

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME I
7

8 DENA'INA CENTER
9 ANCHORAGE, ALASKA

10
11 May 3, 2011
12 9:00 o'clock a.m.
13

14 MEMBERS PRESENT:

15
16 Tim Towarak, Chairman
17 Kristin K'eit, Bureau of Indian Affairs
18 Geoff Haskett, U.S. Fish and Wildlife Service
19 Beth Pendleton, U.S. Forest Service
20 Sue Masica, Deb Cooper, National Park Service
21 Julia Dugan, Bureau of Land Management

22
23
24 Bertrand Adams - Southeast RAC
25 Rosemary Ahtuanguaruak - NS RAC
26 Sue Entsminger - Eastern Interior RAC
27 Ralph Lohse - Southcentral RAC
28 Daniel O'Hara - Bristol Bay RAC
29 Jack Reakoff - Western Interior RAC
30 Mitch Simeonoff - Kodiak RAC
31 Timothy Smith- Seward Peninsula RAC
32 Lester Wilde - YK RAC

33
34
35 Kelly Hepler, State of Alaska Representative
36
37 Keith Goltz, Solicitor's Office

38
39
40
41
42
43 Recorded and transcribed by:

44
45 Computer Matrix Court Reporters, LLC
46 135 Christensen Drive, Second Floor
47 Anchorage, AK 99501
48 907-243-0668
49 sahile@gci.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

P R O C E E D I N G S

(Anchorage, Alaska - 5/3/2011)

(On record)

CHAIRMAN TOWARAK: Good morning. My name is Tim Towarak. I'm the Chairman for the Federal Subsistence Board and I'd like to welcome each one of you here. We're going to proceed.

This is a work session for the Board, but I will call the meeting to order and begin the process.

Just in retrospect, in the last couple weeks, we had a royal wedding in England; we had a Pope that was recognized by the Church; we had a -- Sudam -- no, not Sudam.....

MR. PROBASCO: Osama.

CHAIRMAN TOWARAK:Osama Bin Laden -- my -- I'm thinking ahead of myself, and now we're ready for subsistence, that puts, I think, everything in perspective for me. But I want to welcome everyone here.

I'd like to being our process by introducing those of us that are sitting at the table and let's start with the State people, with Jennifer, and go around the table and then begin on the back here with the people on the back table.

MR. HEPLER: Good morning, Mr. Chairman, people in the audience and members. My name is Kelly Hepler, I'm the assistant Commissioner for the Alaska Department of Fish and Game. I was speaking to the Chairman this morning, Craig Fleener, our Deputy Commissioner is deployed right now over in Afghanistan and is coming back, Craig will be the permanent member here on the Board so I don't want you to think that -- you know, we do respect the process, we will have somebody here permanent so I'm just filling in for Craig while he's doing his duty for the country.

Jennifer.

MS. YUHAS: Thank you. Good morning, Mr. Chairman and Board members and our RAC Chairs and members of the audience. My name is Jennifer Yuhas. I am the State/Federal Subsistence Team Liaison Chair.

1 MR. WILDE: Good morning, Board members.
2 My name is Lester Wilde, I'm from Hooper Bay. I'm the
3 Chair of the YK RAC.
4
5 MR. LOHSE: Good morning. Ralph Lohse,
6 Chair of the Southcentral Regional Advisory Committee,
7 Copper Basin resident.
8
9 MR. ADAMS: Good morning. My name is
10 Bert Adams, Sr., the Chair of the Southeast Regional
11 Advisory Council.
12
13 (In Tlingit)
14
15 That means good morning.
16
17 MS. PENDLETON: Good morning. My name is
18 Beth Pendleton. I'm the Regional Forester for the US
19 Forest Service and located in Juneau, Alaska.
20
21 MR. HASKETT: Good morning. Geoff
22 Haskett, Regional Director, US Fish and Wildlife Service.
23
24 MR. PROBASCO: Good morning. My name's
25 Pete Probasco. I'm the Assistant Director for the Office
26 of Subsistence Management.
27
28 MR. GOLTZ: My name is Keith Goltz. I'm
29 here representing the office of the Solicitor.
30
31 MS. DUGAN: Good morning. I'm Julia
32 Dugan, Associate State Director with the Bureau of Land
33 Management.
34
35 MS. K'EIT: Good morning. I'm Kristin
36 K'eit. Bureau of Indian Affairs, Acting Deputy of Native
37 Services.
38
39 MS. MASICA: Good morning. My name is
40 Sue Masica, I'm the Regional Director for the National
41 Park Service.
42
43 MR. REAKOFF: Jack Reakoff. Western
44 Interior Regional Council from Wiseman in the Brooks
45 Range.
46
47 MS. ENTSMINGER: Good morning. Sue
48 Entsminger from Mentasta Pass, Chair of the Eastern
49 Interior RAC.
50

1 MR. SIMEONOFF: Good morning. Spiridon
2 Simeonoff, Kodiak/Aleutians Chair from Kodiak.
3
4 MS. AHTUANGARUAK: Thank you. The North:
5 Rosemary Ahtuanguak North Slope.
6
7 MR. SMITH: Good morning. My name is Tim
8 Smith, I'm from Nome representing the Seward Peninsula
9 Regional Advisory Council.
10
11 CHAIRMAN TOWARAK: Thank you. And let's
12 go back on the back table.
13
14 (Staff Committee
15 introductions)
16
17 (No microphone)
18
19 National Park Service
20
21 Bureau of Indian Affairs
22
23 Bureau of Land Management
24
25 Office of the Solicitor
26
27 US Fish and Wildlife Service
28
29 US Forest Service
30
31 CHAIRMAN TOWARAK: Thank you. We will
32 proceed. We've got an agenda in front of us and I'd like
33 to know if there are any corrections or additions to the
34 agenda. I note that we had a request for No. 2A info
35 exchange for Beth. Are there any others?
36
37 Pete.
38
39 MR. PROBASCO: Thank you, Mr. Chair. I
40 have two additional items that will go under other
41 business. If you recall under the Secretarial's
42 directive to the Board, one of the issues that falls
43 under my responsibility and Mr. Haskett's is to provide
44 the Board an update of our budget process and how we're
45 proceeding with Fiscal Year 2013 and beyond. So during
46 other business, myself and Geoff's deputy, LaVerne Smith,
47 will be providing a budget update and also bringing you
48 up to speed on a potential trip that both, LaVerne and I
49 would be traveling to DC to inform the directorate.
50

1 And then also I'll go briefly over the
2 agenda items for July 12th's Board meeting.
3
4 Mr. Chair.
5
6 CHAIRMAN TOWARAK: Thank you. Any other
7 agenda topics.
8
9 (No comments)
10
11 CHAIRMAN TOWARAK: Is there a motion to
12 approve the agenda as presented.
13
14 MR. HASKETT: I'll make that motion, Mr.
15 Chair.
16
17 MS. PENDLETON: I'll second that.
18
19 CHAIRMAN TOWARAK: There's a motion and
20 a second to accept the agenda, is there any discussion.
21
22 (No comments)
23
24 CHAIRMAN TOWARAK: Not hearing any, is
25 there a call for the motion.
26
27 MS. MASICA: Call for the motion, Mr.
28 Chairman.
29
30 CHAIRMAN TOWARAK: Motion's been called
31 for, all in favor of the motion say aye.
32
33 IN UNISON: Aye.
34
35 CHAIRMAN TOWARAK: Any opposed say nay.
36
37 (No opposing votes)
38
39 CHAIRMAN TOWARAK: Motion passes
40 unanimously. Item 2A information exchange, Beth, did
41 you.....
42
43 MS. PENDLETON: Thank you, Mr. Chair.
44 The United Nations has designated 2011 as the
45 International Year of the Forest and in celebration of
46 that there's a number of activities that are occurring in
47 Alaska on the Tongass and Chugach National Forest this
48 year. And I would be remiss, this week is a wonderful
49 celebration at the University of Alaska-Anchorage, in
50 coordination with the Forest Service, Alaska Geographic

1 as well as a number of other partners, including the
2 Northern Forum, also the Institute of the North and a
3 number of other partners to celebrate youth. And, in
4 particular, to focus on our changing climate here in
5 Alaska. The last couple of days there have been youth
6 engaged in various activities and programs at the
7 University of Alaska with various partners around climate
8 and also out on Prince William Sound on the Chugach
9 National Forest. And then beginning tomorrow night
10 there's a wonderful public symposium and it will be
11 kicked off by keynote speaker Majora Carter. And Majora
12 hails from New York. There'll be a poster out on the
13 front desk and we'll post a couple of other posters
14 around, but if you get an opportunity to hear her she
15 also was on the Sundance channel, she's done a lot of
16 work at the local community level and engaging people in
17 communities around the issues around climate change and
18 particularly around opportunities for jobs, in green
19 jobs. So she's a wonderful speaker. I encourage folks
20 to participate, it is free. And it'll be held at the
21 Wendy Williams Auditorium at 7:00 o'clock.

