary caption to an old photo of dipnetting and fish drying by white men in 1898 as seen in the Valdez Museum and Historical Archive

IT HAS BEEN ESTIMATED THAT 10,000 MINERS AND GOLD SEEKERS TRAVELED THROUGH THE COPPER RIVER COUNTRY AND MANY PICKED UP DIPNETTING KNOWLEDGE FROM THE NATIVES AS THE PEOPLE IN THE ABOVE PHOTO DID. In 1902 there were over 1000 people in Copper Center.

1986 Memo from April Cook to Sarah McCracken, Alaska Department of Law, dated April 18, 1986. Notes from an interview with Marvin Roach (Cook 1986).

"From 1960 to 1964, Katie John and her husband dipped-netted and had fishwheels at Chitina, down below Chitina where they were going to put a railroad in and there is an old road (down to the river and the wheels)."

1996 Reference: Notes from a meeting between Ahtna and members of the Board of Fisheries held at Glennallen on November 7th 1996 (Simeone 1996).

Henry Bell of Chitina testified that he had had a fish site below the Chitina River Bridge, as did other Chitina Natives. He said that non-Native people took over these sites and he was forced out of a place to fish at Chitina. Therefore, he had to ask permission from a relative to fish at Copper Center. He also said that O'Brien Creek was once Native land but they were forced out of there too.

Interview Transcript
Notes from Interviews with Millie Buck and Al Taylor

Interviewed by Bill Simeone, October 1999

Millie Buck and Maggie Eskilida – Their house in Glennallen, Monday October 11, 1999

Maggie talked about who fished at Chitina in the 1950s. She said there were mostly Native people and just two non-Natives. Salmon point was a dip net station. IN CSD

Below Salmon point Maggie Eskilida (Millie Buck's mom) had a fish wheel, Susie Brickle had a wheel, and Henry Bell. IN CSD -

Further down river – above the mouth of O'Brien creek were locate another Bell family, Jack Marshal and Chitina Charlie. Paddy King also had a wheel there and Joe Bell had a wheel near the Chitina Bridge. IN CSD

They sometimes fished at O'Brien Creek depending on how the river moved.

As Millie said the river changes and people move around.

There was also a fish camp at mile 127 on the Copper River railroad. IN CSD

Chief Goodlataw's village was Taral. IN CSD

In the 1950s there were about 150 to 200 Native people that lived at Chitina.

Around the 1950s people (non-Natives came) there were problems with people stealing fish from the fish wheels and people had to move out – moved up to five-mile.

Millie said she took an allotment at five-mile and eventually built a cabin there.

There are now more and more people at five-mile and they have problems with trespass.

Katie John was at O'Brien Creek in the 1970s because the state wouldn't let here fish at Batzulnetas.

No white people had wheels until the 1980s – not until the bridge was built.

Millie said she heard stories about fish camps along Wood Canyon and at Haley Creek. She heard there was a little village down there. When she was a girl she took a railroad handcar to Haley Creek. Fish schooled up there and she remembers that it was a spanking offense to throw stones in the water and disturb the fish. She said she doesn't know if the people at Haley Creek are the reason why fish are scared – go every which way. She also said there was black spots on the fish and was that from pollution? IN CSD

Millie had a lot of complaints about what is happening at Five-mile now. She also had complaints about what is happening at Haley Creek – the Chitina Corporation has a contract to maintain the place but it is not enough money. She also complained about being harassed when her and her mother were fishing with bait in the Tonsina River. She is not against the regulation so much as against being harassed. She thinks it would be good if the state put up signs informing people of the regulations.

Maggie Eskilida told me she was born at Lower Tonsina because her family happened to be across the Copper River from their home at Horse Creek. Maggie's grandpa was Doc Billum who was originally from Salcha on the Tanana River.

Maggie remembered that after a BIA school was built at Chitina the people were gathered up and moved to Chitina so the kids could go to school. Maggie complained that the move made it hard for people to make a living. It was hard to get wood and people had to struggle. Maggie had to raise her children on her own and she took jobs in Chitina, Glennallen and Anchorage.

Millie said she has two minds about the federal take over. They have done things in the past she does not approve of. She remembered when a Gulkana man was arrested for killing a moose even though his family was starving.

Maggie said that Joe Goodlataw's wife died and she helped him feed his small kids by dip net fishing for him.

Goodlataw
Killed 1981

Douglas Billum was Maggie's uncle – her father's brother. Maggie remembered that when she was a little girl there were no fish one year because the commercial fishing in the river had stopped the fish – Doc Billum called a man named Miller in Cordova who helped get fish up the river.

Chitina River – used to hear that people fished there – but if they were hunting up there. They fished for just what they ate. There are lots of fish in the Chitina River but it is too rough. People were careful where they fished – fish was their life and they had to keep the place clean.

Millie mentioned a village at Five-mile and you can see the house pits.

Millie also mentioned the problem of getting fish early - when there are no flies.

Interview with Al Taylor

October 11, 1999 – his house on the Tonsina River.

Al came to Chitina in 1927 to go to school. His father had a fox farm at Five-mile. John Billum Sr. and Douglas Billum were alive when Al arrived in Chitina.

John Billum Sr. fished at Horse Creek about 8 miles up stream from Chitina. He wintered over at Horse Creek – but fished both sides of the river.

Generally – Athabaskans had fish camps from O'Brien Creek to where the bridge is located now.

IN CSD

Maggie Billum married Eskilida. She had a fishing spot at Salmon Point for both dip net and wheel. Joe Eskilida also had a fish wheel.

IN Chitina Sub-District

Susie Brickie (King) – she was Paddy King's sister – fished down there – salmon point and Paddy King had a wheel where Fox Creek dumps into the Copper River. Joe Goodlataw also had a fish site above O'Brien Creek in the 1930s. Ahna had regular camps but they walked back and forth between their camps and the village.

IN CSD

IN CSD

Other people who had fish sites above O'Brien Creek were Dick Ufranie (or Uphrany), and Jerry Charlie an old Chitina man.

IN CSD

Near the mouth of the Tonsina River Augie Mack had a fish camp – it was ten miles upstream from Chitina.

Fanny Stanfield had a fish site down around Salmon point.

IN CSD

8d

Ed Charlie fished between the bridge and O'Brien Creek.' IN CSD

Charlie Goodlataw, Cap Goodlataw, Comfort Joe, old man Eskilita, Henry and Etta Bell, Wilson Bell, and Chitina Charlie both fished around Chitina. Jack Marshal and Bob Marshal had fish sites down stream from the Tonsina.

Lucy Williams fished at Five-mile, Albert Charlie fished at Chitina, Henry and Axle Ring (Ring Charlie was their father), had fish wheels down at Chitina too. So did George Pete. Harry King the older brother of Paddy King also fished at Chitina - he was Susie Brickle's brother. IN CSD
During the 1930s the fishery at Chitina was not just a Native fishery - there were local non-Natives who also fished.

Most of the people living in Chitina at that time were bachelors. There were few non-Native families - most of the single non-Native women were prostitutes - they were also in Cordova and McCarthy.

Al said there was a freight trail from Keystone canyon to Five-mile on the Copper River. The trail took six months to build and was finished in 1906. The railroad hit McCarthy in 1912 and Chitina in 1911. Before that the miners stockpiled ore at Kennecote.

In the 1950s Native people from the area began to move away in order to find jobs. They couldn't find anything in the area. Now there is a 16 unit apartment building in the Chitina village and people are beginning to move back.

People from Fairbanks started to come down the last part of the 1950s, about 1957.

The Edgerton road was a model T road - one lane and gravel - built before 1918.

People went to O'Brien Creek and dip netted, later they came with boats - in about 1965 they started using boats - launched at Haley Creek. IN CSD
It was not possible to drive to Haley Creek to launch boats from earth quake and Road 3 UN till about 1987

Al said there is no doubt that Natives got squeezed out.
ARC (Alaska Road Commission) had headquarters at Chitina. Freight was brought by rail to Chitina and then loaded on to wagons or sleds and hauled over land to Copper Center and Fairbanks. Besides horses the ARC had two skidding cats at Chitina. There were feeding stations located along the road. The railroad ran from June to November because the bridge across the Copper River always went out. In November the steel was taken off and stacked on the bank. After breakup new piles were driven and bridge reconstructed.

The Natives were gone at Taral long before Al got to Chitina. He did hear that there was a village at Tonsina on the north side of the river near where Al's place is now located. The 1918 flu epidemic wiped a lot of people out.

In 1965 the state pushed the road through to the Tiekel River.

Fred and Katie John fished at O'Brien creek in the 1960s. Ring Charlie fished down there too. IN C

Charters at O'Brien creek began in about 1980 - maybe earlier. The first to operate a charter was Jon Breivogel who now lives in Glennallen. *Virgil Napier IN 1976-78 Drowned in Copper IN 79*

A man named Hem started later - in about 1990 - and still has boats down there.

In the 1970s O'Brien Creek was loaded with Fairbanks people. By 1976 there were lots of people from Fairbanks and Anchorage, a few of them had fish wheels. Fred John was the only Native — IN CS-D that Al remembers fishing there at that time. Al used to work for BLM and he saw people packed in O'Brien Creek and they were strung out all along the river to Haley Creek.

came back to the Chitina Sub District in 2002 under federal rules, at least three fishwheels were in the CSD last summer and 123 federal permits were issued for the (CSD). (see photo of two wheels page 1a)

Other long time users are Bud (Hubert) Wiese (1947) and Hokie Anderson, 1940s) Sam Scott (1950s) and Jeff Bovie(1950s) (now living in Hawaii) Other people who have used the "FISH STOCK" for subsistence are Adina Knutson a long time Chitina resident, Robert Marshall (an AHTNA). Most Old time dipnetters mentioned Paddy King .From My newspaper research There is a lot of information about him.

(not months)

(2) a pattern of taking "OR" use recurring in specific seasons of each year;

GLENNALLEN SUB DISTRICT

The GASD people that were surveyed were AHTNA. They like to catch kings and their limit is as many as they want. They also can catch about all they want in June. They like the weather in June for drying fish, for those who still dry them.

The fact that different "users" go at different times means nothing. Once again the subsistence division is confusing "USER" with "USE" There is another "OR" in the above sentence.

A "USE" CAN OCCUR FROM JUNE TO SEPTEMBER WHILE A USER MAY ONLY GO IN JULY!!!

There is a different method for determining when there is the best chance to catch a limit of fish.

CHITINA SUB DISTRICT

In the CSD for years, the Department and the Dipnetters Association (CDA) have been encouraging dipnetters to go in July when there are more fish in the river. Both the Department and the CDA have sonar counts on our websites to show dipnetters when the best time to go is. usually in July. This makes more fish for the wheels upriver and allows some wild fish and kings to make it to the spawning grounds.

As we use technological advances such as canning and vacuum packing, it doesn't matter when we go. I personally never wanted to miss opening day in the 1970s and 80s, But even an old guy like me could see that July was the time to go. Since I've started to go about the 15th of July I never have had to make another trip to get all

Last I heard months are not seasons. We all go in the "summer". That's a season. I have never heard of a dipnetter or a AHTNA going to Chitina to fish in the other season we have "winter".

(3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;

Glennallen Sub District

Fishwheels are the most efficient in catching large amounts of fish in a short period of time, and that's why most AHTNA use wheels, they have a place to keep it and its close to home.

There isn't much room to expand in the GASD because the Department forced all Native fishwheels in the 70s. Additionally the board has been slowly causing dipnetters to move upstream by reducing our limits. After the reduction to 1 king several hundred dippers moved upstream. If you restrict us further you can expect thousands more to move upstream where they can get 500 kings or at least 5 under a subsistence dipnet permit.

What methods and means that are efficient and economical ways of fishing depends on many things— and how far you live from the river is a major consideration

Natives are starting to move back into the CSD under federal regs. This may indicate that they are being crowded out of their sites by

the fish I wanted. When I fished in June Many times I had to return to Chitina to get my limit. Besides we always go in the summer!

WHAT SEASON IS JUNE ANYWAY???

Chitina Sub District

When you live 325 miles from the river and don't have a safe place to store it a wheel is not an economical or efficient way to catch 15 fish. A \$29 dipnet will catch all the fish we can legally keep (15 or 30).

There isn't much room left in the GASD for wheels. Non-locals now out number the locals by 3 to 1. If the regulations restrict the dipnetters in the CSD even more it will just drive more of them up river above the bridge. Where there used to be less than 400 wheel permits in the GASD there are now more than 1200.

That indicates that they are being crowded out of the GASD. for a single and 30 for family of 2 or more).

For one thing its been **ILLEGAL** for most of the century for whites to operate fishwheels.

people who are moving up river to get more fish, especially kings.

non-natives in the GASD. If the board keeps restricting dipnetters in the CSD they will continue to move upstream. It is better to have the limits and number of kings equal in both sub districts than force dippers to crowd out the people who fish upstream.

Its ILEGAL for non rural people to use fishwheels in the CSD. Only under Federal rules can rural people in the CSD use fishwheels. I believe The Payton Case said that we can't be faulted for following regulations.

However there is a proposal to allow fishwheels in the CSD under state regs. Pass it and see if people start using wheels—they did in the GASD!

(4) the area in which the noncommercial, long-term, and consistent *pattern of taking, use and reliance upon the fish stock or game population has been established;*

GLENNALLEN SUB DISTRICT

The area has been used for thousands of years by the Native people and at least since 1920s by non-natives in Alaska. There were 2 to 300 residents in Chitina during the 20s and 30s while the RR was operation. Many Interior people came to Cordova by Boat and traveled by train to Chitina and to Fairbanks by motor coach.

THOUSANDS OF YEARS IS LONG TERM, CONSISTANT TOO!

CHITINA SUB DISTRICT

The nonnative miners and the railroad workers used this area since the early 1900s. The Natives have used this area "since time immemorial" for most of that time by fishwheels and dipnets. Katie John has dipnetted in the CSD in the 60s. Non natives from OA Nelson and other nonnative residents of Chitina have dipnetted at least since 1917, nonnative Alaskans have relied on this fish stock to feed their families for at least four generations.

The state seems to think that only AHTNAs "USE", and that only AHTNAs rely on fish from Alaska's streams! Maybe a hundred years is not long-term enough for them. The dipnetters aren't trying to sell

The residents of Tarel, Canyon Creek and the native population relied on this fish stock for thousands of years.

subsistence fish, it's the Natives under Federal rules who want to sell \$1000 dollars worth per person!

Many nonlocal fishers from Anchorage and Fairbanks now have wheels in the GASD. I have a friend who runs a wheel and he told me over he caught 300 fish had been taken in his wheel in 2002.

THE NATIVES USED THIS AREA FOR THOUSANDS OF YEARS UNTIL THE DEPARTMENT RAN THEM OFF—THAT IS LONG TERM, CONSISTANT TOO!

(5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, *but not excluding* recent technological advances where appropriate;

GLENNALLEN SUB DISTRICT

While some natives still dry fish, most use the same methods as the Alaskans in the CSD. They now have freezers and vacuum packers. The subsistence division seems to think if people don't dry fish or eat fish grease that that is not subsistence. They ignore the last part of the sentence.

The book "Chitina Past" by L. B. Clarke tells about the missionaries in Chitina teaching the Natives to can fish. And in the Chitina newspaper the Ghost Town Gazette it is mentioned that another white family was canning salmon for the Chitina Natives.

CHITINA SUB DISTRICT

Most nonnative Alaskans do not dry fish. We use more modern methods such as freezing, canning and vacuum sealing our fish. A provision that the Alaska Supreme Court said was ok in the Payton Case.

In fact past generations of nonnative did dry and salt fish. (See photo of 1898 miners. Page 7a) As my grand mother and grandfather had freezers that method of preserving fish meets the above statements intent. I used to can a lot of fish and smoke it too. As its been illegal for most of the century for nonnatives to own fishwheels you can't expect us to have as much history as the AHTNAs. But it is important to



Robert Marshall testifying "he used to fish O'Brien Creek State stop us" At the 2000 fish Board hearing in Anchorage

The Natives that were forced upstream by the state would be handling fish in their traditional way in the CSD if they were allowed back in the CSD with their wheels

mention that a white man introduced the AHTNA to wheels so it is actually our tradition that they have adopted. And that is fine, however we have the same rights to adopt their technology and refine it.

Now my partner smokes enough fish for his and my family. My wife loves her fish canned in mason jars so we still do some of that. However I have found that the food saver vacuum packing keeps fish for up to two years. They almost taste like they were caught yesterday, so that's how I preserve most of my fish. If we were allowed more than 30 we would probably can a lot more, as its easy to can a lot once you get set up.

(6) a pattern to taking or use that includes the handing down of *knowledge* of fishing or hunting skills, values, and lore from generation to generation;

GLENNALLEN SUB DISTRICT

Its obvious from the Departments report that the Native fishers in the GASD have passed knowledge of fishing from generation to generation. However they mention almost nothing about the nonnatives in the GASD.

There are at least 900 nonnative fishers in the GASD out of 1200 total. The nonnative people have learned from the native fishers. There is even a book on how to build a fishwheel. But as the white man invented and introduced wheels to the AHTNAs in the first place it is fairly easy to duplicate

CHITINA SUB DISTRICT

learned from the Natives an
The passage of fishing knowledge to the dipnetters can be traced right back to the Native, Paddy King and his sister Susie Brickel. The early dipnetters such as Andy Kemak, Bud Weise, Walter Eberhardt and Hokie Anderson all mention that these Natives helped them learn to dipnet. Hokie talked about how his "dipnet truck" had a reserved spot in their front yard. I learned dipnetting techniques from Andy Kemak who owns a home in Chitina and dipped down there since the 30s. He learned to dip

their methods of catching fish.

The fact that they are passing down our technology is not unusual, we are also passing down to our sons and daughters their way of catching fish. We learn in a lot of different ways. There are websites and books and brochures. And even TV.

taught my son and daughter and soon I will be teaching my grand sons. If I can live 15 more years I may get a chance to teach my Great grandsons.

from the Natives **and** passed it on to me. I taught my son and daughters to fish and they passed it on to their kids. If I can just live 15 more years I'll get the chance to teach my Great Grandson to fish.

Three generations of Walter Eberhardts and four generations of Bud Weise's family dip at Chitina each year.

Even if you believe the Departments report where they say: the dipnet fishery "began" in the forties. That's 3 generations right there. Nowhere does it say it has to be more than three generations in state law. In fact the Supreme court ruled for the Paytons even though they hadn't even lived in the area for more than one generation. Its not the "USER" that has to be in an area for more than one generation it's the "USE" the subsistence "USE" has been going on for many generations

(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest distributed or shared, including customary trade, barter, and gift-giving;

GLENNALLEN SUB DISTRICT

The AHTNAs surveyed shared their fish, but that doesn't mean ALL the users in the GASD share the same. When you ask only a chosen group you can't project that on the whole group of users in the GASD.

But in any case the numbers were high for both groups. The fact that AHTNAs were more likely to share with other than their families only

CHITINA SUB DISTRICT

78% of the interviewed dipnetters said they share their fish. The Department's statement that a minority share fish with relatives and friends *outside their households*. Of course every body knows that the majority of us urbans have no relatives in Alaska.

While the sharing numbers of GASD and CSD are near identical, it is not legal to barter fish caught

shows that they probably have lived in a culture and village where they know everybody. Where in the City its not likely that people know everybody. Even AHTNAs who live there probably don't know all their neighbors!

Of course the interviewees that the department asked were AHTNAs. This is "NOT" a representative of the participants. So they can not transfer this to the sub district. The GASD limit is 500 fish so it is much more likely that you would give fish away. When the dipnetters only get 15 or 30 fish it's more likely that a person would use them for food, rather than give them away!

under PU regs. which we have been under for 15 years prior to the 99 change in status.

I personally have shared my fish with elders who can no longer fish, Neighbors including Natives, and some handicapped friends down the street. I also have shared fish with an elder AHTNA (the mother-in-law of one of the guys I dip with).

I have furnished the fish for a native search party that searched for two weeks to find one of their people who had drowned in the Chena River.

The AHTNAs who fished in the CSD for hundreds of years before the state ran them out of the CSD also shared and met every item on the above statement.

If the AHTNAs who fished in the CSD had not been ran out of the CSD they would probably share like their peers upstream.

(8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of the fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

GLENNALLEN SUB DISTRICT

The users in the GASD have proved that a substantial amount of a variety of fish and game provides all the things in the above statement.

If the AHTNA wheels were allowed back in the CSD by the state regs. like

CHITINA SUB DISTRICT

The families who started dipping years ago are still going to Chitina every year so they must have a reliance on the fish they are allowed keep to feed their families.

I personally have got a moose for the last 11 years in a row, I think I they are in Federal regs there may

be a lot more of them return to their traditional areas. 123 have came back under Federal regs. already.

The fish are important to everyone's diet. Everyone knows the omega 3 fats in salmon are important to a healthy lifestyle.

The fish are not welfare, and the surveyed AHTNAs are not a representative sample of the "USERS" in the GASD. The non locals now outnumber the locals by 3 to one and the AHTNA are at most 15% of the participants in the subsistence fishery in the GASD.

If the same percentages of local and nonlocal people were surveyed in the GASD, the answers would be different. **NO way can the dept. project the AHTNAs answers to represent the GASD as a whole!!!!**

The Department should be ashamed of their attempt to mislead the board that interviewing AHTNA share holders is representative of the "users" in the Glennallen subdistrict. One of my neighbors has a fish wheel in the GASD, is his "USE" any different than mine????

If you wanted a true picture of the GASD "USE" you would have to ask a representative sample. As the same people fish in both areas if you ask a sample of all users you would get different answers. The majority of fishers in the GASD are from Anchorage and Fairbanks.

rely on a wide diversity of wild game and plants We grow a large garden and pick several gallons of berrys each year. We also find and eat many types of wild mushrooms to supplement those delicious moose steaks. For the last two years my partner and I have also got a caribou so we have sausage fore breakfast. for my economic and social and nutritional elements of my "subsistence way of life"

In any case the Supreme Court has ruled in the Madison Case that the legislature thought that non-natives had established customary and traditional uses of Alaska's wildlife resources.

If the AHTNAs were allowed back in the CSD by the state like they are in Federal regs there may be a lot more of them would return to their traditional areas, the Chitina sub district. 123 came back under Federal regs. Already

Of course the salmon are important to our diet 63% of dipnetters said yes while 74% of AHTNAs said yes. If that were weighted to the AHTNAs participation it would be less than the CDA. This is why you can't transfer the AHTNA numbers to the Glennallen Sub district as a whole!!

Summary

The Departments attempt to show that "USERS" in the CSD are not customary and traditional is a sham. They ignore that it is the "USE" not the "USER" that is customary and traditional. See the attached Supreme Court decisions attached to the back of this worksheet. The "USE" goes on and on and the users come and go, or die.

See the lengths the subsistence division will go to, to deny the people they think don't "deserve" to be subsistence users. They ignore the fact that State law says "every Alaskan" is a subsistence user, if that is true then: our "USE" must be for subsistence. If that is the case then you have NO CHOICE but to find a positive C&T and allow subsistence.

When they say "that this suggests that subsistence fishing in the Glennallen sub district is integrated into the round of economic activities in the copper River Basin , in contrast to the predominant pattern in the Chitina Sub district where fishing is more likely to be a break from work activities."

They ignore that the people they interviewed were almost all AHTNA from the basin when the actual participants are about 10 to 15% AHTNA, some of which fish in the CSD!! The fishers from Anchorage and Fairbanks outnumber them two to one.

They are trying to "baffle "you with bullshit as they have no facts to impress you with or backup their claims, that "NO" C&T USE takes place in the Chitina Sub District and the "fish stock" is not used for subsistence!!!!

Vote your conscience, you are on candid camera and will probably see your self on TV when this goes to the Alaska Supreme Court!

Denying Alaskans fishing rights has been tried many times. The Newspaper article from 1925 (page 17 a) shows the true intention of the latest attack on Alaskans right to fish for food. You should reject both proposals out of hand.

Remember the question "have the "FISH STOCK" been customary and traditional taken "OR" used for subsistence"?

This worksheet was done by Stan Bloom to show the "rest of the story" from a positive side of things

Sincerely
Stan Bloom

INDIAN FISHING WASTEFUL, DECLARES CHAMBER REPORT

Aborigines Along Copper River Take Good Food for Dog Meat; Mr. Foster Submits Report on Recent Trip for Commercial Organization; Recommendations Are Made

Reviving the old question of whether Indians fishing are doing material harm to the industry on the Copper River, Frank H. Foster has just submitted a report to the local Chamber of Commerce bearing on this subject. In the latter part of June Mr. Foster made an extended trip along the Copper River, securing statements of fishermen bearing on the excessive loss run this year. This data was secured officially for the Chamber of Commerce, which finished the journey.

As the result of his visits to Indian fish camps, Mr. Foster vigorously attacked the regulations permitting the original inhabitants of the region to prepare choice salmon for dog feed, a practice which he regards as extremely wasteful, and having disastrous potentialities. His report

from the information obtained to the 1925 escapement, examination and disclosure some facts which appear to be of interest to the Chamber is through some light on the shores of the main this section. From data obtained the average take of red salmon by the Indians using mechanical appliances, over a number of years, seems to be about 2,500 kings and something over 30,000 reds. These fish have escaped the seals, sea gulls, fishermen's nets and other enemies at the mouth of the river and in the open sea, and are but a short distance from the spawning grounds when taken by the Indians. In times past when the Indian settlements were far from the habitations of white men or from roads and other means of communication, the Indians sub-

mitted along the coast. These fish might be dried and furnished to the Indians if they required dog feed.

The Indian method of preparing the salmon taken from the fish wheels is extremely unappetizing. The fish are put on strings and left in the water several days, then cut in strips and hung on racks to dry. Insects lay their eggs in them and when they are ready to bale for dog feed they bear a strong resemblance to the choice Copper River reds taken from the stream for the consumption of man.

Mr. Foster drew several other conclusions regarding the stream.

"Red fish," he continued, "spawn as a rule in the small streams tributary to the fresh water lakes. All of these lakes up the Copper River have outlets to the river. The outlets are small and could be readily fenced in the same manner that Bear Lake is being handled. One man at each trap or barrier could put the rods over and the salmon trout, which feed on the eggs of the salmon in the spawning beds, could be given to the Indians to be used as dog feed. There are not over a dozen lakes of any great consequence. An expenditure of a few thousand dollars here would result in a vast increase in the number of young fish reaching maturity.

Furthermore, the road houses along the Copper River are located as a general rule immediately near or near the vicinity of the streams running out of these spawning lakes. These road houses should be encouraged, as the travel is light and a few dollars should be paid to them for handling fish barriers and assisting in the maintenance of the animals.

CHILDREN RECEIVE ONE DOLLAR EACH, COMPANION PROFITS NEW YORK, July 18.—An accounting filed yesterday in court here revealed that the late Park Benjamin, father-in-law of Barker Karpis, left \$250,000 to Mrs. Anna Bolch Fuller, known as "the girl with the golden voice," because she gave up her career as a singer and postponed her marriage to act as companion, daughter and nurse to him. Benjamin cut off his five children, including Mrs. Karpis, with one dollar each.

TRUNKLOAD ORDERS FOR LIQUOR TAKEN BY BIG SYNDICATE NEW YORK, July 18.—Dry agents said today that a bootlegging operation, throughout New York and the entire Middle West by shipping liquor by express in traveling trunks had been broken up after the arrest of seven men and one woman. Books and papers seized contained the names and addresses of clients, showing that approximately 20,000 orders had been filled by the organization.

ANOTHER WIT IN W

Telegrapher in Detroit He Saw Murderer Convicted; Case

DETROIT, July 18.—James local telegrapher, yesterday Governor Small that he had seen the shooting of Joseph H. Chicago drug store and the and not Russell Scott was a derer, Russell Scott was been hanged yesterday, but a fous message received by the nor, signed "Robert," caused great the prisoner on a week's furlough, while efforts ing made to secure fresh in on the affair.

On April 2, 1924, he was for the murder of Joseph 19-year-old clerk in the C pharmacy, opposite the Chh Hall.

Scott admitted, the police had turned hold-up man's prostrate of adversity and part in it robbery. In he sought to throw the blame on his brother Robert, who was with him but never apprehended (Robert shot the of attention over an attempt purchase.

State witnesses refused declaring Scott and a son presumably his brother, sisters and herded the witnesses into the basement being sentenced to a term of guilty. Scott petitioned trial, changed his plea again sentenced to the gal.

A heroic effort was made father to save him from sold. Actuated by an abiding love for his son, Thomas H. Scott took himself in an effort funds for a third trial.

Russell T. Scott, at 7

BRYAN DECLARED TO HAVE SECURED PROTECTION IN TECHNICAL COURT ISSUES

Prosecutor in in Scopes Case Scored by Darrow for Not Daring to Test Views of Scientists, Now Barred From Appearing Before Jury

DAYTON, Tenn., July 18.—Judge Raulston and attorneys for the prosecution in the Scopes case rested today while counsel for the defense prepared affidavits of prominent scientists on evolution, which will be entered into the record when court resumes Monday. These statements will show what expert witnesses would have said had they been permitted to testify on the subject.

The statement of William Jennings Bryan, appearing for the prosecution, that the Tennessee laws concerning evidence barred admission of expert testimony, along scientific and religious lines brought forth a terse reply from Clarence Darrow of the defense counsel. Bryan had maintained that Judge Raulston would not have done otherwise than rule as he did under the circumstances.

Darrow continued, "Bryan is willing to express opinions on science are not on where the statements dared not be questioned, but he court and test his views in open the testimony oath in contact with scientists, one of great educators and

CHURCH MEMBERS GIVE APPROVAL DENY

CLARENCE Darrow, attorney, July 18.—Clarence Darrow, attorney for John T. Scopes in the Tennessee evolution case, has been elected honorary member of six churches in Denver. His appointment was announced today that this row's part taken because of Darrow's action in the present trial. The lay hope is Darrow a letter expressing that the trial would succeed

179

Appendix I
Letter from AG 01/03/2003
Madison case 1984

STATE OF ALASKA

FRANK H. MURKOWSKI,
GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-2133
FAX: (907) 465-2075

January 3, 2003

Mr. Stan Bloom
303 Bentley Drive
Fairbanks, Alaska 99701

Subject: Response to E-mail of December 6, 2002 and your follow up letter

Dear Mr. Bloom:

Thank you for your e-mail message of December 6, 2002 and your follow up letter. I understand and appreciate your interest and concern for the Chitina Subdistrict subsistence salmon fishery on the Copper River. ~~The dipnet fishery there has been an~~ important resource for thousands of Alaskans for many years. When the Board of Fisheries determined in December of 1999 that the fishery was a customary and traditional (C&T) subsistence fishery, the Department of Law advised the Board during its deliberations, and reviewed and fully approved that determination, finding it consistent with the subsistence statute and other state laws.

The Department of Law will again participate in the upcoming Board of Fisheries meeting in Cordova. Assistant Attorney General Lance Nelson is preparing legal advice and background for the Board on the Chitina subsistence fishery, including a transcript of the Board's 1999 deliberations. I understand that there are two proposals requesting reversal of the Board's 1999 positive C&T finding for the fishery. Since the Board concluded then that the fishery was and is customarily and traditionally used for subsistence, the Department of Law would not expect or approve a reversal of this determination unless the Board is able to either demonstrate that the earlier determination was in error or to identify additional material evidence unavailable to the Board in 1999 that justifies reevaluation and reversal of the positive finding.

Mr. Nelson has also assured me that he will review again the subsistence cases you cited in your message and letter to make sure his advice and any Board action is consistent with the holdings in those cases to the extent they are applicable. I would also encourage you to submit written comments, including any legal opinions from your own attorney, to the Board in advance of the meeting so that they will be included in the Board book for board members' review and consideration prior to the meeting. I would also encourage you and others to participate fully in the Board's committee process.

Thank you for your interest and involvement in the regulatory process for Alaska's fisheries.

Sincerely,



GREGG D. RENKES

Attorney General

GDR:lb

cc: Ed Dersham, Chair, Alaska Board of Fisheries
Diana Cote, Executive Director, Board of Fisheries
Kevin Duffy, Acting Commissioner, ADF&G
Lance Nelson, Assistant Attorney General

Madison Case

NOTICE: This opinion is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

THE SUPREME COURT OF THE STATE OF ALASKA

~~GENE MADISON~~, LUCY CASEY, KEN MCGAHAN,
SR., ANDY JOHNSON, MARGIE KIVI, J. W.
WARE, DICK FRANCIS, DON GROLESKE, KEN
JORDON and SHIRLEY DEVAULT,

File Nos. 6824/
7181

Appellants,

v.

O P I N I O N

ALASKA DEPARTMENT OF FISH AND GAME,
and ALASKA BOARD OF FISHERIES,

Appellees,

and

THE ALASKA FEDERATION OF NATIVES,

Intervenor.

ALASKA DEPARTMENT OF FISH AND GAME,
RONALD SKOOG, ALASKA BOARD OF FISHERIES,

File No. 7410

Appellants,

v.

LOUIS GJOSUND, DORA MULCH, and KACHEMAK
BAY SUBSISTENCY GROUP, INC.,

Cross-Appellees.

[No. 2911 - February 22,

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Victor D. Carlson, Judge, and Third Judicial District, Homer, Paul B. Jones, Judge.

