

MINUTES OF THE SEPTEMBER 24-26, 2013 SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

Location of Meeting:

Ted Ferry Civic Center
888 Venetia Avenue
Ketchikan, AK 99901

Time and Date of Meeting:

Tuesday September 24, 2013, 9:00 a.m. – Thursday September 26, 2013, 12:45 p.m.

Call to Order:

The fall meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order Tuesday, September 24, 2013 at 9:00 a.m.

All Council members were present.

Irene Dundas provided a welcome to the Council from the Ketchikan Indian Community, Lee Wallace provided a welcome from the Native Village of Saxman and Jeff DeFreest welcomed the Council to Ketchikan on behalf of the U.S. Forest Service, an invocation was provided by Lee Wallace.

Review and Adopt Agenda:

Motion approved (13-0) to accept the Agenda as a guide with the following changes: Jack Lorrigan would report on Tribal consultations for the regulatory proposals, Ben Van Alen would provide a summary report for the Fishery Resource Monitoring Program and the Cape Fox Dancers would present a program at 4:00 p.m. on Wednesday afternoon.

Review and Approve Previous Meeting Minutes:

Motion approved (13-0) to approve the March 12-14, 2013 Council meeting minutes.

Attendees:

Anthony Christianson	Hydaburg	Subsistence Board
Beth Pendleton	Juneau	Subsistence Board
David Jenkins	Anchorage	OSM
Jack Lorrigan	Anchorage	OSM
Gene Peltola Jr.	Anchorage	OSM
Cal Casipit	Juneau	USFS

Dennis Chester	Juneau	USFS
Jeff DeFreest	Sitka	USFS
Carol Goularte	Sitka	USFS
Steve Kessler	Anchorage	USFS
Greg Killinger	Sitka	USFS
Justin Koller	Sitka	USFS
Robert Larson	Petersburg	USFS
Susan Oehlers	Yakutat	USFS
Jeff Reeves	Craig	USFS
Terry Suminski	Sitka	USFS
Ben Van Alen	Juneau	USFS
Pat Petrivelli	Anchorage	BIA
Doug Larsen	Juneau	ADF&G
Lauren Sill	Juneau	ADF&G
Jennifer Yuhas	Anchorage	ADF&G
Ron Leighton	Kasaan	Organized Village of Kasaan
Irene Dundas	Ketchikan	Ketchikan Indian Community
Andre LeCornu	Ketchikan	Ketchikan Indian Community
Louie Wagner	Metlakatla	Metlakatla Indian Community
Daniel Monteith	Douglas	Saxman IRA
Lee Wallace	Saxman	Saxman IRA
Jessica Gill	Sitka	Sitka Tribe of Alaska
Victoria McDonald	Ketchikan	Rivers Without Borders
Holly J. Burns Churchill	Ketchikan	Central Council Tlingit-Haida Indian Tribes of AK
Rob Sanderson Jr.	Ketchikan	Central Council Tlingit-Haida Indian Tribes of AK
Richard Jackson	Ketchikan	ANB/ANS Grand Camp
James Llanos Sr.	Ketchikan	ANB/ANS Grand Camp
George Suckinaw James Jr.	Ketchikan	ANB Camp 14
Cynthia Llanos	Ketchikan	ANB Camp 14
Steve Reifenstuhl	Sitka	Northern Southeast Region Aquaculture Association
Jaeleen Araujo	Juneau	Sealaska Corporation
David Landis	Saxman	Cape Fox Corporation
Norman Arriola	Ketchikan	Public
Cheryl Dewitt	Saxman	Public
Merle Hawkins	Ketchikan	Public
Edward John	Saxman	Public
Jacob Lauth	Saxman	Public
John Morris	Ketchikan	Public
Joe Thomas	Saxman	Public
Cindy Wagner	Metlakatla	Public
Dorothy Williams	Saxman	Public

Attendees by teleconference:

Trevor Fox	Anchorage	OSM
Pippa Kenner	Anchorage	OSM
Dan Sharp	Anchorage	BLM
Peter Naoroz	Juneau	Kootznoowoo Inc.