22

23 I'll also put some posters out, too, that
24 talk about some of the activities up here on the Chugach
25 National Forest throughout the summer.

26

27 One of the things that we are celebrating
28 too is the rich heritage of our communities in Prince
29 William Sound, as well as Southeast Alaska and in
30 commemoration of the International Year of the Forest, we
31 produced four posters and the second in that series
32 celebrates our heritage and I would like to present that
33 to our Chairman, Mr. Towarak, and share that with you.

34

35 So here's the poster and it celebrates
36 our heritage during this International Year of the Forest
37 2011, so this is for you, and this also recognizes his
38 first year as our Chairman and has done such a great job,
39 so for you.

40

41 CHAIRMAN TOWARAK: Thank you, very much.

42

43 (Applause)

44

45 CHAIRMAN TOWARAK: Thank you, I will
46 treasure this.

47

48 Thank you, Beth. Are there -- I'd like
49 to maybe discuss the process that we expect to go through
50 today. It's primarily a work session, we don't expect to

1 make any major decisions today. I think some of the
2 discussions that we go through and the issues that we're
3 bringing up today are mainly direction that we're going
4 to set for the Staff to follow up and basically set
5 direction for where we go from here. We've got some
6 important issues that we're going to be discussing today
7 as outlined on the agenda.

8
9 As we go through each section I would --
10 I'm going to open the floor for any public testimony that
11 people from the audience or from the Board or from the
12 Regional Chairs or from the State, anyone that would like
13 to make any statements with regard to each of the major
14 topics that we're discussing.

15
16 And I apologize for not recognizing Pat
17 Pourchot from the Secretary of the Interior's Office in
18 Anchorage. Welcome Pat.

19
20 MR. PROBASCO: Mr. Chair.

21
22 CHAIRMAN TOWARAK: Go ahead, Pete.

23
24 MR. PROBASCO: Thank you, Mr. Chair. And
25 to help me, so I don't forget anybody, if you do want to
26 testify on any items, go to the desk and just fill out a
27 card, like Mr. Andrew did here and my Staff will bring it
28 up forward so we can call you to the table.

29
30 CHAIRMAN TOWARAK: And the desk is.....

31
32 MR. PROBASCO: And the desk is just
33 outside in the hallway there.

34
35 CHAIRMAN TOWARAK: We will then proceed
36 with the agenda and the next item on the agenda is the
37 Board discussion of Council topics with Regional Advisory
38 Council Chairs or their designees.

39
40 I will open the floor to the Regional
41 Council Chairs and start with Mr. Smith.

42
43 MR. SMITH: Probably the biggest issue
44 for our region has been our salmon stocks and the issue
45 that I've come here today to talk to you about is chum
46 salmon bycatch in the pollock trawl fisheries.

47
48 We have had very depleted salmon stocks,
49 particularly chum salmon stocks for many years. We
50 haven't had in the Nome -- I'm from Nome and in the Nome

1 area we haven't had commercial fishing for salmon since
2 1989 and our subsistence fisheries have been drastically
3 curtailed for more than 25 years. We had a better than
4 usual run of chums last summer, 2009 was the worst I've
5 ever seen in 30 years of flying fish surveys out there.
6 There's a serious problem. We don't know exactly what's
7 causing it but bycatch in the pollock trawl fisheries has
8 to be a contributing factor and we would like to reduce
9 that impact.

10

11 Thank you.

12

13 MS. AHTUANGARUAK: Thank you.

14

15 We're having a wonderful start to our
16 whaling season in the north. We've had two successful
17 catches. We have a lot of concerns related to the
18 efforts to change the harvesting of the caribou along the
19 Dalton Highway. There are a lot of concerns related to
20 that. There's also concerns in relation to the road
21 that's being proposed from the Dalton towards Umiat.
22 Anaktuvuk Pass is not supporting that. There are further
23 discussions happening in our region related to that.
24 There's a lot of concern on what that will do, it's
25 passing three water tributaries that are important to the
26 region.

27

28 There's a lot of concern related to the
29 work to promote the off-shore. There's a lot of
30 discussion occurring in our area. We still have a lot of
31 discussion that's concerning the seismic activity and how
32 it's affecting the fish and the whales and the other
33 animals that are in the area. There's more discussions
34 that need to be held in this area. We did have the North
35 Slope Science Initiative Workshop, which a lot of good
36 discussion has been held in that area and there will be
37 some efforts coming with information from there.

38

39 Thank you.

40

41 CHAIRMAN TOWARAK: Thank you, Rosemary.
42 Mitch.

43

44 MR. SIMEONOFF: Thank you, Mr. Chairman.
45 From Kodiak/Aleutians, our major concern for right now
46 would be the bycatch issue. I seen a couple letters to
47 Eric Olson and I'm happy to see that we're trying to do
48 something about that.

49

50 Thank you.

1 CHAIRMAN TOWARAK: Sue.

2

3 MS. ENTSMINGER: Thank you, Mr. Chair.
4 Eastern Interior, again, it's that bycatch, the very big
5 concern, that's such a slow process when there's a
6 species of concern and they're not able to do regulation
7 changes as fast. I think it's a four year process. I
8 think that just comes out across as pretty negative, that
9 there's so much government, I don't know what you'd want
10 to call it, but a user would call it, crap, that you have
11 to go through to see something happen quickly when
12 there's a species of concern. It's taken a lot of time
13 to get and you're still working on this cap, and our
14 concern would that be extremely low.

15

16 There's also concerns in the Yukon Flats
17 area, the moose there. There's a working group going on
18 right now to work on that.

19

20 I could go on and on and on about
21 concerns but that's what reaches out with a red flag for
22 me right now.

23

24 Thank you.

25

26 MR. REAKOFF: Thank you, Mr. Chairman.
27 The Western Interior, as the Eastern, we're very concerned
28 about the low return of chinook and chum salmon on the
29 Yukon River. The bycatch issue is still in place and we
30 have concerns with all high seas fisheries, including
31 outside the 200 mile drift gillnet fishing. The Asian
32 fisheries over in Russia, in the Russian waters,
33 interception and bycatch in their trawl fisheries also.
34 And so those -- the lower returns cause hardship for the
35 people on the Yukon River and we're looking at some
36 closures and various regulations to restrict subsistence
37 uses when we feel that there should be more -- the North
38 Pacific Fisheries Management Council and NMFS should be
39 more proactive in reducing by having a meaningful
40 reduction in bycatch.