Appearances: Martin Friedman, Homer, Arthur Robinson, Soldotna, for Appellants/Cross-Appellees. Larri Irene Spengler, Assistant Attorney General, Norman C. Gorsuch, Attorney General, Juneau, for Appellees/Appellants. Donald C. Mitchell, Anchorage, for Intervenor/Amicus Curiae.

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton and Moore, Justices.

MOORE, Justice.

This case arises as a consolidated appeal of two cases. It concerns the validity of a Board of Fisheries' (hereafter board) regulation designed to identify eligibility for subsistence fishing in the Cook Inlet region.

Appellants (hereafter Madison and Gjosund) are two groups of Alaskan residents who live along the Kenai coastline and near Homer. For many years, they have fished with set nets for salmon for their personal and family use. Nonetheless, the board denied subsistence permits to Madison and Gjosund because their use of salmon did not meet the board's regulatory definition of subsistence. Both Madison and Gjosund challenged the regulation as exceeding the scope of the state's subsistence law. In both cases, the trial courts upheld the regulation as consistent with the

statutory grant of authority. We hold the regulation invalid since it is inconsistent with AS 16.05.251(b), AS 16.05.940(22) and AS 16.05.940(23) and contrary to the legislature's intent in enacting the 1978 subsistence law.

I. SUMMARY OF FACTS

Records indicate that subsistence fishing in Cook Inlet was minimal through the mid-1970s.¹ However, a core group of residents of each Cook Inlet community has traditionally fished for Cook Inlet salmon for subsistence. Participation in the subsistence salmon fishery is most visible in the smaller, more isolated villages, where the subsistence group represents a larger percentage of the population.

In 1977 the board established a comprehensive management policy for Cook Inlet, 5 AAC 21.363, which essentially allocated specific salmon stocks to sports fishermen and commercial fishermen on the basis of seasonal fish movements. See Kenai Peninsula Fisherman's Cooperative

1. From 1971 to 1977, the average number of subsistence permits issued annually for the Upper Cook Inlet was 87 and the average catch was 405 salmon. Commercial harvest averaged about two million fish per year. However, this statistical data does not necessarily reveal the total subsistence use since many people did not obtain permits and some commercially caught salmon were used for subsistence.

Ass'n v. State, 628 P.2d 897 (Alaska 1981). Although the policy did not specifically refer to subsistence uses of salmon in Cook Inlet, it had a substantial impact on subsistence fishing. Commercial fishermen, accustomed to taking subsistence salmon from their commercial catch, instead obtained subsistence salmon fishing permits in order to fish for their personal and family use after the commercial season was over.

Before 1978, subsistence fishing was defined in AS 16.05.940(17) as fishing for "personal use and not for sale or barter."² In 1978, the Alaska State Legislature enacted ch. 151 SLA 1978 (hereafter the 1978 subsistence law). Subsistence fishing was redefined as fishing for "subsistence uses."³ Subsistence uses were defined as "customary and

2. Section 4, ch. 131 SLA 1960:

"subsistence fishing": the taking, fishing for or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gill net, seine, fish wheel, long line, or other means as defined by the Board.

3. AS 16.05.940(22), (formerly AS 16.05.940(17)), states:

"subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fisheries resources for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by

(Footnote Continued)

traditional uses . . . for direct personal or family consumption, and for the customary trade, barter or sharing. . . . " AS 16.05.940(23).⁴ Furthermore, the legislation required the board to adopt regulations permitting "subsistence uses" of fish stocks, absent a showing that this use would jeopardize the sustained yield principle. AS 16.05.251(b).⁵ Under AS 16.05.251(b), subsistence uses have

(Footnote Continued)

the Board of Fisheries.

4. AS 16.05.940(23), (formerly AS 16.05.940(26)), states:

"subsistence uses" means the customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter or sharing for personal or family consumption; for the purposes of this paragraph, "family" means all persons related by blood, marriage, or adoption, and any person living within the household on a permanent basis.

5. AS 16.05.251(b) states:

The Board of Fisheries shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) permitting the taking of fish for subsistence uses unless the board

(Footnote Continued)

25

priority over sport and commercial uses if the board finds it necessary to restrict the taking of fish to assure the maintenance of fish stocks or to assure the continuation of subsistence uses. If further restrictions are necessary after giving priority to all subsistence uses, the legislature established specific criteria to restrict subsistence uses based on the subsistence user's customary and direct dependence on the resource, local residency and availability of alternative resources. Id. As a result,

(Footnote Continued)

determines, in accordance with the Administrative Procedure Act, that adoption of the regulations will jeopardize or interfere with the maintenance of fish stocks on a sustained-yield basis. Whenever it is necessary to restrict the taking of fish to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources, subsistence use shall be the priority use. If further restriction is necessary, the board shall establish restrictions and limitations on and priorities for these consumptive uses on the basis of the following criteria:

- (1) customary and direct dependence upon the resource as the mainstay of one's livelihood;
- (2) local residency; and
- (3) availability of alternative resources.

70
the board could no longer allocate for subsistence uses at its discretion pursuant to AS 16.05.251(a).⁶ The

6. AS 16.05.251(a) states:

The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedures Act (AS 44.62) for

- (1) setting apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;
- (2) establishing open and closed seasons and areas for the taking of fish;
- (3) setting quotas and bag limits on the taking of fish;
- (4) establishing the means and methods employed in the pursuit, capture and transport of fish;
- (5) ~~establishing marking and identification requirements for means used in pursuit, capture and transport of fish;~~
- (6) classifying as commercial fish, sport fish or predators or other categories essential for regulatory purposes;
- (7) engaging in biological research, watershed and habitat improvement, fish management, protection, propagation and stocking;
- (8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(Footnote Continued)

legislature mandated in AS 16.05.251(b) that the board regulate for the protection of subsistence uses as the priority use of fish and game.

The passage of the 1978 subsistence law, combined with adoption of the board's 1977 management policy, heightened public awareness of the state's subsistence fishing provisions. This public interest resulted in a

(Footnote Continued)

(9) entering into cooperative agreements with educational institutions and state, federal, or other agencies to promote fish research, management, education and information and to train persons for fish management;

(10) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(11) establishing seasons, areas, quotas and methods of harvest for aquatic plants;

(12) establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43.

substantial increase in the demand for subsistence permits and a corresponding increase in total catch.⁷ The board responded to the permit increase by restricting subsistence fishing; it limited areas open to subsistence fishing, length of fishing periods and maximum length of gill nets. Several lawsuits were filed, all of which resulted in decisions unfavorable to the board.

In December 1980, the board held hearings to respond to the 1978 subsistence law and received a considerable amount of testimony on subsistence uses in Cook Inlet. The meeting resulted in the establishment of characteristics for identification of "customary and traditional uses" of Cook Inlet salmon.⁸ In addition, the

7. This chart reflects the trend in Upper Cook Inlet:

	<u>Subsistence Use</u> <u>Permits Issued</u>	<u>Salmon Caught</u>	<u>Commercial Harvest</u>
1978	323	3,735	5,118,041
1979	1,161	9,923	1,923,229
1980	1,331	14,775	4,138,648

In 1980, household permits were issued instead of individual permits.

8. With some modification, these characteristics became the basis of 5 AAC 01.597, which states:

CHARACTERISTICS OF SUBSISTENCE FISHERIES.

(a) The Board of Fisheries finds that certain customary and traditional practices

(Footnote Continued)

29

board decided to "adopt a set of criteria drawn from the

(Footnote Continued)

and procedures associated with the utilization of fish in the Cook Inlet Area can be used to identify subsistence uses. Based on testimony to the board, the following characteristics are those that should be evaluated in the identification of subsistence fisheries:

(1) a long-term, stable, reliable pattern of use and dependency, excluding interruption generated by outside circumstances, e. g., regulatory action or fluctuations in resource abundance;

(2) a use pattern established by an identified community, subcommunity or group having preponderant concentrations of persons showing past use;

(3) a use pattern associated with specific stocks and seasons;

(4) a use pattern based on the most efficient and productive gear and economical use of time, energy and money;

(5) a use pattern occurring in reasonable geographic proximity to the primary residence of the community, group or individual;

(6) a use pattern occurring in locations with easiest and most direct access to the resources;

(7) a use pattern which includes a history of traditional modes of handling, preparing and storing the product without precluding recent technological advances;

(8) a use pattern which includes the intergenerational transmission of activities and skills;

(Footnote Continued)

characteristics . . . and apply [them] to communities, subcommunities, groups and individuals who wish to continue to participate in an established customary and traditional fishing effort in Cook Inlet."

At its March 1981 meeting, the board received written testimony from the public about subsistence uses of Cook Inlet salmon stock. Subsequently, it decided to apply all of the ten criteria to determine "customary and

(Footnote Continued)

(9) a use pattern in which the effort and products are distributed on a community and family basis including trade, bartering, sharing and gift-giving; and

(10) a use pattern which includes reliance on subsistence taking of a range of wild resources in proximity to the community or primary residency.

(b) The board will identify established geographic communities which may be participating in a subsistence system. The board will then apply all of the characteristics in (a) of this section to the communities and to subcommunities, groups and individuals within the communities to determine which uses are customary and traditional and therefore, which communities are eligible for the subsistence priority.

(c) For purposes of this section, a "community" is generally considered to be several households of full-time residents who all reside in a specific geographic area because of common interests.

traditional uses" eligible for the subsistence priority. When the board applied the ten criteria, it determined that no group or community in the Cook Inlet region other than Tyonek, English Bay and Port Graham satisfied all ten of the criteria. The board limited the 1981 subsistence catch to these three communities. As a result, the board eliminated from the protection of the state's subsistence statute the majority of Cook Inlet fishermen who formerly fished under subsistence regulations.

Madison and Gjosund challenged the validity of the board's subsistence criteria (now 5 AAC 01.597) on several grounds. They claimed that: (1) the criteria were inconsistent with the statutory language and legislative intent of the 1978 subsistence law; (2) the board failed to comply with the Administrative Procedure Act in adopting the criteria; and (3) their equal protection and due process rights were violated by the board's action.⁹ Both courts issued preliminary injunctions compelling the board to authorize personal use fishing for Madison and Gjosund similar to that allowed in the previous year. The board

9. Since we hold the regulation invalid because it is inconsistent with AS 16.05.251(b) and AS 16.05.940(22) and (23), and contrary to the legislature's intent in enacting the 1978 subsistence law, we need not consider the APA, due process and equal protection issues raised regarding the regulation's validity.

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moved for summary judgment on the plaintiffs' first claim. Both trial courts granted summary judgment to the board, after finding the subsistence criteria consistent with the legislative intent "to provide for and protect personal use . . . by persons who reside in rural communities. . . ."

On appeal, Madison and Gjosund seek reversal of the two trial court decisions. They claim that the board did not act within the legislative authority granted by AS 16.05.251(b) and AS 16.05.940(22) and (23) when it adopted the ten characteristics ultimately codified as 5 AAC 01.597.¹⁰

II. STANDARD OF REVIEW

We first consider the appropriate standard of review for this case. The legislature enacted AS 16.05.251(b), which requires the board to adopt regulations permitting the taking of fish for "subsistence uses." The legislature then defined subsistence uses as "customary and traditional" uses in AS 16.05.940(23), but it never defined

10. Madison and Gjosund also contend that the board exceeded its statutory authority under AS 16.05.251(a) when it established a personal use fishery to accommodate people excluded from the subsistence fishery by 5 AAC 01.597. Because we hold 5 AAC 01.597 invalid, we need not address the issue of the board's authority to establish a personal use fishery.

"customary and traditional." The board developed the ten criteria (now codified as 5 AAC 01.597) to identify customary and traditional uses qualifying for a subsistence priority under AS 16.05.251(b). Therefore, the board interpreted the 1978 subsistence law and devised its regulatory criteria accordingly.

In Kelly v. Zamarello, 486 P.2d 906, 917 (Alaska 1971), we stated that the "reasonable basis approach should be used for the most part in cases concerning administrative expertise as to either complex subject matter or fundamental policy formulations." However, the issues in this case concern statutory interpretation of the words "customary and traditional" and the question whether the board has acted within the scope of its statutory authority. Such issues "fall into the realm of special competency of the courts." Alaska Public Utility Commission v. Municipality of Anchorage, 555 P.2d 262, 266 (Alaska 1976). See also State, Commercial Fisheries Entry Commission v. Templeton, 598 P.2d 77, 80 (Alaska 1979).

In this instance, we are dealing with a question of statutory interpretation and will apply the substitution of judgment standard.

The substitution of judgment standard is applied when the questions of law presented do not involve agency expertise, and, thus, a court need not take the deferential stance embodied in the rational basis test. . . . The standard is appropriate where the

knowledge and experience of the agency is of little guidance to the court or where the case concerns "statutory interpretation or other analysis of legal relationships about which courts have specialized knowledge and experience."

Earth Resources Co. v. State, Department of Revenue, 665 P.2d 960, 965 (Alaska 1983), quoting Kelly v. Zamarello, 486 P.2d at 916 (emphasis added). Application of this standard allows the reviewing court to substitute its judgment about a statute's meaning for the board's interpretation, even if the board's interpretation had a reasonable basis in law. In this case, both trial courts erred by applying the rational basis standard to the board's statutory interpretation.

III. LEGISLATIVE HISTORY OF THE 1978 SUBSISTENCE LAW

Before 1978, subsistence fishing was defined as fishing for "personal use and not for sale or barter." Formerly AS 16.05.940(17). The 1978 subsistence law redefined subsistence fishing as fishing for "subsistence uses." AS 16.05.940(22). "Subsistence uses" were defined as "the customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption . . . and for the customary trade, barter or sharing" AS 16.05.940(23). The board argues that the legislature intended to narrow the scope of subsistence fishing to mean fishing by individuals residing in those

rural communities that have historically depended on subsistence hunting and fishing. Under this interpretation, the board asserts that its criteria are consistent with the legislature's intent.

The board's argument reveals a fundamental misconception about the structure of the 1978 subsistence law. There are potentially two tiers of subsistence users under AS 16.05.251(b). The first tier includes all subsistence users. Under the statute, all subsistence uses have priority over sport and commercial uses "whenever it is necessary to restrict the taking of fish to assure the maintenance of fish stocks on a sustained-yield basis, or to assure the continuation of subsistence uses of such resources. . . ." AS 16.05.251(b). If the statutory priority given all subsistence users over commercial and sport users still results in too few fish for all subsistence uses, then the board is authorized to establish a second tier of preferred subsistence users based on the legislative criteria expressed in AS 16.05.251(b), namely, customary and direct dependence on the resource, local residency, and availability of alternative resources.

Criteria like the ten criteria of 5 AAC 01.597(a) could be used to distinguish first-tier general subsistence users from second-tier preferred subsistence users, since most of the criteria relate to either "customary and direct

dependence" or "local residency," two of the three criteria set out in AS 16.05.251(b). However, before there is any occasion to restrict subsistence fishing to second-tier preferred subsistence users as distinct from all subsistence users, the board must make two findings. It must find: (1) that it is necessary to restrict the taking of fish for sustained-yield purposes; and (2) that eliminating sport and commercial uses will not assure the maintenance of fish stocks on a sustained-yield basis and, thus, establishing a priority among subsistence users is also necessary. The board erred because it applied the ten criteria without making these findings.

The board argues that the words "customary and traditional" in AS 16.05.940(23) authorize it to define first-tier subsistence users by their ~~area of residence~~. We ~~reject this argument for several reasons~~. First, the argument ignores the two-tier structure of AS 16.05.251(b) that defines only the second-tier subsistence users in terms of residency. If the legislature had intended to define the class of first-tier general subsistence users by area of residence, it would not have expressed that factor with respect to only the second tier of preferred subsistence users. ~~Moreover, the phrase "customary and traditional" modifies the word "uses" in AS 16.05.940(23). It does not refer to users.~~ The 1978 subsistence law refers to

"customary users" at only one point, when it defines the preferred subsistence users of the second tier with the three statutory criteria in AS 16.05.251(b).

The House Special Committee on Subsistence drafted a letter of intent for House Bill 960¹¹ that supports our interpretation. With respect to AS 16.05.251(b) (which was § 6 of House Bill 960),¹² the letter of intent made clear the priority to be given subsistence uses in general over sport and commercial uses and explained the two-tier system among subsistence users.

Sections six and seven: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of fish and game resources. . . . Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resources are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before

11. HB 960 became the 1978 subsistence law, ch. 151 SLA 1978.

12. The committee also intended to provide a priority for subsistence hunting in AS 16.05.255, as indicated in § 6 of HB 960.

subistence use. If these restrictions are inadequate, restricting of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence users, and the availability of alternate resources.

(Emphasis added).

Only in connection with AS 16.05.251(b) does the letter of intent discuss applying residence criteria to subsistence users, and it does so only with respect to second-tier subsistence users. With respect to the definition of subsistence uses in § 17 of House Bill 960 (now AS 16.05.940(23)), the letter of intent does not suggest that the phrase "customary and traditional" was meant to describe users as well as uses. The letter of intent states:

Section seventeen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

The letter of intent clearly expressed the legislative resolve to establish a priority for subsistence use of fish and game. The 1978 subsistence law also increased the number of uses qualifying as subsistence fishing by including trade and barter.

The board based its restrictive regulation, 5 AAC 01.597, on the words "customary and traditional." The legislature did not define these words in the 1978 subsistence law. In such a case, reference to legislative history may provide an insight into the legislature's intent and a statute's meaning. North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534, 540 (Alaska 1978). In the House floor debate on House Bill 960, Representative Cotton introduced an amendment to delete the words "customary and traditional" from the statute. The floor manager of the bill, Representative Anderson, opposed the amendment in the following speech:

The two words are used in this context to put some guidelines around the uses of Alaska's freedom of resources. What we were afraid of, it was brought to our attention by people who were concerned that this would leave the field of the definition wide open. That newcomers just coming to the State of Alaska would automatically be able to establish not only residency in 30 days, but be able to go out and state that they have a customary and traditional use of Alaska's fish and game resources. The use of customary and traditional also is in recognition of a historical use of fish and game for food, shelter, fuel, clothing, tools, transportation, etc. This is not only in conformance with the aboriginal uses, but also those that have come in, those people who have come in later. . . . ~~The nonnative people in the State of Alaska have established customary and traditional uses of Alaska's fish and game resources~~ for subsistence purposes. And in order to give the Board of Fish and Game more clarification in the area, we have come up with the (inaudible) of customary and traditional rather than leaving that section

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wide open. The design is not to be restrictive but to provide guidelines and that is basically what I feel and many . . . members felt it was necessary in . . . adding or retaining those two words "customary and traditional."

(Emphasis added).

We consider statements made by a bill's sponsor in the course of legislative deliberations to be relevant evidence when a court is trying to determine legislative intent. Alaska Public Employees Association v. State, 525 P.2d 12, 16 (Alaska 1974). Anderson argued for the retention of "customary and traditional" for use as a guideline. His major concern focused on the potential pressure put on resources by newcomers. In his view, the words ~~"customary and traditional"~~ recognized and ~~protected a historical subsistence use by both native and non-native Alaskans.~~ The words were ~~not intended to restrict subsistence use.~~

0-7 PARRS LABOR SYSTEM

Another part of the House debate serves to clarify the statute's meaning. Representative Parr expressed concern that the board might use AS 16.05.251(b) to eliminate Fairbanks residents from subsistence use. Some Fairbanks residents often traveled to the Chitina Dip Net Fishery near the Copper River for their fishing. Representative Anderson responded to these concerns:

If we get into a condition where the fish stock gets down to the point where there is no way that you can allow any take, the first people that you are going to cut off are the commercial and then the sports, first, and

then the last people that you are going to cut off are the subsistence people who have the greatest reliance on the resource. . . . [I]f it were defined that dip net fishing were for subsistence uses and not for sale or any other purpose, that would be allowed and I would think that people from Fairbanks would fall under these categories. I don't know where else they would go to . . . where people from Fairbanks make it a custom to go down to the Chitina area and if it was determined that that resource was down to the point where only subsistence would be allowed, those people would be taken care of under this section. I don't see that it is eliminating.

(Emphasis added).

In the House debate, Anderson attempted to assure Parr that residents of urban Fairbanks could be considered priority subsistence users. Contrary to the board's interpretation of the subsistence statutes, there is no indication that legislators understood the 1978 subsistence law to restrict subsistence use to either a rural or a community context. In fact, the House debate indicates that the 1978 subsistence law was necessary to protect subsistence uses as a priority use of Alaska's fish and game resources. This intent is clearly expressed by the preamble to the subsistence law:

[I]t is in the public interest to clearly establish subsistence use as a priority use of Alaska's fish and game resources and to recognize the needs, customs and traditions of Alaskan residents. The legislature further finds that beneficial use of those resources by all state residents should be carefully monitored and regulated with as much input as possible from the affected

users, so that the viability of fish and game resources is not threatened and so that resources are conserved in a manner consistent with the sustained yield principle.

(Emphasis added).

The legislative history indicates that the legislature intended to protect subsistence use, not limit it. The words "customary and traditional" serve as a guideline to recognize historical subsistence use by individuals, both native and non-native Alaskans. In addition, subsistence use is not strictly limited to rural communities. For these reasons, the board's interpretation of "customary and traditional" as a restrictive term conflicts squarely with the legislative intent.¹³

13. The board notes that the words "customary and traditional" in the 1978 subsistence law were taken from § 703 of HR 39, 95th Congress, 2nd Session (1978), which Congress passed in modified form in 1980 as the Alaska National Interests Land Conservation Act (ANILCA), Public Law No. 96-487, 16 U.S.C. § 3113. Therefore, the board argues that the words in the Alaska act should have the same meaning as the words in the federal act and limit subsistence uses to residents of rural Alaska. We reject this argument for several reasons. First, § 703 of HR 39 in its 1978 form did not contain the "rural Alaska residents" limitation now found in 16 U.S.C. § 3113. Second, the Alaska House floor debate reveals that Representative Anderson, the bill's floor manager, understood the 1978 subsistence law to allow the urban residents of Fairbanks to qualify as general subsistence users. Finally, in the preamble to the 1978 subsistence law, the Alaska Legislature expressed its intent to "recognize the needs, customs and traditions of Alaskan residents." While the legislature declared that beneficial use of fish and game resources "by

(Footnote Continued)

IV. THE BOARD'S ADOPTION AND APPLICATION OF 5 AAC 01.597

We now turn to the board's interpretation of the 1978 subsistence law. In December 1980, the board met to examine the uses of salmon in Cook Inlet and to determine which uses would qualify for the subsistence use priority. Tom Lonner, the director of the subsistence section of the Alaska Department of Fish and Game, presented the department's recommendations on the subsistence statute. He suggested that the board begin its analysis of customary and traditional uses with an assessment of user profiles and use patterns on a case by case basis. Lonner noted that such information was most lacking in the major Cook Inlet subsistence fishery because of the rapid growth of subsistence uses in recent years, and that obtaining such information would be expensive.

The board did not follow Lonner's suggested approach.¹⁴ After the board heard extensive testimony on subsistence use, its chairman appointed a committee,¹⁵

(Footnote Continued)

all state residents^o should be carefully monitored and regulated, it did not express an intention to limit subsistence uses to rural Alaska residents.

14. A board member, Nick Szabo, stated that the board's limited budget prevented implementation of a case by case approach.

15. The board stipulated in 1982 that it violated

(Footnote Continued)

criterion: "A use pattern established by an identified community, subcommunity or group having preponderant concentrations of persons showing past use."¹⁶ The board found:

Although some users have shown the existence of a community of interest (e.g., the Kenaitze Tribe and the Kachemak Bay Subsistence Group), these persons either are too widely dispersed or are too heterogeneous to be considered an identifiable community, subcommunity or group. On the evidence presented, the Board cannot conclude either that activities are conducted in common or that sharing or other group interchange occurs in relation to the resource.

In other words, an individual subsistence user (such as Madison or Gjosund) would not qualify for a subsistence use priority from the board unless he were part of an identifiable subsistence community or group.¹⁷ Under the

16. See 5 AAC 01.597 set out in n. 8 above.

17. In contrast, the Commercial Fisheries Entry Commission issues commercial fishing permits on an individual basis. See AS 16.43.250. We do not, however, read the words "customary and traditional" as a grant of authority to the Department of Fish and Game and the Board of Fisheries to impose a "grandfather" rights system with respect to subsistence users. Imposing an equitable system of grandfather rights is an extremely complicated task, as Alaska's experience with such a system in the commercial salmon and herring fisheries has demonstrated. See AS 16.43.010-990 and the numerous, and ever increasing, judicial decisions interpreting this act noted in the annotations. Such a system would also be extremely controversial. It is preposterous to suppose that the legislature intended to create such a system merely by using

(Footnote Continued)

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consisting of board members and staff, to identify subsistence uses of salmon in Cook Inlet. The committee drafted ten criteria to identify subsistence uses and presented them to the board.

Lonner worked with the committee to develop the ten criteria and explained them to the board. He stated: "These tenets here are . . . based on . . . the evidence about four relatively self-contained communities. . . . If, however, you have individual applicants, . . . this might not suffice as a test." Therefore, the board was fully aware of the limitations of the proposed criteria.

At its March 1981 meeting, the board received further testimony on uses of Cook Inlet salmon from the area advisory committees and several individual witnesses. After deliberation, the board decided to apply all of the ten criteria "to determine which uses are customary and traditional and therefore are eligible for the subsistence priority." Only the fisheries associated with Tyonek, English Bay and Port Graham met all ten criteria.

In its findings of fact, the board applied the ten criteria to individuals such as Madison and Gjosund. In particular, the individuals failed to meet the second

(Footnote Continued)

AS 44.62.310-12 (public meeting provision) at its December 1980 meeting.

board's regulation, many individual users who have historically depended on subsistence fishing are eliminated from subsistence use at the outset.

The board's regulation, 5 AAC 01.597, is inconsistent with the legislative intent to provide guidelines for the protection of subsistence fishing. The regulation exceeds the authority delegated to the board because it operates too restrictively in its initial differentiation between subsistence and non-subsistence uses. Under a statute designed to protect subsistence uses, the board has devised a regulation to disenfranchise many subsistence users whose interests the statute was designed to protect.

The decision of the two trial courts that 5 AAC 01.597 is consistent with AS 16.05.251(b) and AS 16.05.940(22) and (23) is REVERSED.

(Footnote Continued)

the words "customary and traditional" in the definition of subsistence uses, with no more notice or guidance than is inherent in those words.

Appendix II
McDowell 1989

1
2 that's linked to the availability of fish and game, a use pattern that's linked to oral
3 traditions, and more recent traditions, of an area, it's a subsistence way of life is one of
4 which, that the contributions of subsistence harvesting are major in comparison to
5 purchased food stuffs and other purchase of raw materials. So it's a, it's a combination
6 of, of attributes that, that define it. So in this, it's referenced in this particular criterion
7 for that very reason, that what the, what the joint board was looking for in criterion eight
8 was this, this context. Does this use pattern take place, is the uses of these stocks part of
9 a wider range of uses of fish and game, of hunting and berry picking and, and of a
10 variety of resources that support that, that way of life characteristic of communities and
11 areas of the state. And that's a long answer to a short question.
12

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14 MR. CHAIRMAN: Through the Chair, Mr. Nelson from Law for Mr.
15 Engel.

16 MR. NELSON: Mr. Chairman, I generally think, agree with Dr. Fall's
17 comments, the only cautionary note I would insert is, be careful not to judge uses by
18 communities of residence where the users live. I don't think the court would uphold a
19 decision on that basis. I think it's perfectly fine to look at the users and their uses, and
20 you know, what kind of uses are going on, and the diversity of their uses, but I wouldn't
21 do it based on where they live because it probably is, is, would be found arbitrary and
22 not reasonable because it wouldn't be tied to the use patterns. The nature of the
23 subsistence use by a community doesn't dictate what use patterns of people are actually
24 using this particular stock.
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2 MR. CHAIRMAN: Mr. Engel, you have the floor sir.

3 MR. ENGEL: All right, since we're on criteria eight, I'll tell you one of
4 the things maybe someone can help me clear it up. Criteria eight seems to almost in
5 some ways fly in the face of criteria one, because it calls for the reliance of a wide
6 variety of fish and game resources and Dr. Fall just mentioned somebody that gathers
7 berries, picks, grows a garden, or does all these different things, shoots a moose, wide
8 diversity of reliance. In criteria one it says 'A long-term consistent pattern or use,
9 reliance on a fish stock,' so it seems like to me that in one case the person that is
10 satisfied with staying in one place or can meet their needs is penalized because, or a
11 person that is a diverse food gatherer that moves and does a lot of things to maintain a
12 desired subsistence lifestyle gains benefit under 8, but that same person might be
13 penalized because they're not relying on a single stock, like we're talking about here.
14 In other words, a person that utilizes other stocks within the Copper River Valley, other
15 than the Copper River would fit nicely with the diversity of harvesting under eight
16 perhaps, and lose out under my evaluation of reliance on a fish stock, like, if we define
17 that as the Chitna area. So it seems like one flies in the face of the other; reliance on a
18 diversity, and a reliance on a stock. This is something I've had difficulty in trying to -- I
19 guess it's subjective. You place balance on what you, you get points for one, and you
20 lose points on the other. I don't how to deal with that and it's been mulling around my
21 mind. Maybe somebody could help me. Thank you Mr. Chairman.

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25 MR. CHAIRMAN: Dr. Fall for Mr. Engel.
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2 DR. FALL: Mr. Chair, I'll give it a shot and maybe Mary Pete would
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4 also like to add to this. One thing to keep in mind I think in looking at, at reliance in the
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6 history of the criterion and certainly in what the Board and the legislature is trying to
7
8 accomplish with providing for subsistence uses is that reliance of course goes beyond
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10 food value, beyond economic value, I think we also look at reliance in terms of the
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12 carrying on of traditions and knowledge. So, a resource might very well be harvested in
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14 the very small, relatively small amount, but, but for the preservation of a way of life and
15
16 a tradition associated with a, with a community or an area, they could be very, very
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18 reliant on that resource for that, for that purpose. Secondly, I think when you look at the
19
20 patterns of subsistence use in Alaska, you see that it is very rare in areas outside the
21
22 non-subsistence area to find, to find annual harvests dominated by one or two resources.
23
24 That, that the, so when comparing or contrasting a use, it might be a personal use or a
25
26 recreational use, in comparison to a traditional use. One of the clues that the joint board
developed as well, is this resource used in combination with a lot of other things, like
we see in a subsistence way of live as referred to in criterion eight. And the Board, back
in '84, made a contract there between the two, two use patterns of the different stocks.
I'll sum up by saying that the criterion as a whole, were put together as a package to try
to capture what a traditional use looks like in Alaska and characteristic of an Alaskan
traditional use is one that is part of a bigger package. That if it's a, if it's something
that's one or two things that people do for supplementing their food supply that, that use
pattern looks like a personal use and could be provided for under those regs, as opposed

1
2 to a subsistence use which is imbedded in this, this wider variety. That would be my
3 explanation of why it appears, might appear to be a contradiction, but in the analysis
4 that we would do of the pattern, it is not.
5

6 MR. CHAIRMAN: Director Pete, anything in addition?

7 MS. PETE: No, thank you.

8 MR. CHAIRMAN: Mr. Engel, you have the floor. Through the Chair,
9 Mr. Nelson from Law for Mr. Engel.
10

11 MR. NELSON: Mr. Chairman, the only other thing I would add was that,
12 as everyone understands, the history of this regulation was prior to the McDowell
13 decision used to identify communities that had C&T use of a particular stock, and some
14 of this language sounds, you know, was contained in the earlier version, and then was
15 changed to avoid community determinations, and shift to the possibility of any C&T use
16 by any Alaskan resident. I think that's the part of the lack of clarity. It made more
17 sense I think, when you were using this criteria for communities, deciding which
18 community had C&T use of a particular stock or a game population.
19

20 MR. CHAIRMAN: Mr. Engel, you have the floor sir.

21 MR. ENGEL: I haven't got anything further at this time. I'm still
22 confused but I'm listening, so I'll learn. Thank you Mr. Chairman.
23

24 MR. CHAIRMAN: Board members, is there a need for further
25 discussion? Is there a consensus on criteria eight at this time?
26

MR. MILLER: No.

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3 MR. CHAIRMAN: Show no consensus. Board members, at this time I'd
4 like to open the period for discussion and questions on all eight again. Do not feel
5 constrained by the consensus or lack of consensus. You can revisit those things. It's
6 the Chair's intent that you have an enormous volume of material before you, that we
7 have all reviewed and I would like to see Socratic questions posed to interject material
8 from the record that's already before us into the building a record by asking questions
9 and playing dumb. We know what the record is, so let's don't build the record with the
10 obvious record, but if you have genuine questions and efficiency in the use of our time
11 here, it's to go back over these things, get your questions asked about any of the eight
12 criteria. When we finish that discussion, the Chair will start to feel the press of the
13 agenda, he will tell you that, and I'll start to look for summary deliberations on the eight
14 criteria and to call for the question. Are there any questions on how I wish to go
15 forward? Floor is open for general questions before final deliberations and the call for
16 the question. Mr. Engel.