Reports:

Mr. Ackerman reported there was a good return of eulachon to the Haines area this spring that began with eulachon returning to the Chilkoot River in February. The commercial Dungeness crab fishery is impacting the local crab resource as more crabbers are fishing in upper Lynn Canal. There was a confirmed sighting of a mountain lion near Haines and the local glaciers are continuing to melt. There were good numbers of salmon returning to local streams.

Mr. Jackson reported that residents of Kake enjoyed a warm and dry summer this year. There were epic salmon returns and the local cold storage was opened this year. The cost of fuel and electricity is high in Kake and is negatively affecting the economy. Sealaska and the U.S. Forest Service are thinning old clear-cuts to benefit wildlife. Sea otters are impacting all local shellfish stocks. There is no longer any crab available for harvest near Kake because of depletion by sea otters.

Mr. Hernandez noted that salmon were very abundant in the central portion of Southeast Alaska this summer. The deer populations on Kupreanof, Kuiu and North Prince of Wales Islands are depressed due to predation and are slow to recover from severe winters. He is concerned about finding the “tipping point” between ecologic protection and economic development.

Mr. Isaacs reported that sockeye salmon returns to Klawock were very weak this year. Deer are abundant in the Craig-Klawock area. Sea otters are continuing to diminish shellfish stocks and there does not appear to be any solution. Road closures are reducing hunting opportunities. Cancer rates in Native people are high and a serious issue.

Mr. Kookesh counseled the group that in addition to talking about an issue, a solution must be the outcome of that discussion. There should be increased opportunities to participate in subsistence activities because there is a greater reliance on subsistence foods in rural areas. There has been no progress in addressing issues identified in the petition for extending Federal jurisdiction into the marine waters near Angoon.

Mr. Yeager reported there were very good returns of salmon to the Wrangell area. Moose hunting on the Stikine has been slow because of warm weather at the start of the season.

Ms. Needham is working with the Hydaburg Cooperative Association on the Hetta Lake sockeye salmon stock assessment project. There were only 2,100 sockeye salmon escape into Hetta Lake this year; a very poor return. There has been no progress to finding a solution to address the sea otter problem although Kasaan Indian Association is organizing a sea otter symposium to investigate op-

tions. She was part of the Chief of the Forest Service's review of the Alaska Region and served on the Social Relevancy Panel where she reminded folks of the importance of subsistence to local residents.

Mr. Wright reminded the other council members that "where you live determines what you eat." Although Native people living outside villages desire Native foods, access is oftentimes very difficult. Herring and whales were abundant in Port Fredrick this summer and there was a good crop of berries. Sea otters are increasing in number and having a continuing negative affect on shellfish stocks.

Ms. Phillips observed that fuel is very expensive in Pelican and influences harvesting behavior. Salmon were abundant on the outer coast this year and there was a good berry crop. Yellow cedar trees are dying and she is very concerned about the number of bears and their impact on deer. Sea otters are a direct competitor with people and are impacting shellfish stocks. The Office of Subsistence Management's website is difficult to navigate and she is looking forward to changes that will make it more user friendly.

Mr. Douville agreed there was a high abundance of pink and coho salmon this summer. The very poor returns of sockeye to Klawock may be due to poor logging practices. Beavers have dammed the tributaries that previously supported spawning sockeye and there is little spawning habitat available anymore. Subsistence harvests at Klawock are high and unsustainable.

Mr. Bangs was very appreciative of the wonderful weather everyone enjoyed this summer. Halibut stocks are increasing but he is concerned about the effects of a high and ever increasing whale population. Sea otters are having a continuing negative effect on the commercial crab and dive fisheries. There are very few deer near Petersburg but there is a high wolf population. The electrical transmission line from Petersburg to Kake is moving forward. He has heard comments regarding unattended nets in the Stikine River subsistence fishery.

Mr. Kitka informed the Council that residents of Sitka are concerned about the rural determination process and the chance that they may lose their rural status. Local residents are also concerned about herring and the chances that the Sitka Sound stock will diminish. Sockeye salmon were overharvested at Klag Bay this summer due to low water preventing them from escaping into the creek. Sea otter regulations must be changed to allow for more harvest.