41

42 Rosemary brought up the caribou issue in
43 Unit 26B on the North Slope. And we have this concern
44 because last year there was a regulatory change from
45 2008, the season went to one bull on July 1 to two bulls
46 and after October then it was two caribou -- last year
47 they went to five caribou, including cows with calves on
48 July 1 and the perception is that the Dalton Highway is
49 all walk in and it has access restrictions but the
50 reality is there's a building infrastructure of air taxis

1 that are now -- I just saw the permitting that was
2 provided for various air taxis that will be working from
3 Deadhorse, Happy Valley, Galbraith Lake and our concern
4 is that within the next few years we're going to see a
5 huge amount of harvest capitalizing on this five caribou
6 limit, and so that's of grave concern to the people of
7 the Western Interior region because a lot of those
8 caribou migrate over the mountains into our region, and
9 also into the Eastern Interior side, over in Unit 25A.
10 And so that is a growing concern and we will be
11 discussing that in the future with the Board as this
12 problem exacerbates.

13

14 And so those would be our two main
15 concerns at this point.

16

17 Thank you.

18

19 CHAIRMAN TOWARAK: Thank you, Jack. Mr.
20 Wilde.

21

22 MR. WILDE: Thank you, Mr. Chairman. The
23 Yukon Kuskokwim RAC members are advisors to the Federal
24 Subsistence Board in rulemaking decisions but contrary to
25 the Western thinking our subsistence way of life is not
26 a lifestyle. The local people are governed by the
27 seasons and it's very hard for Western scientists to
28 understand. Local people have no control over nature,
29 whatever nature provides local people users harvest for
30 food.

31

32 The Council -- our Council feels that the
33 make up of the Federal Subsistence Board would work for
34 the benefit of local people if the Federal Subsistence
35 Board membership consisted of 13 representatives from 13
36 regions in Alaska plus one from each Federal agency.
37 There are at least two emerging adverse effects on local
38 people subsistence activities within Region 5 and 18.
39 There is a growing conflict with sport and recreation
40 activities and law enforcement personnel encounters in
41 Unit 18, mainly in the lowest Yukon region and in the
42 Bethel, Kwethluk and Napaskiak area. Local people
43 testify on record how sport use and law enforcement is
44 Federal subsistence harvest and fish and wildlife harvest
45 regulatory books are less important than the National
46 Refuge laws which enforce fish and wildlife hunting
47 incidents. The Yukon-Delta RAC does not know if this
48 type of enforcement activities are occurring in Unit 18
49 or is happening in other regions of Alaska. One of the
50 problems that we see that -- one of the other concerns

1 that we have is the illegal and manufacture and sale of
2 smoked salmon, which has taken a big lump of the local
3 harvest for "subsistence" in our region. And we felt
4 that if there was some control on the sale of smoked
5 salmon in the region that there would be, at least, 50
6 percent of the salmon that are being caught now would at
7 least by going up to the spawning areas to spawn.

8
9 The local area concerns, there has been
10 salmon subsistence fishing in the past that went on for
11 24/7 in the Yukon and Kuskokwim River in the past. The
12 subsistence fishermen from elsewhere were strangers to
13 local people and these fishers would ship fish boxes out
14 of the hub communities on a daily basis, namely St.
15 Mary's being one and there are other villages that we
16 know of that we have not actually seen but that was one
17 of the local concerns that we had from the Lower Yukon.

18
19 In the lowest Yukon last moose hunting
20 season subsistence hunters hunted in their family
21 traditional hunting areas, they encountered and were told
22 that they were trespassing on Federal lands by other
23 people that came in out of the area hunting in the local
24 areas where the local hunters are getting their
25 subsistence moose harvest. There were transporters
26 observed who dropped off sport hunters on the local
27 people's traditional hunting areas and this was causing
28 an affect on the local hunting activities during the
29 moose hunting season.

30
31 That's the concerns that we have listed
32 from the Yukon Regional RAC.

33
34 Mr. Chairman, thank you.

35
36 CHAIRMAN TOWARAK: Thank you, Lester.
37 Ralph.

38
39 MR. LOHSE: Thank you, Mr. Chair. It's
40 interesting listening to the other RAC members and
41 basically hearing the same concerns expressed from other
42 areas that don't have the access that Southcentral has
43 and so consequently have the same problems that
44 Southcentral has only in a way I would say on a smaller
45 scale, and to hear the same concerns being expressed that
46 this impact spreads out over the state of Alaska.

47
48 I was going to start with the MOU and the
49 adding of the representatives to the Council. But what
50 I've heard -- the impact that I've heard is the same

1 impact that I hear from the rural residents in
2 Southcentral all of the time and that is the -- well,
3 I'll just say the potential unlimited growth of a user
4 group impacting the same resources that they're trying to
5 make use of for subsistence or impacting resources, the
6 future resources that will sustain subsistence and the
7 local economies. Jack talked about the air taxis on the
8 caribou. We saw the same thing in Prince William Sound
9 as the air taxis hit our silver streams and basically you
10 can check with the Fish and Game, some of those areas
11 have never been reopened again and they were areas that
12 weren't impacted by commercial fisheries, they were areas
13 that were just impacted by some of our local air taxis.

14
15 You know, you heard Lester talked about
16 the smoked fish going out and if anybody's taken the time
17 to go up on the Copper River during the subsistence
18 season and actually gone down and talked to the people
19 running the fishwheels and that and you start finding how
20 much of this fish is going off into markets or heading to
21 the Lower 48 or, like you go to Dawson -- I'm in Dawson
22 and I'm talking to somebody and they say where are you
23 from and you say, Chitina and they say, oh, yeah that's
24 where we go get our salmon for the winter, you know, I
25 mean those are the kind of impacts that are impacting the
26 subsistence users in our area.

27
28 In Cordova we've seen a large growth in
29 our, I'll use the word, non-resident sportfishermen, our
30 Cabela's fishermen, coming in by airplane and going out,
31 like somebody else said, with the -- like Lester said,
32 with boxes salmon, you know, spend two weeks fishing
33 silvers in Cordova and you meet somebody at the airport
34 and he's got 11 boxes of silvers salmon fillets and he's
35 heading back to Minnesota or someplace like that. And
36 when the salmon get up on to what we consider the
37 spawning grounds and they're past the point where they
38 can catch them nice and fresh, if there's no place else
39 to go, go up and fish them where there's four inches of
40 water and take them back to Minnesota with you when you
41 go. Net Boy, a long time ago, a book on salmon that I
42 can remember reading, he made a statement in there, he
43 said there's no viable wild salmon fishery any place in
44 the world that has road access in an industrialized
45 population. I hope never to see that in Alaska. I hope
46 Alaska wakes up and decides that maintaining their salmon
47 is important enough that we need to maintain it even in
48 the face of this potential unlimited growth in resource
49 exploitation.

50

1 I'll give you an incident that shows a
2 little bit of the attitude. I ran into -- well, a friend
3 of a friend from California was fishing down in our
4 salmon fishery, our silver salmon fishery in Cordova and
5 this is just kind of a little snapshot of an attitude
6 that comes with them and he -- basically I accosted him
7 because he'd gone out in the morning and he'd caught his
8 limit and he went back in the evening and he caught his
9 limit and I basically told him that that was illegal even
10 if he had taken the other fish and froze them and his
11 comment to me, which shows that they have no concept of
12 how fish in Alaska works, was, well, what's your problem,
13 they're just going to die anyway. And this is true, if
14 you live someplace where your fisheries are based on
15 hatchery fish, what's the problem if you take the excess
16 fish that are sitting below the damn or below the
17 hatchery. But if what you're counting on is these fish
18 making it to the spawning grounds and producing future
19 generations, then that kind of a comment just shows an
20 attitude that somewhere along the line we've either got
21 to get across to them, or we've got to regulations in
22 place that protect this resource or this resource is
23 going to be gone.