17
18 MR. ENGEL: Mr. Chair, just so my notes are correct, we find that there
19 was no consensus on criterion one, three, and eight. Is that correct?
20

21 MR. CHAIR: Madam Executive Director.

22 MS. COTE: Mr. Chairman, criterion one, criterion three, and criterion
23 eight.
24

25 MR. ENGLE: Correct.

26 MR. CHAIRMAN: Mr. Engel, you have the floor.

1
2 MR. ENGEL: Then it's my assumption those are the three criterion that
3 we would be looking at in more detail perhaps, although they all fit in, they seem to
4 have some general comfort level with five of them, but three, we've got some problems
5 with. And of those, two of those three we have just a questions of reliance in there.
6 And I, the reliance, two of those are somewhat still contradictory in my mind. Because
7 of the diversity on one hand and it seems like you get points for a greater dependency if
8 you will, reliance on something that you get full utilization on, so that's where I am at,
9 is this question of reliance. The other one is the question of consistent methods and
10 means of harvest characterized by efficiency, economy of effort. That's another one the
11 we have some question on and, there I get into a situation that's almost as Mr. Nelson
12 indicated, this is a throw-over from the original law that talked about rural. You're
13 penalized if you live a distance away and have no other alternatives whether you live in
14 a non-subsistence area or another rural area where you have salmon of this level and the
15 salmon of dipnetting, you may not be able, it may cost you more to drive from
16 Chickaloon, where you have no salmon dipnet fishery or anywhere else for that matter
17 that's still within a non-subsistence area and I would have to, because I travel further
18 than somebody else, I may lose points in my mind. Qualification, because the
19 alternatives aren't there, and so therefore it costs me more to participate, but I have no
20 other alternative perhaps. And so I have a problem with that. And again, a lot of this
21 gets down interpreting this, it looks like somebody, that somebody was the legislature,
22 took a former law that was designed primarily for rural and kind of played around with
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2 it, took part of it out to clear it up but left a lot of the attributes of that, or subjective
3 attributes of that. So, that's where I'm at right now on those issues, and if any other
4 Board members could help me with those, how they view this efficiency because a
5 person is penalized for listing, you know, and drive more miles, and so on and so forth,
6 or you can't use a fish wheel because you don't live on the river and can't haul one
7 down there, but nonetheless you could drive down there and dip, (Indiscernible) an
8 urban type thing, you're penalized for costing more. So, I'll stop with that, I'm
9 repeating myself, but that's where I'm at, reliance and this efficiency of use. Mr.
10 Chairman.
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13 MR. CHAIRMAN: Mr. Engel may request another Board member, so
14 that Board member wish, wish to speak to Mr. Engel's questions specifically, is that
15 your? Mr. Umphenour for Mr. Engel.
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17 MR. UMPHENOUR: Ok, I'd like to speak to efficiency and economy of
18 effort. And in this situation there's, we've compared this fishery, or the staff compared
19 the Chitna region with the Glennallen region, but failed to compare it with the Cordova
20 subsistence fishery as far as efficiency, reliance, and economy of effort. Now when I
21 look at economy of effort, and I'm speaking as a person that has operated fish wheel
22 commercially, and my son still operates one commercially, and as person that has
23 personally dipnetted as well at Chitna. The effort to build a fish wheel is great, even
24 though they use mini fish wheels here on the Copper River compared to a commercial
25 fish wheel on the Yukon River, but still, there's an expense to it. It's a fairly large
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2 expense to build the fish wheel. There's a lot of work to build a fish wheel. And sure
3 it's efficient. But your bag limit is only 30 salmon. And that's what it, that's all it is at
4 Chitna, in the personal use fishery. And if a person, there's a question of how many
5 salmon can a family eat in a year. Many families, only 30 salmon is all they need
6 because they may go get a mouse or a caribou or something else and 30 salmon's all
7 they need. If it's these salmon here, that might be a 150 pounds of salmon if it's all
8 sockeye. Ok, and so the fish wheel's very expensive to build. It takes a lot time and
9 effort to set it up, and so I compare this to a dipnet. The dipnet is 20, 25 bucks,
10 whatever it costs. It's an efficient means of harvesting. If a person is diligent, they can
11 go down there, stand on the bank, and they can catch their 30 fish for their household.
12 And so it's an efficient and cost effective method of harvesting fish, and that's how I
13 look at the criteria that talks about efficiency and economy of effort when I compare the
14 fish wheel to the dipnet.
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17 MR. CHAIR: Thank you sir.

18 MR. UMPHENOUR: And the reliance, when I look at reliance, there's a
19 number of fisheries in the state that people can participate in. But there's very few
20 fisheries such as the one at Chitna. Many families cannot afford to go purchase
21 commercial-caught Copper River salmon, be they sockeye or Chinook. And in some
22 areas of the state, and many of the participants that participate in this fishery at Chitna,
23 might participate in the personal use fishery out of Fairbanks. However, its been closed
24 the last two years, so there's been no other fishery that they can go participate in unless
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2 they want to drive all the way to Kenai, and that fishery is not a predictable fishery.
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4 And the chances of them going down there and employing economy of effort, and, and
5 actually saving money are slim. Whereas if they go to Chitna and their diligent, they
6 actually are going to save money, and they're going to pass down all these other things
7 that are mentioned in what a subsistence lifestyle is, teaching the children, generation to
8 generation and all this other stuff. And so, and so that has to be as far as reliability goes
9 and reliance goes. That has a bearing on it as well, in my mind, the other alternative
10 fisheries that they could participate in because many of these have been closed. I don't
11 know if that helps you Mr. Engel or not, but that's how I look at it.
12

13 MR. CHAIRMAN: Anyone else in addition for Mr. Engel. Mr. Engel, I
14 don't know if this will help you, but it kind of, it's what's in my mind right now.
15 There's a question here about, let them eat pinks in Nome, and long term use of sockeye
16 salmon. I guess I look to Dr. Fall to answer to answer this question for me before I
17 violate the first rule (Indiscernible). Maybe I should quit digging. Is there anywhere
18 that the ability to efficiently harvest red salmon is closer and more predictable than the
19 dipnet fishery at Chitna? I'm not talking about harvesting for subsistence in Fairbanks
20 on different species, I'm talking about the long-term harvest pattern in the Chitna area
21 for red salmon. Is there anywhere else it would be more efficient to participate in a
22 subsistence fishery than Chitna?
23

24 DR. FALL: Well, Mr. Chairman, the first fishery that comes to my mind
25 is the subsistence fishery in the Glennallen district.
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2 MR. CHAIRMAN: Thank you. That's the best I can do Mr. Engel. Mr.
3 Nelson from Law.

4
5 MR. NELSON: Mr. Chairman, I probably should have stated this at the
6 beginning when I was talking earlier, but because of the historical development of the
7 question you had before you, you're comparing, you find yourself often comparing uses
8 in the Chitna subdistrict of dipnets to upper Copper River dipnet and fish wheel uses, in
9 judging what's customary and traditional. One thing I would urge caution in in doing
10 that, I don't think the Board has adopted the standards that they found were meant by
11 the upper river fishery as a minimum for finding C&T use. The standards that you are
12 applying are the standards in the criteria and you made C& T findings all over the state
13 and I caution the Board members not to, not to take as a minimum standard a C&T
14 finding that you did on the upper river unless you specifically feel that way, that that's
15 the bare minimum so no other uses have met that at that level, but be careful when
16 comparing them, that that's not the end of the question, and you still need to decide
17 wide-term basis, you know, whether of not there's customary and traditional use.

18
19 MR. CHAIRMAN: Thank you Mr. Nelson, and if I provoked that
20 response then maybe I confused Mr. Engel, who I was trying to help also. I'm saying
21 that as far as efficiency and reliance goes on a stock, there's been a use pattern on that
22 stock for efficient reasons that brought people to use that stock across time. And one of
23 the reasons might be is cause it's the closest stock in proximity for the efficient use of
24 that stock considering all the other seven criteria also, that it might not just be the
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2 efficient use on that stock with the dipnet, but also there may be information passed
3 across generations and other eight criteria in combination that make up the most
4 efficient use of the stock. Is that close for Mr. Nelson? I'm not saying I'm right, I'm
5 just saying you better understand me.
6

7 MR. NELSON: Mr. Chairman, yes. Actually your question didn't
8 provoke my response, the overall discussion today has provoked my concern because, it
9 might be easy to say, well this isn't the same as the fish wheel fishery, so it's not C&T.
10 That isn't the standard, unless you decide that the, the fish wheel fishery is the
11 minimum or that you need to find for C&T.
12

13 MR. CHAIRMAN: Are there other people that wish to address Mr.
14 Engel's question. Did you have anything in addition sir?

15 MR. NELSON: No, Mr. Chairman.

16 MR. CHAIRMAN: Mr. Engel in addition.

17 MR. ENGEL: No, Mr. Chairman, I'm still listening for other Board
18 members. I may be more confused than I was before, but I'm looking for their help.
19

20 MR. CHAIRMAN: Your reputation has been received from many
21 sectors, confusion more than bringing light.

22 (Indiscernible - simultaneous talking and laughter)

23 MR. CHAIRMAN: Mr. Umphenour, do you have questions sir? Do you
24 have something for Mr. Engel? This period is devoted to questions, Mr. Engel, or Mr.
25 Umphenour, it's not final action.
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2 MR. UMPHENOUR: I know that Mr. Chair. I wanted to ask you a
3 question.

4 MR. CHAIRMAN: Ok, Mr. Umphenour. Flip it on me.

5
6 MR. UMPHENOUR: Ok, I know it's not final action, but, maybe it
7 would be helpful if I went through the criteria and pointed out what I think are the
8 highlights of the criteria and that might help some other Board members, I don't know,
9 or it might provoke some other questions. But I'm willing to do that, but that's up to
10 you. I'll just sit here like a bump on a log till everyone else is finished asking questions
11 and then do it at the very end, whatever you want me to do.

12
13 MR. CHAIRMAN: Well, here's the way I rule on that, Mr. Umphenour,
14 you just sit there like a bump on a log, buddy, and I'll reserve for you the number one
15 space when we get to final deliberations and you can go first for the benefit of everyone
16 else. Does that take care of you?

17 MR. UMPHENOUR: That's fine.

18 MR. CHAIRMAN: Are there other questions and discussion at this time?
19 Are we ready for final action, Board members? Move it along. Mr. Umphenour, your
20 discussion on final action.

21
22 MR. UMPHENOUR: Thank you, Mr. Chair. I'd like all the Board
23 members to get the customary and traditional use work sheets, that's in, that's colored
24 tab five, in RC 2, that's this book. It's also the one Dr. Fall sent me in the mail. I don't
25 know if all the rest of you got one or not.
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3 MR. CHAIRMAN: To the papers, Board members if you have your
4 papers, lets wave at me. Does everybody got everything? Mr. Engel, do you? Please
5 proceed Mr. Umphenour.

6 MR. UMPHENOUR: I'd like everyone to turn to page A 10. It says,
7 table A 4, is on page A 10. On that page it has the populations, and in 1950, Anchorage
8 was 11,000, Fairbanks 19,000. In 1960, Anchorage 54,000, Fairbanks 15,000. The
9 Copper River census, although they don't tell us what Chitna is, it would be helpful if
10 we knew what Chitna was, but, was 2100 in 1960. I point that out to show how much
11 the population has changed in a short period of time and that can cause different use
12 patterns. Ok, then I turn over and here's criterion one staring us in the face. And it
13 says, 'Not less than one generation,' that's what Mr. Nelson from Law had us write in
14 there, about the long-term consistent pattern of use and reliance on the fish stock. Okay,
15 after I look at that, we've got another, some other ones that I want to look at that relate
16 to that, so that would be on page A 25 and A 26, they relate to criterion one. Page A 25
17 is Figure A 9, 'Number of subsistence and personal use fishing permits issued under the
18 Copper, upper Cooper River, 1960 to 1999.' That's A 25. Then A 26 is number of
19 permits issued Chitna subdistrict, 1960 to 1999. And then on the bottom half is the
20 number of salmon that are harvested. And the reason why I wanted to look at the
21 population of the area first and then look at the number of permits is you can see,
22 because in the staff report, it was stated that, that the fishery has changed and that one
23 user group, you know we're not supposed to be using user groups, we're supposed to
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2 making a determination on the stocks, but somehow part of the department feels the
3 nature of the fishery changed.

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5 (End of Tape 14, Side B)

6 (Tape 15, Side A)

7 MR. UMPHENOUR (Continued): On page A 26, that's just for Chitna,
8 but if you look at the numbers of people that participated, and then if you look at the
9 catch figures, you'll see that there's very little difference between the Chitna subdistrict
10 and the upper Copper River, which leads me to believe that there was not that much
11 effort in the upper Copper River as compared to the Chitna subdistrict. The majority of
12 effort has been in the Chitna subdistrict all the way from when they've been keeping
13 records in 1960 until the present time. Many more people have fished there, and
14 something else that I'd like to point out.

15
16 MR. CHAIRMAN: Mr. Umphenour.

17 MR. UMPHENOUR: Yes.

18 MR. CHAIRMAN: For the Chair and maybe others (Indiscernible -
19 simultaneous talking).

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21 MR. UMPHENOUR: Press of the agenda, okay.

22 MR. CHAIRMAN: Press of the agenda, number one. Number two, if
23 you specifically cite the criteria that you're speaking to sir, in your final summation,
24 then it would seem at the end of that you would then be able to tell us your intentions in
25 how you're voting, which is good parliamentary procedure. Thank you sir.
26

CUSTOMARY AND TRADITIONAL USE WORKSHEET

SALMON: PRINCE WILLIAM SOUND MANAGEMENT AREA, COPPER RIVER DISTRICT

Prepared by the Division of Subsistence
Alaska Department of Fish and Game

Alaska Board of Fisheries
December 1996

Background: Proposal Number 54 proposes several changes to subsistence salmon fishing regulations in the Copper River District of the Prince William Sound Management Area. Although this district is currently open to subsistence salmon fishing (and has been since statehood and before), the Board has not made a determination whether the stocks of this district support customary and traditional uses (a "c&t finding"). This worksheet provides information on the patterns of use of salmon in this general area as background if the Board chooses to make such a determination. The information is organized according to the eight criteria for identifying customary and traditional uses as listed in the Joint Boards Subsistence Policy (5 AAC 99.010). (Appendix A summarizes previous c&t findings for the Prince William Sound Management Area.)

Current subsistence regulations for the Copper River District are as follows:

- **Area:** salmon may not be taken in waters closed to commercial fishing (5 AAC 01.625[c])
- **Season:** "in conformance with commercial fishing regulations" (5 AAC 01.645[b]) (that is, subsistence fishing may only occur during open commercial fishing periods)
- **Gear:** gillnets and seines (5 AAC 01.620) but "in conformance with commercial fishing regulations" (5 AAC 01.645[b]) which limit gear in the Copper River District to gillnets.
- **Permit:** required; only one issued per household per year
- **Bag and possession limits** (5 AAC 01.645[b]):
 - 15 salmon for a one person household
 - 30 salmon for a two-person household
 - 10 salmon for each additional household member
 - no more than 5 king salmon per permit
- **Marking:** not required

Note: because the large majority of participants in this fishery are residents of Cordova, this worksheet focuses on uses of salmon and other resources in that community.

Criterion 1. A long-term consistent pattern of use and reliance on the fish stock or game population that has been established over a reasonable period of time, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns.

Substantial archaeological and ethnohistorical data exist which demonstrate the importance of the subsistence use of salmon in the present-day Prince William Sound Area generally and the Copper River District (Copper River Delta) in particular (Birket-Smith and de Laguna 1938, Birket-Smith 1953, de Laguna 1956) in precontact times and in the 19th and early 20th centuries by the indigenous Chugach Alutiiq and Eyak Indians.

There were at least four Eyak villages in the present-day Cordova area. By 1889, what had been the village of Eyak had become the staging area for the fledgling commercial salmon fishing industry. The city of Cordova was founded in 1906 at the site of "Old Town," the last Eyak village (Stratton 1989:14-15). Until 1939, Cordova was the terminus of the Copper River and

Northwestern Railroad. Since then, commercial fishing and processing has dominated the cash sector of the local economy of Cordova. The population history for the Cordova area is summarized in Table 1.

Table 2 summarizes data on uses and harvests of salmon for home use by Cordova residents, based upon Division of Subsistence harvest surveys and summarized in the Community Profile Data Base (Scott et al. 1996). The table shows that the vast majority (91 percent to 100 percent) of Cordova households use salmon. Table 3 reports home use salmon harvests (as well as other resource categories) in pounds usable weight per person for Cordova for five study years. On average, Cordova households have harvested from 58 pounds per person (in 1993) to 86 pounds per person (in 1991) of salmon for home use. Salmon has made up between 25 percent and 45 percent of the total wild resource harvest for home use in Cordova over the five study years (Table 4).

Concerning salmon uses in Cordova in the mid and late 1970s, McNearby (1978:7) noted:

In addition to their commercial value, salmon are a major food resource for people in the Cordova area, as indeed they have been for hundreds of years. Although pinks and chum are the most abundant species in Prince William Sound, kings, reds (sockeye), and silvers (coho) are favored for home consumption. The number of subsistence net permits issued is small and the take reported is negligible. Some feeder kinds are caught by trolling in Prince William Sound, and sport fishing for coho is very popular, especially in nearby Eyak River. However, many if not most of the salmon consumed are caught with commercial gear.

Table 5 provides subsistence harvest estimates for the Copper River District based on permit data. Most participants in the Copper River District subsistence gill net fishery reside in Cordova (Stratton 1989:88). According to permit data and household surveys, in 1985 about 10 percent of Cordova's households obtained subsistence permits (Stratton 1989:88; Table 5, Table 6). In 1988, survey results found that an estimated 54 Cordova households harvested salmon with subsistence methods (harvesting 490 salmon) (Table 7); permit records indicate that 57 permittees fished in 1988, for a harvest of 454 salmon (Table 5). In 1991, the estimated catch based on permit data was about 1,000 salmon. The household harvest survey conducted with a random sample of Cordova households pertaining to 1991 provided a total salmon harvest estimate with subsistence methods of 1,890 salmon (+/-73%). In 1991, 11.9 percent of the sampled Cordova households used subsistence methods (an estimated 93 households). Estimated harvests with subsistence methods for 1992 and 1993 based upon survey data were also higher than those estimated from permit returns for those years (Table 5, Table 7).

Further discussion of the methods used by Cordova households to obtain salmon for home use appears under Criterion 3.

Criterion 2. A use pattern recurring in specific seasons of each year.

Stratton (1989:59) depicts the current seasonal round of harvest activities for Cordova. King salmon fishing begins in early May and generally lasts through July. Occasional effort in the winter months of December, January and February for "white kings" ("feeder kings") occurred in the past and continues today. Subsistence fishing for sockeyes takes place from May through August. Pinks and chums are caught mainly in July and August. Fishing for cohos occurs mostly in September and October.

Criterion 3. A use pattern consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost.

In Prince William Sound historically, salmon were speared and gaffed above weirs placed in stream mouths. They were also taken in traps, with hook and line, and with nets (Birket-Smith 1953:41,96). In the Cordova area, the Eyak Indians took salmon from the lower Copper River using spears and dip nets from platforms. They also caught salmon in small traps (Birket-Smith and de Laguna 1938:117, 118).

Presently, regulations limit subsistence salmon fishing gear in the Copper River District to that allowed in the commercial fishery, namely gill nets.

Residents of Cordova also take salmon for home use with rod and reel under sport fishing regulations and by removal from commercial harvests. Table 7 provides information on salmon harvests by gear type in Cordova for five study years. In four out of the five survey years, removal from commercial catches provided the most salmon for home use in Cordova, followed closely by rod and reel (Fig. 1). On average for the five study years, commercial removal provided just over 50 percent of the home use salmon, rod and reel about 45 percent, and subsistence nets about 5 percent.

According to an analysis by Stratton (1989:86-87), in part, the regulatory history for subsistence fishing in Prince William Sound accounts for the reliance on removal from commercial catches and rod and reel fishing for obtaining salmon for home use in Cordova. In 1985, these regulations made it difficult for households with commercial fishing permits, or households without commercial fishing gear, to obtain subsistence salmon. According to subsistence salmon fishing regulations that were in place for the 1985 season, a subsistence fishing permit was required in order to participate in the subsistence fishery. Subsistence fishing was allowed only during commercially open seasons, only in locations open to commercial fishing, and only with the gear type allowed for commercial fishing, gill net or purse seine. These requirements placed subsistence fishers in direct competition with commercial fishers. In addition, no one holding a salmon limited entry permit for the Copper River/Prince William Sound area was allowed to have a subsistence salmon permit. Nowhere else in the state was this latter limitation in existence (Stratton 1989:86-87). The Board of Fisheries repealed the prohibition against subsistence fishing by commercial fishermen (in place since 1961) in 1987.

Stratton (1989:87) also notes that subsistence seasonal limits for subsistence salmon in the salt water portions of the Prince William Sound Area, including the Copper River District, declined steadily during statehood, from a high of 100 in 1960 to 10 kings, 25 sockeyes, and 25 cohos in 1962, to a low of 10 total salmon from 1974 through 1980. In 1981, the limit was increased to 15 for one person households, 30 for two person households, and 10 for each additional household member. These limits remain in effect.

Table 8 reports the percentage and estimated number of Cordova households which used various combinations of methods to harvest or otherwise obtain salmon for home use for the five survey study years. In each year, many households used more than one method. Those households which used subsistence methods but did not have direct access to removing salmon from their commercial catches (that is, the categories "Subsistence only" and "Subsistence and rod & reel only") numbered between 57 (7.3 percent of all households) in 1992 and 29 (3.4 percent) in 1985.

Criterion 4. The area in which the noncommercial long-term and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established.

Historically, most of the Prince William Sound and Copper River Delta area was used for subsistence salmon fishing. Presently, most Cordova residents who fish for salmon under subsistence regulations do so on the Copper River Flats. As noted above, by regulation, the subsistence fishery is restricted to areas open to commercial fishing. A few Cordova residents subsistence fish in Prince William Sound itself (Stratton 1989:88).

Criterion 5. The means of handling, preparing, preserving, and storing fish or game which has been traditionally used by past generations, but not excluding recent technological advances where appropriate.

In Cordova presently, a variety of methods are used to preserve salmon. These include freezing, smoking, canning, jarring, salting, pickling, and kippering (McNeary 1978:7; Stratton 1989:86).

Criterion 6. A use pattern which includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation.

Cordova is located near the site of several Eyak Indian villages, the descendants of which, along with descendants of the Chugach people of Prince William Sound, continue to reside in the community. Use of salmon by these families as well as more recent arrivals to Cordova is commonplace and involves members of several generations (Stratton 1989:133-134).

Criterion 7. A pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving.

Sharing of salmon is very common in Cordova. According to data collected in Cordova pertaining to 1985, "Surveyed households reported receiving and giving away substantial quantities of salmon" (Stratton 1989:97). In that year, households on average received about 40 pounds of salmon; those who gave away salmon on average shared 75 pounds of fish with other households. The percentage of Cordova households receiving and giving salmon in the five survey years is reported in Table 2.

Criterion 8. A pattern that includes taking, use, and reliance for subsistence purposes upon a wide variety of the fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

Noncommercial resource harvests are relatively large in Cordova, ranging from about 130 to 230 pounds per person annually in the five study years between 1985 and 1993 (Table 3, Fig. 2). As shown in Figure 3, this harvest range is similar to that of Kodiak, another southcentral Alaska community off the road system with a local economy dominated by commercial fishing, and is higher than that of the road-connected communities of Kenai and Valdez, although lower than the small Alaska Native villages of Prince William Sound. Overall, wild resource uses in Cordova are relatively diverse, made up of a variety of fish, mammals, marine invertebrates, birds, and wild plants (Table 4). Figure 4 compares the average number of resources used per household in Cordova for the 1991, 1992, and 1993 study years with that of other selected Alaska communities.

Writing of the 1970s, McNeary (1978:40-41) noted the following about wild resource uses in Cordova:

There is no simple relationship between use of wild food resources and income level [in Cordova]. Some of the most consistent users of wild resources are among the town's middle to upper class. For them, consumption of wild foods is a matter of life-style rather than of economic necessity. A few households combine high levels of subsistence use with relatively low cash incomes. Others pointed out, however, that it is necessary to have at least a minimum level of capital in order to participate in subsistence pursuits. Thus, the complaint that, "I don't hunt and fish much; I got no boat and no car." For most Cordova hunters and fishermen, use of wild foods is not usually an economic necessity, but may be an important income supplement. A number of people pointed out the wide fluctuations in the commercial fishing harvest from year to year and said that in a poor year wild foods would be especially vital to their economic well-being. . .

There are, of course, important values involved in hunting and fishing besides the purely economic. For many Cordova Whites, the opportunities to enjoy the outdoors, to hunt and fish, to eat fresh foods such as salmon or crab, and the pleasures of distributing wild foods or receiving them from friends are very important in making the quality of life in Cordova what it is. These activities, plus the atmosphere of small town living, seem to be the main reasons why people choose to live in Cordova rather than in more urban areas.

For Natives, the above factors all apply, with the addition of the psychological (and political) importance of freely using a land which they have inherited from their ancestors, and the great importance of traditional foods, particularly for the older people.

For 1985, Stratton (1988:149) concluded that:

Cordova is a small heterogeneous community that demonstrates a mixture of resource use patterns. Resource use and harvest play a significant role not only the local economy, but also in the social networks, as sharing and bartering are extensive. The seasonal cash economy, that rises and falls with the size of the salmon runs and current market values, underscores the importance of resources to local residents. The fact that so many households chose to bring home salmon from their commercial catches demonstrates that salmon is valued highly by people for more than just its monetary worth.

Conclusions from the 1988 study year were similar to those for 1985 (Stratton 1992:63).

Proposal FP01-15

<i>Executive Summary</i>	
General Description	Establish C&T for salmon in the Chitina Subdistrict. [Submitted by Copper River Native Association, Copper Center]
Proposed Regulation	You may not take salmon in the Chitina Subdistrict. <i>The Chitina Subdistrict is open to Federally-qualified subsistence users from the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.</i>
ADF&G Comments	See Appendix.
Written Public Comments	Support. (2 comments).
Southcentral Regional Council Recommendation	Support. The Council supported the proposal as submitted and recognized the substantial evidence of customary and traditional use of salmon by the residents of the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina.
Eastern Interior Regional Council Recommendation	Support as written. The Regional Council supported the proposal to establish a C&T determination where one did not exist and this proposal is one step toward recognizing all the local residents and communities who have recognized substantial evidence of customary and traditional use of salmon in the Chitina Subdistrict. The Regional Council will be submitting a letter requesting that prior to promulgating fishing seasons regulations, that all local residents and communities that have a customary and traditional use of the Chitina Subdistrict be identified and have their use recognized before seasons are established.
Interagency Staff Committee Recommendation	Adopt the proposal, consistent with the recommendation of the Southcentral Alaska Subsistence Regional Advisory Council. The Eastern Interior Subsistence Regional Advisory Council supported the proposal as written, but added that it will submit a letter requesting that the regulation not be promulgated until all local residents and communities that have a C&T for the Chitina Subdistrict be identified before seasons are established.

Region 2, Proposal FP01-15**INTERAGENCY STAFF COMMITTEE RECOMMENDATION**

Adopt the proposal, consistent with the recommendation of the Southcentral Alaska Subsistence Regional Advisory Council. The Eastern Interior Subsistence Regional Advisory Council supported the proposal as written, but added that it will submit a letter requesting that the regulation not be promulgated until all local residents and communities that have a C&T for the Chitina Subdistrict be identified before seasons are established.

The regulation would read:

The Chitina Subdistrict is open to Federally-qualified subsistence users from the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

Justification

Data from ADF&G permits show consistent use of the resources since 1960. Other written sources describe the customary and traditional use of salmon for the eight Ahtna communities for the past 1000 years. The restriction on salmon in the Chitina Subdistrict remains in effect until a methods and means, season, and harvest limits analysis is completed during the next proposal cycle, after customary and traditional use determinations have been made. Analysis for a Federal season, methods and limits will be undertaken during the next fish proposal cycle. Users are currently able to harvest salmon in the Chitina Subdistrict under State regulations.

**STAFF ANALYSIS
FP01-15****ISSUES**

Proposal FP01-15, submitted by Copper River Native Association (CRNA), requests a positive customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District in the Prince William Sound Management Area for the communities of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

DISCUSSION**Current Regulations:****Prince William Sound Area**

You may not take salmon in the Chitina Subdistrict.

Proposed Regulations:**Prince William Sound Area**

The Chitina Subdistrict is open to Federally-qualified subsistence users from the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

Background

Currently under the Federal Subsistence Management fishery regulations (based upon existing state regulations) there is no customary and traditional use determination for salmon in the Chitina Subdistrict. During the fall 1999 meeting, the Alaska Board of Fisheries made a customary and traditional use determination of salmon in the Chitina Subdistrict, allowing dipnet fishing only. In the remainder of the Upper Copper River District, there is a customary and traditional use determination for salmon for Prince William Sound Area residents in the Glennallen Subdistrict and the waters of the Copper River near the mouth of and in Tanada Creek as identified by ADF&G regulatory markers in the Copper River. A season and harvest limits analysis will be completed during the next fish proposal cycle, after customary and traditional use determinations have been made.

CRNA has requested a customary and traditional use determination for its eight member villages for salmon in the Chitina Subdistrict. The request was not intended to be restrictive: CRNA seeks recognition that the Ahnna communities have customarily and traditionally used salmon in the Chitina Subdistrict, but does not seek to limit a positive determination only to those communities named in the proposal (Stickwan 2000).

This analysis will deal with the CRNA communities along with the remaining communities in the Prince William Sound Area. Seventeen of these communities--Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, Tazlina, McCarthy, Gakona Junction, Glennallen, Kenny Lake, Lower Tonsina, Slana, Tonsina, Nabesna, Chisana, and Tok--are resident zone communities of the Wrangell-St. Elias National Park and Preserve. Cantwell is a resident zone

8. A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area

"Both historically and in contemporary times the Ahna have relied upon a wide variety of resources for their social, cultural and economic well-being. The variety and extent of Ahna and Upper Tanana resource use were documented as early as 1885 by Allen, who mentioned that "... Fish, rabbit, moose, sheep, caribou, bear, goat, porcupine, beaver, lynx, muskrat, goose, duck and grouse constitute the mass of their food" (Allen 1887:29). Animal and plant resources not only provided food, but also skins to fashion clothing and other items, bone points and feathers for arrows, lines for snares, traps and snowshoe webbing, and furs for wearing and for trade (de Laguna 1969:18). Studies of contemporary resource use by Upper Tanana and Ahna Athabaskans illustrate the wide diversity and sizeable amounts of resources used by members of a number of communities in these regions (Haynes et al. 1984; Mishler et al. 1988; Reckord 1983a; Stratton and Georgette 1984; Strong 1976)."

(Mason 1998)

"Clearly the Ahna people rely heavily on a multitude of resources for their economic, social, political and cultural well-being. Reckord (1983a) points out that in the Copper River Valley such reliance is not limited to the Native people of the area:

Subsistence resources have played a major role in the history of white people in the Copper River Valley. From the very first visit of Russian-Aleut explorers in 1848 through the gold rush and mining period at the turn of the century and into the present, subsistence resources have contributed to the diet of residents of the valley... Over the years an indigenous white culture developed which highly valued the use of subsistence foods such as moose, caribou, sheep and fish. At first some of the white settlers learned from the Native people; they were educated by young Natives in the local species and where these species could be taken... Contrary to the belief of some observers, the use of subsistence resources by white people in the region extends beyond mere recreation..."

(Mason 1998)

Table 2 shows the high rates of participation in subsistence harvests of all resources by the proposal communities for which there was harvest information in study year 1987.

LITERATURE CITED

Alaska Department of Community and Economic Development. 2000. Alaska Community Database. Internet: www.deed.state.ak.us/mra/CF_COMDB.htm

Alaska Department of Fish and Game, Division of Subsistence. 2000. Community profile database. Microcomputer database, updated April 2000.

Alaska Department of Fish and Game, Division of Subsistence. 1999a. Customary and traditional use worksheet. Prince William Sound Management Area. Chitina Subdistrict Salmon.

00013

1 problem with what Ralph's suggesting. I guess I would
2 suggest if we're going to do that as opposed to putting
3 the burden on those two communities, certainly, I think
4 OSM could take, could they not, Tom, take the lead and
5 actually make that proposal?

6

7 MR. BOYD: Yes.

8

9 CHAIRMAN DEMIENTIEFF: Any further
10 discussion. Hearing none, all those in favor of the
11 motion signify by saying aye.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN DEMIENTIEFF: Those opposed,
16 same sign.

17

18 (No opposing votes)

19

20 CHAIRMAN DEMIENTIEFF: Motion carries.

21 With that we'll move to Proposal 16. Analysis.

22

23 MS. PETRIVELLI: Proposal 16 was
24 submitted by the Subsistence Resource Commission for the
25 Wrangell-St. Elias National Park and it requests a
26 positive customary and traditional use determination for
27 salmon in the Chitina subdistrict of the Upper Copper
28 River district for the communities of Chisana, Dot Lake,
29 Gakona Junction, Glenallen, Healy Lake, Kenny Lake, Lower
30 Tonsina, McCarthy, Nabesna, Northway, Slana, Tanacross,
31 Tetlin, Tok, Tonsina and those individuals that live
32 along the Tok cutoff from Tok to Mentasta Pass and along
33 the Nabesna Road. The Chitina subdistrict is a 10 mile
34 stretch and it was the -- last year at the Board meeting,
35 the Board made determinations for eight communities and
36 this is a revision to that customary and traditional
37 determination.