Mr. Adams reported that clean-up efforts in Yakutat for material remaining after WW II are ongoing. Everyone in town is pleased that eulachon were abundant in local streams near Yakutat this spring. With the exception of Chinook salmon in the Situk, salmon were abundant this summer and subsistence needs were met. Halibut and berries were abundant. The moose quota was set at 25 bulls west of the Dangerous River again this year but high abundance of sea lions, sea otters and beavers are causing problems.

Public and Tribal Comments:

James Llanos reported that Bob Loescher does not represent the Alaska Native Brotherhood any longer. ANCSA and ANILCA are laws for people and not communities or tribes. These laws are designed to target and protect individual persons. A presence of road does not guarantee success in

harvesting subsistence resources. Canadian mining activities will have a negative effect on fishery resources.

Victoria McDonald reported that Sea Bridge Mining met with tribes this summer regarding proposed mining near the Unuk River and the town of Hyder. She believes that future seismic events will cause the failure of mine tailings containment structures. Ketchikan Indian Association is opposed to mines in Canada that will negatively affect the water quality in Alaska.

Holly Churchill was concerned about maintaining access to forest products for subsistence uses. There are increasing numbers of sea otters and recreational equipment is degrading forest habitat.

Steve Reifentuhl, Northern Southeast Regional Aquaculture Association, volunteered to evaluate Kanalku for enhancement opportunities if requested.

Louie Wagner believes that water quality sampling in the Unuk River must be started prior to impacts from the mining activities in Canada to be effective. Eulachon returns to the Unuk River are slowly recovering and he plans to monitor the return next spring.

Rob Sanderson informed the Council that by-catch in the Gulf of Alaska trawl fisheries is a serious problem. These fisheries take a large amount of halibut and Chinook salmon that could be used by local residents. There needs to be a larger voice by Tribes at the North Pacific Fisheries Management Council meetings.

Peter Naoroz reported that sockeye salmon returns to the Angoon area were very poor this year. There must be an effort to involve local residents in the planning process for the conduct of commercial and subsistence fisheries. Sockeye salmon returning to Kanalku Lake have not been sampled adequately to be part of the genetic database.

Old Business:

David Jenkins, OSM presented the latest customary and traditional determination briefing and the results of discussions the other Councils have had on this issue. David will present the same briefing to the other Councils and provide a summary report of the other council's actions at the winter meeting. Cathy Needham wanted to see all the current customary use determinations (317?) and have a discussion of which of them may not serve subsistence users. Patty Phillips reminded the council and staff that ANILCA does not talk about factors or criteria only providing a preference for use of wild renewable resources by rural residents. The council voiced support for Mr. Adams and Ms. Needham to attend the Southcentral Council meeting and discuss items of common interest with that group in preparation for the winter joint/concurrent council meeting. Specifically, the Council tasked the coordinator to work with the ad hoc C&T workgroup to develop a proposal for consideration at the proposed joint Southeast-Southcentral Council meeting in Anchorage on March 11, 2014. The Council also requested the OSM address several questions:

- What are the effects of the draft proposal to eliminate or change current regulations
- Can there be Region specific regulations

- Are there examples where the C&T process has not been favorable to continuation of subsistence uses e.g. unnecessary allocations through exclusive use in times of plenty
- Is it possible to maintain exclusive uses (Customary and Traditional use determinations) if the regulations are significantly changed or eliminated

Motion approved (13-0) to continue the customary and traditional use determination ad hoc workgroup (Cathy Needham, Patty Phillips, Don Hernandez) with the expectation that they would be prepared to provide additional information to the Council at the winter meeting.

Steve Kessler and Jennifer Yuhas reviewed the August 21, 2013 letter from Beth Pendleton to the Council regarding the specific questions forwarded to the Board regarding the extended jurisdiction process. There is an October 17, 2013 meeting planned in Angoon with Kootznoowoo Inc. and the ADF&G to formulate proposals that would be forwarded to the Board of Fisheries. There were no changes to the State's 2013 Seine Fishery Management Plan due to the issues identified in the extended jurisdiction petition. It is unknown whether there was changes made in-season due to petition concerns. Proposals to change State fishery regulations are due to the State Board of Fisheries by April 10, 2014. There is a small amount of funding for Phase II of the facilitation process but there are no specific plans at this time. Escapement goals and genetic stock identification are still under development. Some blasting was conducted at the partial barrier falls at Kutlaku this fall and the effectiveness of that effort will be evaluated next year. The determination of a solution to this problem within the 3-year time frame specified by the Secretaries requires the State Board of Fisheries to act in 2014.