24
25 And somebody just told me this morning,
26 if you want to see a good illustration of it, go get your
27 latest issue of Fish Alaska magazine and take a look at
28 the article of some people that came up and took the
29 vacation trip of their lifetime to come up and go fishing
30 in Alaska and look at how much fish they took home, they
31 didn't take home a small amount of fish, they took home
32 a lot of fish and were proud of the fact that they could
33 come up here for two or three weeks. We see them all the
34 time on the Copper River. I've had friends on the Kenai
35 tell me, they talk about people coming up in their
36 motorhomes and spending, you know, a month up there and
37 putting up all the fish that they need for Christmas
38 presents, canned fish, smoked fish, to take back to the
39 States with them when they go. Those are the kind of
40 things, that if we're going to protect our resource in
41 Alaska and, if, as a Federal Board, we're going to look
42 at that resource on Federal land and it's impact on
43 subsistence users, remembering that salmon is the biggest
44 subsistence use product in the state of Alaska, we're
45 going to have to start taking a look at how do we protect
46 this for the future or we're not going to have a future.

47
48 Now, on the -- I'll get off my soapbox.

49
50 Anyhow, on the Board, our Council's

1 really interested in how you're going to end up getting
2 these other Board members that represent true subsistence
3 users in the state of Alaska, and we think that that's
4 extremely important, they represent rural subsistence
5 users, people who actually do use it and actually --
6 where it actually makes an impact in their life.

7
8 And then the other thing was, on the MOU,
9 we would like to -- in the review we would like to see
10 things that basically stress the priority of the Federal
11 Board in protecting subsistence for rural residents. And
12 even to the extent if there's areas with the State and I
13 have no conflict with the State myself, but there's areas
14 with the State that the State regulations basically have
15 to, by law, not protect rural subsistence. And we have
16 a population growing in the state and we have to be
17 cognitive of that. I mean the urban areas of the state
18 are growing and are going to continue to grow. We are
19 going to have a more road accessible or airplane
20 accessible and industrialized population in Alaska.

21
22 But it's the Federal priority to protect
23 the subsistence for the rural resident that should be
24 first and foremost on this Federal Board's mind.

25
26 And, with that, I'll get off my soapbox
27 and let Mr. Adams go.

28
29 CHAIRMAN TOWARAK: Actually I appreciate
30 your soap box, Ralph. Mr. Adams.

31
32 MR. ADAMS: (In Tlingit) (In Tlingit) is
33 in Tlingit tradition, is leader among leaders,
34 gunalcheesh means thank you. You've heard people, you
35 know, address you as, thank you, Mr. Chairman, and I
36 addressed you in my Tlingit language as a leader among
37 leaders. Thank you.

38
39 (In Tlingit) it means, people of honor,
40 or self respecting people and I am addressing you as
41 such.

42
43 I have several things that I want to
44 share with you that our Council has been very hard at
45 work at that is not on the agenda. And so I will begin
46 by first sharing with you a big celebration that is going
47 to be taking place in the Dry Bay area, which is about 75
48 miles -- or 60 miles from the village of Yakutat. And
49 over the past 12 or 13 years we have been doing some
50 serious archeological work down in the Dry Bay area and

1 this area in our history and our story telling is where
2 Raven did all his creations, this is where he pulled in
3 the large canoe that had the house on it that had all of
4 the animals and the birds and the fishes and then he let
5 them out in this area after he created that area between
6 Mt. Fairweather and Mt. St. Elias. And there were
7 several tribal houses that we have been challenged to
8 locate on the Akwe River called the village of (In
9 Tlingit) and the very first one is called (In Tlingit)
10 and it means far out house because Raven pulled that
11 house in from the ocean, far out from the ocean and then
12 placed it on the banks of the Akwe River and then he told
13 the people after he let them begin to migrate into that
14 area that, when this house gets too small for you, build
15 another one, when that one gets too small for you build
16 another one and so forth until eventually there were
17 seven of them there. And they have all been discovered,
18 they've been documented and there are a couple more that
19 we are still looking for in the Dry Bay area and
20 hopefully we will find them this spring. And, you know,
21 archeologist have gone in there along with us to do the
22 documentation and so we're very fortunate that we were
23 able to find these sites so that we can reconnect
24 ourselves with our history and culture. So that's what
25 we're going to be celebrating the end of this month, May
26 21st, 22nd and 23rd.

27

28 Normally when we took people down there,
29 we only took about 15, you know, to do the research work
30 and all of the digging and whatever but we're expecting
31 over 150 people this year for this particular celebration
32 so it's going to be big.

33

34 I just wanted to share that with you
35 because in 1909 the last drumbeat was sounded in Dry Bay
36 when they had their last potlatch there. After that we
37 were forbidden, you know, to practice our history and
38 culture and so forth and so in 1909 was the last drumbeat
39 that was held there. This May we are going to sound the
40 drumbeat again and open up the opportunity for our young
41 people to learn about their history and culture and
42 particularly of those tribal houses in that area.

43

44 I just wanted to announce that Mr.
45 Chairman.

46

47 The king salmon issue has been a real
48 concern to all of the RACs, the bycatch issue, which
49 you're going to have on the agenda here later. But I
50 just wanted to mention the fact that, you know, that is

1 a concern for all of us who thrive off the king
2 salmon.

3

4 A couple weeks ago I started my
5 subsistence fishing for king salmon in Yakutat Bay and so
6 far, you know, we have maybe caught one or two a day and
7 I think this week, you know, we should do pretty well.
8 But the ones that we really target in that bay is the Dry
9 Bay king. It's much like the Copper River king.

10

11 MR. LOHSE: No.

12

13 (Laughter)

14

15 MR. ADAMS: And it's our best kept secret
16 because we don't have the volume like Cordova has to
17 market their king salmon so you don't have to worry about
18 us for awhile.....

19

20 MR. LOHSE: Okay.

21

22 MR. ADAMS:it's not a much of a big
23 run there anyhow but that's what we target every year
24 about this time.

25

26 So far we caught three, which I think is
27 behind our normal catch for the year.

28

29 But anyhow we started that process in
30 Yakutat, subsistence fishing for king salmon and then we
31 do have a serious problem with the Situk River king
32 salmon. Over the past few years the escapement has been
33 declining. They target, you know, 750 king salmon pass
34 -- past the weir, and last year there was only 150 so
35 there's going to be serious watching of the king salmon
36 escapement, you know, in the Situk River. There might be
37 even some real, you know, serious closures to commercial,
38 subsistence and sportfishing in order to get that 750
39 into the spawning beds, you know, this spring. So not
40 looking forward to that. I hope something happens that
41 we'll get our escapement there next year.

42

43 Anyhow, you know, that's a concern, you
44 know, coming up real quick.

45

46 Mr. Lohse talked about the impact of the
47 new user groups, you know, coming to Alaska. ANILCA
48 provides that -- recognizes the fact that there's going
49 to be more and more people moving into Alaska and, of
50 course, where are they going to be moving to, they're

1 going to be moving into the rural areas. And because of
2 that, you know, it also addresses the fact that we, who
3 sit, you know, in these subsistence commissions and
4 boards are going to be facing those issues, you know, and
5 we're going to have to deal with them. And, of course,
6 some of us are working toward that end. So just thought
7 I'd bring that up to you, ANILCA recognizes that there
8 will be more people coming into Alaska and they will be
9 moving into the rural areas. However, the local people,
10 as we have witnessed over the past few years, you know,
11 have moved out of the rural areas so that, you know, they
12 don't have to contend with the high gas and poor economy
13 and higher prices for food and stuff.