38

39 The level of use of salmon in the Chitina
40 subdistrict is determined by the nearness to the Copper
41 River and it ranges from one percent to 70 percent of the
42 annual use of per capita resources in the region. So
43 salmon is a part of the subsistence resources but is the
44 volume of its -- or the significance just depends upon
45 how close it is to the Copper River. Participation in
46 the Chitina subdistrict is affected by the high level of
47 use by non-basin residents and then the restriction to
48 dipnets. Since 1984 the Chitina subdistrict has been a
49 dipnet only. Gear has had a dipnet only gear net
50 restrictions with a few exceptions. The most recent

00015

1 in the Chitina subdistrict of the Upper Copper River
2 district for residents of the 15 additional villages and
3 individuals that live along the Tok cutoff from Tok to
4 Mentasta Pass and along the Nabesna Road.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.
7 Regional Council comment.

8

9 MR. LOHSE: The Regional Council
10 supported this proposal as written. We felt that there
11 was fairly strong evidence that the kinship ties tied the
12 Upper Tanana in enough to put them into the Chitina
13 district and the local people or the local Copper River
14 basin was no problem. We looked at this as a possibility
15 for in the future when if there was a shortage of salmon
16 it would make a priority for the local residents for the
17 salmon there.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Staff
20 Committee.

21

22 MR. GERHARD: Yes, Mr. Chairman, the
23 Staff Committee recommendation for Proposal 16 is to
24 adopt the proposal as recommended by the Southcentral
25 Alaska Subsistence Regional Advisory Council. The
26 Eastern Interior Subsistence Regional Advisory Council
27 deferred to the home region, Southcentral.

28

29 The proposed regulation would read, for
30 Prince William Sound, for the Chitina subdistrict of the
31 Upper Copper River district for salmon, residents of the
32 communities of Chisana, Chitina, Cantwell, Chistochina,
33 Copper Center, Dot Lake, Gakona, Gakona Junction,
34 Gicnallen, Gulkana, Healy Lake, Kenny Lake, Lower
35 Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway,
36 Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina and those
37 individuals that live along the Tok cutoff from Tok to
38 Mentasta Pass and along the Nabesna Road.

39

40 The justification for this recommendation
41 is that the communities proposed for edition to the
42 customary and traditional use determination are already
43 recognized resident zone communities for the Wrangell-St.
44 Elias National Park. Data from the ADF&G Subsistence
45 Division household surveys and community studies show
46 that salmon is a significant resource for these
47 communities. While permit data fail to document a
48 similar level of significance, they do document
49 consistent participation in the State permitted fishery.
50 The data supports the recommendation from the Wrangell-

AHTNA



January 9, 2003

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Alaska Dept. of Fish & Game
Board Support Section
PO Box 25526
Juneau, AK 99802-5526

To The Alaska Board of Fisheries:

Ahtna, Inc. is hereby making comments on Proposals 26, 35, 37, 42, 43, and 81 and would like to have these comments included in the binders and taken into consideration when deliberations are made on these proposals.

Ahtna opposes Proposal 26 to extend the southern boundary of the subdistrict the south bank of Uranatina River instead of Haley Creek.

This proposal will only increase more trespass on Ahtna, Inc. and Chitina Native Corporation lands. Ahtna's lands are impacted and are in violation of trespass now as it is, and extending the southern boundary of the Chitina Subdistrict in the Copper River will add to the problem of trespass and impact to Ahtna, Inc. lands.

The dipnetters have already crowded out the local subsistence users from Chitina/McCarthy Bridge areas. In addition, they will continue to do so in this area, if the Board of Fisheries passes this proposal.

Ahtna opposes Proposal 35 to make changes the Glennallen Subdistrict and Chitina Subdistricts so that regulations will be the same for both subdistricts.

The regulations need to kept status quo because the Chitina Subdistrict is different from the Glennallen Subdistrict. The gear used is different and the customary and traditional use determinations before December 1999 were categorized differently. The Glennallen Subdistrict was subsistence use and the Chitina Subdistrict was categorized personal use for the dipnetters.

The regulations for the Glennallen and Chitina Subdistricts need to kept separate due to the different type of gear used, and because Chitina Subdistrict is primarily dip netters from the urban areas. The Chitina Subdistrict regulations need to be changed back to the Personal Use category.

The regulations now in place to harvest 500 salmon for two or more in a family in the Glennallen Subdistrict should be kept in the regulations as it is now written, and should not be changed to read the same for the Chitina Subdistrict. Changes to regulations for the Chitina Subdistrict to increase the harvest limit for salmon will greatly increase the harvestable catch and reduce the biological escapement goal of salmon up the Copper River or reduce the harvest limit of other User Groups in the Copper River. In 2000, the permits distributed for the dipnetters were 10,000 permits. The number of permits for the Chitina Subdistrict will only increase in the future thereby greatly increasing the harvesting of salmon in the Copper River.

Ahtna supports Proposal 37 to report fishing permits every week so improved research and reports will be accomplished management of fisheries.

Before 2000, management had more accurate reports on harvest catch due to weekly permits being reported each week. The regulations before 2000 season should be reinstated so that management will be able to make time decisions when the fishing seasons for dip netters can be opened or closed, and to tally the harvest of salmon by the dip netters so that they can manage more accurately the in-season fishing season.

This will also aide the dip netters, who will be given regulatory information when they return fishing permits, and will not in violation because they do not understand regulations or are uninformed about fishing regulations in the Chitina Subdistrict.

Ahtna supports Proposal 42 and Proposals 43, which are similar in nature, which is to change the Chitina Subdistrict back to Personal Use category.

The Glennallen Subdistrict regulations need to be distinct from Chitina Subdistrict. The two subdistricts needs to distinct and different because of the type of fishing gear that is used in Chitina and the distinctive differences in the nature of using, and preserving of fish, and long-term use and consistency use of the Copper River fisheries as well as the passing down of traditional knowledge of fishing in the Copper River. The Ahtna People, who primarily, utilize fish wheels to harvest salmon, have used salmon for thousands of years or since time immemorial. They have used, cook, and preserved salmon in a variety of ways. They have frozen, dried, cooked and make fermented salmon as well as roasted salmon over the fire. They have consistently used salmon for thousands of years by passing down their knowledge through hands on experiences at fish camps, that families have used for hundreds of years, that is passed down from family to family members and relatives.

The dip netters, primarily from urban areas, do not have traditional and customary use determination of salmon as the Ahtna People. They do not have use of salmon for thousands of years, do not have long-term and consistent use, do not pass down customary and traditional knowledge, lore's, and stories, and salmon does not provide substantial economic, cultural, and nutritional elements to their subsistence way of life.

The dip netters, who use a dip net to fish in the Chitina Subdistrict, utilize salmon by freezing, cooking, jarring and maybe making dried salmon strips. They do not prepare and preserve salmon in the same way or as many variety of ways as the Ahtna People have done for thousands of years.

They do not have long-term and consistence use of fishing in the Copper River as the Ahtna People. Many of the dip netters have fished in the Copper River, on the average about 20 years or fewer years, and have not consistently fished every year in the Copper River. Many of the dip netters only heard of the fishing spot by word of mouth, by friends and neighbors, and have begun fishing at Chitina within the 20 years or so. Nor have they consistently fished every year in the Copper River because of various reasons; they did not go because of the distance, had the time to fish, or made it a priority to do so.

The handing down of traditional knowledge is limited to 20 years or so. They do not have lore's and stories, such as the Ahtna People have and are not used in the traditional mannerisms as the Ahtna People. They do not have legends about salmon, rituals or traditional fishing sites as the Ahtna People have for thousands of years.

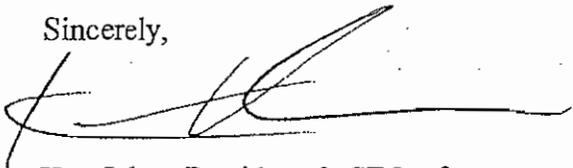
They travel from Anchorage, Fairbanks, or other urban areas, do harvest salmon, and they have a lifestyle and income that is much different than Ahtna People. They can go to Carrs and buy groceries that cost half the price that the Ahtna People pay in the Copper Basin Area. They are not dependant upon salmon as a mainstay of livelihood. Nor do they travel lightly, but travel with motor homes, and trailers, which are expensive, and are indicative of an affluent lifestyle.

The decision by the Alaska Board of Fisheries made in December 1999 must be changed back to the way it was in prior year to 1999, with Personal Use as category for the dip netters in the Chitina Subdistrict.

Ahtna supports Proposal 81 to extend the fishing season for King Salmon back to August 8 in the Klutina River. This will allow for longer harvesting of King Salmon in the Klutina River for the subsistence users. The King Salmon fishing season opens in June, however, the timing of the run of King Salmon is in July, and there is better accommodations to fish in July and one week in August than it is to fish in the month of June.

Please consider these comments during your deliberations at the Alaska Board of Fisheries Meeting in Cordova, AK - January 31st through February 6th, 2003.

Sincerely,



Ken Johns, President & CEO of
Ahtna, Inc.

DIPNETTER
INTERVIEWS

INDEX

1. STAN BLOOM - October 27, 2000
2. SAM SCOTT - October 28, 2000
3. CHARLES CRAWLEY – September 27, 2000
4. BUD WEISE – October 26, 2000
5. WALTER EBERHARD – October 26, 2000

Stan Bloom
Fairbanks, Alaska
October 27, 2000
Interviewer: Bill Simeone

Side A

This is Bill Simeone with Stan Bloom at his house on October 27, about 9 am and we are going to talk about dip netting down in Chitina. So when did you first go down there.

Stan - Well my first trip down there was I think it was in 1964 because I think it was right after the earthquake, and they had most of those old trestles had been damaged in the earthquake and as near as I can remember we went down to it was either Fox Creek or O'Brien Creek. I like to think we went to O'Brien Creek. It seemed like just before then people had actually kind of driven down those old trestles and they were working on building the highway all the way through to Cordova.

But, I know I flew the Copper River after the earthquake and there was supposedly a snow dam had dammed up the Copper River and they weren't getting any water at the bottom but it didn't take long for that water to eat away that snow dam. And, but I'm pretty sure it was, the first year was after the earthquake, 1964. And we went down and we didn't know much about dip netting but I did meet some people down there and they showed us how to do it and things and kind of like. It seemed like we talked to some Native people because, kind of like Mr. Everhard said yesterday that he went down and didn't know how to do it either and that guy Patty showed him the place. He may not have showed him how to dip net but he showed him the place. And we learned, and we kind of watched other people, and people showed us how to do it and we did get fish the first year, and you could get, to my recollection you could get 40. But I don't think we got that many but we did get some nice good red salmon. Up until that time I had been going down to, on the Kenai, and you could, I had three kids and we could go down there and catch I think the limit was three salmon per person. So we would go down and catch 15 of them on the Kenai but, after we got the fish on, at Chitina that just kind of stuck as a thing I like to do.

But I had to leave here in 1967, I was in the army and I stayed as long as they would let me. And in 67, May of 67 we got transferred to California and in Fort Ord and didn't get back to Alaska until 1976. And by that time I had been divorced and my wife I met in Vietnam and had gotten

married in Vietnam. We came back of course, we got back here in January in 1976, and boy the first year I made sure I went to Chitina. And I've been going ever since except for maybe for one or two years> One year I worked in, for a company in Calgary I'm not sure I went dip netting that year or not and one year I was in a wheel chair and I couldn't. I had some medical problems and I couldn't go dip netting. And one of the guys were going to talk to later, Carl Nichols brought me fish from the year that I couldn't, because I was disabled and couldn't go down there.

Went almost every year since then and I always done well, although several years we went down we got skunked on some of those early June trips and we used to, it seemed like I had to go to Chitina the first of June, that was just kind of like right. We had to go, but now I go later, later in the year. Usually I try to go around the 15th of July, it seems there's more fish, the weather is warmer, and of course now you can drive all the way right to the area where your going to dip, makes a world of difference. In the old days, I remember in the sixties for sure that if you wanted to go any further than O'Brien Creek you had to pack, take a pack board and go down that trail.

We used to go to the cable, cable crossing. And down at the cable crossing is where I met one of the old guys, Andy Kemak, who is, told me stories about dip netting down there in 39. And ah, down at the cable when you got 30 fish or 40 fish whatever the limit was in those days, you had a major operation just packing those 30 fish. I mean 30 fish would be five pounds a piece, would be considerable weight and you had to make four or five pack trips back to O'Brien Creek to tie them down and I used to carry an old refrigerator that I kept full of snow and then I would pack them back and pack them in snow, clean them at O'Brien Creek and pack them in snow and then bring them home.

I've always brought my fish out whole, just gut them and leave the tails and the heads on and my wife liked the heads, like to keep the heads and I used to give a lot of heads to the Native people. I got a Native neighbor across the street and last year I gave them half my heads and ten salmon. So, with bringing them home whole of course takes up a lot more space and ice chests and stuff. Now we use ice chests, and being we go in July we can't get as much snow, we used to. If you went in June there was always snow along the Richardson highway someplace we'd stop, fill up

our refrigerator. I had a trailer that I carried down there just to carry fish home. And a lot of people used a lot of different methods for icing down their fish but, the people that go early in June can usually get snow.

Bill - Now that you go in July....

I go in July, you either have to make a trip up on the Denali to get snow, the high country in Denali and last year there was still snow up there until late July. But, now with freezers and things, we freeze up big boxes of ice and try to take ice chests full of ice down there and ice down our that way. That works but it takes up a lot more trouble to freeze up ice and stuff than to get snow and stuff and we kind of considered that getting the snow part as our kind of living off the land part, part of that too you know. But that was a good thing just to find snow every year but now we usually freeze up our ice and take big ice chests full of ice chests down and ice down our fish and do it that way too so. But that works and not as exciting as going to get snow.

Bill - Why, what was it like, why did people fish at the cable crossing, what was there?

Stan - There was a big eddy there and there were a lot of, it was easy to fish there and you could catch a lot of kings. One year in the 70s and 80s we got a lot of different regulations. One year they changed the regulation so that one-quarter mile below the cable was as far south as you could dip net. And that's changed over the years, not you can dip net all the way to Haley Creek. It seemed like in the 70s they kept ratcheting it down to a smaller and smaller area where you could dip net.

I've had been once sixth partner in a fish wheel and we've fished up river but, I really prefer dip netting. People say that it is inefficient, but when the fish are running I've pulled up to four fish out in one dip, and the last the last two years we hit a spot where if dip netting is inefficient I question that because we caught, last year we caught two hundred fish in less than six hours of dipping. And we only had two guys dipping and two guys were carrying the fish up to the trail and then we went down and spent longer cleaning fish at Haley Creek. Where we dipped the last couple of years it was pretty dangerous there to lean over the water and clean fish and so you had

to have a rope on you. So we took our fish down to Haley Creek and cleaned them down there in the fresh water and then, brought them home whole.

Two hundred fish is a lot of fish. We had, I think, twelve ice chests full of fish and we had some of those great big ice chests that hold lots and lots of fish. It's a major amount of work to go down there and take care of two hundred fish and then bring them home. Then you've got to take them, lately we've been, several years ago I bought one of them vacuum packing things and we go out here and filet fish, vacuum pack them and freeze them. Years before I had a canner. My wife likes them primarily, and she's the main fish eater. I like salmon but she loves it, she's the main fish eater. She likes them canned in jars, in mason jars and so we have done a lot of that. And I learned early to can them in mason jars and some people even take their jars and stuff down to O'Brien Creek and sit there and process there fish right there and do it that way.

Although I like to come back and take care of my fish here in Fairbanks where it's a little warmer and clean. And down there at O'Brien Creek and Haley Creek both when the wind blows that grit comes up the river and it gets into everything. I've got a, I've been taking my video camera down there for the last couple of years but I had one video camera that actually got so much grit in there that it quit working for awhile and I had to come back and clean it out with an airbrush and all kinds of stuff to try to make it work again. When the wind blows at O'Brien Creek I mean it can get, it can get pretty miserable as far as that grit and stuff getting into everything and we used to go down there with a tent. Now I have a camper, in fact I have an old camper that, we call our Chitina camper, that's all we use it for is fishing, me and my partner use it for fishing.

Then I have a nicer camper that when she wants to go I take her in the nicer camper and she likes more comforts and stuff but our old Chitina camper is pretty, pretty unique. I'll show you some pictures of that later. I got some pictures and then the fish wheel, even though that's a good, easy way; I mean we just sat there and run a barbeque grill and barbeque ribs and all kinds of stuff and let the fish wheel do the work. To me that's just, I wasn't raised up with a fish wheel and, to me it's more dangerous. I had to wear a life preserver to get out on the fish wheel, afraid you might fall in the river. That's dangerous and you had to push it out. Where we were, we didn't ever really have a good spot, we were at Copperville. At Copperville, the guys that had the best

spot in the good eddies and they had been operating their fish wheels for many, many years. Even though they were not local people, they were from Fairbanks, I mean from Anchorage. And they had the good spot and it seemed like we were on the end and we had to push our fish wheel further out. We had cable holding it from trees and anchors and we had to push it further and further out to get into where the fish were running. And then you had to operate it pretty deep to get down to where the fish were actually running.

How did you get your spot there?

Stan - Well, there was an old fellow there who had had that spot for several years and he willed it to us and we kind of used that. And then there was a regulation, and I can't remember what it was that you had to be X number of feet from the guy down river and up river so, we kind of fit it in there and then what we did was we had a high tech fish wheel made out of aluminum with chicken wire baskets and stuff like that. We just made a reservation for a weekend, the weekend that we wanted. During the week when you wanted to operate the fish wheel, you went down and pushed it out and got it operating and stuff. That was kind of major enterprise and usually two or three of us would go down there at a time and operate the wheel for several days at a time and catch fish. But, I personally prefer to go with a dip net and get fish. We even dip netted off of the fish wheel platform and sometimes got as many fish dip netting as we did from the wheel, just depends and how they're running and fish, those fish are funny.

It seems like when fish start running, and I don't know if that's a good term but, you start catching fish and you get lots and lots and lots of fish and that's whether your dip netting or whether you are running the wheel. If you go down there and the fish aren't moving, it seems like you don't get fish and I've dip netted down there many, many years where you go down and you would just get a few fish. Maybe have to make a second trip to Chitina and you know the second trip to Chitina would be, usually we'd go in June and the second trip may be in July and usually there is more fish available and I mean if there is fish in the River, you get more fish when your dipping when they're more available. And it's spotty in early June but, it's always more successful in July. I've actually went as late as, I think the latest I ever went was the first of August. I went the first of August one year and we started getting kings now and then too. And

one year my partner and me got a moose real early and we decided that, let's go try it in September for silvers. We get down there and it was spotty for silvers, the silvers weren't quite as plentiful as people think they are and we got quite a few of those dolly varden in the net and we also got steelhead.

You can't keep steelhead anymore, you have to let those go, and most people don't realize that those steelhead, they look almost like a silver salmon. I mean you've got to be pretty sharp to pick it out and years ago, we had knocked them in the head before, before we realized that we were catching rainbow trout. There's not as many steelhead down there as, although lot of people get steelhead both in the fish wheels and in the dip net. But up until recently trying to educate people that hey, you might get a steelhead, it's not no good to throw them back after you've knocked them in the head. So, legally or illegally people do keep steelhead that they get. And I heard that this year there was a lot of steelhead. So I think it's some years that you get more than others but when we were down after silvers and that's when you get into more of the steelheads even though I've been, I do a lot of sports fishing up in the Gulkana, some in the Klutina but mostly in the Gulkana and, I've caught steelheads there that were with the salmon.

And a guy come by one day and said, boy that's a nice steelhead you got and I says, steelhead? this all looks like salmon to me, and they were all the same size as salmon. You know I have one mounted downstairs that, that we got in the seventies right there when we were fishing for salmon and it was a 34 inch fish and nice beautiful fish. But when I got home and realized what I had, I thought it was a salmon and gutted it just like the rest of the salmon. We've got a lot of fish out of Chitina over the years.

We go to fish in Chitina as a meat fishery I mean, whether that's recreational or not, we go down, we try to go when we can catch enough fish that it makes it economically a good trip. Last year we caught two hundred fish, and five of us went and we worked it out, and it was definitely a monetarily valuable trip as far as meat is concerned. Later I'll show you down in the freezer we got, some really beautiful fish fillets down there and we keep some of them whole because we like to roast them. And then we do a lot of fish on the grill now in the summertime, I have a gas grill and she likes it. On weekends we'll do steaks, moose steaks and she'll do a lot of

hamburgers and we carry hamburgers in our lunch and then she does several whole fillets that she does on the grill and that's really good too. Her favorite way to fix fish is to can them in jars. And it gets harder and harder to do that anymore. But we fix some in cans and jars. I used to smoke a lot of fish; I used to have a refrigerator out back that I used for a smoker. We are hesitant to have a little refrigerator around; you know the old refrigerators are dangerous. You've got to keep a chain around them and keep them locked. I used to lay mine on it's front so that kids couldn't get in there. And it's become a liability having the smoker out back so we don't do that as much anymore.

We have taken a lot of fish out of Chitina and to me, I used to go down to the Kenai and do some salmon fishing down there, both on the Kasiloff and the Kenai Rivers, but that's such a long trip we don't do that as much anymore. The dip netting fish was more of a Fairbanks fishery but now there's about half and half [half Anchorage and half Fairbanks]. I get a list from Fish and Game every year of permit holders and it seemed doing a zip code sort in excel we'll about half and half. Anchorage maybe edging us out as it is, more people go from Anchorage than go from Fairbanks. In the 60s, I looked at some of the numbers and there was 1100 people went down there in 1963 and 780 of those were from Fairbanks so, only about 196 from Anchorage. So, over the years it's changed, there's a lot more people go from Anchorage and it's actually closer from Anchorage than it is from Fairbanks. But it was a Fairbanks type fishery. And I know in 1978 when they were passing the subsistence law Charlie Parr [Fairbanks representative], brought it up on the house floor [and asked] how would the customary traditional determination affect Fairbanks dip netters. Anderson the bill manager on the floor made a speech about how it would protect people that went fishing, how that would protect people from Fairbanks that had been going down there for many-many years. And we've used that, and that was used in the Supreme Court decision, the Madison decision. And then the Madison decision was used as a precedent in the Payton case. Even though you had to have generation to generation, it didn't have to be your grandfather that actually fished down there, it had to be somebody's grandfather that fished and that knowledge passed down to people. I think some of these interview will show that we've go grandfathers down there like Bud Weise that have passed it down to many-many-many people and he's, he was one of the pioneers in Fairbanks. He's passed it down to a lot of

people, and a lot of people have gone with him [to fish in Chitina] or are related to him, or learned it from somebody who was.

That's interesting that we're doing these [interviews]. I'm glad to see that were doing these interviews now to try to get some of that old knowledge, because we've said it all along that dip netting was passed down from years and years ago and the fact that we've got ten thousand people going down there is, those people learn from people who went and the basic way to learn dip netting is to go with someone who knows how. That will help a lot to record this information. Even though I'm not, I don't consider myself one of the elder people even though I'm getting old. Some of that knowledge I would like to see recorded.

Basically that's what we use, we use the fish and we've always shared the fish with people. My neighbor lady, she's a single mother next door and I give her fish. And we had a neighbor that just got killed in Tanana last year [who lived] across the street, and I gave her fish. And Harry across the street, Harry Field is a Native guy and I always give him fish. And always been people that were handicapped, I had a friend down who years ago used to go to Chitina but then his wife had a stroke and he couldn't go leave her alone. So I always gave him fish. But I've shared my fish with lots and lots of people in Fairbanks. And part of that the fish from last year were used in some Potlatches and they were used by some searchers, they had a native guy that drowned down here in the Chena River and they spent two weeks looking for him and Harry came over and told me and said hey, I'm using your fish for to feed those guys that are searching. I was glad to see that, and I know that I have a friend, Carl Nichols that, he dip netted down there for many-many years and he's also shares a lot of his fish with other people and I know that when I was handicapped he brought me, he brought me smoked fish, and that made me feel good. It's been a good fishery and those fish are the best in the State as far as I'm concerned.

So how does it differ in 64, from when you went back in 76?

Stan - Well of course there were more people and but still when you go to O'Brien Creek and Fox Creek that was the two major areas, even though the earlier dip netters had fished out of Salmon point. It seemed like that by the 60s and 70s it had moved to O'Brien, the O'Brien area.

There was a bridge over the creek at O'Brien Creek and see you could get across there easily and people walked down the trail and fished down there and packed there fish back to O'Brien Creek. After the bridge at O'Brien was improved, in the seventies I know it was kind of a rickety thing. The high water had moved it out into the stream and it was kind of rickety and, you had to be careful when you crossed it, but I know that people used motorcycles. And I had a Honda that I used to use and go down the trail, and we'd go down the trail almost as far as the tunnel, and down to the red shack down and dip netted in the 70s. But I know in the 60s it was pretty limited to how far you could go down the trails. You had to walk.

Was there a bridge across O'Brien Creek in the 60s?

Stan - I can't remember that. I like to think there was but I can't remember that, whether there was for sure but, we basically fished at O'Brien Creek and Fox Creek with the dip nets. But as more people went down there then they kind of spread out down the river and then, in the 70s it became an issue because after ANSCA the Native people owned the land and then in the 70s it became an issue of trespass. And then in the 70s, and in about the 80s is when the first year we actually started paying the natives to use their land and have a ten dollar fee but, I think in 83.

[At first] I think more people fished at O'Brien Creek, and as it got more and more people it started spreading out and people started going on further down the creek. And I knew a guy that asked me to carry his fish, five and six miles back to the trail, and you know people really put a lot of work into getting those fish. I believe the boats, the first time I noticed boats were after the trespass thing became, people actually started using boats, and more and more boats. And now, there's probably as many people using boats as fish along the sides, except that now you can drive down all the way to Haley Creek. People spread out a lot more but, they're using more and more boats and I didn't see boats down there until the late 70s I believe.

Number one that's a terrible river to have boats, and I remember one of the first dip net taxies was Virgil Maypier, and then Virgil Maypier, he was a guy from Delta and he called himself a fishing guide but he was going to take people for five dollars and take them down river and drop

them off. And of course now it's 60 dollars to ride the boats. The dip net taxis are 60 dollars to take and drop you off, so it's changed a lot in the years where.

Side B

Stan - So back in the old days when it was five dollars and Virgil would take you off, and he would come pick you up in a couple days or in the next evening, or whenever you wanted and that's the first dip net taxi that I remember. And then guys like Ham and Sam, I can't remember his last name but they run the dip net taxis now and they take you and drop you off. And there is another guy down there that does strictly charters.

And he operates out of Haley Creek I believe. He was there last year, and he actually takes you and lets you dip net from the boat. Mostly Ham and those guys, they just take you and drop you off at a good spot. And they know the spots, and they know what the fish are doing, and they'll come pick you up if your not catching many fish, they'll pick you up and move you to a place where the fish are. And that to me has always been the key as being willing to move, because if you, if your in an area and the fish don't seem to be moving or coming through that area like the guy said the other day, that if you stick your net in the water and in an hour you ain't got a fish you need to move.

You need to be willing to move. Some of the best spots I've ever found to dip have been found by accident, or by being forced to move. I went to some area and somebody had my favorite spot, I had to move to some other area and some of the best spots I've found to dip have been found that way. Just, and I know that Carl Nichols, my buddy, he goes down six or seven times a year with six or seven different people. He not only knows how to dip, but he knows where to move to, and if they're not hitting in one spot, if he sticks his net in the water and 15 minutes ain't got a fish, he moves. So you have to be willing to move. It's important with the boats now they can move, I mean the guy will come and get them, I know that Ham, if he drops you off and they come back an hour later and you've not got fish, he moves you to a different spot so that's important.

On the other side, I've seen, it always seemed to me like the fish were going up the other side, and I think they go into the Chitina River, and it's important because they're already on that side and they're feeling that water from the Chitina and on the other side it seemed like there were always more, always more fish, but now there is more people too over there, and it's used a lot on the other side.

There are more people going over there now?

Stan - Yes, and they're doing it because the boats take them on the other side, without a boat you couldn't get there, years ago. They have been fishing on the other side up by the bridge. But you know, I didn't know, but the law said that before Statehood, the law said, you had to be a Native person to own a fish wheel, to operate a fish wheel, so it was against the law for white people to have fish wheels. And that is part of the reason where the fishing kind of diverged from fish wheels. I mean the white people didn't put in fish wheels because it was against the law, and so once they learned dip netting it was, was a good way and cheap way to get fish.

You know a dip net only cost \$29 and a fish wheel costs about a \$1000. So the difference in prices and difference in the law is what caused the fisheries to diverge I think in different area. I didn't realize it was against the law for a white man to, for a white man to have to have a fish wheel until Lawrence Clark down in Anchorage told me about that, he says you couldn't own a fish wheel if you were a white person.

That was Federal law, under the Federal law, so that kind of caused it to diverge. And then of course the white man introduced the fish wheel to Native people, I think in about 1910 or something. And the cost, and moving a fish wheel from Fairbanks down to the Copper River is a major enterprise and I mean that caused a lot too, even though you could, we have people that have had people who have had fish wheels out here on the Tanana, but they didn't want to move it all the way to Chitina. That was a long trip, 300 miles to carry your fish wheel and have a trailer. Then they became mobile and now more people do that. They have fish wheels down on the Upper Copper but, part of the reason was it was against the law, under State law, under Federal law back in the 60s.

I had a one sixth partnership in a wheel, I got some pictures here I'll show you. But it was a high tech wheel, but it cost us almost a thousand dollars to build that thing. I mean it's expensive to own a fish wheel, unless you want to build one out of spruce bows. But, to do a high tech one, it's pretty expensive.

[Note – a basic difference between rural and urban - high tech and low tech fish wheels]

And most people don't need 500 [fish]. I mean most people don't have dogs and don't need 500 fish. I'm glad that the people that have wheels can get up to 500 fish, if that's how many they need. But I don't think the person in Fairbanks needs 500 fish. Thirty is enough for me. Although last year we went on the bonus week when you could get 40 and we got forty. But I gave 10 or 15 of those fish away to friends and so I don't need more than 30 fish. I think 30 is enough, although people need more kings. That one [regulation] for kings was a bad move by the Fish Board and we're going to try to get that changed. I think it's had unexpected consequences, moving people up river for the kings, they can get five kings above the bridge and one below. So if you have a good boat there is no reason not to go above if you can get more kings. I know people last year that, they went to the mouth of the Klutina and dipped with boats.

With boats?

Stan - With boats. I have a friend Dr. Bause that, and there is a guy Hannigan, Mike Hannigan that's a guide on the Klutina, and he says that you can get, you can dip all the kings you want at the mouth of the Klutina so they went in boats and did that last year. So [the regulation] have had [unintended] consequences. Almost everybody caught and released kings last year because the dip netters were getting just lots of kings and releasing them. And that turned a lot of people off, (laughter) of having to release the kings and so I think they will go up river if the king limit is more up river than it is downriver. I think that will cause a lot of people to go up river. I know that we turned seven or eight kings loose, the five of us were down there, we caught 200 fish and we kept the five kings that we were authorized but we turned seven or eight of them loose. But the people that want more kings will have to go upriver if they want them now and

we've tried to get, say hey there is plenty of fish downriver, you should go dip netting down river.

And that causes hard feelings when, if people have a fish wheel up at the airfield and things and people come up and try to dip and take fish out of their wheel. Not steal the fish, but I mean just dip at the same place, that causes a little hard feelings and so we are trying to get the limit changed back to where there is the same limit below the bridge as there is above the bridge and then people will go stay in the dip net area. I hope. And there is a lot more wheels being put in by people from out of the local area too. If they allow the wheels below the bridge, especially the local people who want to put them down there, well I think that will sooth some feelings too.

Do you think the dip netters will put, Fairbanks people will put wheels in down below the bridge?

Stan - I don't think as much, they may, they may, but number one it is hard to put a wheel down in the canyon, so the canyon even though there has been some early fish wheels down in the canyon, I don't think the canyon is a good place for wheels. And O'Brien Creek is not a good place for wheels anymore. Even though there were some early wheels at O'Brien Creek that's not a good place for a wheel either. And there is not room for a lot of wheels. O'Brien Creek and above O'Brien Creek has changed a lot by the river in the last several years so, I don't think there will be that many.

I think that as long as the limits are different then, putting a fish wheel in for thirty fish wouldn't be economically viable. So, as long as the limits are different and you can only get one king then no I don't think there would be as many wheels but I think if they allowed the wheels below the bridge, there may be some Native wheels put back down at Taral and places like that. But I don't think the Natives will put wheels down in the canyon either. The canyon is a terrible place. I don't know if you have been down there but the canyon is swift water, vertical, cliffs, it's not even though you could catch fish there with a wheel, but I don't think that's the way people will go for their fish.

And I would just like to see the limit slightly more, especially what I would like to see is you could catch thirty fish, but if you had five people in your family you got ten more per family member or something like that. So that larger families could get more fish and that need more fish. That wouldn't be conducive, that wouldn't make more wheels from people in Fairbanks, because it's not economically feasible to take a fish wheel all the way to Chitina just for that many fish.