Motion approved (13-0) for the Council to write a letter requesting the State's plans to address the issues identified in the extended jurisdiction petition. Mike Bangs will head the drafting committee.

Jeff Reeves, U.S. Forest Service, provided a Power Point presentation of wildlife harvests in the Region under Federal and State rules as well as a summary of the subsistence fish and wildlife Special Actions issued in the Region since the previous meeting. A table of actions was distributed to the council.

Robert Larson, U.S. Forest Service, and John Yeager, council member from Wrangell, reported on management of the Stikine River subsistence salmon fishery and coordination with the Transboundary Panel of the Pacific Salmon Commission. At the fisheries regulatory meeting last winter, the Board deferred action for one year on the proposal to change or eliminate the guideline harvest level for sockeye salmon (Proposal FP13-19). The 2013 pre-season forecast of Chinook salmon was less than required to conduct a directed fishery and the subsistence fishery was closed then re-opened for the last three days of the season once the in-season forecast was above the threshold. The Council recommended that Mr. Larson and Mr. Yeager continue to coordinate with the Pacific Salmon Commission to make the appropriate changes to the Pacific Salmon Treaty.

New Business

Wildlife Regulatory Proposals:

Jack Lorrigan reported that there were no Tribal or Native Regional Corporation consultations regarding the wildlife proposals for the Southeast Region. There was one Tribal and one corporation comment in opposition to the State-wide proposal WP14-01.

WP14-03; Eliminate doe (female) deer harvest season in Unit 2.

There were no Written Public Comments.

Ron Leighton testified that the current regulations allowed taking too many doe deer and that was affecting the health of the deer population. There is a family of eight persons (six children) that harvested eight doe deer last year. If there is a harsh winter, that type of activity will result in a serious conservation issue. The Board should be proactive and not wait until this is a big problem before they act.

The ADF&G commented that although doe deer seasons are generally discouraged when there are multiple sources of predation, similar to the situation in Unit 2, deer populations are currently healthy in Unit 2. The State's position is neutral as long as the deer population remains healthy.

The *motion to adopt the proposal was opposed* (2-11-0). The Council's justification to oppose:

- The evidence provided in the staff analysis shows a healthy deer population in Unit 2 and there is no general conservation concern at this time.
- The number of female deer harvest reported appears to be stable and not increasing.
- The Council recognizes that the deer population on the North section of Prince of Wales Island is depressed and has been slow to recover from recent harsh winters.

The minority opinion noted that residents of the northernmost communities on Prince of Wales Island are spending more time than other residents of Prince of Wales Island to harvest a deer and eliminating the doe harvest may assist in rebuilding the deer population in that area.

Harvesting doe deer is not necessary to satisfy subsistence needs as there are adequate buck deer available in most areas of Unit 2. Harvesting doe deer may decrease the total deer population in Unit 2.

WP14-04, Provides for a June 15 starting date for the deer season in Unit 2 for persons 60 years of age or 70% disabled.

There were no Written Public Comments.

Ron Leighton testified that, although he was the proponent, he does not suggest that the early season start in a different regulatory year (June). There is a shortage of designated hunters in Kasaan and elderly persons want an opportunity to hunt for themselves.

John Morris is opposed to the proposal as there are too many unanswered questions and there is considerable opportunity for elderly/disabled people to either hunt for themselves or designate someone else to hunt for them.

The ADF&G has a neutral position on this proposal since it is clearly an allocation issue within qualified subsistence users. There is no conservation issue with an earlier start date to the Federal subsistence season but an earlier start date for only a subset of subsistence users will result in enforcement issues.

Steve Kessler provided comments from the Interagency Staff Committee. They noted that this proposal would create a special class of qualified subsistence users, not identified in ANILCA. It is unclear how much demand there is for this regulation change and there is no cultural or traditional use precedent.