14

15 This past week I received an email from
16 Lee Wallace from Saxman. He is the president of the
17 Organized Village of Saxman. And when we had our recent
18 Council meeting in Sitka in March, he was there as well
19 but he was there for another meeting that was dealing
20 with the Sea Otter issue so he wasn't able to come over
21 to our meeting until after his meeting was over but he
22 did leave a letter to the Council, which we accepted but
23 we didn't put it into the record, we didn't read it into
24 the record. But in his email to me he was really, you
25 know, very concerned that the RAC made -- or the Federal
26 Subsistence Board made a bad decision when the combined
27 Saxman with Ketchikan and thereby Saxman is in jeopardy
28 of losing their rural status and he just wanted me to
29 remind you of that. He did meet with our Chairman, Mr.
30 Towarak, when he was here several weeks ago. But what he
31 is asking here, and this is just for the record, Mr.
32 Chairman, and I know we won't deal with it today or it's
33 not on the agenda, he says:

34

35 I would ask that the decision be
36 reversed or whatever action is needed to
37 retain our rural status past the May
38 2012 deadline.

39

40 I guess that's when that decision will
41 come into effect.

42

43 And so, you know, with that I want to put
44 it on record that somewhere down the line we should be
45 dealing with that.

46

47 Also in our annual report, we did make a
48 statement in regards to rural and nonrural status. In
49 our letter to the Board, well, to Tim on April 5th, it
50 states, you know, you got those numbers on there and Item

1 No. 9, the Council is in the best position to evaluate
2 whether a community should be rural or nonrural. The
3 Board should give the Councils deference in regards to
4 determining the rural status communities. The petition
5 to change the presumed nonrural population threshold from
6 7,000 to 11,000 residents continues to be supported by
7 the Council and we recommend that the Secretaries enact
8 this rule change prior to new rural determinations.

9

10 Okay, on our annual report, too, there's
11 a couple of issues I'd just like to bring out on the
12 record. You have the letter but I just wanted to share
13 this with you now.

14

15 The Council is concerned that there is
16 not enough adequate funding to the Subsistence Program.
17 We know the budgets, you know, are being cut and we know
18 it's going to be tight but we really feel that if you
19 want to have good representation from the Councils and,
20 of course, to the other Subsistence Programs, such as the
21 Subsistence Resource Commissions you're going to have to
22 have adequate funding so we hope that the Board will be
23 aware of that as you go through your budgeting this year.

24

25 Sea Otters are still a big problem and I
26 think, you know, we are at a point that the US Fish and
27 Wildlife Service has been working with other
28 organizations to try to address that issue. So I'm
29 happy, after all of our harping over the years, you know,
30 we see something that is actually coming forth and maybe
31 there is a light at the end of the tunnel.

32

33 We do have a letter to the Board in
34 regards to our charter. So I just want to make reference
35 to that and for your reading pleasure you might want to
36 look at that letter once in awhile.

37

38 Along with the king salmon bycatch we do
39 have a concern for the halibut and we think that, you
40 know, there's a letter for that on that issue as well so
41 you can feel free to look at that anytime.

42

43 One of the things that ANILCA does, one
44 of the aims of ANILCA was, of course, to allow the bottom
45 up process. Things begin, you know, in the local
46 communities and it works it's way up the ladder and so we
47 really feel that should be practiced by the Regional
48 Advisory Council and the Board as well.

49

50 I'd like to also remind you of a letter

1 that the Council wrote to Sue Masica of the National Park
2 Service. I'll read the first paragraph and then make
3 reference a little bit further to that. The Alaska
4 National Land Interest Act does more than provide
5 instructions on how to manage the take of our wild
6 renewable resources. Administrative Section .1308
7 provides for a local hire program that enables an agency
8 to hire any individual who has special knowledge or
9 expertise concerning the natural or cultural resources of
10 a conservation unit. Section .1318 a statewide cultural
11 assistance program recognizes the need to protect and
12 interpret cultural resources and allows the Secretary to
13 provide advice, assistance and technical expertise and
14 the preservation and interpretation of cultural
15 resources. Now, we understand that Ms. Diane McKinley's
16 job, you know, is a temporary one and it's going to
17 expire here pretty soon and so what we're concerned about
18 is getting -- I'd like to see her back, you know, in that
19 position but if you're going to make any changes that we
20 find somebody of that same caliber who knows, you know,
21 the history and cultural aspect of subsistence programs
22 and she has done well in keeping us, you know, well
23 informed on what is happening on subsistence issues. I
24 really appreciate her emails. And, you know, if her job
25 expires and doesn't continue for her, you know, I think
26 it's going to drastically affect us as Council members
27 ability to function and get information as well as she
28 has provided it.

29

30 So, Mr. Chairman, I appreciate the
31 opportunity to share these comments with you and I say
32 gunalcheesh.

33

34 CHAIRMAN TOWARAK: Thank you. And I
35 think this process of starting with the Regional Council
36 reports gives us a statewide perspective of some of the
37 situations and the issues that we, as a Board, need to
38 address and it's always good to hear from each one of
39 you.

40

41 I especially, myself, coming from Western
42 Alaska, appreciate hearing and listening to, like what
43 Jack says, is the commonality, I think, of our situation
44 in rural Alaska and in regards to issues of subsistence.
45 I think there's a lot of thread that ties each one of us
46 together in making -- and asking this Board to make the
47 right decisions in the future, and I appreciate those
48 reports.

49

50 Let's hear from the State, if you have

1 any comments, either Keith [sic] or Jennifer.

2

3

MR. HEPLER: Thank you, Mr. Chairman.

4 It's been some time since I've been involved in this
5 process. You know, probably early on, probably 10 to 12
6 years ago I was here a lot and it's interesting for me to
7 go back and reflect upon the comments I heard this
8 morning from the reps because, you know, some of the same
9 concerns Ralph and others have brought up, are the same
10 concerns I heard 10 or 12 years ago, which means we
11 haven't done our work completely yet. But I am
12 unheartened still that we're still talking, we're
13 communicating, we're working as a team, and these
14 problems that are identified, they're not unique to the
15 Federal side but there's also commonality in the State
16 side and so we certainly expect to work forward with the
17 Board, you know, in solving those things. Myself, I'm
18 happy back in this process. I was also, you know, things
19 -- I've been gone in the meantime while I've been off
20 doing other things, I've been working a lot trying to
21 promote youth getting involved in hunting and fishing.
22 I'm working with Native American Fish and Wildlife
23 Society trying to bring youth getting involved back in
24 subsistence on a national level. That's why hearing
25 about the houses down in Southeast, you know, that's a
26 very warming story, so that makes it worthwhile this
27 morning for me, Mr. Chairman.

28

29 I don't know if there's anything else you
30 want to add.

31

32

MS. YUHAS: (Shakes head negatively)

33

34

MR. HEPLER: The only other thing, Mr.
35 Chairman, is that Hazel Nelson is our new subsistence
36 director. I can't see behind me, so I'm not sure if
37 Hazel's in the audience or not, but hopefully. Thank
38 you. We're very fortunate and very proud to have Hazel
39 work for us. She's had a lot of time in the state, I
40 think she has some old friends in the audience and so I
41 asked Hazel to come over and get her involved back in the
42 process but, you know, and thank you Hazel for showing up
43 and thank you for working with us.

44

45

Mr. Chairman.

46

47

CHAIRMAN TOWARAK: Thank you. Welcome
48 aboard Hazel, good to see you.

49

50

Do we have any comments from the rest of

1 the Board in regards to the Regional reports or the
2 State's report.

3

4 MS. K'EIT: Mr. Chair, thank you. I just
5 wanted to pass on from our Regional Director, Mr. Virden,
6 his enjoyment of being at the YK RAC earlier in the
7 winter cycle and I, too, enjoyed being at the Southeast
8 RAC and we're really looking forward to having more
9 involvement at the other RAC meetings. So hopefully
10 you'll see myself or Gene at more of those in the next
11 year or so. And he's really -- he was sick today, so he
12 was catching something, and the grandkids at home kind of
13 bring home a lot of bugs so he's sorry that he could not
14 be here, he was really looking forward to it.