I don't think it would make a lot more wheels from the non-local area. And I think that, personally I think that under the Federal subsistence law the Natives can put wheels at Chitina right now. As far as I know there's nothing to stop it. State law is the only thing that can stop it, and right now it's been a customary and traditional, the whole Copper River under Federal law is open so I think they can put a fish wheel at Taral right now if they wanted to under Federal law. It would be interesting to see how the Federal jurisdiction comes down. And then of course they put for customary and traditional under Federal law in the Chitina subdistrict now. But I think they could do it under Federal law right now and it would be interesting to see where the State come down on that. I don't see the State messing with them anymore than they would have to. Under State law they could do, I mean Federal law they could do it, but it would be interesting to see how that comes out.

That would be interesting.

Stan - That more or less raps it up on as far as, about dip netting at Chitina, that's my main interest.

SAM SCOTT – OCT. 28, 00 – FAIRBANKS, ALASKA

Interviewed by Bill Simeone and Stan Bloom

Sam - There's a lot of kings if you wanted kings, but we always and the water was not high, we hadn't got the high water yet, and I mean you just knocked them dead, you know. But they don't seem to be hitting the banks like they used to. And these charter boats, there was not such thing down there then. There was nothing, just good times.

What kind of net did you use then?

Sam - There was no such thing as a soft net. We made them out of – and I told my wife, the next time I go down I'm going to make one out of chicken wire because when you get into an eddy and then it goes like this, it has no effect on it whatsoever. And I showed her one, I happened to be walking along the bank, and I saw one way the heck that had gone up in the brush you know, but that's what we had to use because there were no rag nets, you know. And the trestle went straight out on O'Brien Creek and I used to put my winch cable down there in a duffel bag and we would haul them up and I'd put them in the ice. But there would be five or six of us on the bank there and you couldn't go any farther than O'Brien Creek because there was no way. And we'd be lying along those blocks there, you know, the sun is nice and warm, and if they weren't running there would be one guy with his net in the water and when they started running again he'd holler, "they're in." And there would be so many darn many fish coming that a couple of us would have to quite, you know, and help the rest of them get them out of the nets. But we would get all the fish we wanted in nothing flat. But there's a lot of people – Vick Johnson who is dead now, a lot of them old guys are dead, that they used to go down there and stay a month, you know. And if the fish were running good today they'd get a few and they'd go back and take care of them and smoke them, can them, or freeze them, or whatever they wanted to do with them. But anyway, you're familiar with the area?

Yeah.

Sam - Okay, you know where you go up where the Natives have got all those houses by the old log cabin that's there? There was an old Native man, a heck of a fine guy. He's dead now, and we were talking about him down at a restaurant this last summer when I was down there. But anyway, he had a fish wheel, and a couple of cases of beer you know, he could just load up with fish, you know. But anyway, he's been dead many years. And the railroad tracks were just covered with brush. And I mean you just went through the brush, and one time we came to a pickup and another guy with a net and I – it was kind of eerie because there's a lot of bears down in there, and all at once we looked up at this pickup and there was stuff just flying out it and there were these two women asleep there and there was a bear cub throwing groceries out of the pack. Yeah, we went down there many, many, many years.

So what year did you start going down there?

Sam - 1955. I came here in '55 and I went down there in '55.

And you started fishing on Salmon Point?

Sam - Yeah. You know, that rock right there, the river came right up to the rock, and heck all you had to do was just two or three nets along there. And one time we were going down along the trail there and there was a guy with a pole along the bank, and he's going like this on the trail, and I asked him what he was doing. He said, "I'm looking for my Honda." But anyway, Salmon Point is out of it anymore. And you know, we used to – the only thing going down to the cable crossing, it was so darn far to pack them, you know. So we never

There must have been a hole down there.

Sam - Oh yes yes yes. But there was no boat. And like I say, you might be down there and there might be half a dozen other people down there with you, you know, they string along. A lot of people went down there.

And when did you first go do O'Brien Creek? What year?

Sam - '55.

Oh you went to O'Brien Creek too in addition to Salmon Point?

Sam - Yeah, oh sure. And like I say, where those dumpsters are, you go way around like that and Weise and we guys used to go around them, and then there was a road that goes clear down to the river, but the river is away from it. The river used to come right along that bank, but it's not there any more. It's changed so much that . . .

There was a trail that went down to O'Brien Creek. You couldn't drive down there, could you?

Sam - Well, you could drive right up to the top of the trestle. And the trestle was about half way out there and I'd put my winch cable, but it was quite a trip, you know, because those banks, they were straight down. One time we were walking along the bank there, Darwin, Vickie and I, we looked down into an eddy and it was just full of dorsal fins sticking up, so we went ahead and took one of our ropes and I forget whether it was Darwin or who it was who went down there, and he just kept dragging them in and putting them in and putting them in the box here and the duffel bag and we'd drag them up. I mean they were in there resting. Just like down at Haley Creek. I was there last year just standing there and a guy from the Fish & Game, I said, "How many thousands out there in that big eddy there?" He said, "Well now you can understand why we don't allow fishing over there." I said, "Well yeah I could see it – you could have gotten thousands of them." But I had a lot of friends who went. We went down there this year, but Hem, in fact he was here at that house, he was kind of playing around with owning part of Chitna you know, but anyway Bonnie went out with his son and him. But the water was scaring her last year, and she wouldn't go.

That's dangerous water to be out in.

Sam - You're darn right it's dangerous. I have a friend who was on the last string coming out of the copper mine, Kennicott, blowing the snow sheds, and he got on the bridge gang because a guy fell in the river and drowned. And that's how he got the job. And when somebody fell in, they'd never even look down. But anyway, you always got all the fish you wanted, but it was a heck of a trip in there then.

So the road in '55, there wasn't practically any road, was there?

Sam - Oh no, it was, you went in on the old Edgerton. And you went in and you got over to the lake there were the religious people are, and there wasn't hardly anything there, either. Now look at it, you know, gee.

Yeah, a lot of people living down there.

Sam - But anyway, and then from then on it was quite a trip, it really was. We've been stuck down there in that bike pass there one time. But what seems to be the problem with the subsistence. They feel that there's nobody every done it?

Some people feel that it doesn't fit the criteria for subsistence.

Sam - Are they going to take everything away from us? Before long there won't be anything left, you know.

You see this is going to help because there was never any history of the old way.

Sam - And I can send you to people who know people who have been down in there. Well Weise must have gone down there in the '40s too. Yeah, he was my boss for 27 years.

But see, a lot of these guys, like Andy Kemat, and guys who fished down there all those years - now Andy's had a stroke. He can't give any

Sam - Yeah, his house is down there, and I'll tell you a guy who works over at the Post Office, a red-headed guy, stays in it and we were talking about that this morning. I was telling him somebody was going to come to the house. He said, "Well I know people who have been back there in the '30s. And I said, yeah, oh yes. And when I first went to Chitina on Main Street off to the side there, there was a copper nugget about that high and probably ten or twelve feet long. I think it's up in the yard of the university now. But you could take your knife and whittle a piece of the copper out, and the last time I saw that thing down there, it was only about that high. People have just whittled on copper. But it was a fun place, it was really a fun place. Dolly and I almost bought a house and a barn and six lots in behind that bar. Almost. But anyway, we didn't.

That's a nice wayside they put right there.

Sam - Oh, I guess. And I understand according to Hemms that he was down there and a friend of mine was down there and he said they're really working on that road going into Kennicott. And people living all over. I couldn't even believe the people there. We road our four-wheeler in there a couple of years ago. I couldn't even believe it. Jerry Miller had the old McCarthy Lodge for many years. He's up on a creek somewhere around there, but built two houses across the street. And that one over there we own those two over there, but the one over there, another friend of mine owns it. He was down there when I was shooting, when they shot the whole darn town. But anyway, that was subsistence for many, many, many years. In fact, a heck of a lot of people didn't even waste their time going to Valdez because they just went there and got their fish. First week of June was always the best. There wasn't high water and if you wanted kings, there were lots of kings. They were always there.

And you got your ice down there underneath that bridge?

Sam - No, there were culverts. There were lots of big culverts and we'd just stop along the road with an ax and _____, who is dead now too, we had a big tarp in his pickup and we'd fill his Ford pickup full of ice and we'd take my jeep with the winch on it and we'd go down there and when we'd start really getting them I'd winch them up and take the duffel bag and dump them in the ice and then covered them up, we had a bunch of blankets and stuff to cover them up. Then we brought them back to town and iced them down. And Weise used to smoke them for us. Old Weise, he's another one. He's been going down there, he went down a lot longer than I did, you know.

He says he started in '47.

Sam - Yeah, I was going to say, way back in the '40s. And Vick Johnson, who is dead now, he went back there when the trail opened. He had a house there. In fact, Bonnie and I used to take their airplanes out of the water and put them in the water because the one guy worked up north and he had a house about this side of where that visitor center is. There are several houses that are gone that used to be there. But anyway, we had a lot of good times down there.

Sam - Well I've heard a lot about you second hand. But it was all good too, about you. In fact, there was a guy named Bose.

Oh Jack?

Sam - Jack Bose. I saw him and he was up here this summer.

I took him out moose hunting all the time. I said, "Hey I wanted to come over and interview you about dip netting." And he says, "What do you want to talk to me for? Go talk to Sam Scott. He's the one who made me go down there."

Sam - Oh yeah, I've hunted in Africa and I've hunted everywhere.

When did the people start moving on down the road? When did the road the road down towards the canyon improve? When was that?

Sam - That must have been in the '70s when they put that bridge across there, because you had to have a pretty good four-wheel drive with some chains on it to get up that bank on the other side. And we didn't have four-wheelers then or three-wheelers, or any of that thing, but a lot of people would go down there and the bushes were over the thing like that. But O'Brien Creek, you didn't need to go any farther. That was some of the best right there.

That was really good fishing there?

Sam - Yeah and down there by where the cable went across, that big hole there, they'd catch a lot of them, but boy that was a heck of a ways to pack, you know.

Where there Indians fishing O'Brien Creek in 1955?

Sam - I've never seen any Indians. The only Indian I ever saw was the old man, he was a great old guy.

And he had a fish wheel?

Sam - He had it not too far from where he lived, just up there a ways where it was down on the river and pretty easy to get to. He had it in different places, you know. But then old Egan had the bridge to nowhere. We called it the bridge to nowhere, and then they went over on the other side and they put a lot of those fish wheels in. But anyway, I'll tell you truthfully, that's the only Indian I ever saw. There was a lot of graves there, you know, different places along the thing. But anyway, oh yeah, I took Jack. I have a float plane and I used to haul all of my friends moose hunting. And that was when you could land in _____. Never more than ten minutes down the river and you had your boat. And I'll tell you, I don't know whether Bovie ever told you the true story. I took him out one night and the weather was really bad, and he shot this moose and the thing was headed for a slough and he had hit it pretty good and there was a slough, and if it went on the other side of the slough we were done for. So I ran up there and I pushed on it and it fell down and it was up on its front feet and I just ran up its back and just grabbed it by the ears and I held his head back and I said, "Jack, cut its throat." He's up front with his gun and hitting it in the snout with his gun, and I said, "Jack, cut its throat!" And I just stood there until the darn thing fell over. After we got all done he reached into his hip pocket and he still had a couple of shells. He always went by the name of "Bad News Bovie". And old Weise, he was a pretty avid hunter, fisherman, too. He really was. The way I found out about Bovie, was his son, Jeff comes over and works on my furnace. And I was talking to him about this one time and he said, "Oh, my dad's been going down there for fifty years, and so his father is visiting up here."

Yeah, he lives in Hawaii. I've got property over there too I should dispose of. But anyway, they go back as far as subsistence a heck of a long ways, you know. And there

was a lot of people came out of Copper. There was a Native people I know that came out of Copper. There was so much river and so few guys, you know. I mean they didn't like you down there now at O'Brien Creek and your net's here and the next one's there and the next one's there and the next one's there, you know. And if you get a fish then your net is locked. But the wire net, that was all there was.

I've thought about that too, how convenient it would be to have your nets stay open like that.

Sam - I'm going to do it. I'm going to build me another one and they're going to laugh at me, but I'm going to, when their nets are going that way, mine will be still cutting back this way.

When you do that, let me take a picture of it.

Sam - Sure. But there's getting to be a lot of people going down there. That is one of the major problems, but I mean what are you going to do? Are you going to completely shut it down, or are you going to open it up, or are you going to cut the limits, or what are you going to do? I have a lot of friends on the Yukon and the Tanana that never got anything this year.

As long as they've got the fish down there I think everybody ought to be able to go down there and do it.

Sam - Well you know, I'll tell you what, I don't know, you know more about it, but I'll tell you there was a heck of a lot of people including us who went down there. Of course now if I got fish now that's fine; if I didn't get fish, that's fine too. But there was a heck of a lot of people who didn't get any fish. There was a certain period of time when some of them did all right, but then the water got so high and the rocks are so far out that you couldn't get them, just couldn't get them.

That's what I heard too.

Sam - Very few fish. I don't know the number that was caught. You probably know because that's part of your game. But the first year I ever went down there, of course I didn't care whether I got a fish or not. Three of us were down there and we never got a fish. And my wife Bonnie was in the water all the time. She's a great white fisherman - and hunter. Come here, I'll show you something. There is no way - I don't know how you do anything other than shut it down, or cut the limit, or if you have an income you don't qualify.

Well when did you notice it start to change, or when did it really pick up?

Sam - Well it was about in the '80s, wasn't it, Bonnie? I mean it got so bad down there at O'Brien Creek, if you were up there by the O'Brien Creek there was so much traffic cars parked there along that bank couldn't get out. You just stayed until it was over, you know. I went down there in '83 and I couldn't turn around.

I have a friend, he's dead now, there used to be a lot of good people in the Game Department. I'll tell you, there was a lot of good people in the game department. And a good friend told me one time, he said, "Sam, if there's any species of an animal you want I suggest you get it, because if there's anything this country doesn't need it's an enormous amount of people in the woods." Because per square mile, if you didn't have the caribou count you didn't have anything. And we have better moose hunting now probably because we close the season down about the 15th of September or whatever, and the rut doesn't start until after that, and so the dumb bulls are not shot. I mean I agree. Now we rode our snow machines to Dawson from Tok, a wonderful trip. And I met a man from the Fish and Game who was over there with the Canadian Fish and Game in Dawson on the caribou 40-mile herd. And I was telling him about going down in the 40-mile herd, Leife and Bovie and us guys. And one time I went to the darn check station just before you get into where you come off of the Taylor Highway, and I had 21 caribou on my thing, and the guy says, "Whoa, we're only allowed five." I said, "Well there's some more coming." He said, "Well why don't you wait here, so we waited here and we saw those guys and I'll tell you one thing, we never wasted, not even the legs. We gave them and the heads to the Natives and they came in and they had six or seven more and we were about five or six short of what we could have had. And this guy said, "That's why I heard it was in the shape it's in. And I said, "Well they never told me that was going to happen." But anyway, you were allowed five caribou, and if you played your cards right, in March you could go get another five. And Larry Stowe was the game warden I'm talking about. They sent him up there for the caribou run and it got so bad he said, "I just layed down on the ground by my truck. They were shooting across the road, back and forth." And old Larry, he was something else.

So how did you go from Tok to Dawson?

Sam - We went from Tok to Dawson over the Taylor Highway and over the top of the world. Wonderful trip, wonderful trip. Could not have been treated better nowhere. Isn't that right, Bonnie? It was just a wonderful trip. Everything was basically provided for you. You had to buy gas in Dawson because it was so high, but then you got back to Chicken it was free. And your hotels were payed for. You had to buy your drinks, but they opened up the Snaggle Tooth Girdies and had barbecues and everything else in there for us, you know, and the gambling was going and all kinds of stuff. Had a wonderful time. But anyway, I feel that something has definitely got to be done down there, but what? If you really went for subsistence, I would not qualify with the income I have. I would not qualify. And to tell you the truth, if you took it away from me, I would not feel bad. We have friends who have charter boats and stuff down there in Valdez, and we go down there and he takes her out and gets all the darn fish you want. But I love to go to Chitina. I just go there because I love the darn place, you know. But if it comes down to dollars and cents wise, why then we would not qualify, which like I say I would not feel bad about it at all. Because we have both done it and it's gotten to the point, I don't know, unless you get there right on the minute, your chances of getting your fish is pretty darn nil.

Have you been there later in the year too? Have you been in August or anytime like that?

Sam - No, I never have been in August. I've been down there in June and July, but I never went down in August. But always, I suppose Weise told you the same thing, the first weekend in June, that was when we hit her.

Have you ever noticed many changes in the fish or the fishery in terms of timing or size of fish or anything like that over these years?

Sam - I would say you're probably right. They're probably a little bit smaller than they were. But those we got the year of the Exxon Valdez oil spill, now those were enormous fish. I mean, Keppie and I were catching five at a time. When you can catch 45 fish in 15 minutes, you've got a heck of a day. And she's the one who wanted to go at first because she never got her net in the water and we had no place to put the last five. And we were back at the truck station before the guy closed. Man, there were just piles of them there. But I would say, yeah, you're probably right in June.

June is when they got smaller?

Sam - I know what you're talking about. I think you might be right. But anyway, I foresee a lot of problems in the fishing, like out at sea. Now, I'll tell you, I have a lot of experience. I was DS to Canadian Construction Company in 1952 in the very northern tip of Newfoundland. And you know what's up there now, zero. And I think it's headed for this way right here. I've got a feeling it's headed right here, because Yukon - and now, of course I've been here a long time and every year they're shooting sled dogs every year. It's been going on every year, shooting my dogs. And you know, the thing is a lot of people are not smart enough to know that _____ no better than _____. They're running snow machines now.

Yeah, I don't know what they do with all those dogs anyway.

Sam - Well, you know, they want a handout. They do serve the best politicians in the country. They are. They can beat on the drum and eventually we give in. Where are you based at?

Anchorage.

Sam - A lot of people out of Anchorage, from down there come up here. Just like the Denali Highway. I hunted on the first seventeen miles of the Denali and now if you don't go back in 50 - 60 miles, you're just wasting your time. There's just nothing up there.

There's just more and more people.

Sam - Oh, it's crazy. It's a wonderful camping trip, but that's about all it amounts to.

Well fortunately, on the Copper there has been a lot of fish.

Sam - Yes, that is holding up, very true. And I think they're allowing enough to come through. They're shutting it down at the mouth. If the commercial fishermen had their way, we wouldn't have any up there. But you do have a lot of people who come out of Anchorage, I know that for a fact.

About half and half now. It used to be mainly a Fairbanks fisher.

Sam - Yeah, I've lived in Fairbanks and Glennallen and Copper Center. Of course, a lot of those people had the fish wheel there in Copper, you know.

Why didn't you ever use the fish wheel?

Sam - Oh, I don't know, I just never had the need to, you know. To me, personally it's more of a pain in the rear than it would be worth, you know. This year down on the Copper River there they were tearing the fish wheels, you know, the water was so high and logs were just ripping them to pieces. But that old native guy, we used to get a lot of them out of there. He was a great old guy, just a great old guy. You know a twenty dollar bill or a couple of cases of beer and you could fish forever. He would even help you. One time he got out there by his basket and a bear was on the log going out there and he was screaming and yelling. But they're a little hostile down there in the Chitina area. A lot of my best hunting buddies were native, and after the land claims, we were just kind of cool, you know. We weren't the same old boys.

I've noticed that too, when we started dividing things up.

Sam - Before long, we honkies are not going to have much ground to hunt on. You let the feds get done with it and the native will hunt on your ground, but they got signs all over hell and in the paper, you know, you can't here, you can't there. But anyway, as long the thing is holding up, but I think there was an enormous amount of people who didn't do worth a shit down there this year. And that might have a telltale for down the line, too, including us. And like I say, we know pretty much where to go, but there was so much water we couldn't get down to where our rock drop off is. You just gotta catch them where they're along the bank then.

You don't go or boat.

Sam - She has, I never have, no. I'm gonna tell ya, if I had to buy a fish and I had to give more than ten cents for it, after all of these fish, I wouldn't buy a fish. I mean if I went down to the store to pay eighteen dollars for a piece of fish, no. What did you pay that time to go out, fifty bucks?

Fifty dollars.

Sam - But they took her out and Son and old man Hems had her back in about thirty minutes and had her limit. Fish are not that important to me.

Yeah, Mark's a good old guy. I like his father, too.

Sam - He's got a real peecin contest going down there. I suppose he owns a hundred lots in town and they ran him out of the restaurant, and he came over here. He doesn't know a lot about Chitina, but I told him I had a lot of friends who worked on the Copper River. Sig Wold started his cab company down there, who had Sig Wold's Storage and Transfer. He ran his cab down there, and it's down there in the transportation museum. But that's where he started out, with a cab. There were a lot of people who lived in Chitina at one time.

Yeah, it was a goin' town.

Sam - But when I went down there, the whole time _____ Nelson had a hardware store and he had certain groceries and a liquor store and all of this kind of stuff, and where that restaurant's at, that was a gas station and a garage, and around the corner there was a garage and sold gas and there was a couple of bars there. Cordova had the hotel, and they fed family style three meals a day and had rooms. And Alaska Airlines bought them out. But I'm amazed, you know, the state operation down there by the runway, you know, that's pretty impressive.

There's a lot of people who use that runway to go back in to that big lodge, the Ultimate Thule that's way up there.

Sam - Yeah, and you know, they used to go up to those lakes there. As you're going down there, I don't know if it's One-Mile or Three-Mile Lake you'll see a ramp there, and there used to be a float plane there and he'd haul you up into the mountains into the lakes and a friend of mine used to go up there fishing and he said the fish, you'd have to hide behind a tree to bait your hook. And the fish had great big heads and the bodies were small, there were so many fish, they were stunted growth. But anyway, with the mine now becoming a park, you're going to see, I'll tell you what, we went into the bar and we brought more business in that bar than that guy had had ever, and he'd admitted it too. And I had a glass of beer and I ordered another glass of beer for three or four of us and I had about that much beer in the glass and he just filled it up and said give me three bucks.

But anyway, there were a woman and two – you could tell they were a little above us in intelligence – and they were down there checking for the feasibility of water and sewer. That was right in Chitna, yes, feasibility for water and sewer. I thought, wow, are we going. And as you come on up about where that store is now, that would be on the right going out, there used to be a fox farm there and there were all the pens where they had those fox in there for years and they fed them fish. They used to haul the fish to feed those fox. The pens were there for many, many years.

Side Two

Sam -a little cooking and we made coffee and stuff, and down at the bottom of the trestles for several years we'd to our canning right down there. We'd clean them in O'Brien Creek, cut them, and can them. At that time we were using tin cans, now we use _____ cans, but we'd have our fish all canned and we put them in O'Brien Creek to cool them off and we'd put them in the duffel bag and drag them up the hill. Then we got back home, you didn't have such a mess to, ooh what a mess. I can remember coming in here with about maybe close to two hundred fish. I mean, you could have all you wanted, you know, and none of them went to waste. We had a lot of old timers who couldn't do it anymore. We'd give everybody fish. And that's about what happens to my moose, you know, there's all of the old guys who can't hunt or don't hunt, or whatever, they all end up with a lot of it.

Stan Bloom - Yeah, that's good. We went down this year. There were five of us and we got two hundred fish.

At Chitna?

Stan Bloom - Yeah, and we came back to town.

How'd you go, by boat?

Stan Bloom - No, we went in July, the 15th of July and it just so happened that two weeks prior to that is when that two thousand extra fish came up, so they upped the limit to forth a piece, and so we went down there and all five of us got 40 fish. We fished right around eight hours.

Where were you fishing? You went past O'Brien?

Stan Bloom - Yeah, we were 1/10 of a mile past the tunnel.

Sam - Oh, you went way past the tunnel. The first tunnel. Because Haley Creek is the end of it.

Stan Bloom - Yeah, we were 1/10 of a mile past there and there was a little place there, there's not much room down there, and then two guys were sweeping and one guy was in an eddie and they were bringing fish up out of there. I can't carry fish up out of there anymore.

Sam - No, I'm going on 68 years old, you know, and I used to be like a goat and I can't do it anymore. I mean, I've gotta be careful on the steep banks, because I just can't do it anymore.

Stan Bloom - Yeah, I had four young guys with me, and boy they cleaned them and iced them and then brought them back and we cleaned fish here for a whole day, vacuum packing them and all kinds of stuff.

Sam - There was a guy down at Haley Creek who came in with a boat. They'd been out legal and they came in with a boat and he had his jeep or some kind of a four-wheel drive parked up there and he had twelve volt pump that they were cleaning their fish and they had a hose in the creek and a hose and they were just cleaning their fish with this hose and just washing them down and everything else. Pretty neat, really. But there were a lot of people who got fish, but there was a lot more who didn't get fish. You just happened to be lucky.

Stan Bloom - Right, I had heard that a lot this year too. And success breeds more, more people go. If you come back with bad stories, then people decide not to go.

Sam - Oh, this is right, this is right?

Stan Bloom - It dropped from 10,000 last year to about 6,000.

Sam - People? Well that's what I say. It's having an adverse affect. And there's a lot of people who had done it for a hundred years who just don't go there anymore. All the guys who I know like Dickie, Boullion, Bovie, I don't know whether Weise goes down there anymore or not.

Stan Bloom - Weise goes. But people are fishing above the bridge this year, too. People have moved up there. Because they put the king limit above the bridge. A lot of people said, heck I can get five kings above the bridge,

Sam - I don't care for them. We used to catch them, lots and lots of them, you know, and they were too dry. They were good for smoking or something like that, but I'd just as soon have those reds.

Stan Bloom - Have you noticed any difference because of the enhancement because of the hatchery up there? Has that made any difference in the fishery?

Sam - I don't know. Where are they dumping them in?

Stan Bloom - Across from the lake, which is off the Gulkana River and then they're coming back there.

Sam - Coming back down?

Stan Bloom - Well, you know, they're smelts, they come out there and then they go down to the sea.

Name: Charles Crawley
Place: Fairbanks, Alaska
Date: September 27, 2000
Present: Stan Bloom, Joanne Crawley, and Bill Simeone

Side A

When did you first start[Fishing at Chitina]?

Charles - 1963, a neighbor across the street told us about it. And, I've been going down there; I don't think we missed one or two times since then. We had three kids that enjoyed going down.

What was it like in 1963, like driving down there?

Charles - It was kind of lonely. I think the first trip down there we were sitting there fishing at O'Brien Creek and a man came up and starting chatting with me. It turned out he was a Fish and Game gentlemen. And as I remember that was it, that and the schoolteacher couple were there and I think that was about all at O'Brien Creek.

Is that right?

Charles - At the time we were there. And we caught our fish all we needed.

Did you use a chicken wire net?

Charles - No, we used the nylon net, and all the kids as they grew older, well they of course helped more and more. And first we had to pack them on our backs and then we went to a the old two wheel Honda 90, and then thanks I guess to Walter Hickel we were able to drive down past the cable crossing. Other than that we still go down there past the cable crossing and go down the bank. I've never fished from a boat, I guess that's the in thing now but, I haven't done that yet.

So was there a bridge in 1963, across O'Brien Creek?

Charles - There must have been because we fished over on the South side of O'Brien Creek down in a wooded area, it's since washed away, with the trees and so forth. A little nice place to camp back in there and a couple of years later it was all washed out. I don't know, there must have been a footbridge there at least, some way across. I remember one year we met a gentlemen by the name of Fred Johns, and he was, he was on the North side of O'Brien Creek in that wooded area, he and his wife, and he was telling us how his wife really enjoyed the fish, one a day, and I think we met him a couple of years down there. He was smoking the salmon.

He had his camp there?

Charles - Yeah.

He had a fish wheel.

Charles - Right. So that's about it, we've been there lately, we go to O'Brien, not O'Brien Creek but to Liberty Falls usually camp there and then drive on down to our fishing area. As I get older I well I need fewer and fewer fish, it's harder and harder to get up the hill. So, but I like to get down there by the middle of June and that's usually not to easy because of some restrictions or other.

Right, but that's when you usually fish in the middle of June?

Charles - Yeah, I like to down that month. We have gone clear down, clear back to August you know for silvers, most of the time it's as early as we can get down there in the middle of the week.

So in 1963 you could drive down to O'Brien, you could drive as far as O'Brien Creek?

Charles - Ah, we didn't, we stopped at the top of the hill, because ah. And then there was one year there was a mudslide or something on that one big turn and we had to camp back about a mile I think. That might have been the first year too, but I know one or two year well we camped right at the top of the windy hill before you go down to O'Brien, that's was windy, the old camper oscillated back and forth.

And how was the road going, the road going by Kenny Lake where it is now, was that a pretty bad road?

Charles - Oh boy, yeah that, the first year they didn't have that 8 mile extension, way on down there, what at 80 miles I guess, on the Richardson. And we came on a dirt road on the old, what do they call that, they called it an old road, I can't remember the name of the road but it was dirt and very dusty, the kids caught a lot of dust in the back of the truck. [Laughter] So, and they gradually started paving it of course and now they got that, byway there, by that nice looking building there the, at old Chitina that's really added to it. [That wayside]

There's even a gas station down there now, or another gas station.

Charles - Oh, is there? Ah, I remember we used to get our ice, down in the culvert down there, let's see what was that, that's probably about seven miles from Chitina. But then they put heaters on that, so that ruined that little episode. [Laughter] Moved back up this way to summit lake when it was early enough, it still had ice.

So how did you know to go to O'Brien Creek?

Charles - I think must have been due to the people, our neighbors here. They must have told us that this was the place to go, and, do you remember their names (?)

Joanne - Clyde Winger.

Charles - No, across the street.

Joanne - Brans, but Clyde was the one who told us to go to O'Brien I think.

Charles - Oh, was it. I didn't know, I remember Brans was the ones who told us about Chitina. I don't know how long they had been going down there at that time.

So was Fred John the only Native person that you saw down there?

Charles - No, there was one other one that lived at, right after you go through Chitina there is a cabin on the right. King?

Patrick King.

Charles - King, we talked to them a few times. But, maybe since Fred was smoking salmon and all this, that was new to us why we probably, I remember better. I think he passed away, I think he lived in Northway.

They are from Mentasta.

Charles - Was it Mentasta?

But he died?

Charles - I thought I read that a long time ago.

That I didn't know.

Charles - Well it seems Stan is really been pushing you know for the dip netters and we really appreciate it.

Do your kids dip net now or are they still here?

Charles - No, our kids moved outside, they got away from their parents; they all live down in the sunny south, different places. They like to come up and fish. I know one of them would like to come back but his line of work, he's in a bank, commercial loans and so on, just wasn't, he worked up here for four or five years I guess, after, he decided he could do better outside.

Stan - Did you take pictures back in the sixties and things when you were dip netting down there?

Charles - Right yeah, yeah we've got slides, well it's on video, I put all the slides on video, and I got one here a couple of them that Joanne made a place mat out of them. They don't go back that far probably, but.

Joanne - I didn't think he would ever leave Alaska. He loved it, fishing.

Stan - Did you keep diary entries?

Joanne - I made this, we caught every year.

Charles - Yeah, she has several different diaries.

Stan - My wife keeps all the bad things I say, she writes down all the time. [Laughter]

Joanne - You know we forget so easy.

Stan - One year turns into the other one.

Joanne - I keep track of our trips and fish.

Charles - Moose, I stopped moose hunting in 92. You moose hunt Stan?

Stan - I still do, I got moose this year, young bull, the best kind, yeah I'm still doing it, I got hunting partner and he does a lot of the work now.

Charles - That's work, once you get them.

Stan - He's the one, I was telling him yesterday about he ought to get one of those drag lines to get our fish up from the river, and he say's we'll you never carry fish up from the river anyway. [Laughter] I got a young guy that helps me out. It really helps. But I got that weasel and we go back into the lake if we hunt from a canoe, and it's easy hunting and as long as I'm capable of doing that I'm going to keep on hunting.

Charles - Yeah, I don't blame you. I went down in off the Denali there in Clearwater, and we pull, either pull a canoe up or pack it on our backs there back up in there to Pass Creek I guess. But this year, the bunch that I went with they, the first year that they didn't get any. Things were really petered out down there.

Stan - I used to hunt down there by Paxson too over in the (?) River Country. Something happened over in the Kenai back in the eighties, it seemed like a whole bunch of people from the Kenai started coming in there and it got crowded.

Charles - On the Denali.

Stan - Yeah, so I quit going down there. We found a new area, and I've got a moose now seven years in a row. I can't complain.

Charles - That's good.

Stan - Did you can most of your fish.

Joanne - I freeze it. Well then we canned, we canned quite a bit too.

Charles - I think the last we canned up until 92 and then we stopped.

Stan - My wife likes to can, she likes them in mason jars.

Charles - We use the regular cans.

Stan - I have a canner too.

Charles - And we can down it down at Liberty Falls there.

Stan - Did you?

Charles - Yeah that was when we went down with another couple.

Stan - Yeah that's a lot of fish to take care of, once you catch them your committed.

Joanne - Yeah, it's work.

Charles - Well I'm starting limiting myself to six, if I get six or seven well that takes care of us pretty well. But, it's nice to be able to get more if a person needs.

Stan - Well were trying to work on a limit where it's based on your family size like if you've go five kids you can get ten each for additional children, were trying to work on something like that. Because you know larger families, back when I was younger and three kids eat and I needed more fish too but I don't need that many anymore, but it would be nice if people had large families they get more fish.