The ***motion to adopt the proposal was opposed*** (0-12-1). The Council's justification to oppose:

- There is no conservation concern with the present deer regulations in Unit 2 that is addressed by this proposal or the Office of Subsistence Management's proposed modification.
- ANILCA provides a preference for rural residents, not for a special class of rural residents. This proposal would unnecessarily allocate deer between subsistence users. All Federally qualified users should be treated as equals.
- Determining disability has been shown to be complex and problematic, and add an additional administrative barrier to participants because this provision would require a separate Federal subsistence hunting permit.
- Establishing a hunting season that spans two regulatory years creates complexity by requiring hunters maintain two sets of harvest tickets, and harvest reporting would be delayed by almost half a year.
- The proposal is unnecessary to provide additional opportunity as the current season provides for ample chances for residents, of any age or physical condition to either hunt for themselves or to designate others to hunt for them.

WP14-05, requests that the deer harvest season within the Lindenberg Peninsula portion of Unit 3 (Kupreanof Island, east of the Portage Bay – Duncan Canal Portage) be reduced from the current 4-month season to a 2-week season and the harvest limit be reduced from two male deer to 1 male deer

There were no Written Public Comments.

There was no public testimony on this proposal.

The ADF&G testified that there is a conservation concern for deer in this area. Only the original proposal provides the needed reduction in deer harvest. The deer population is much below carrying capacity and the ADF&G is currently doing habitat studies to identify population goals. There are plans to conduct intensive management for wolves in this area with the goal to reduce predation mortality and facilitate increases in the deer population.

The ***motion to adopt the proposal was supported*** (13-0-0). The Council's justification to support:

- There is a conservation concern for deer in this area and deer harvest must be significantly reduced to improve recruitment and shorten the time for the deer population to increase.
- Adopting this proposal would align Federal and State deer hunting regulations for this portion of Unit 3.
- The OSM proposed modification does not provide adequate protection to deer in this area.

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions to require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

There were two Written Public Comments in opposition to this proposal, neither from the Southeast Region.

There was no public testimony on this proposal.

There were comments from two Tribes (neither from the Southeast Region); one in favor of the proposal and one in opposition to the proposal.

The ADF&G agreed with the OSM staff analysis to oppose the proposal.

The ***motion to adopt the proposal was opposed*** (0-13-0). The Council's justification to oppose:

- Although the Southeast Council may be in agreement with some aspects of the proposal, the issues addressed in the proposal are not the same in every Region. Proposals to address issues specific to a region should be made to that region as the solutions may not make any sense to other regions.

Rural Determination Process:

The Council attended the Federal Subsistence Board's Rural Determination Process Review public hearing. The meeting started at 7:00 p.m. September 24, was recessed at 10:00 p.m., and reconvened the next morning to hear the last four testimonies. There were 27 people that provided testimony on

the issue but few spoke directly to the criteria that the Federal Subsistence Board will use to make the determinations.

Motion approved (13-0) to incorporate comments from the public and the subsequent Council discussion into a letter regarding the rural determination criteria to the Federal Subsistence Board. Specifically, the letter would the following items discussed by the Council:

- Regional councils should have deference in deciding which communities are rural. The Councils are the most appropriate groups to determine the characteristics of a rural community in their own region then evaluate the rural status criteria for all communities for their region.
- Saxman is a rural community. The intent of ANILCA, Title VIII was to continue a way of life that existed before ANILCA was written. The community of Saxman existed before ANILCA was written. The residents of Saxman maintain a subsistence way-of-life that existed before ANILCA was written and their rights under the law must be recognized and retained.
- Reliance on subsistence resources, history of use and cultural ties to resources are critical to fulfilling the traditional values of a rural subsistence lifestyle. The criteria must include consideration of social and cultural characteristics that allow the Board to determine that communities like Saxman remain rural.
- A presumed rural determination population threshold is not necessary or appropriate for the Southeast Alaska region.
- Aggregation or grouping of communities is arbitrary and does not lend itself to an objective or rational rural determination process. Communities can be in close geographic proximity yet still retain separate and distinct characteristics.
- There should be no review or changes to a community's rural status unless there is a significant change to the characteristics of a community. The review process can result in unnecessary financial hardships to a community.