15

16 Thank you.

17

18 CHAIRMAN TOWARAK: Geoff.

19

20 MR. HASKETT: Thank you, Mr. Chair. I
21 just -- I mean lots of concerns and clearly there's lots
22 of work we have to do. I wanted to go ahead and thank
23 Bert, though, for mentioning a positive thing. In the
24 few years I've been here I had heard a lot of concerns
25 about the otter problem and it's nice to hear that you
26 can see a light at the end of the tunnel and recognize we
27 are trying to work on that. We, obviously, don't have
28 the answers yet but I appreciate that positive comment,
29 and we'll continue to try and keep working on that and
30 obviously all the other issues, too. We have a long ways
31 to go and we'll try and do better there as well.

32

33 CHAIRMAN TOWARAK: Thank you. Any other
34 comments.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: Sometimes the light at
39 the end of the tunnel is a train coming at you.

40

41 (Laughter)

42

43 MR. HASKETT: Thank you, Mr. Chair, for
44 turning around my compliment that way.

45

46 (Laughter)

47

48 CHAIRMAN TOWARAK: Thank you. If there
49 are no other comments then we will continue on.

50

1 (No comments)

2

3 CHAIRMAN TOWARAK: I'll ask the audience
4 if there's anyone that would like to add anything, just
5 a couple of minutes.

6

7 (No comments)

8

9 CHAIRMAN TOWARAK: If not then there will
10 be other opportunities for input. Oh, okay, go ahead.

11

12 MS. MILLS: My name is Mary Ann Mills and
13 I am vice Chair for the Kenaitze Indian Tribe. And, you
14 know, the issue of bycatch is a real issue for a lot of
15 us. And I'd just like to add a little bit of perspective
16 to it.

17

18 In May of 2005 there was an article that
19 was carried in the Anchorage Daily News called
20 biodiversity loss, which stated:

21

22 The United Nations Environmental Report
23 says that the earth's biodiversity is dwindling at a
24 record rate with about 90 percent of the planet's fish
25 stocks already depleted since the introduction of
26 industrial scale fishing operations. The millennium
27 ecosystem assessment says that a third of amphibians and
28 a fifth of mammals are threatened with extinction because
29 of destruction of natural habitats. Claus Tofer,
30 director of the UN Environmental Program responsible for
31 the report says the loss of biodiversity is economic
32 suicide. He added that if the dwindling forest and coral
33 reefs were compared to museums and universities then
34 their destruction would be regarded as mass vandalism.

35

36 And I'm saying this because I think the
37 problem that we have with the trawler fishery should be
38 eliminated. We already realize that 90 percent of all
39 big fish in the ocean are depleted if not, you know,
40 gone. And currently 3 million pounds of bycatch is
41 thrown away a year. That bycatch feeds a lot of the sea
42 life and mammals in the ocean and us as well. And at the
43 very least all ocean and sea life should be counted as
44 bycatch, not just the salmon but I really believe that
45 the factory trawlers are doing enormous damage in our
46 waters and they are destroying the bottom of the ocean,
47 or the seas as well.

48

49 Thank you very much, Mr. Chairman.

50

1 CHAIRMAN TOWARAK: Thank you. Not seeing
2 any other interest we will continue then.

3
4 The next item on our agenda is a public
5 comment period for a short period of time on non-agenda
6 items.

7
8 We're going to open up the floor on every
9 single item that -- major item on the agenda for the
10 public to make comments, and as brief as possible, if we
11 can request that at this point. But now is the time when
12 you have -- if you have any issues that you would like to
13 bring to the Federal Subsistence Board.

14
15 We have two people, go ahead, and please
16 state your name and who do you represent.

17
18 MS. TEPP: Good morning. My name is
19 Rosalie Tepp. I'm the Chair Person of the Kenaitze
20 Indian Tribe. I represent my people in the Kenai. I'm
21 also an Eskimo. I also represent my other people in the
22 whole state of Alaska. My husband's Athabascan and I'm
23 Yup'ik and I do speak my language.

24
25 The one concern that I do have, of
26 course, I submitted my paperwork for you all to look at
27 at the last meeting because there was no testimonial at
28 that time, but I would like to bring to the fact that
29 down in Kenai we have dipnet fishery. Kenaitze Tribe has
30 an educational fishery down there. We take less than one
31 percent of the fish down there. You watch people go down
32 there -- and I own a shop in the summertime, and I've had
33 people come into my shop and say, we've dipnetted, I
34 asked them, where are you from, they're not from Alaska.
35 I've had my shop for 10 years, this still goes on today.
36 And, yet, the Kenaitze people, when we're down there,
37 doing our subsistence, we get railroaded. I go to the
38 airport and there's tons, hundreds of boxes of fish going
39 outside. I have never -- this is no disrespect to the
40 Fish and Game or the locals down there in Kenai, I have
41 never seen any of them down in the Kenai River, I live on
42 the Kenai River, checking, I never see anybody at the
43 airport checking, where is this fish going? I look at
44 the addresses, it's going outside. Yet, they chastise my
45 people and me for taking tiny little amount of fish to
46 eat. There's a big discrepancy there. It needs to be
47 dealt with. When I go there or see my people, say I
48 can't go out and catch my own fish and eat it, there's
49 something wrong here. We're the only people here in the
50 earth that are put away in jail for eating our food, for

1 bartering, we can't even barter with our own people
2 without looking behind our backs to see if Fish and Game
3 is there. That is very sad.

4
5 I'm 57 years old. I thought things would
6 change when the land claims came. They got worse.
7 Everybody tells me it's for the better, it hasn't. It
8 hasn't gotten better.

9
10 That's my comment.

11
12 Make it better for us. For all of us.
13 Because, we, as a people, of the state of Alaska, all of
14 us Native or non-Native, we can work together, it's not
15 working right now, we need to fix it. We have all these
16 problems and we sit here year after year after year and
17 talk about the same thing. Is it getting any better? In
18 my eyes, no it's not. We need to all sit down, compare
19 notes from each area and see how we can work together to
20 fix it to make it better for all peoples, everybody.
21 People in my language means real people. The real
22 humans. All of us need to be real humans. We need to
23 take care of what is given to us. We need to respect it
24 instead of having people abuse it. And then turn around
25 and -- and maybe I'm saying this a little harshly, abuse
26 me as a subsistence user, as a subsistence eater. That's
27 how I look at it. I think it needs to be fixed.

28
29 That's my comment, thank you.

30
31 CHAIRMAN TOWARAK: Thank you. There was
32 another gentleman.

33
34 MR. JERUE: Hi, good morning, Mr. Chair.
35 Carl Jerue, Chief of Anvik. Also vice president of
36 Tanana Chiefs. And I'd like to thank you for giving me
37 this opportunity to address the Board here.

38
39 We're all users of the resources for as
40 long as I could remember. I grew up fishing on the Yukon
41 and hunting. And now I see things changing, there's more
42 impact, outside people coming in and we're competing with
43 them. Now the State is regulating us to where they're
44 making us criminals. There's people who have to go to
45 court, get fined, get their nets taken, or get their
46 boat, rifles taken and they have a criminal record after
47 that just for trying to get food for their family. And
48 the State, there's -- it's not fair to us being here all
49 of our lives and we have the commercial groups coming in
50 and we don't see them regulated as much as we are, we're

1 just trying to subsist for our families. It doesn't seem
2 fair to our people.

3

4 This coming summer we were forced to
5 change gear to try to get more escapement into Canada so
6 they changed our gear and it's putting a hardship on the
7 people out there because the nets cost money and some of
8 them can't afford it. It doesn't seem like the right
9 approach for the State to make us change gear. I always
10 thought why don't we take a conservative approach, let's
11 cut our harvest in half, rather than change gear, and it
12 doesn't make sense to me.

13

14 But I really appreciate the Board for
15 addressing the subsistence issues for our people out
16 there. We're economically depressed out in the village
17 and it's like that in all the rural villages. There's
18 not many jobs and we got to have you guys on our side to
19 make sure that we have enough fish and game for the long
20 winters and for the next generation and forever. So I'd
21 like to thank all of you guys for your assistance in
22 making sure that that continues. That we have abundant
23 resources for as long as I'm -- like I said I've been
24 fishing on the Yukon for the past 40 years and I see a
25 lot of changes.