So when did you notice the fish, the change down there, when did more people start going down there?

Charles - Ah, I suppose it was in the seventies, I think so, I think it was in the seventies.

After they improved the road?

Charles - Yeah, oh yeah. And of course the last few years it's been, what is it about the eighties when the boats started and, late seventies-early eighties when it really got crowded. And of course you don't want to go down there on the fourth of July. [Laughter] We used to fish at night, when your younger I guess you could do that, stay up all time hours. [Laughter]

Stan - Stay up all day and fish all night.

Joanne - My daughter, she didn't used to like to go. And she got a job down there.

Charles - She would take several books with her to read when she got in her teens. And then when she was in college up here, why she got a job with Fish and Game, she was one of the checkers down there near the old trailer. And ah, she.

Joanne - She drove our truck down there. We were camped down there.

Charles - She would come and visit us down there at O'Brien Creek in the Fish and Game truck.

Joanne - I loved our girl but didn't like it. [Laughter]

Charles - She got to do a lot of extra things while she was down there, she got to fly down to Cordova and see some of the upper country.

Is that right, that's beautiful country.

Stan - Are you going to go to the dinner Saturday night?

Charles - You bet, we just got our tickets the other day. We failed to join the dip netters this year by just. Getting old and senile I guess.

Stan - We'll have another meeting in April you join. [Laughter] One meeting a year.

Charles - Well it seemed like we had the notice up on the refrigerator there but something happened, some kind of treatment or something.

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. 26th 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?

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 1st to the 10th 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 4th of June. And I always figured up to that time, between the 4th and 7th 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 18th or 23rd. 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.

Yeah, it's rough water.

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 10th 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 lose 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.

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.

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 57th anniversary.

END

WALTER EBERHARD – OCT.26, 2000
FAIRBANKS, ALASKA
Interviewed by Bill Simeone and Stan Bloom

Bill Simeone with Walter Eberhard on Oct. 26 at his house in Fairbanks. Okay Walter, why don't you just tell us about when you started fishing down there.

Walter - Well, the first time I went down was in 1949. I was working for the Northern Consolidated Airlines and I got off work, and my wife and I headed down there and got down there about midnight. On the way down it was just an old dirt winding road going down and it had been raining and raining and it was all muddy and they were working on it and it was sloppy and muddy, and we got down there about midnight. We didn't catch any fish, but at that time they didn't have these dip nets that they're using now. They took chicken wire and made a cone and put a pole on it and usually you couldn't reach out far enough to get any fish unless they came in right in close, but the first time I went I fished Salmon Point. And I've been going down there off and on since – at first I didn't go down every year, I went down in the '50s and then since the '50s I've been going down every year, fishing down there. It's a lot different now than it was then.

How did you find out about it?

Walter - Oh, it was people lived in Fairbanks telling about it, and I just decided to go down and see if we could catch a fish and got some chicken wire and made up a deal and took it down.

You say you drove all the way down, and so where was the dirt road?

Walter - Well that was where the road is now. That was just a narrow dirt road. It wasn't gravel or anything. It was just an old road going down to Chitina, and it wasn't straight like it is now. Down on the bottom there it used to go on the other side of those like One-Mile, Two-Mile Lake. It used to go on the other side. Well there were more people in business there in the stores when we first went down there than what there is now. They had a good grocery store there and a restaurant and stuff when we first went down there. But that was about the time they were getting ready to put the bridge across going up to McCarthy.

You mean in the '40s?

Walter - This was in '49. In the '50s they were getting ready to put that bridge across.

When was that bridge actually built, then?

Walter - It was built, I guess late '50s and early '60s it was put in. There used to be a fellow that had guide service up around McCarthy and he used to take horses down there and they'd swim them across the river there and they lost some horses one year going across there before the bridge was put in.

When you went down there that very first time, was there anybody fishing down there?

Walter - Oh yeah, there were people down there. You'd go over up on the river bank and you'd find these wire nets lying there where people left them. Yeah there were people fishing down there.

Were they Native people?

Walter - No, well the Native people had fish wheels going, but they didn't do much dipping. But there were people from Fairbanks and Anchorage going over there.

Where were the Native fish wheels located?

Walter - They were located about half way between Salmon Point and O'Brien Creek. You had to go over the hill. I went down later in the years, and I met a Native down there, Pat - I don't remember his last name - but he was watching some of these fish wheels, so we fished up there by Salmon Point and we didn't catch anything, so we had a tent set up there and he came by and we were having breakfast and he stopped and had coffee and stuff, and he said, "I'll show you where to go." And so we went back over to Chitina and then went down just below that first lake. And he had a cabin there, and I guess the cabin is still there. And there was a trail over the hill, and that's where I fished mostly since the late '50s and up until this past year that's where I've always gone fishing and carried fish. You have to go up a steep hill to get out of there and carry the fish out. This year we drove down past the first tunnel and fished down there. But this is the first year that I haven't fished over there for many years.

So was there a road that went past Chitina. Was the railroad grade any good?

Walter - Not for vehicles. You could get down to O'Brien Creek and that was as far as you could go. I've walked down the old railroad site there, down as far as where the grave yards were. I never had gone down any further until this year. But I've always been fishing just over the hill there from Chitina.

Yeah, that's the old Native place, too.

Walter - Yeah, you can still find old cables over there where they had their fish nets, I mean their fish wheels. There was one point over there that they had a wheel in just above there, and I fished there quite a bit. It's a pretty good place, but sometimes if the river's up real high then there's not much room to fish, but I've had real good luck on that one point down there. One year, five or six years ago I caught ten kings there one time. Out of thirteen fish or something like that, I had about eight kings and, but now they'll only let you have one. So, outside of that, I've been fishing there for off and on all these years since '49.

When did you usually go down, what time of year?

Walter - Well in the later years I usually go down the first part of June, middle of June usually.

Do you just make one trip, or do you make several trips?

Walter - Oh, I've made more than one already. I've gone down there and not gotten anything, quite a few times.

So you just go back if you don't get anything.

Walter - Yeah, oh yeah I've gone down a couple, three times sometimes. But in later years here I've been doing pretty good. I had this special place where in stead of standing fishing in the back eddy, I was always sweeping on a point, and had pretty good luck. But it's a lot different now. They've got a good road going down there and all the service and everything.

Does your son dip net and net down there too?

Walter - Oh yeah, I just take them down, well let's see, in '67 I had just gotten a new car, brought it up from the states and we went down in June and my wife and two boys, see they've been around in their early teens, and we went down there and didn't drive down into O'Brien Creek. We just walked over the hill and started fishing there and the fish were running real good, so they started fishing and I went back up to Five-Mile where there used to be an old wooden bridge across the road where you'd get ice underneath the bridge. And I went up there and got some ice and came back and they already had the forty fish caught when I got back. They'd catch two or three at a time. But if you hit it just right, you'd have good luck and then again you go down there and you can't get a thing.

Are your grandchildren going down there now?

Walter - Oh yeah, they go down. Yeah, they were down there. We went down, I guess the latter part of June and we went down. We all fished. One son, he came over - he lives in Chugiak - and he came over and met us down there, and the other son lives here and then his boy and my two grandsons here, we all go down there.

So you've got three generations in the same family fishing in Chitin?. That's great.

Walter - Oh yeah, it would be three families, is what it amounts to. We get 90 fish now. Like this summer, this year when we went down there, they were real good. My son from Anchorage caught his 30 in about 2 ½ hours.

Now was that early June?

Walter - Towards the end of June this year.

When did they start fixing up that road beyond Chitina, the railroad grade?

Walter - Well, there wasn't anything done down there much until Hickel started to extend the road, and he got in trouble with that, with the environmentalists, and they were going to get some dirt in the river. You can't make it any dirtier than what it already is.

But when there was nothing, they hadn't done much at all?

Walter - No, anyone who was getting down there would take a motorcycle down there or walk. There weren't even any three-wheelers or four-wheelers then. Then they kind of started driving down with their four-wheelers and they finally kind of made a road out of outside of that, but no one went down that way. No one would ever get down into the canyon what they call the king hole. They had too far to carry the fish. They had to pack them up on their back. Where I used to go over the hill there from Chitina, it used to be, you'd go down there and there'd be 20, 30 people over there fishing.

Oh really, even over that hill.

Walter - Oh yes, and now I drove over there and there's no one hardly, except these guys running the boat up and down the river, they drop some off there.

They'd drop people off there.

Walter - Oh yeah, they'd pay them \$65 a piece to come down around the point and then they'd drop them off there where people who could walk to it. And one time I went down there and there were a guy and his wife fishing over there, and so he was catching the fish, so she started packing them over, so while he was catching them, she carried them up over the hill, up that steep hill and carried all the fish over. But there used to be, I'd go over there and there'd be 10, 15 fifteen people there fishing. That was before they started all going down the river after they got the trail in.

When did they get the trail to O'Brien Creek in? When was that passed?

Walter - Oh, you mean past O'Brien Creek.

No. just down to O'Brien Creek,

Walter - Oh, the road goes there. It was usable. It had gotten some muddy spots, like I drove the car, I had a '67 Ford Farlane and I drove it down there, but there were some bad parts in the dumps and gravel and stuff the Highway Department did. But they started driving down there in vehicles to O'Brien Creek in the '50s. But it was kind of muddy and you'd get stuck if it had been raining, because we crossed bogs along the way there. You'd get down there, almost down there and you'd have to walk the rest of the way. But it didn't start driving into O'Brien Creek until I guess late '60s or '70s. They improved the road then.

When was the last time you saw Native people at that point where you were fishing?

Walter - I haven't seen a Native fishing down there for years and years.

But you did in the beginning?

Walter - They had their wheels up above the bridge after they let them put their fish wheels up above the bridge, why I've never seen Natives over there fishing.

But you did when you first started going there, they had their fish wheels right there.

Walter - Yeah.

When was the last time you saw that?

Walter - Well, that would be around I'd guess the early '70s or late '60s. They had two wheels going over there.

How did they get them down there, do you think?

Walter - Take them down with a boat, from up above there by where the bridge is now. They put them in up there and take them down with a riverboat. And that's the way they got their fish from the fish wheel, they came down with the boat. And this Patty, he was looking after the wheel, he'd just walk over the hill and check them out, and then they'd come down the river with a river boat and haul the fish up. Because at that time they wouldn't let them fish above where the bridge is, and everything was down at the other hole.

Down below.

Walter - Yeah.

Have you noticed any changes in the fishery, like in the size of the fish or in the runs over the years?

Walter - No, actually pretty much the same. It depends on how many they take out of the mouth. How many the commercial fishermen take out. How long were their nets strung out and you get there at the wrong time, you're not going to get many. It's just whatever escapes through the nets down there, that's what you get, part of that. Yeah, I've gone down there and fished two or three days and maybe got a half a dozen fish.

And then other times you got a lot?

Walter - Oh yeah, yeah, if you get there at the right time when there's a bunch coming up the river. Over there on that point where I would always sweep, I'd fish there sweeping all day long the whole day and maybe get five or six fish, one every couple, three hours, and sweeping steadily. Then again I'd go down there and I would go there and catch my limit in just a few hours.

What was it like to get a king in your net?

Walter - Well I don't know, I never got any in, but it'd been a lot, but trouble is, you couldn't get out far enough. By the time you put a wire net out there and you'd reach out there eight, ten feet, it was kind of hard to catch them unless you knew exactly where to go. When I went down the first time, I didn't know just how to do it and where to find the fish, and so it's all with experience. But if we were to have nets like they're using now with ten, twelve, fifteen foot poles, cause I've been there at Salmon Point already and you couldn't catch anything out where you could reach, but I could see the kings breaking out there going around a rock, but you couldn't get out to them. And the people there were wading down in the river like they do now, go down there and wade out to the....

They were smarter in the old days.

Walter - Yeah, you betcha, no but you would never see anyone wading way out there at that time. But I don't know what is the program here.

Basically what I'm interested in is a history of the fishery, the whole river. We've been working a lot with the Native people to try to find out what they've been doing. I've even got a linguist, a specialist who can speak the Ahtna language. But we also wanted to get other people's viewpoints as well, and what they've been doing, too.

Walter - Yeah, the Natives usually just go by the fish wheel. There are some who come down and fish, dip netting, but most of them use the fishwheels for getting the fish. Because my brother-in-law was a good friend of one guy who lives up there by Kenny Lake and they always had a fish wheel. I suppose as long as I'm able I'll probably be down there again next year.

That's great.

Walter - Yeah, I'm 80 now, so . . .

Well you know, that's important that we learn that because, do you know Andy Kimmick?

Walter - No, I don't.

He's been going down there since 1939 and he's in his 80s, too, but he had a stroke lately and he can't give an interview anymore and this oral history is so important that...

Walter - There are several people whom we bowl with in there, and there are several in there who bowl with us, they're 80 and they go down there fishing, too. They've been going down there for years and years.

Maybe they would want to do an interview. Maybe we could get their name in. I'll give them a call.

Walter - I don't know. One of them is Ken Conway, and then Joe _____. The amount there that you have, that's plenty for a family like me. I smoke about ten of them or so, and then have them in the freezer, you know.

When did you notice the big change, I mean you say it's not like it was. When did it start to get really ?

Walter - Well, there are so many people down there now, we're running over the top of one another. And it used to be before they started going down the railroad it was getting so it was getting pretty crowded where those few places you had to fish, like you'd go down to O'Brien Creek, you couldn't find room along the river. Like where I always went over there where there was a lot of people. One time I was over there fishing and they were lined up all along there and I was fishing and was catching some fish, and suddenly this young fellow came down and he had on a pair of rubber boots and he waded out there and got right in front of me and started fishing. I told him if he didn't get out of there I was going to push him right on into the river. I said there was a whole river here.

And this was my part.

Walter - Yeah, they see you catch a fish and they want an action place to go and they run there and start dipping right with you. But that makes it nicer now where they scatter it out a little bit. The only place it's really crowded is down there by O'Brien Creek and the way the river has changed there aren't very many good places there to fish any more. Yeah, I was wondering how you fished because it doesn't look like there are any more. When we first started like in '67 when we fished down there, there was a nice bank there and you could go clear up to there where that big rock bluff was. Now you can't even walk up there. And there was a nice big dirt bank there you could fish from, and there's hardly any room left there now.

The river's changed?

Walter - Yeah, its washed in there, washed into the hill there, yeah.

What about that where you were going over the hill?

Walter - That has changed where I usually fished there used to be a better back eddy there, and now the river has taken that point out. Very good back eddy there, but at that time when I was going over there quite a bit, people would come down in their river boat, people that have fished there for years, and they would tie their boat right there on that point and then they'd stand out into the boat and dip down and they were getting - it was a good place for kings, catch a lot of kings there. But the river's changing there, too. That's one of the places where they guy hauled the people down in the boat. He'd usually drop off people there and he'd tell them to go there and fish in that back eddy, and they'd very seldom catch any, unless they were really running. I'd walk over the hill and he had just dropped a couple, three guys there, and so I hiked down there and get down there on the point there right where I'd usually fish, there was a nice bunch of grass

there and I'd get right above that and start sweeping. And they're sitting up there holding their nets in the back eddy and I'm sweeping and I'm hauling the fish out. And he comes by and checks on them and they're not catching anything, so he picks them up and takes them someplace else. And I told these guys, I says they aren't going to know this guy charges you guys to haul you down here where you could walk over here in about 15 minutes.

There's quite a knack to that dip netting.

Walter - Oh yeah, if you sweep, you work for them.

That's right.

Walter - But if you're in the right place, you can catch them that way. A lot of people, they won't do that. That's too much work.

When did those guys start doing that charter business, do you know?

Walter - Oh, gee, I don't think they started that very much until, oh mid-'60s, or towards the end of the '60s. And the guy who first started that - my son got to know him - the guy they call Heavy, and he cut wood in the winter time and he sold wood and he was the one who started this boat service. And he would come up and cut wood and then my son - we have a little saw mill here - so he started cutting up some lumber so he got a bunch of good birch logs. This guy would get a permit to go cut wood, and he'd buy some of the better birch logs and sell birch and sold it to this superior hard wood place, Superior Hardwood Place on the old Steese. And that's why we got to know him, and he's the guy who started that boat service, taking the fishermen out.

Did they use jet boats all the time, or did they use outboards?

Walter - No, they used to be outboards, yeah. But there was just that one outfit there. Now there are two or three or four of them I guess going down there.

Did you ever see people in the old days fishing across the river?

Walter - Not at that time, no. You never saw boats going up and down the river; just once in a while you'd see a river boat come down, but they weren't cruising up and down the river like they are now. I never saw that back in the '50s and '60s. In fact, I didn't see hardly see any boats on the river until Heavy started that boat service. Outside of the Natives with their riverboats would come down and take the fish out with their fish wheels.

But they weren't traveling around like they are now.

Walter - No, they didn't run up and down the rivers, they'd just come down and check their fish wheels, get the fish from the wheels every day once or twice, then take them back up where they could get them out up where the road went.
That was Patty King? Was that his name, that Native guy?

Walter - I don't remember, but Patty he was an old Native fellow, and they found him dead there later on there in that lake there. Right there they had a little foot bridge across between the two lakes there and he had a hole dug out there and he dug down to the ice and he used to put fish and stuff in there. And he had that little cabin setting there on the corner. Yeah he's the one who showed me how to get over there, and we went over there the first time and we fished and fished and we couldn't catch anything, and he was looking at his wheel and he says, how much do you want? He walks in and stops the fish wheel, and threw me over some fish.

That's pretty good.

Walter - I cleaned them and carried them carried them out. But like you see these guys now running down and floating down the river, and fishing, you never saw that, never saw that until, I don't think we saw any of that until at least the '80s.

That's a real new phenomena.

Walter - Yeah, these rubber rafts and stuff going up and down the river, and then you never saw that.

Why didn't you ever use a fish wheel?

Oh I was too busy. I could get enough fish that

That was about the easiest way to do it?

Walter - Oh yeah, I was working six days a week with the airline and building up the homestead.

Yeah I believe you were really busy.

Walter - Yeah, I worked all the time. I worked 11 ½ years at Northern Consolidated and I worked over 17 years with Alaska Airlines. And besides building up the homestead here and building the house and everything. I built this house practically at night.

You're building another one down there?

Walter - Oh no, that's my son's. He's building that.

He's the driver of the pickup truck down there?

Walter - Oh yeah, he had deal built on the back of the pickup. On the first pickup I bought a pickup out in Idaho and put a deal on and came up the highway, and I had made a frame and stuff and canvas stretched over it, and then we started sleeping in a tent, taking the tent down and sleeping in the tent.

Walter - How long did it take to drive to Chitina in those days?

Side Two

Walter - at that time, and then that road going down to Chitna, they straightened that out a lot, that was a little old winding road, and so.

Was Kenny Lake there?

Walter - There wasn't anything else, nothing, no buildings there. Maybe there might have been a Native house around there or something. There weren't any of those homesteads or anything. No, none of those were there.

That was kind of a safari then to get to Chitina in those days.

Walter - Oh yeah, you'd just go down there and it'd take a good seven hours at least to get down there.

So did they go down like they do now, down that big hill?

Walter - Oh, yeah, pretty much in the same place except it's straightened out, a lot of the corners taken out, but then you couldn't pass another car. You'd have to turn around at that time when the first time we went down there. It was just a little old country road. The first time I went down to Richardson from Delta all the way out to Takona it was just a little old road, wound around the hills. It felt like going up towards Summit Lake, up that valley there. That followed the hills. That didn't go right up the edge of the river there.

That must have been something.

Walter - When you drive along there, you can still see in the brush where the road used to be. Oh yeah, I drove that.

That was quite a trip to Chitina, but then you must have figured it was worth it to get the fish?

Walter - Oh, well at that time you were just hoping. You were young, go down there and get out there in the rain and the wind and the dust and fish for a day or two, and if you can't catch anything you come back home.

It must get in your blood, because that's the same way I feel. I was at O'Brien Creek when the grit was blowing and you'd get sand in your eyes and you'd get muddy...

Walter - Yeah I just used that for years and years and then we got a pickup camper now, last fourteen years – twelve, fourteen years – we just take the pickup coach down. But otherwise, we set up the tent and a Coleman stove.
So there weren't any hotels left in Chitina when you started to go down there.

Walter - None there where you really could stay. There might have been someplace around there where you could get a room or something, but we just went down. And the first couple, three times I just used that back I had for the pickup. After I sold the '49 I got a '51 pickup and I put it on it and we went down there and my former sister-in-law and her husband, they went down, and we'd camp just off at the end of that lake right there by Chitina. And we usually went down to Salmon Point and fished.

So you go through the cut, you went through the railroad cut when you walked down?

Walter - Yeah, parked there and walked down. There was a trail going down. That's where most all the people were going at that time. And I never went down below there until Patty showed me where to go down there. And the rest of the time we fished there at Salmon Point and down at O'Brien Creek.

There was a guy by the name of Lawrence Clark told me that his father ran that airport there at Chitina and he was telling me about those nets down there at Salmon Point.

Walter - Oh yeah, you see Alaska Airlines, they had that place, but they had that run in there, but that was farmed out to individuals. On One-Mile Lake or Two-Lake Mile Lake there used to be a float plane always parked there. And they had a little raft over there on the side and I went down there one time and there was a moose standing underneath the airplane wing there, and I think I have a picture around somewhere of that. That's when you still had to go around the other side of the Lake. And there was always this airplane there parked on that lake. I'd just see it would fly people out to different lakes and fly them up to McCarthy, to Kennicott up there.

What year did you come into Alaska?

Walter - I came up in '47. I got out of the service in December of '45 and I worked in Idaho for just a little over a year and then I came up here. My sister and brother-in-law were living up here at the time, but his brothers first came up in the early '30s and they lived in Anchorage and lived here and worked here and so my brother-in-law and sister had been up a couple of times before while I was in the service, and I got out of the service. I went in in '42 and got out in December of '45, then came up here and spent the summer here. The reason I came up here, my first wife was a sister to my brother-in-law and I knew her before I went into the service and we corresponded together. Then then they moved up here in '43 while I was in the service. So that was one of the reasons I came up here.

Been here ever since.

And she was burned in a propane explosion just over the hill here. That was in '69. And Marianne and I have only been married about 14 years. I lived here by myself then for 17 years. I finished putting my kids through high school, and then the two went to college, so I'm still working for the airline and running my homestead, doing my housework, raising a garden.

That's great. You're doing great. This is a wonderful place here, it's beautiful.

**ALASKA FISH AND WILDLIFE
CONSERVATION FUND**

and

**CHITINA DIPNETTERS
ASSOCIATION**

vs.

STATE OF ALASKA ET AL.

The main issues in this case are:

- (1) Is the eight criteria regulation, 5 A.A.C. 99.010(b), a reasonable interpretation of these statutes?
- (2) Was the Board of Fisheries' decision to revoke its positive C&T finding for the Chitina Subdistrict salmon fishery a reasonable application of these statutes?

Three statutes govern
the identification of
subsistence fisheries
in Alaska:

**SUBSISTENCE
STATUTES**

A.S. 16.05.258(a)

The Board of Fisheries . . . shall identify the fish stocks . . . or portions of stocks . . . that are customarily and traditionally taken or used for subsistence.

A.S. 16.05.940(7)

“Customary and traditional” means the noncommercial, long-term, and consistent taking of use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game.

A.S. 16.05.940(33)

“Subsistence uses” means the noncommercial, customary and traditional uses of wild renewable resources by a resident . . . for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption . . .

A simple, straightforward, statutory test for C&T determinations:

A pattern of use that is:

- (1) for direct personal or family consumption;
- (2) non-commercial;
- (3) long-term;
- (4) consistent; and
- (5) established over a reasonable period of time.

Standard of Review:

- Is the regulation “consistent with and reasonably necessary to implement” A.S. 16.05.258?
- *Payton* – “Insofar as our review requires us to determine the meaning of ‘customary and traditional’ in A.S. 16.05.258, we exercise our independent judgment.”

ISSUE #1: THE EIGHT CRITERIA REGULATION

5 A.A.C. 99.010(b)

Each board will identify fish stocks . . . or portions of stocks . . . that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:

Criterion Six

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.

Criterion Seven

A pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving.

- **1978** – The legislature adopts the first subsistence statute.
- **1982** – The Boards of Fisheries and Game adopt regulation 5 A.A.C. 99.010, which contains a rural limitation in subsection (a) and the eight criteria in subsection (b).

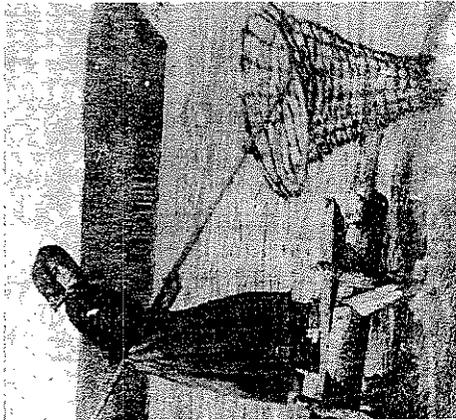
Criterion Eight is “a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area, and which provides substantial economic, cultural, social, and nutritional elements of the subsistence user’s life.”

Criterion Eight

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.

- **1985** – Madison strikes down the rural limitation, but does not address the eight criteria.
- **1986** – The legislature adopts a rural limitation by statute.
- **1989** – McDowell holds that a rural limitation is unconstitutional.
- **1992** – The legislature amends the subsistence statute, defining “customary and traditional” for the first time.

Long history of subsistence dipnetting by the Ahtna . . .



(Exhibit A at 25.)

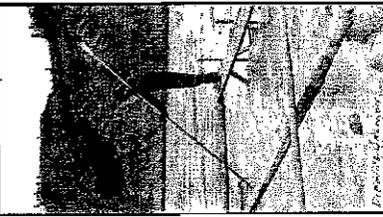
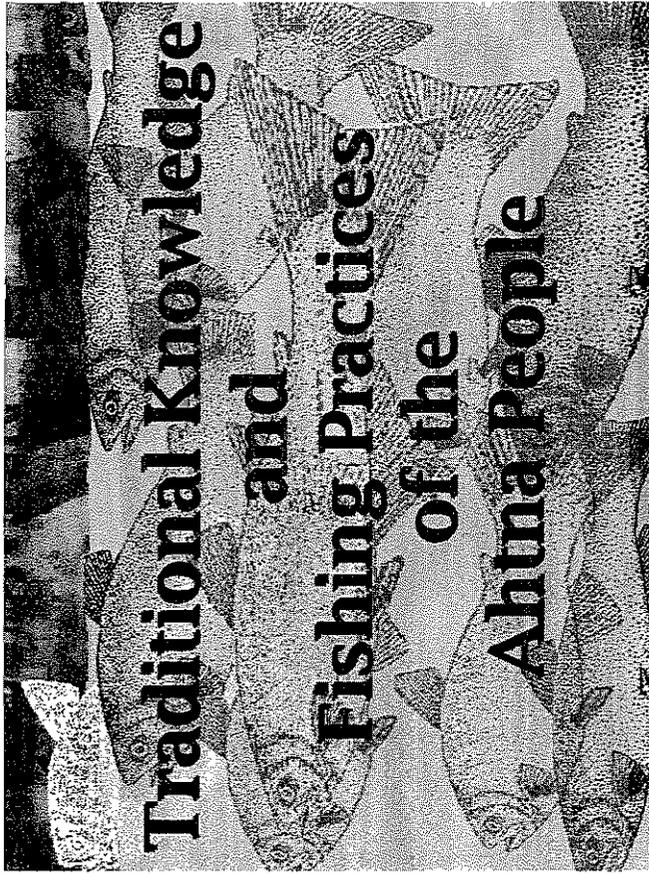
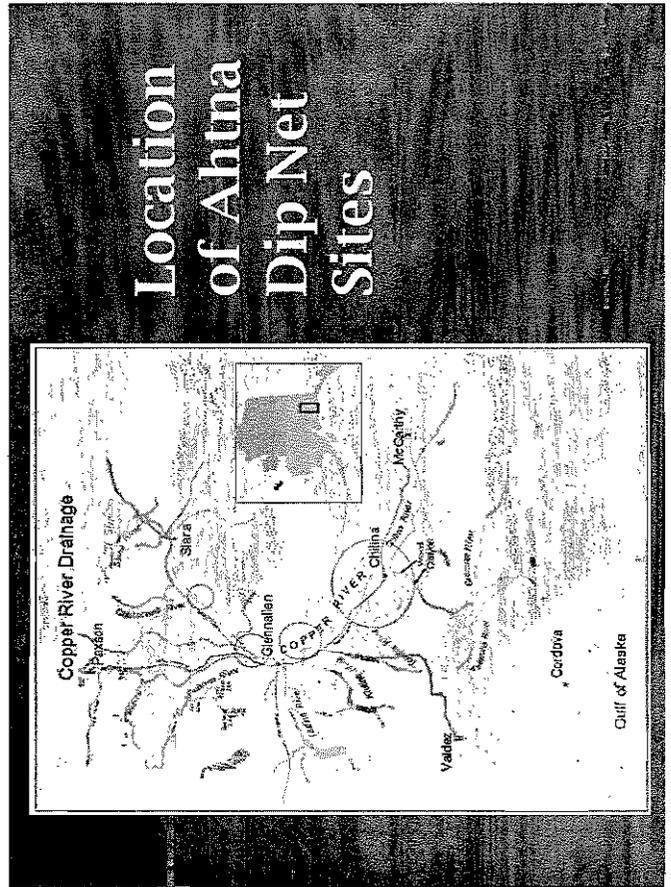


Plate 16—Chief Goodlaaw dipnetting for salmon in Wood Canyon. (Photo courtesy of Geoff Bleakley.)

. . . adopted by non-Natives in the mid-twentieth century.



Salmon Harvesting Devices

- c'isi, 'the dip net'
- tiz'aani, tez'aani, 'fish trap'
- dunax, dinax, fish spear
- c'isi nekeghalts'ehi, 'dip net that revolves'

The Division of Subsistence reports:

“Residents of Fairbanks began fishing regularly at Chitina in the late 1940s. According to oral tradition, at least one Fairbanks resident fished at Chitina as early as 1938 or 1939, but the fishery did not become popular until after World War II.”

(Exhibit I at 28.)

December 1999: Positive C&T Finding

- Board of Fisheries adopts Proposal 44 to make a positive C&T finding for Chitina.
- Darryl Jordan, CEO of Ahtna, Inc., announces that Ahtna is “vehemently opposed” to the C&T finding and asks the Board to appoint a review committee to reconsider.

(Exhibit I at 55)

By the time the legislature debated the original subsistence statute in 1978, the pattern of use at Chitina was already well-established:

“Where people from Fairbanks make it a custom to go down to the Chitina area and if it was determined that that resource was down to the point where only subsistence would be allowed, *those people would be taken care of under this section.*”

Statement of Representative Anderson, floor manager for the subsistence bill, quoted in Madison v. Alaska Dept. of Fish & Game, 696 P.2d 168, 176 (Alaska 1985).

March 2000: Special Meeting

- In response to Ahtna’s petition, a BOF subcommittee holds a special public meeting “specifically looking for new information that might warrant immediate reconsideration” of the C&T finding.

(Exhibit I at 56)

- The subcommittee issues a report stating:

“The Board should . . . consider whether evidence of a ‘stronger’ C&T use of the same fish in an adjacent subsistence fishery [i.e., Glennallen] may warrant reconsideration of the Chitina dipnet fishery.”

(Exhibit AA.)

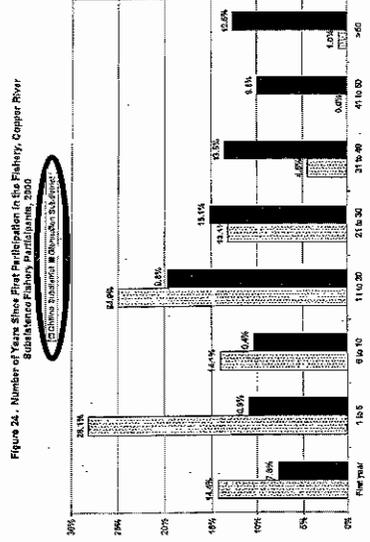
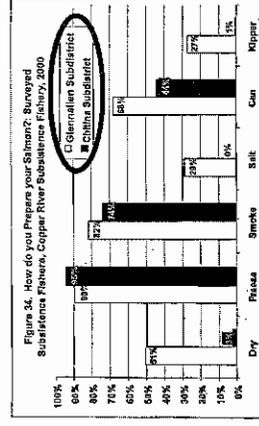
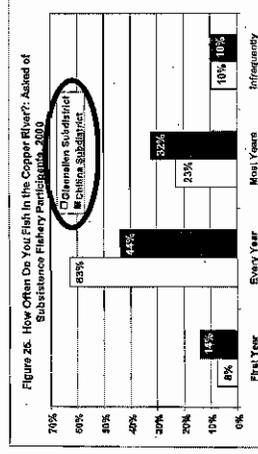
- Based on this survey, the Subsistence Division produces a C&T Worksheet which contrasts use patterns in Chitina with allegedly “stronger” C&T use patterns in Glennallen.

- The Worksheet contains nearly two dozen charts and graphs purporting to compare Chitina and Glennallen users.

(Exhibit A.)