Fisheries Resource Monitoring Plan:

Mr. Van Allen described the current Fisheries Resource Monitoring Plan (FRMP) projects in the Southeast and Yakutat Regions. Many of the projects proposed for 2014 are continuations of current projects. Mr. Suminski presented the 2014 monitoring plan as recommended by the Technical Review Committee and asked for the input of the Council: especially the prioritization of the projects.

The Council highlighted possible conservation concerns at Klawock and Hetta Lakes from the 2013 season that were not considered by the Technical Review Committee. The Council noted the importance of the Kanalku and Kook Lake projects to the extended jurisdiction petition. The Council's prioritized list was developed by evaluating: conservation concerns, Tribal capacity, importance to evaluating the extended jurisdiction petition, importance to subsistence users, and geographic distribution of the projects. The projects recommended for funding in priority order are:

Klawock Lake, Kanalku Lake, Hetta Lake, Falls Lake, Neva Lake, Sitkoh Lake, Klag Lake, Unuk River, Hatchery Creek, Redoubt Lake, Kook Lake, and Eek Lake

Length of Service Awards

Board member and USFS Regional Forester, Beth Pendleton, presented Patty Phillips an award for 20 years of service. Board member Tony Christianson presented 10 years of service awards to Floyd Kookesh, Harvey Kitka, Don Hernandez and Mike Bangs.

Annual Report Items

The Council recommended the following items be considered for the 2013 Annual Report:

- Resolution of the customary and traditional use determination process
- Adequate funding of the subsistence program and the population assessment studies for fish and wildlife
- Deference for rural determinations and customary and traditional use determinations
- Water quality testing of waters flowing into Alaska from mines in Canada
- Waste water from tour ships.

Agency Reports:

David Jenkins and Steve Kessler reported that budgets are continuing to decrease and that may affect all portions of the operation e.g. staffing, travel, funds for wildlife and fisheries projects. Tribal consultation is an ongoing process and the MOU between the Federal and State programs is a work in progress.

Susan Oehlers, USFS Yakutat, reported that the moose bull-cow ratio remains less than the desired level near Yakutat and the harvest quota for the area west of the Dangerous River has been set at 25 bulls for 2013 to address that concern. The goat population remains low and the deer population does not appear to have recovered from the recent harsh winters.

Pat Petrivelli, BIA, provided preliminary results of the Unit 2 deer uses and needs study. The final written report is due to be available soon.

Jennifer Yuhas, ADF&G, reminded the Council that proposals to change state fisheries regulations are due in April 2014. Genetic stock identification samples have been obtained from Kanalku Lake. The State would welcome any funds from the U.S. Forest Service that can be used to facilitate discussions of the extended jurisdiction petition. ADF&G already funds the supervision and reporting of the Kanalku Lake sockeye salmon assessment project.

Lauren Sills, ADF&G, is conducting a comprehensive harvest use survey in Angoon and has plans on conducting this survey in Sitka next year. There is an Ethnographic study of salmon beginning for the Stikine River and herring use studies are continuing in Sitka.

Doug Larson, ADF&G, informed the Council of ADF&G plans for intensive management of deer and wolves in a portion of Unit 3. Activities include hiring local residents to trap wolves; habitat assessment studies to determine carrying capacities, deer pellet DNA assessments, and employing re-

mote cameras to monitor predator-prey interactions. There is an ongoing wolf research study in Unit 2 and a brown bear population assessment study in Yakutat.

Future Meeting Dates:

The Council's recommendation is to have a joint/concurrent winter 2014 meeting with the Southcentral Council. The suggested meeting date is March 11-13, 2014 in Anchorage; pending coordination and approval of the Southcentral Council. The fall council meeting was tentatively scheduled for September 23-25 in Sitka.

The Council meeting adjourned at 12:45 p.m. September 26, 2013

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

|s| Robert Larson

December 23, 2013

Robert Larson, DFO, USFS Subsistence Management Program

|s| Bertrand Adams

December 23, 2013

Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southeast Alaska Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.