26

27 Putting two more rural people on the
28 Board, you'll get a lot more first-hand knowledge, what's
29 going on in the villages and I think that's a good idea
30 there.

31

32 I'd like to thank you again and I'll be
33 here for the next couple of days and I'd like to maybe
34 talk to some of you guys and share our concerns.

35

36 Thank you.

37

38 CHAIRMAN TOWARAK: Thank you, Carl. You
39 need to push the button on the right to get the light to
40 turn on.

41

42 MR. SMITH: Oh, that one, all right.
43 Thank you, Chairman. My name is Sidney Smith, originally
44 from New Stuyahok. I'm basically here on my own.

45

46 There's a lot of us who spent time from
47 1966 to 1978 in Congress, even before the Lands Claim
48 Act. There's two movies that we put out. The first one
49 was Our Way of Life, and that was our whole concept of
50 trying to explain how we live up here. How we live off

1 the land, how we respect the animals and respect other
2 people.

3
4 In 1976, AFN sent Don Mitchell to our
5 meeting at the Jackson Committee. Basically what he told
6 us was you guys are not recognized, even though the
7 Jackson Committee did recognize us to try to explain
8 what's going on in Alaska up here on our way of life. He
9 says that you have to use the word, subsistence, in your
10 language when you talk about trying to pass the bill. It
11 was Eddie Hoffman, myself, David O. David, Jonathan,
12 myself, Arnold Milshimer from English Bay. We fought
13 that word for four days trying to explain to them that we
14 don't want that word in because what they'll do is take
15 us apart and the elders felt that. Traveling around the
16 state of Alaska, when you look at No. 6 you talk about
17 getting two representatives by rural people or who lived
18 off the land. The elders will tell you that in order to
19 accomplish something you have to get someone that lives
20 off the land like they did, and they called them real
21 people.

22
23 I hear a gentleman talking about, why is
24 it taking so long and why is it we're still talking about
25 the same thing we were talking about 40 years ago.

26
27 The problem I see is that you've got a
28 mixed bag, and I understand the state of Alaska's hands
29 are tied when they say, we don't believe in tribes, yet,
30 the Federal government who's supposed to help us with
31 some of these problems we have, people not being able to
32 get their food, going to jail, try to accomplish what the
33 bill really says is not being done. I'm not trying to
34 put you guys to blame or anything but it needs to happen
35 for our people.

36
37 The thing about the whole thing in
38 Washington, D.C., we talked about the original people of
39 Alaska, again, AFN says we're Alaska Native, that caused
40 another confusion. So I could probably talk many days
41 about what things going on in the different part of the
42 state of Alaska. The key to it, my personal feeling, is,
43 get real people on there that are honest and care and
44 live that life. If you don't, you're going to still be
45 talking about this another 40 years and yet our people,
46 who are the original people of Alaska, will suffer.
47 They're not going to suffer here in Anchorage or in
48 Juneau because they have an economic base, out there we
49 don't. In the '60s, and latter part of '50s we used to
50 live on only \$2,000 a year. Nowadays with all the

1 programs, with HUD, PHS, State Airport, schools, on and
2 on, now it's difficult to live on almost 20,000 a year.

3
4 So I hope and I really pray, and I mean
5 it, that something be done, stand up and be counted. I
6 understand that you have to go through the protocol and
7 listen to what the State has to say, if the State's hands
8 are tied they cannot do nothing for you. Somehow with
9 the Federal government and our tribal people, need to get
10 together. The concern we had in Washington, D.C., was
11 advisory, advisory. Advice means only advice. Nobody
12 has to take it.

13
14 If you look at the paper and really look
15 at what's written in that bill, we wanted regulatory
16 powers within the geographical area which means that I
17 cannot make a decision for Kodiak; I cannot make a
18 decision for Cordova, but I can make a decision for our
19 geographical area. And that's one of the things I see
20 happening. We make decisions what's happening in
21 Kotzebue, we make decisions on what's going to happen in
22 Cordova, but I don't live there, but yet I'm supposed to
23 make decisions.

24
25 So I want to thank you. I'm glad that
26 you're listening to the public because a lot of times
27 that don't happen because you go through your agenda and
28 that's it, you don't move away from it. But I want to
29 thank you again for the time.

30
31 CHAIRMAN TOWARAK: Thank you, Sidney.

32
33 I think there's a common thread here that
34 I'd like to point out and you'll be next, but let me read
35 what Secretary Salazar wrote to this Board on September
36 -- or December 2010.

37
38 He said that subsistence is of critical
39 cultural as well as nutritional
40 importance to rural Alaskans. And I
41 take seriously the responsibility for
42 carrying out the mandate of Title VIII
43 of ANILCA to provide opportunities and
44 priority for subsistence uses on Federal
45 lands and waters.

46
47 That's the charge that we, as the Federal
48 Subsistence Board, has and I think everything that's been
49 said so far starting with the Regional Councils, and the
50 public, I think, is tied into that statement. And I'd

1 like for the public to know that I take my responsibility
2 as the Chairman of the Federal Subsistence Board very
3 seriously in carrying out the mandates of what the
4 Secretary has challenged this Board with in carrying out
5 our responsibilities as a Board member.

6

7 You had a comment.

8

9 MR. SINYON: Morning. My name is Larry
10 Sinyon. I'm from Chistochina Alaska. My public
11 comments aren't just from me, not from -- I'm
12 representing Cheesh'Na Tribal Council.

13

14 But all these legal issues that's coming
15 up with subsistence and everything, I think we've said it
16 before, our tribal administrator has said it, Wilson
17 Justin, and I think a few other people have said it,
18 these units that are created for guides, guides and
19 outfitters for profit organizations, these are causing
20 lots of problems, I think, the units are.

21

22 That's all I have. Thank you.

23

24 CHAIRMAN TOWARAK: Did someone have your
25 hand up?

26

27 MR. PROBASCO: Right behind Crystal.

28

29 CHAIRMAN TOWARAK: You're next over here.
30 And I don't mind people coming in but if you.....

31

32 MR. ANDREW: Mr. Chairman. My name is
33 John W. Andrew. I am with the Organized Village of
34 Kwethluk. I am with the IRA Council. I'm 67 years old.
35 I'm a lifetime subsistence fisherman, hunter and trapper.

36

37 On non-agenda items I have several items.

38

39 Like the lady who spoke earlier, in my
40 lifetime in the Bethel area, and over in Quinhagak, I
41 have seen a lot of sportfishermen or guide outfitters.
42 They fly in fishermen and they fly out a lot of salmon
43 and I don't know what other species they take out. I've
44 seen them go up to the airports with large coolers, some
45 of them are small, they load up a plane load and they go
46 back with them. And the same story in Bethel airport
47 too. Every summer I've seen that. If I ever go to the
48 airport I've seen sportfishermen or other fishermen
49 including some of our rural Native people that go home
50 and help the families that fish. They fly out the salmon

1 too wherever they take them back to. That's one of them.

2

3

4 And the other concern I have is since
5 around the middle of 1960s we've seen a lot of sport
6 hunting and commercial activities up in the foothills to
7 the point we, our people were not taking to their
8 traditional hunting and fishing areas. They even got run
9 off or turned out by commercial outfitters. They say --
10 back in the early part of 1980s my family wasn't taken to
11 our traditional fall hunting area because there were a
12 couple of guide outfitters operating that area and they
13 couldn't even take us to our traditional hunting area.
14 That's the frustrating part.