Summer 2000: Biased Survey

- The Division of Subsistence, in collaboration with three Ahtna groups, performs a survey comparing
 - (1) randomly selected Chitina users and
 - (2) long-term, handpicked Ahtna Glennallen users.



(Exhibit A at 48, 49, 62.)

February 2003: C&T Finding Repealed

- The Board of Fisheries considers Proposal 42, submitted by several Ahtna organizations, to repeal the C&T finding for Chitina.
- Ken Johns, CEO of Ahtna, Inc., urges that “the dip netters, primarily from urban areas . . . have a lifestyle and income that is much different than Ahtna people.”

(Exhibits M, N)

- Three of the seven Board members claim that they are attempting not to be influenced by the comparison to Glennallen . . .
- But only one of those members votes in favor of Proposal 42.
- Thus, three of the four members who vote in favor of the proposal do not deny being influenced by the comparison.

(Exhibit A.)

- AAG Lance Nelson advises the Board:

2 To further explain, you know, why we didn't
3 find a legal error, one important point might be to
4 remember that while the use of -- while the patterns
5 of administration was in an adjoining area, like the
6 Glennallen subdistrict compared to the Chitina
7 subdistrict, might be helpful in your evaluating
8 whether or not there is any use in the Chitina
9 subdistrict, it -- that -- the Glennallen subdistrict
10 use patterns are not the legal standard that you need
11 to apply here.
12 The legal standards are found in the
13 statute, and then as expanded in the regulatory
14 criteria.
15 But I don't think it's inappropriate for you
16 to compare, but you need to exercise some caution as
17 not taking that as a legal standard that -- legal
18 minimum standard that you have to seek in order to
19 find C&T use.

(Exhibit W at 76.)

- In fact, Board member Art Nelson (who votes in favor of Proposal 42) states:

19 Now again, you know, trying to avoid the pit
20 of comparing the two subdistricts, I do see that the
21 difference is rather striking. And without, you know,
22 trying to use the Glennallen subdistrict as the bar
23 that these -- that the Chitina district has to get
24 over, it's quite a striking difference there.

(Exhibit W at 137.)

Board Member Art Nelson (voted yes on Proposal 42):

23 MR. A. NELSON: Thank you, Mr. Chair. You
24 know, I have appreciated all the comments that have
25 been made so far. But I've got to say I most agree
1 with your assessment on -- your assessment, Mr. Chair,
2 on B, particularly looking at that last part of it
3 dealing with the economic and cultural, social, and
4 nutritional elements of the subsistence way of life.
5 And in many of those aspects, you know,
6 economic, cultural, social, nutritional, relate back
7 to several of these other criteria in different
8 manners. But it comes down to that final part, the
9 subsistence way of life. And it does depend on your
10 perspective with that.

(Exhibit W at 153 - 54.)

Board Member Mel Morris (voted yes on Proposal 42):

2 But I'm not sure that it relates to a
3 subsistence way of life. I think you get together in
4 your back yard and have a barbecue and that would be
5 social, and it wouldn't -- because you got your whole
6 family together or other people together, that
7 necessarily was a social outing or a social bonding,
8 or whatever it would be called, that related to
9 subsistence way of life.
10 And again, it -- you know, it's sort of an
11 ambiguous thing that requires me to decide on those
12 issues not with any defining information, but how --
13 how does it play out in what I've heard. And I've

(Exhibit W at 141.)

Board Member John Jensen (voted yes on Proposal 42):

8 MR. JENSEN: Yeah. My feelings are pretty
9 much the same of what Art just said, especially on
10 MO. 8. I'm probably -- I'm going to vote yes on this
11 proposal.

(Exhibit W at 156.)

Board Member Larry Engel (voted no on Proposal 42):

3 They have lived a life -- whatever subsistence
4 lifestyle that -- we all know it, we see it, but it
5 looks different to each of us, just like defining
6 beauty. And my background suggests and my dealings

(Exhibit W at 151.)

Board Member Rupe Andrews (voted no on Proposal 42):

20 MR. ANDREWS: Mr. Chairman, very quickly on
21 criteria 8, the word "cultural" is included in that
22 definition. And to me, that means living an Alaskan
23 lifestyle. But it could mean just about anything to
24 anybody else. But that's the way I'm going to
25 interpret it.

(Exhibit W at 154.)

Payton v. State (1997)

- In *Payton*, the Board imposed a non-statutory requirement of a familial relationship between current users and past generations of users.
- The Supreme Court held that under the "plain language of A.S. 16.05.258(a) and A.S. 16.05.940(7)," the "focus" in making C&T determinations "is whether the use has occurred consistently for an extended period of time."

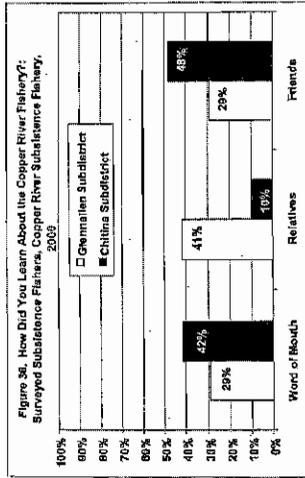
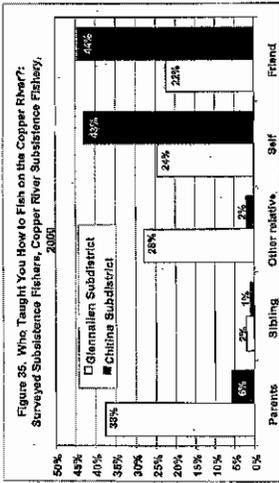
- A few Board members (not a majority) also expressed doubts about Criteria 1 and 6.
- But their doubts were based on irrelevant data about (1) how long and how often individual users had used the Chitina fishery; and (2) whether Chitina users learned about the fishery from relatives.

The Board's Consideration of Criterion 6:

Criterion 6. A use pattern which includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation.

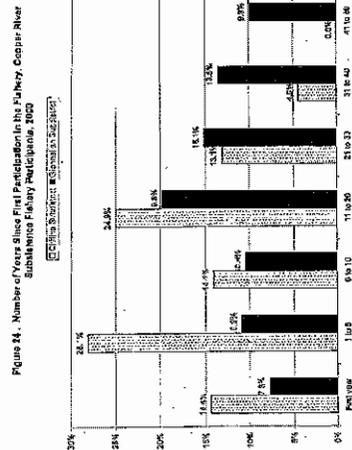
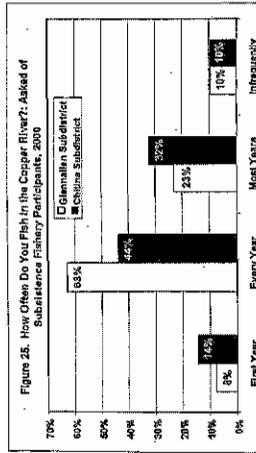
....
Figure 35 shows that many Glennallen Subdistrict fishers learned how to fish in the Copper River from their parents (36 percent) or another relative (28 percent). Most Chitina Subdistrict fishers residents said they taught themselves (43 percent) or learned from friends (44 percent). Figure 36 shows a pattern similar to that depicted in Figure 35, indicating that most Chitina Subdistrict fishers learned about the fishery through word of mouth (42 percent) or from friends (48 percent). Glennallen Subdistrict fishers were far more likely to have learned about the fishery from relatives (41 percent)

(Exhibit A at 63.)



(Exhibit A at 62, 64.)

The Board's Consideration of Criterion 1:



(Exhibit A at 47-48.)

There was no attempt by DOS to evaluate intergenerational transfer of knowledge – only a comparison between how many handpicked Ahtna users versus Chitina dipnetters had learned from relatives.

Regarding Criterion 1, Board member Art Nelson asked:

So I'm not sure where to look on this. Are we looking at uses or are we looking at users when it comes to this point, or is it fair to look at both?

To which Assistant AG Lance Nelson replied:

I think legally you could interpret probably this criterion and even the statute a number of different ways. It's probably ambiguous as to whether or not the use has to keep reoccurring or the use has to be by the same person over a long period of time.

Board member Art Nelson then stated:

MR. A. NELSON: Yeah. That's -- thank you. You both clarified it for me quite a bit. Because if you look solely at the use, you know, obviously the Chitina salmon stocks at Chitina have been used for a long time, and they've been used consistently every single year. But when you start to look at the users, you know, as I pointed out with figure 24, the long-term part when you're looking at users, it appears to be on the shorter term, most of them under 20 years in the Chitina subdistrict.

(Exhibit W at 96-99.)

June 4, 2009

• Fairbanks Daily News-Miner reports:

"Citing what appears to be a weak run of king salmon in the Copper River, the Alaska Department of Fish and Game announced on Wednesday that personal-use dip-netters at Chitina will not be allowed to keep king salmon beginning on Monday.

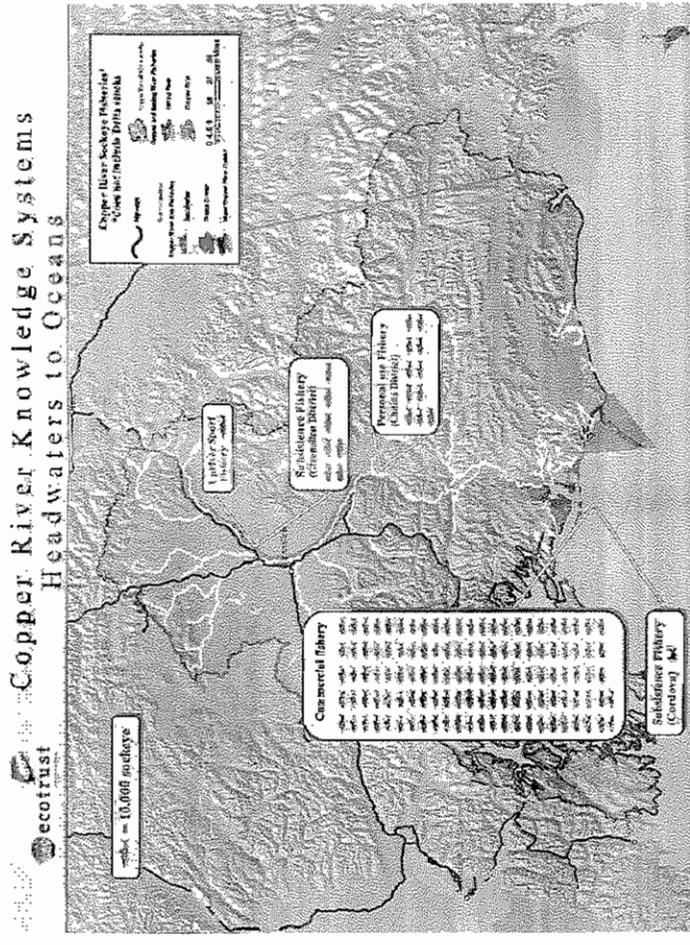
"Commercial fishermen in Cordova have caught only about one-third the number of kings that state fish managers were anticipating. The commercial king harvest as of May 28 was 5,445, and the state's projected harvest by that date was 17,553.

"While managers, dip-netters and sportfishermen were holding out hope that many of those kings had escaped the nets of commercial fishermen, that doesn't appear to be the case, Somerville said."

RECENT DEVELOPMENTS

- By May 28, ADF&G knew the Copper River king salmon run was a disaster. Yet the Commercial Fish division ordered an extremely liberal 96 hours of commercial fishing between May 28 and June 5.
- Between May 28 and June 2, the commercial fleet harvested an additional 2,500 king salmon, prompting an emergency order denying all Chitina dipnetters the opportunity to harvest even a single king salmon.

- There are no restrictions contemplated for the Glennallen subsistence fishery, where each fishwheel operator may harvest 500 kings.
- If the Chitina fishery were afforded a subsistence priority, the commercial fishery in Cordova would necessarily have to be managed differently to provide for the subsistence needs of the 8,000 Alaskan families who fish for food at Chitina.



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

the Copper River Basin. However, only 11 percent participated in other salmon fisheries. Basin residents who used dipnets to harvest salmon in 1982 also engaged in several other resource harvest activities, again mostly within the Basin (Stratton 1982b:62).

Patterns of Harvest and Use of Copper River Salmon by Non-Basin Residents

Gear Type

The vast majority of non-Basin residents harvesting Copper River salmon use dipnets. Of the 7,144 Copper River subsistence permits issued to non-Basin residents in 1983, 6,842 (96 percent) were dipnet permits. Only 302 (4 percent) of the non-Basin participants held fishwheel permits. Overall, about 99 percent of all dipnetters and 48 percent of all fishwheel users resided outside the Copper Basin in 1983.

A comparison of Tables 9 and 10 demonstrates that this pattern of choice of gear type occurs within most non-Basin communities and geographic areas that use Copper River salmon. For example, 32 Fairbanks households fished with fishwheels in 1983, while 2,470 fished with dipnets; thus 99 percent of the Fairbanks fishers participated in the dipnet fishery. About 95 percent of the Anchorage participants, 95 percent of the Delta Junction participants, and 91 percent of the participants from Valdez fished with dipnets in 1983.

Several factors help explain the preference non-Basin residents display for dipnets over fishwheels. As noted earlier, using a fishwheel requires a large investment of time and money, plus knowledge and skill to construct the wheel. The wheel must be transported a long distance from the place of residency to the fishing site on the Copper River. Success in operating the wheel results from familiarity with the river and the salmon runs, as well as access to a suitable fishwheel site, most of

TABLE 9. RESIDENCES OF COPPER RIVER FISHWHEEL PERMITHOLDERS, 1983.

Community	Basin	Non-Basin	Total	Percent
Anchorage ^a		127	127	20.2
Chicken		4	4	0.6
Chitina	23		23	3.7
Copper Center ^b	100		100	15.9
Delta Junction		13	13	2.1
Dot Lake		3	3	0.5
Fairbanks ^c		32	32	5.1
Gakona ^d	60		60	9.5
Glennallen ^e	117		117	18.6
Kenai Peninsula ^f		7	7	1.1
Mentasta	1		1	0.2
Military ^g		2	2	0.3
Northway		3	3	0.5
Palmer/Wasilla ^h	18 ⁱ	52	70	11.1
Paxson	2		2	0.3
Slana	7		7	1.1
Tok		37	37	5.9
Valdez		14	14	2.2
Other ^j		8	8	1.3
	<u>328 (52.1)</u>	<u>302 (47.9)</u>	<u>630</u>	<u>100.2</u>

a Includes Chugiak, Eagle River.

b Includes Kenny Lake, Upper Tonsina, and Lower Tonsina.

c Includes College, and North Pole.

d Includes Gulkana, and Chistochina.

e Includes Tazlina, Copperville, and some Copper Center residents.

f Includes Kenai, Homer, Ninilchik, Soldotna, and Sterling.

g Includes Elmendorf AFB and Fort Richardson.

h Includes Palmer, Sutton, Wasilla and Willow.

i Estimated number of Copper Basin residents.

j Includes Bettles, Boundary, Cantwell, Healy, Juneau, and King Salmon.

Source: Division of Commercial Fisheries, 1983.

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

Community	# of permits	Percent
Anchorage ^a	2,431	35.2
Cantwell	3	-
Central	1	-
* Chitina	10	0.1
Clear/Anderson ^b	21	0.3
* Copper Center	32	0.5
Cordova	2	-
Delta Junction	256	3.7
Dot Lake	5	0.1
Fairbanks ^c	2,470	35.7
* Gakona	3	-
* Glennallen	24	0.4
Healy ^d	8	0.1
Kenai Peninsula ^e	23	0.3
Military ^f	967	14.0
Northway	1	-
Palmer/Wasilla ^g	438	6.3
Sutton	6	0.1
Talkeetna ^h	5	0.1
Tok	16	0.2
Valdez	150	2.2
Northern Alaska ⁱ	13	0.2
Southeastern Alaska ^j	4	0.1
Western Alaska ^k	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.

which are accessed only over private property or, because of former use, already occupied by Basin residents. At the close of the season, the wheel must be removed from the river and stored, or the owner risks its loss over the winter months.

It is not surprising, then, that many of the non-local fishwheel permit holders operate a fishwheel owned by a friend or relative who is a Basin resident. Others, who own wheels, report that they first learned of their operation and construction at Chitina, where they had gone for dipnetting (Stratton 1982b:17). In contrast, fishing with a dipnet requires a small investment in equipment. The open fishing area is accessible by highway vehicle. Knowledge of this fishery spreads by word of mouth, and many participants decide to travel to Chitina after they learn of a strong run and the likelihood of catching a substantial number of salmon during a short visit to the area.

Other than the Copper Basin itself, the Upper Tanana River region is the only other part of the State which contains communities with more residents who operate Copper River fishwheels than fish with dipnets at Chitina. In 1983, for example, 43 households in the communities of Dot Lake, Northway, and Tok held Copper River fishwheel permits, while 22 fished with dipnets. Thus, about 66 percent of the participants in the Copper River subsistence fishery from these communities fished with fishwheels. This preference is understandable in that Slana, the northernmost portion of the Copper River open by regulation to fishwheel use, is geographically closer to the Upper Tanana area than either the dipnet fishery at Chitina or the gillnet fisheries on the Yukon and lower Tanana Rivers. As stated in the history section, residents of the Upper Tanana area also have historical ties to the upper Copper River and its resources which have been documented since 1885.

Technical Paper No. 324

Ahtna Knowledge of Long-Term Changes in Salmon Runs in the Upper Copper River Drainage, Alaska

**Final Report for Study 04-553
USFWS Office of Subsistence Management
Fishery Information Service Division**

by

William E. Simeone

and

Erica McCall Valentine,

with

Siri Tuttle

**in collaboration with the
Mentasta Tribal Council
Cheesh'Na Tribal Council
Gulkana Tribal Council
Tazlina Tribal Council**

August 2007

Alaska Department of Fish and Game

Division of Subsistence



EXHIBIT AC PAGE 1 OF 3

At this point there was growing "apprehension" about the future of the Copper River fishery that was "stimulated somewhat" by complaints from the Ahtna that the "unusual activity in fishing operations was causing a shortage in the supply of salmon used by the Indians for food" (Bower and Aller 1917:26).

In 1915, the Ahtna living at Chitina petitioned the government to stop commercial fishing at Abercrombie Rapids (Ball 1915; Lyman 1916a). According to the sworn statement of Frank H. Foster (1920), an attorney practicing in McCarthy, between 1915 and 1917, several Ahtna men, including Gallagher, Joe Nikalai, Chief Goodletah and Johnny Goodletah (today spelled Goodlataw) (Plate 16), had complained about the cannery in Abercrombie Canyon and the scarcity of salmon and had asked him to write letters to Washington D.C. In 1992, Ahtna elder Frank Billum (1992) remembered that his uncle, Douglas Billum and Joe Bell's dad "fought against the commercial fishery" and went to a judge in Chitina and told him "No fish, our Copper River Indian may have no fish to eat anymore," and they told the judge to put a stop to the cannery down at Abercrombie Canyon. "And by golly," Frank Billum (ibid.) said, "they fight that case and I think those federal governments say no, stop the cannery in that river so salmon could come up."



Plate 16.—Chief Goodlataw dipnetting for salmon in Wood Canyon. (Photo courtesy of Geoff Bleakley).

In 1916 five canneries canned salmon that had been harvested directly from the river. Investigations of the spawning grounds undertaken in that year indicated that few salmon were escaping past the commercial fishery and that "in some measure" the testimony of the Indians was confirmed (Lyman 1916b). The following year (1917), seven canneries were harvesting salmon from the Copper River, and upon further investigation, everyone agreed that the Copper River was being overfished (Bower and Aller 1917:23). Eventually the Ahtna were joined in their complaint by one commercial fisher on the Copper River Delta who alleged that continuation of the commercial fishery within the Copper would "cause a depletion in the runs of the salmon thereby depriving the fishers operating on the tidal flats of said river a means of livelihood [*sic*]..." (Lyman 1916b).

Stimulated in part by the Ahtna's complaint, the Bureau of Fisheries launched investigations along the Copper River every year between 1915 and 1919, and again in 1921. In the fall of 1915, assistant agent E.M. Ball was sent by the Bureau of Fisheries to investigate a complaint made by the Ahtna that, "by reason of increased fishing on the Copper River due to the operation of two new salmon canneries...they were unable to obtain a supply of salmon sufficient for their winter needs" (Ball 1915a:1). The Ahtna at Copper Center told Ball there was plenty of salmon, and "they thought the run was as good as ever" (ibid.:2), but Ball heard a different story at Gulkana and Chitina. At Gulkana the Ahtna had contracted with the government telegraph station to provide salmon for dog food, but they were unable to fulfill the contract. At Chitina several Ahtna told Ball they got few fish and complained the "White men...were killing all of

Ahtna elders point out that the degradation of the local ecology began at the beginning of the 20th century, when the first non-Natives entered the Copper Basin, and has accelerated as the population of the Copper Basin has grown.

Chapter 5 provides observation about numerous multi-scaled environmental changes that are occurring within the Copper River Basin and how these changes are affecting the salmon fishery and Ahtna culture. In many cases these changes are having either a direct or indirect effect on the ability of the Ahtna to harvest salmon. Rapid climate change makes it more difficult for the Ahtna to apply their accumulated knowledge to the local environment. For example, the rise in the ambient air temperatures coupled with changes in precipitation makes natural indicators, which the Ahtna historically used to predict the return and strength of the salmon runs, unreliable. In some circumstances, increasing water temperatures has made it more difficult to harvest salmon by driving salmon into deeper water where they cannot be caught by dip net or fish wheel. Another change, caused by a combination of natural and sociopolitical forces, is the reduction in access to the river that results in the loss of fishing sites and fishing opportunities. Historically, whenever fishing sites were eroded away by the river, the Ahtna simply moved to another site. [Today, because much of the road-accessible property along the Copper River is in private hands, and there are few public roads that provide access to the river, it is much more difficult, if not impossible, to find or secure a new fishing site.]

As noted at the beginning of this chapter, one problem with trying to synthesize Ahtna knowledge with science is that the former is highly localized, derived from a particular historical perspective, and holistic or concerned with relationships or connections within an entire ecosystem. From the perspective of the Ahtna, compartmentalizing the components of an ecosystem does not adequately address the problems facing that ecosystem. The environment is changing, and while individual changes may seem small and insignificant, the cumulative impacts are altering the environment and having an effect on salmon habitat and salmon runs in the Copper River.

In chapter 6 we described how the Ahtna have engaged fisheries management and how this engagement has changed as fisheries management developed into a top down, quantitatively oriented science, with little emphasis on social issues, avenues for addressing local knowledge and local concerns has narrowed. As result the Ahtna have resorted to public protest, civil disobedience and the courts to challenge regulations. In the end, their participation has ensured the long term sustainability of the fishery and shaped the management of the fishery.

RECOMMENDATIONS

In light of the preceding discussion, the following recommendations are offered for further research to better understand and manage the Copper River salmon fishery:

Increase Harvest Monitoring Efforts: As described in documents for the Southcentral Strategic Planning Workshop (Subsistence Fisheries Resource Monitoring Program 2004), one of the information needs is to “identify demographic, regulatory and socioeconomic factors affecting subsistence harvest levels.” The harvest data collected for this project and presented in Chapter 3 show that subsistence salmon harvests on the upper Copper River have declined over the last 160 years. This report explored the influence of competition and management on subsistence salmon harvests and how environmental change has affected fishing opportunities and harvest patterns. Further research is needed on how demographic and socioeconomic factors have

00030

1 Native lands or State lands. So that's why we can't
2 accommodate the fee request because we don't have -- we
3 just simply do not have jurisdiction.

4

5 MS. STICKWAN: But I think some kind of
6 agreement could be in place where there's -- that you
7 acknowledge that they are the land owners or something.
8 Somehow the State has worked this out so that they do
9 have an agreement in place between Chitina and the State
10 of Alaska. And I'm sure something like that can be
11 worked out somehow between agency and Chitina Native
12 Corporation.

13

14 CHAIRMAN DEMIENTIEFF: Keith, do you know
15 if that's something that's possible that we could do?

16

17 MR. GOLTZ: Not that I'm aware of. The
18 State has jurisdiction over State and private lands and
19 we're confined in our program to define Federal lands.
20 I'd be happy to talk about it with anybody who can
21 suggest a different idea. But we are limited in our
22 jurisdiction.

23

24 MR. LOHSE: Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Yes, go ahead --
27 Gloria, that's the best we know right now but I'd
28 encourage you to follow up with Keith or have whoever
29 follow up with Keith to the different land owners out
30 there and we'll see if there's anything that is possible
31 with regard to that. But it's certainly not something
32 possible right now. That would take some time to put
33 something like that together, if it was legal.

34

35 MS. STICKWAN: I would like Ahtna to be
36 involved in this, too, since they're the land managers
37 for -- and the corporation as well.

38

39 CHAIRMAN DEMIENTIEFF: Do you have a
40 question specifically to Gloria?

41

42 MR. LOHSE: I have a question for Gloria
43 and Keith, both, if I may ask it.

44

45 CHAIRMAN DEMIENTIEFF: Go ahead.

46

47 MR. LOHSE: This would just be a question
48 as far as the permit that's issued, the Federal permit
49 that's issued, would it be reasonable or proper to
50 include a notice on that permit that the lands being

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1 crossed are private lands and it's up to the individual
2 involved that holds the permit to make a private contact
3 with Ahtna and pay the fee and that if they haven't then
4 the permit, that's their responsibility?

5

6 MR. GOLTZ: I think the answer to your
7 question is yes. In fact, I think we've done that in
8 other cases.

9

10 MS. GOTTLIEB: Mr. Chairman.

11

12 (Pause)

13

14 MS. GOTTLIEB: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: I'm sorry.

17

18 MS. GOTTLIEB: One more comment for
19 Gloria and for Ralph, that the National Park Service, if
20 we are the ones to issue the permit would certainly want
21 to work with CRNA and Ahtna to work out prescribed
22 wording for a permit.

23

24 CHAIRMAN DEMIENTIEFF: Okay, thank you.
25 Thank you, Gloria. Regional Council recommendation.

26

27 MR. LOHSE: The Regional Council
28 supported this proposal with modification. We recognize
29 that there were some problems that could evolve from this
30 so we would like to stipulate that only one unit of gear
31 may be operated at a time and that if a household is
32 issued permits for both subdistricts, you must have both
33 permits in possession when fishing or transporting
34 subsistence caught fish. In other words, if you're
35 fishing in the Chitina subdistrict but you have a permit
36 for the Glenallen subdistrict, you need to have your
37 Glenallen permit along. We also feel that this would
38 provide subsistence opportunity but we recognize that it
39 does have the potential for impacts on Chitina River fish
40 and on other fishers. And so we would think that this
41 would need to be tracked and provisions made to mediate
42 or limit this as much as possible so that we wouldn't
43 have adverse impacts.

44

45 Thank you.

46

47 CHAIRMAN DEMIENTIEFF: Thank you. Staff
48 Committee.

49

50 MR. GERHARD: Yes, Mr. Chairman, Staff

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1 Committee recommendation for Proposal 17 is also a little
2 bit lengthy so bear with me but I think it's important to
3 remember that the reason this proposal is here is
4 because.....

5
6 CHAIRMAN DEMIENTIEFF: Bob, could I get
7 you to hold on here a minute, I overlooked one person
8 requesting public testimony.

9
10 MR. GERHARD: Of course.

11
12 CHAIRMAN DEMIENTIEFF: She might want to
13 -- Sue Aspelund.

14
15 MS. ASPELUND: Thank you for this
16 opportunity. My name is Sue Aspelund, I'm executive
17 director of Cordova District Fishermen United and we
18 represent the commercial fishing fleets of the Copper
19 River and Prince William Sound. I'd like to clarify that
20 the comments that Ann read into the record earlier
21 referenced 17b at the time written. Comment was
22 solicited in June, the proposal was not yet split into
23 17a and B so those comments were relative to this portion
24 of the discussion.

25
26 We're extremely concerned about divergent
27 State and Federal regulations especially in the Chitina
28 subdistrict where there can be as many as 10,000 non-
29 Federally-qualified users accessing the resource. We're
30 anecdotally aware of past and present violations of
31 existing State bag limits by non-Federally-qualified
32 users and we're very concerned over enforcement of
33 divergent State and Federal regs. In your deliberations
34 today, we sincerely hope that you will question Federal
35 managers as to their plans and their ability to monitor
36 the fishery and the regulations for protection of the
37 resource.

38
39 Further ADF&G has described to you a
40 fairly complex abundance spaced management plan for the
41 Copper River that has evolved over time in order to
42 sustain the Copper River resource and the people
43 dependent upon its fisheries resources. We're very
44 concerned at the lack of a written Federal management
45 plan that acknowledges the intense pressure on this
46 resource. Further, we urge you to require a written in-
47 season management plan for Federal fisheries in the
48 Chitina subdistrict as well as a review of enforcement
49 capabilities prior to passage of 17b in order to protect
50 both the resource and the residents that live along the

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1 Copper River that are dependent upon it.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Any
6 questions. Thank you. Staff Committee now, sorry, about
7 that Bob but I just overlooked it.

8

9 MR. GERHARD: Yes, Mr. Chair, as I was
10 saying this is a fairly complex proposal but it starts
11 from a simple premise and that's the existing regulation
12 that we have now that says you may not take salmon in the
13 Chitina subdistrict. That regulation was adopted from
14 the State subsistence regulation when we adopted our
15 regulations in 1999. Of course, that was before the
16 State dipnet fishery was a subsistence fishery. So the
17 whole premise is to correct that statement.

18

19 The Staff Committee recommendation is to
20 adopt with the modifications as recommended by the
21 Southcentral Alaska Subsistence Regional Advisory
22 Council. And again, the Eastern Interior Subsistence
23 Regional Advisory Council deferred to the home region.

24

25 The modifications stipulate that only one
26 unit of gear may be operated at any one time and that if
27 a household is issued permits for both subdistricts, he
28 must have both permits in possession when fishing or
29 transporting subsistence caught fish in either
30 subdistrict. Also to identify the permit as being a
31 Federal subsistence salmon fishing permit and clarify
32 that the annual limit is a harvest limit rather than a
33 possession limit.

34

35 And the modified proposed regulations
36 would read, for Section 27(i)(11)II, you may take salmon
37 in the Upper Copper River district only as follows: In
38 the Glenallen and Chitina subdistricts from May 15th to
39 September 30th. IX, in the Glenallen and the Chitina
40 subdistricts, you may take salmon only by fishwheels, rod
41 and reel or dipnets. Subsection XIV, only one Federal
42 subsistence fishing permit per subdistrict will be issued
43 to each household per year. If a household has been
44 issued permits for both subdistricts in the same year,
45 both permits must be in your possession and readily
46 available for inspection while fishing or transporting
47 subsistence taken fish in either subdistrict. Subsection
48 XV, the following apply to Upper Copper River district
49 Federal subsistence salmon fishing permits. Multiple
50 types of gear may be specified on a permit although only

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1 one unit of gear may be operated at any one time.

2

3

4 The total annual harvest limit for
5 Federal subsistence salmon fishing permits in combination
6 for the Glenallen subdistrict and the Chitina subdistrict
7 is as follows: For a household with one person 30 salmon
8 of which no more than five may be chinook salmon if taken
9 by dipnet. For a household with two persons, 60 salmon
10 of which no more than five may be chinook salmon if taken
11 by dipnet plus 10 salmon for each additional person in a
12 household over two persons except that the households
13 limit for chinook salmon taken by dipnet does not
14 increase. Upon request, permits for additional salmon
15 will be issued for no more than a total of 200 salmon for
16 a permit issued to a household with one person of which
17 no more than five may be chinook salmon if taken by
18 dipnet or no more than a total of 500 salmon for a permit
19 issued to a household with two or more persons of which
20 no more than five may be chinook salmon if taken by
21 dipnet.

21

22 The justification for this recommendation
23 is that the proposal would establish a Federal
24 subsistence fishing season and methods and means for
25 salmon in the Chitina subdistrict identical to the
26 Federal season and methods and means currently in place
27 for the Glenallen subdistrict. The combined seasonal
28 harvest limit for permits issued for the Upper Copper
29 River district which includes the Glenallen and Chitina
30 subdistricts would be the limit presently established for
31 the Glenallen subdistrict alone. Total subsistence take
32 by Federally-qualified users would not be expected to
33 increase substantially since the Federally-qualified
34 users for the Chitina subdistrict fishery would
35 essentially be only a subset of those already qualified
36 for the ongoing and geographically larger Glenallen
37 subdistrict fishery. While it is uncertain to what
38 extent effort may shift from the Glenallen subdistrict to
39 the Chitina subdistrict, it is unlikely to be substantial
40 since local users in the Glenallen subdistrict primarily
41 use fishwheels and already have established sites.

42

43 Although the current State subsistence
44 salmon fishery in the Chitina subdistrict allows only the
45 use of dipnets, information regarding historical use of
46 fishwheels provides sufficient justification for
47 inclusion of fishwheels as allowable gear in the Federal
48 subsistence fishery and rod and reel is allowed
49 statewide.

50

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1 The modifications to the proposal provide
2 clarity prohibiting the operation of multiple units of
3 gear at any one time and aid in the enforcement of
4 harvest limits by requiring possession of both permits
5 when fishing or transporting subsistence caught fish in
6 either subdistrict for those households issued permits
7 for both subdistricts in the same year. It is advised
8 that at least for the first year and beyond, if
9 necessary, the Federal subsistence fishery in the Chitina
10 subdistrict be scheduled consistent with the State
11 fishery schedule.

12

13 Mr. Chair, that concludes the Staff
14 Committee recommendation.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Board
17 deliberation.

18

19 MS. GOTTLIEB: Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MS. GOTTLIEB: This particular proposal
24 enables Federal subsistence users to more easily meet
25 their subsistence needs for sockeye salmon. Now, while
26 we manage for subsistence opportunity we, of course, need
27 to keep in mind resource management and recognized
28 principles of fish, fisheries conservation as paramount.
29 I think these are some major changes we're talking about
30 and the effect of these changes won't really be known
31 until after and if we implement these. But we expect
32 minimal increase in use. Resource conservation does
33 remain our highest management priority. We have to be
34 careful not to move too quickly and evaluate the effects
35 of each of these actions.

36

37 I'm going to move to adopt Proposal 17b
38 as the Staff Committee recommended. I think it would be
39 really important as we've discussed here, not only to
40 continue our discussions with the State, with the
41 Regional Advisory Councils, perhaps even to have public
42 meetings before the 2002 season begins. I'd also suggest
43 that the management of the Chitina subdistrict continue
44 to be abundance based as determined by salmon that pass
45 through the Miles Lake sonar. And that the determination
46 of the opening date and in-season openings and closings
47 be determined very carefully in consultation between
48 Federal subsistence users and State managers and although
49 this is dual management, we still continue to insure that
50 Federal subsistence priority can occur in this subdistrict.

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1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4

5 MR. EDWARDS: Mr. Chairman, I'd like to
6 ask the State based upon the suggested modification to
7 the proposal and I guess the understanding that it would
8 be open by special action and I guess I'm assuming that,
9 at least, in the interim consistent kind of with the
10 State management plan, you know, does that ease some of
11 your concerns? And secondly, could you elaborate a
12 little more on the access issue, I'm not sure I fully
13 understand that.

14

15 CHAIRMAN DEMIENTIEFF: Excuse me, if we
16 can hold off here in a second, we need a second.

17

18 MR. EDWARDS: I'll second the motion.

19

20 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

21

22 MR. VINCENT-LANG: The first question
23 addresses our final point which is consistency with the
24 State management plan. Clearly we are concerned that we
25 would have differing fishing schedules out there as a
26 result of adoption of this proposal. The Board's intent
27 to clarify that, at least, initially and hopefully longer
28 than that in our estimation, having a fishing schedule
29 that is identical to the State management plan would be
30 preferable and that would be ease some of our concerns
31 with that one.

32

33 Regarding the second issue, the land
34 access issue, that is kind of an issue that's been
35 ongoing now for several years. We're looking carefully
36 at our land access issues in the Chitina subdistrict
37 right now. We have some new information to us and we'll
38 probably be renegotiating with the Ahtna Corporation.
39 But clearly we are concerned that there would be a system
40 out there in place where State users would have to pay an
41 access fee and Federal users would not have to pay an
42 access fee and we don't think that'd be fair to the users
43 out there. But we're looking at it right now and we'll
44 be talking on and I think that's an issue that will be
45 ongoing as we go through time on that one.

46

47 MR. EDWARDS: Okay, Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Gary.

50

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1 MR. EDWARDS: With that response I guess
2 I would like to ask Judy then if the motion does include
3 the understanding that the fishery would be open by
4 special action and strive to be consistent with the State
5 management plan?

6
7 MS. GOTTLIEB: I'm not sure I can answer
8 the special action part but the understanding or perhaps
9 the direction of this Board for the first year of this
10 regulation is that we act in concert and coordination
11 with the State and keep those openings as consistent as
12 possible.

13
14 MR. EDWARDS: But again, I'm still trying
15 to clarify on the special action. It's my understanding
16 if the State opens, based upon emergency, then to be
17 consistent would we not have to do it by special action?

18
19 MS. GOTTLIEB: Yes, that's correct.

20
21 CHAIRMAN DEMIENTIEFF: Further
22 discussion. Keith.

23
24 MR. GOLTZ: Yeah, I'd just like to
25 clarify a little about Doug's last statement. I don't
26 think there's anything in this regulation and I hope
27 there's nothing in anything that I said that would lead
28 people to conclude that subsistence access includes a
29 right to trespass. We have a question of private lands
30 here, I'm not sure that our present motion resolves it.
31 I like very much Ralph's suggestion that there be some
32 notification that there is an access problem in this
33 area. These are private lands held by Ahna Corporation.
34 I don't know that this Board has any direct jurisdiction
35 over them. I can't find a way to get from this Board to
36 those lands but perhaps we could work through the land
37 manager in that area, the Park Service, and work
38 something out. But we're not intending here to create a
39 hole that would create further conflict over land use,
40 private land use.

41
42 CHAIRMAN DEMIENTIEFF: Discussion, Ralph.

43
44 MR. LOHSE: Yes, I'd just like to add a
45 couple of comments. One of the things was that our
46 Council recognized that this could create some problems
47 and we, as a Council, said that we would track these
48 fisheries to see what the impact was on the resource and
49 on the fishers involved. I would like to personally
50 recommend that the Federal Board or Federal managers

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1 become very, very familiar with the Copper River
2 management plan. This plan has been worked out by the
3 various users and Fish and Game in the Copper basin.
4 It's one of the reasons that the Copper River has
5 sustained a fishery that has provided fish for the
6 subsistence users, for the State personal use fishermen
7 or today subsistence users and for the Copper River basin
8 community of Cordova, which is based on commercial
9 fishing. And I think it's very, very important that we
10 don't throw the baby out with the bathwater, that we
11 recognize that this has provided that kind of consistency
12 and see how we can work within that kind of consistency.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. Other
17 discussion.

18

19 MR. EDWARDS: Mr. Chairman, again, I
20 guess I just want to make sure that the motion actually
21 embraces what, you know, Ralph said and what we seem to
22 all acknowledge. And if somebody can assure me that it
23 does that then I'm certainly willing to support it.

24

25 MS. GOTTLIEB: Yes, Gary, I believe the
26 motion does embrace that, that we will work in
27 coordination and consultation with the State of Alaska on
28 the openings and closings.

29

30 CHAIRMAN DEMIENTIEFF: Taylor, you had a
31 comment. Bill.

32

33 MR. THOMAS: Thank you, Mr. Chairman.
34 Who did you recognize?

35

36 CHAIRMAN DEMIENTIEFF: I did already.

37

38 MR. BRELSFORD: Go ahead.

39

40 MR. THOMAS: Okay, thank you, Mr.
41 Chairman. I'm really appreciating the dialogue that's
42 happening around this particular proposal. It's
43 demonstrating to me the awareness, the commitment and the
44 concerns of everybody that's effected. With regard to
45 the concerns, I think the concerns are very valid,
46 however, they're bringing out some historic reflections
47 to me and that is historically when it comes to
48 subsistence access to resources, it doesn't come without
49 significant negative speculation. And a lot of that is
50 occurring now and it has a reason for that, there is a

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1 mention of conflicts and conservation. Historically,
2 there's nothing to support those concerns, historically.
3 In the language of the recommendation by the Southcentral
4 Regional Advisory Council, they've listed some real
5 supporting rationale for their position. Also I want to
6 point out that subsistence, if you look at the records of
7 harvest we had earlier, you could see the differences in
8 the level of harvest by different user groups. And so
9 that's a solid demonstration of the focus and the harvest
10 ethics between the subsistence users and other user
11 groups.

12
13 And having said all that, I speak to
14 support the Staff Committee recommendation. Thank you,
15 Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Charlie.

18
19 MR. BUNCH: Thank you, Mr. Chair. I just
20 wanted to bring out the point that in addition to a lot
21 of Ahtna land in these two subdistricts, there's a lot of
22 private land that are Native allotments and we would
23 certainly like to minimize the trespass on those lands,
24 too, because that's quite a problem during the dipnetting
25 season.

26
27 CHAIRMAN DEMIENTIEFF: Thank you.
28 Further discussion. Hearing none, all those in favor of
29 the motion please signify by saying aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN DEMIENTIEFF: Those opposed,
34 same sign.

35
36 (No opposing votes)

37
38 CHAIRMAN DEMIENTIEFF: Motion carries.
39 We're going to take a little break right now and when we
40 come back I'll note that since the next two proposals
41 actually deal with the same issue on different species,
42 we're going to take up 21 first and then go back and do
43 18 when we come back.

44
45 (Off record)

46
47 (On record)

48
49 CHAIRMAN DEMIENTIEFF: We're going to
50 call the meeting back to order. Again, as I mentioned,

00040

1 we're going to take Proposal 21 first in the Southcentral
2 Region and then we'll go back to 18. Analysis, please.

3

4 MR. BUCKLIS: Mr. Chairman, Larry
5 Bucklis, Office of Subsistence Management. The Staff
6 analysis for Proposal No. 21 is found on Page 152 in your
7 Board book, 152. This proposal for the Upper Copper
8 River district was submitted by the Copper River Native
9 Association. The proposal requests the removal of both
10 lobes of the caudal or tail fin from subsistence caught
11 salmon no longer be required. The current requirement is
12 seen as a burden unnecessary and not something that was
13 customary and traditionally done.

14

15 The initial proposal as submitted would
16 have retained the requirement for salmon taken by fishers
17 from urban areas. Since non-rural users are not
18 qualified to fish under Federal subsistence fishing
19 regulations, the urban user aspect of the proposal can't
20 be incorporated into the Federal regulations. That would
21 be a matter for State regulatory consideration.

22

23 For reference there is a diagram shown on
24 the screen of a salmon with the fins indicated and I'll
25 point out for reference the caudal or tail fin, and
26 recall that that is a current marking requirement, the
27 proposal is for no marking requirement. And I'll just
28 reference now, we'll cover it a little later in the
29 analysis, alternative for removal of the anal or ventral
30 fin.

31

32 The existing requirement to remove both
33 lobes of the caudal fin was incorporated from existing
34 State regulations. Marking of subsistence caught salmon
35 is required in Federal regulations for other area areas
36 as well, such as in Yakutat, Southeast Alaska, coho
37 salmon in the Togiak district of Bristol Bay and chinook
38 salmon in the Lower Yukon River. Being required to
39 immediately remove both lobes of the caudal fin from
40 subsistence caught salmon may be perceived negatively by
41 subsistence fishers, however, it does protect and promote
42 current subsistence harvest and uses by assisting in the
43 enforcement of regulations regarding sale of subsistence
44 caught fish and the separation of subsistence harvest
45 limits from sportfish bag limits. Discontinuation of the
46 requirement in Federal regulations would compromise
47 enforcement of State regulations, which is already an
48 area of concern for the proponent.

49

50 Road system access to the Upper Copper

00041

1 River district allows ready transport of fish to markets
2 which this regulation would continue to protect against.

3
4 Removal of the anal or ventral fin may be
5 a more workable marking requirement than removal of both
6 lobes of the caudal fin based upon info we received at
7 the Southcentral Council meeting in fall 2001. It is
8 recommended that the marking requirement for subsistence
9 caught salmon be changed to removal of the anal fin,
10 instead of the current requirement to remove both lobes
11 of the caudal fin. In addition to being more acceptable
12 to users, this would also distinguish salmon taken by
13 Federally-qualified users from those taken by State
14 qualified users. I'd just make a comment here as well,
15 the Staff Committee for Proposal 18, which we will be
16 taking up a little later recommends that subsistence
17 caught rainbow or steelhead trout that are legally
18 retained from fishwheels also be marked by removal of the
19 anal fin so as to be consistent with the recommendation
20 here. Consistency in the regulations as to how fish are
21 to be marked would mean less potential for confusion
22 among users.

23

24 Mr. Chairman, that concludes the review.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.

27 Summary of written public comments.

28

29 MS. WILKINSON: Mr. Chairman, we received
30 three written comments on this proposal. Cordova
31 District Fishermen United wrote, that this proposal would
32 make enforcement difficult if not impossible. While they
33 appreciate that cutting the caudal fins may not be
34 customary and traditional, the increased use of salmon in
35 the Upper Copper River requires some mechanism to provide
36 for enforcement. They disagree with the proponents that
37 different markings for State and Federal subsistence
38 users will aid in enforcement.

39

40 Mr. Don Quarberg of Delta Junction
41 opposes this proposal. He wrote that if clipping caudal
42 fins overharvest by dipnetters it's only logical to
43 assume that it will have the same effect for fishwheel
44 operators.

45

46 The Copper River/Prince William Sound
47 Advisory Committee wrote that this is a needless
48 divergence from existing enforcement and enumeration
49 practices in the fishery. While they acknowledge local
50 practices, the overwhelming increase and various user

00042

1 groups on the Copper River dictates the need for as much
2 enforcement as possible.

3

4 And that is all the written comment.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.
7 Department comments.

8

9 (CHECK) MR.?: Thank you, Mr. Chairman. The
10 Department supports the Staff Committee recommendation to
11 adopt this proposal as modified. We request the Federal
12 Subsistence Board standardize the mark in when changing
13 the marking requirements in an area such as in Proposals
14 18 and 21. Failure to do so will result in confusion and
15 enforcement difficulties. So again, the Department
16 supports the anal or ventral fin marking requirement.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. We
19 have two requests for public testimony, Gloria Stickwan.

20

21 MS. STICKWAN: CRNA supports the proposal
22 that we cut off the ventral fin after immediately
23 removing it from the fishwheel site. That would be our
24 position, thank you.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Linda
27 Goodlataw.

28

29 MS. GOODLATAW: My name is Linda
30 Goodlataw and I am from the village of Tazlina. I serve
31 on the Migratory Bird Committee for the Native Village of
32 Tazlina. I am here to give public testimony on Proposal
33 21.

34

35 The regulation currently states that the
36 qualified subsistence users must immediately remove both
37 lobes of the caudal fin from the subsistence caught
38 salmon in the Upper Copper River district. I am opposed
39 to this regulation. This is cumbersome and burdensome to
40 the qualified subsistence users in the Ahtna region. We
41 have never customarily and traditionally cut both lobes
42 of the caudal fins. The qualified subsistence users do
43 not need to have this regulation placed upon them. It is
44 not likely that the qualified subsistence users would
45 take their fish to sell to the fish processing plants.
46 They may take fish to relatives in the Anchorage or
47 Fairbanks areas, however, they probably would share the
48 fish and not sell it to relatives.

49

50 This regulation was written for and is

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1 geared to the urban people who primarily use dipnets and
2 come from Anchorage and Fairbanks to fish in the Chitina
3 subdistrict. We consider it regulatory, for them to
4 comply with this regulation under the State regulations.
5 They take fish from the Copper River area to urban areas
6 where the fish is fresh and frozen. They need to have a
7 State regulation that just applies to them. A new
8 regulation should be passed by the Federal Subsistence
9 Board which states that the ventral fin is to be cut off
10 after immediately removing the fish from the fishwheel or
11 fishing site for the Federally-qualified subsistence
12 users.

13

14 Thank you for listening to me.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. That
17 completes our public testimony at this time. Regional
18 Council recommendation.

19

20 MR. LOHSE: Mr. Chair, the Regional
21 Council supports this proposal with the modification that
22 the person would have the option to take one lobe of
23 caudal fin or the ventral fin immediately removed from
24 the salmon in the Upper Copper River district. I'll give
25 you some of our thinking behind it.

26

27 As a Council we have always tried to work
28 with the people in a way that is more culturally
29 acceptable to them as we did with the moose. We
30 recognized that records need to be kept or that there
31 needs to be some distinguishing mark for enforcement
32 purposes. Those of you that have taken care of salmon
33 know the difference between how easy it is with a knife
34 to cut off the ventral fin or to cut off the caudal fin.
35 Most subsistence users in the Upper Copper River do not
36 pack scissors with them so it's not that easy to cut the
37 caudal fin lobes off, you have to chop them off, but the
38 ventral fin comes off very easy with a knife. We think
39 that this will satisfy both the customary and traditional
40 practices and the need for marking for enforcement.

41

42 Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Staff
45 Committee.

46

47 MR. GERHARD: Yes, Mr. Chairman, the
48 Staff Committee recommends that this proposal be adopted
49 with modification to replace the requirement to remove
50 both lobes of the caudal or tail fin with a requirement

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1 to remove the anal or ventral fin. The Staff Committee
2 recommendation agrees in part with the recommendation of
3 the Southcentral Council which recommends the caudal or
4 the ventral fin. Again, the Eastern Interior Council
5 deferred to the home region Southcentral.

6

7 The modified proposed regulation would
8 read, you may not possess salmon taken under the
9 authority of an Upper Copper River district subsistence
10 fishing permit unless the anal or ventral fin has been
11 immediately removed from the salmon. The justification
12 for this recommendation is that the requirement to remove
13 both lobes of the caudal fin in the Upper Copper River
14 district was incorporated from existing State regulations
15 into the initial Federal regulations that took effect on
16 October 1st, 1999. Similarly, marking of subsistence
17 caught salmon by removal of a specified fin immediately
18 upon capture is required in the Federal regulations for
19 other areas, such as Yakutat, Southeast Alaska, coho
20 salmon in the Togiak district of Bristol Bay and chinook
21 salmon in the Lower Yukon River. Removal of the anal or
22 ventral fin may be a more workable marking requirement in
23 the Upper Copper River district than removal of both
24 lobes of the caudal fin based upon input of the
25 Southcentral Council meeting last fall. It is
26 recommended that the marking requirement for subsistence
27 caught salmon be changed to removal of the anal fin
28 instead of the current requirement to remove both lobes
29 of the caudal fin

30

31 In addition to being more acceptable to
32 users, this would allow -- this would also distinguish
33 salmon taken by Federally-qualified users from those
34 taken by State-qualified users. And allowing Federally-
35 qualified users to mark subsistence caught salmon by
36 choosing to either remove one lobe of the caudal fin or
37 the anal fin is not recommended.

38

39 First, two different marking options may
40 lead to confusion and secondly, since removal of both
41 lobes of the caudal fin is well established, users may
42 not stop at the removal of one lobe of the caudal fin
43 under such a new regulation.

44

45 Mr. Chair, that ends the Staff Committee
46 recommendation.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. We're
49 ready to go to Board deliberation. Is there any
50 discussion.

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1 MR. EDWARDS: Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Gary.

4

5 MR. EDWARDS: I just wanted to ask the
6 State, is there some advantages to actually having a
7 different marking for Federally taken subsistence taken
8 fish as opposed to the non-subsistence taking?

9

10 (CHECK) MR.?: We feel that this could be
11 advantageous in the future, depending on, you know, other
12 regulation changes and so that it's probably not a bad
13 thing to have a separate marking requirement. And the
14 other thing that Staff brought up is that actually doing
15 the ventral fin is helpful in sampling fish because we
16 measure the length of the fish to the end of the tail
17 there and so cutting there actually is kind of -- you
18 know, affects our sampling, so the ventral fin is not a
19 bad thing.

20

21 MS. GREGORY: Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MS. GREGORY: For your information, the
26 tail part of the -- the tail fin and all the fins on the
27 fish are good sources of iron and if you -- the bones in
28 the fish heads are good sources of calcium and that's how
29 we keep ourselves healthy. Because a lot of Native
30 people don't drink milk and they're allergic to the
31 lactose in milk, anyway.

32

33 MS. GOTTLIEB: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MS. GOTTLIEB: This proposal has been of
38 considerable discussion both at the Subsistence Resource
39 Commission and then at the Regional Advisory Council
40 meeting as well. I would move that we adopt Proposal 21
41 as it's been modified by the Staff Committee. The
42 Council presented the Staff Committee and the Board with
43 two choices to mark the subsistence caught fish, but I
44 believe we should be following the Staff Committee
45 recommendation that's to mark subsistence salmon by
46 removal of the ventral or the anal fin.

47

48 I think as has been stated, the fin
49 removal would be really an important tool for separating
50 subsistence fish from commercially caught fish and also

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1 for information and recordkeeping.

2

3 MR. BUNCH: Second.

4

5 CHAIRMAN DEMIENTIEFF: It's been moved

6 and seconded. Discussion.

7

8 MR. EDWARDS: Mr. Chairman, I am prepared

9 to vote in favor of the motion. I guess I would suggest

10 that in our regulation booklet we include an illustration

11 of what we have in mind. I notice that's absent for the

12 lobes and quite frankly I wasn't sure exactly what

13 constituted a lobe and what didn't, so I think we should

14 do that and put that in the book.

15

16 CHAIRMAN DEMIENTIEFF: Ralph.

17

18 MR. LOHSE: Mr. Chair, in that light I'd

19 like to make another suggestion because the anal or

20 ventral fin sometimes seems to even cause confusion in

21 our language, I would suggest that the Ahtna word for

22 that fin would also be included in the regulation

23 booklet.

24

25 MR. CAPLAN: Mr. Chairman.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 MR. CAPLAN: Thank you, Sir. Just a

30 comment, first of all I intend to support this motion.

31 In addition, I just wanted to thank everyone of the

32 people who got involved with the issue and have worked so

33 hard to resolve it. This is the kind of inclusive

34 problemsolving that I think really produces effective

35 proposals for the Board's consideration so thanks to

36 everyone who did that.

37

38 That's all I have, sir.

39

40 CHAIRMAN DEMIENTIEFF: Bill.

41

42 MR. THOMAS: Thank you, Mr. Chairman. If

43 you know I was blind and heard this discussion I would

44 think that we're trying to capture a man-eating monster

45 out there, you know, and trying to figure out a way to

46 identify one that's coming after you. Markings like this

47 are very recent. Subsistence or personal use fish, the

48 only cuttings we've ever done on them was cutting the

49 head off and taking the guts out, that's plenty for

50 marking fish. The proposal, without modification in my

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1 estimation is the best solution to whatever dilemma
2 people are experiencing. The reasons for markings that
3 have been expressed so far have never -- I mean without
4 this provision in the regulation would in no way hinder a
5 management of the subsistence caught fish that we're
6 talking about. Every fin on a fish is left intact for a
7 reason, depending on how you're going to prepare it. It
8 keeps the flesh from tearing. It gives you a way to hang
9 it. It gives you better opportunity for drying.

10

11 And so I mean I see this as a real insult
12 to people that are only catching fish to eat. And if
13 there's problems with other users, I say have the other
14 users mark -- let's have the commercial people mark their
15 fish so that we can tell that they're not subsistence.
16 So I think without modification the proposal that's
17 submitted is your best way to go however I'll yield to
18 whichever the Board chooses.

19

20 Thank you, Mr. Chairman.

21

22 CHAIRMAN DEMIENTIEFF: Ralph.

23

24 MR. LOHSE: Mr. Chair, in due deference
25 to Bill on this one here, Mr. Thomas, one of the things
26 that was mentioned and the reason that, as a Council, we
27 went with the ventral fin is some of the testimony that
28 was given us was that the Ahtna people do immediately
29 remove the ventral fin from the fish before they process
30 the fish and so that was considered an acceptable way to
31 go and that was the reason that, as a Council, we moved
32 in that direction.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Further
37 discussion.

38

39 MR. THOMAS: I resent that remark, Mr.
40 Chairman.

41

42 CHAIRMAN DEMIENTIEFF: Like it or not he
43 made it. I tend to support the proposal as modified for
44 all the wrong reasons. I remember when Fish and Game
45 slammed that stuff down our throats up on the Tanana
46 River. I thought and still think it's a stupid thing to
47 do. But unfortunately I can't think of any better way,
48 since then, to keep subsistence fish out of the
49 commercial market. So I'll vote for it for all the wrong
50 reasons.

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1 Any other discussion. Hearing none, all
2 those in favor of the motion please signify by saying
3 aye.

4

5 IN UNISON: Aye.

6

7 CHAIRMAN DEMIENTIEFF: Those opposed,
8 same sign.

9

10 (No opposing votes)

11

12 CHAIRMAN DEMIENTIEFF: Motion carries.

13 Proposal 18.

14

15 MR. BUCKLIS: Mr. Chairman, Larry
16 Bucklis, Office of Subsistence Management. The Staff
17 Committee for Proposal No. 18 is found on Page 130 in the
18 Board book, 130. This proposal for the Upper Copper
19 River district was submitted by the Subsistence Resource
20 Commission for Wrangell-St. Elias National Park and
21 Preserve. It requests that regulations be corrected
22 regarding retention of rainbow, steelhead trout caught in
23 fishwheels and dipnets and that those legally retained
24 from a fishwheel have the dorsal fin removed immediately.

25

26 Here we have a diagram of -- an
27 illustration of a trout and again I will point out a
28 couple of fins for reference. This analysis will discuss
29 the dorsal fin and the alternative of the anal or ventral
30 fin.

31

32 Current regulations prohibit retention of
33 rainbow, steelhead trout taken incidentally by a
34 fishwheel. However, these fish are typically dead or
35 incapable of survival after release. The regulation is
36 not being enforced. Regulations allow retention of
37 rainbow, steelhead trout taken incidentally in
38 subsistence net fisheries targeting other fish species.
39 The rationale for this is that fish captured in gillnet
40 fisheries are either dead or incapable of surviving after
41 release. But a dipnet fishery is also a net fishery.
42 Fish captured by dipnet should be able to survive after
43 release. State regulation for the subsistence dipnet
44 fishery in the Chitina subdistrict requires immediate
45 release of rainbow, steelhead trout without further harm.
46 This is not required for the Glenallen subdistrict
47 although the proponent notes that many dipnetters
48 voluntarily release trout unharmed to the water.
49 Steelhead trout are the anadromous form of rainbow trout.
50 Rainbow and steelhead trout inhabiting the Upper Copper

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1 River drainage are considered among the northern most
2 wild stocks of this species in North America. The
3 rainbow, steelhead trout populations of the area are
4 thought to be relatively small and unproductive. Harvest
5 of wild rainbow trout in sportfisheries of the Copper
6 River drainage during the 1990s averaged 994 fish
7 annually, while harvest of steelhead trout averaged 18
8 fish annually. Unpublished subsistence permit data
9 indicate that incidental fishwheel harvest of steelhead
10 may range from 14 to 114 fish per year. The proposed
11 regulatory changes would recognize current practice by
12 allowing retention of trout taken incidentally by
13 fishwheel. As proposed removal of the dorsal fin would
14 be required immediately so as to remove potential trophy
15 value of these rainbow and steelhead trout. However,
16 current regulations regarding marking of subsistence
17 caught salmon require removal of both lobes of the caudal
18 or tail fin and as you've acted on Proposal 21, this
19 proposal for salmon would now require, instead, removal
20 of the anal or ventral fin.

21

22 Consistency in the regulations as to how
23 fish are to be marked would mean less potential for
24 confusion amongst users. For this reason it is
25 recommended that the marking requirement for rainbow and
26 steelhead trout be modified to removal of the anal or
27 ventral fin. In the interest of conservation it would be
28 required that rainbow and steelhead trout caught by
29 dipnet in the Upper Copper River district by Federal
30 users be released unharmed immediately.

31

32 Mr. Chairman, that concludes the review.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.

35 Summary of written public comments.

36

37 MS. WILKINSON: Mr. Chairman, we received
38 one written comment from Cordova District Fishermen
39 United. And they took no formal action on this proposal
40 at their meeting but they do suggest that if conservation
41 becomes a concern during periods of fishwheel use that
42 the Board require the use of live boxes during that time.

43

44 CHAIRMAN DEMIENTIEFF: Thank you.

45 Department comments.

46

47 MR. ?: Yes, Mr. Chairman, the Department
48 supports the Staff Committee and Southcentral Regional
49 Council recommendation to adopt this proposal. We
50 recommend the Board standardize the mark when changing

00050

1 the marking requirements such as in Proposal 21 and that
2 will make it less confusing to the public so the
3 Department supports the anal, ventral fin marking
4 requirement for this species, too.

5

6 CHAIRMAN DEMIENTIEFF: Public testimony,
7 Gloria Stickwan.

8

9 MS. STICKWAN: We support the ventral fin
10 being removed and that rainbow trout be taken from
11 fishwheels only and dipnetters have to return fish.
12 Thank you.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Linda
15 Goodlataw, Linda, did you want to testify? Linda, going
16 once, Linda going twice -- you don't want to testify --
17 Linda doesn't want to testify. Regional Council.

18

19 MR. LOHSE: Mr. Chair, the Regional
20 Council supported this proposal without modification.
21 Some of the things we considered and I apologize if my
22 pronunciation isn't right, but one of the things we
23 considered when we considered the retention of steelhead
24 in a fishwheel was the cultural idea among the Ahtna's
25 that it's agree or it's tabu to waste something and your
26 older subsistence users will not throw back a dead
27 rainbow because that would be a larger crime to them than
28 to retain it and risk the wrath of the ADF&G. But the
29 Council did recognize the need to have clear enforcement
30 tools. And we never gave any thought to the
31 inconsistency between the dorsal fin and the ventral fin,
32 we looked at it as it would destroy the trophy value of
33 the rainbow, however the ventral fin would do the same
34 thing. The Council did ask that enforcement use wisdom
35 and discretion when applying this regulation to some of
36 the older subsistence users who take part in the early
37 part of the season when they may catch a rainbow.

38

39 One of the things that was brought up was
40 that the marking really requires that this fish be marked
41 before it's taken out of the fishwheel and taken to
42 shore. And most of the people don't do that. Most of
43 the older users especially, take their fish to shore to
44 clean them on shore and they'll do the marking there.
45 Technically speaking as they take them off the fishwheel
46 and take them to shore they're not in compliance with
47 this regulation. They asked that there be wisdom
48 and discretion in application. In other words, use the
49 intent of this proposal and not the letter of the law
50 when dealing with these kind of people.



UNITED FISHERMEN OF ALASKA

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March 12, 2010

Attn: BOF Comments
ADFG - Board Support Section
PO Box 115526
Juneau, AK 99811-5526

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MAR 12 2010
BOARDS

RE: Opposition to Board of Fish Proposal 201 regarding the Chitina dipnet fishery

Dear Chairman Webster and members of the Board,

United Fishermen of Alaska opposes Proposal 201, which would reclassify the Chitina dipnet fishery as a subsistence fishery.

1. Criteria 1 calls for a “long-term, consistent pattern of **noncommercial use...**” We know of no examples of any kind of charter, guide or water taxi service in operation for commercial gain in any subsistence fishery in Alaska, while there are several commercial operations in the Chitina Subdistrict designed to provide services such as transporting customers to and from their fishing spots, guidance and advice, and assistance with cleaning, processing, storing and transporting fish.
2. Criteria 3 calls for “...methods and means of harvest that are characterized by efficiency and economy of effort and cost.” We believe that a large proportion of Chitina Dipnet participants travel between 400 and 600 miles to reach the Chitina area, and that there are many opportunities for Subsistence fisheries that could be accessed more economically, and closer to home for the major proportion of Chitina dipnet participants.
3. Criteria 4 requires that “the **area** in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established.” While the area for the taking of Chitina dipnet caught fish is established and may be a designated subsistence area, the “use” and purported “reliance” take place in a wide range of areas that are not “established” in relation to the fishery.
4. Criteria 5 calls for “a means of handling, preparing, preserving, and storing fish or game which has been traditionally used by past generations, but not excluding recent technological advances where appropriate.” Reiterating our point 1 and criteria 3, we note that paying someone to process your catch is not a traditional means of handling and preparing subsistence caught fish as used by past generations.

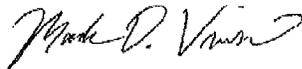
In summary, we feel that the Chitina dipnet fishery is a discretionary recreational fishery that does not include the cultural, social, spiritual and nutritional values to the extent that would

satisfy Judge MacDonald's language in the relevant Superior Court order (Case N. 4FA-09-1515 CR), Pg 16. pp3:

"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."

UFA is a statewide organization representing 37 Alaska Commercial fishing associations from fisheries throughout the state and its offshore waters. Thank you for your consideration of our comments.

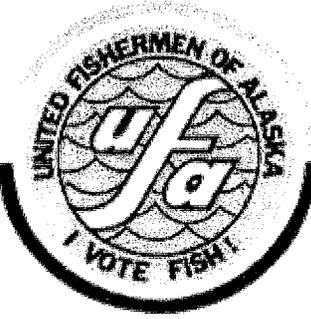
Sincerely,



Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Fishermen's Marketing Association • Alaska Independent Tendermen's Association
Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association
Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association
Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association



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March 12, 2010

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BOARDS

Attn: BOF Comments
ADFG - Board Support Section
PO Box 115526
Juneau, AK 99811-5526

RE: Board of Fish Proposals #200 regarding definition of Subsistence Way of Life

Dear Chairman Webster and members of the Board,

United Fishermen of Alaska commends the Board of Fisheries for taking prompt action to clarify the definition of “subsistence way of life,” and we support the proposed meaning “a way of life that is based on consistent, long-term reliance upon the fish and game resources for the basic necessities of life.”

We support the proposed language that includes “reliance upon the fish and game resources for the **basic necessities of life**”, and note that this is supported by Judge MacDonald’s language in the relevant Superior Court order (Case N. 4FA-09-1515 CR), Pg 16. pp3:

*“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.**”*

In regards to the proposed phrase “long term,” we would prefer the use of the phrase “**historical pattern**” to specify a practice or tradition of at least thirty years.

UFA is a statewide organization representing 37 Alaska Commercial fishing associations from fisheries throughout the state and its offshore waters. Thank you for your consideration of our comments.

Sincerely,

Mark Vinsel
Executive Director