15

16 The other one, my third item, in my YK
17 area, we have several abandoned mines. One is Nyak. On
18 that Nyak River, the last four years they had -- they
19 never met their escapement on kings and other salmon
20 that go up the river. Nyak Mine has torn up at least 39
21 or 40 miles of river. You can see -- even if you fly
22 over that area, you can see 39 to 40 miles of tailings.
23 That used to be at one time a real productive salmon
24 river. And it is the same story down in Platinum. The
25 mine operators, once they become non-profitable, they
26 just abandon them and leave them. The third one's up in
27 Red Devil. They say it opened up in the 1930s, it was in
28 operation in 1943, nobody monitored them. I know there's
29 a study by BLM right at the -- I think right about this
30 time. The freshwater species, especially the pike and
31 sheefish are contaminated with mercury and arsenic on the
32 rivers, on our fish species, not to mention all the other
33 species too.

34

35 Those are the few areas on the non-agenda
36 items I'm concerned with right now for our region.

37

38 Quyana.

39

40 MS. BOTTORFF: Good morning. My name is
41 Mary Lou Bottorff. I am the treasurer for the Kenaitze
42 Indian Tribe. I'm originally from Nome, Alaska, Inupiat
43 and adopted by the Kenaitze Tribe in the '70s.

44

45 I'm here because of our way of living.
46 I have a granddaughter who was injured in a car accident
47 seven years ago and I found out that her brain required
48 Omega-3, which she craved muk-tuk every day, every day,
49 every day, it was like it was gnawing at her, and I don't
50 have muk-tuk in Kenai so I had to trade to Savoonga to

1 Barrow with salmon caught in my area, which I caught
2 myself and put up to barter just for my granddaughter.
3 And I see all the fish going out of the Kenai area, at
4 the airport by many motorhomes going down the highway
5 bragging about how much they got and selling it and
6 trading it at the flea markets in the Lower 48 where my
7 family is allowed 25 fish a year, plus 10. I mean that's
8 35 fish, and that's not enough. I try to put up the
9 freezing, smoking, canning and on 35 fish you can't do
10 that. That doesn't even take you through the winter. So
11 by bartering then I can get more. I have friends that
12 are sportfishermen, and guides, they're guides and they
13 bring people up from Venezuela and they're only allowed
14 to bring 10 fish back into their country so that's how I
15 get some of my fish, is from this guide, and that
16 shouldn't be that way. I mean we should be entitled to
17 what our family requires for the winter. And like I say
18 it's Omega-3, it's good for your body and I want more.
19 I don't want any more going out to the Lower 48.

20

21 Thank you.

22

23 CHAIRMAN TOWARAK: Thank you. Omega-3 is
24 good, it's even better with seal oil.

25

26 (Laughter)

27

28 CHAIRMAN TOWARAK: We'll give you a
29 couple of minutes and then we're going to take a break.
30 Go ahead. The button on the right.

31

32 MR. MCGINTY: Oh, okay. Hello, my name
33 is Maurice McGinty. I'm from the Nulato Tribal Council,
34 and also part of the Tanana Chief Conference.

35

36 In coming up here I had one thing in
37 mind, the hope that the Federal Board could bump heads
38 with the State and come to some kind of a compromise that
39 would help us on the Yukon River in fishing.

40

41 You probably already know, the Yukon
42 River is divided by Y's, Y1, Y2, 3, 4, 5, et cetera, et
43 cetera. Well, that part of the Lower Yukon River, for
44 many years, they were allowed to commercial fish, and
45 then that other area, down around the Holy Cross area
46 were allowed to driftnet. The area I'm from, I'm
47 representing Kaltag, Nulato, Koyukuk and Galena, were
48 also given the permission to driftnet for king salmon.
49 You probably already know, or if you don't know,
50 driftnetting is probably one of the deadliest ways to

1 fish on the Yukon River. And so with no control, other
2 than periods of openings, we were allowed to go in there
3 and get as much fish as want, there's no limit to it,
4 there's no control of it. So that kind of abuse knocked
5 down our king salmon escapements immensely. That's not
6 to include after they count down at the count station,
7 you have to put into consideration the Andreafsky River,
8 the Anvik River, the Innoko River, the Tanana River, the
9 Nulato River; these are major tributaries where these
10 king salmon spawn. Nobody count those things. So that
11 also adds to depletion of fish that reaches Canada.

12

13 I can only hope that the Board here would
14 consider giving the fishing powers back to the tribal
15 councils, to the people in those communities on the Yukon
16 River who have direct impact on the fish and let them
17 come up with a number that would best feed their family.
18 Nothing more than that. An example, everybody get rid of
19 the Y numbers. Everybody from the mouth of the Yukon
20 River to the Canada border, every family is allowed 60
21 king salmon. That's going to get rid of some communities
22 where fishermen get as many as 300 and then turn around
23 and sell them. They don't barter them, they sell them.
24 That's what I call abuse. If you give the power back to
25 the community, to the tribal councils and let them judge
26 their own people, I guarantee you there'll be no more
27 wanton waste. The council from every community on the
28 river can work with you people to come out and compromise
29 to some kind of a number that would be acceptable to
30 everybody and getting rid of this Y stuff, get rid of
31 this commercial fishing, get rid of this commercial
32 selling on the streets and take subsistence for what it
33 is, subsistence.

34

35 Thank you very much.

36

37 CHAIRMAN TOWARAK: Thank you. With that
38 I'm going to -- go ahead, I'll give you a chance to come
39 up.

40

41 MR. VENT: Good morning. I'm Darrell
42 Vent representing the Husila Tribal Council. We had a
43 video made in our region called Make Prayers to the
44 Raven. We're -- our people, you know, managed
45 subsistence for years, hundreds of years, no problems.
46 Then the late 70s we started seeing the guided hunting
47 coming in. They hit the Bettles area and they did -- I
48 guess what was going on, you know, what we really didn't
49 understand is the Federal and the State got together and
50 they talked about management under Title VIII and the

1 thing that happened was when you're talking about
2 management, what are you managing, you know, are you
3 making it feasible for the people in the villages, you
4 know, are you providing enough resources for the
5 villages. Well, the resources for the State management
6 side was a lot higher than the people in the village, we
7 didn't have no recognition. Now, we're getting into
8 problems, Maurice McGinty talked about it, and other
9 villages talked about, where, you know, management needs
10 to be sat down at the table with the tribes, the State
11 and the Federal government and try to get everything back
12 in control, though, where we need to address issues that
13 the tribes, you know, need to be recognized in these
14 issues because we're having problems. And it's not only
15 with the fish, it's with the moose, the caribou and all
16 these other resources that we use. We have to look at,
17 you know, the whole picture, is the management style
18 working. Are the State doing their job; are the Federal
19 government doing their job; are the tribes doing their
20 job. Where could we help? The tribes want to help but
21 are we getting recognized, that's the thing. I think
22 it's important that we be recognized from the tribal side
23 because we managed it before and we see the issues there.

24

25 So I don't want to take up too much of
26 your time.

27

28 The thing I'm worried about right now is
29 before we had guided hunting, now, rules and regulations,
30 transporting is a different thing altogether. Which
31 kinds of regulations we -- you know, we need to be aware
32 that this is going to become a problem later on and we
33 got to start putting restrictions or whatever, or making
34 sure that everything is adequate for both users, the
35 subsistence, commercial. So these are issues that we got
36 to look at.

37

38 Thank you for your time.

39

40 CHAIRMAN TOWARAK: Thank you. And you'll
41 notice that No. 9, or rather No. 8 is draft tribal
42 consultation protocol we're going to be discussing later
43 on, either today or tomorrow.

44

45 With -- I saw a little finger going up.
46 After he testifies we're going to take a 10 minute break.

47

48 MR. KARONNAKTA'TIE: (In Native) I said
49 hello and how are you and I'm glad to be here. My name
50 is (In Native). Originally I'm a Mohawk from Tindenega

1 and I now have the honor of servicing the Council of
2 Athabaskan Tribal Governments as a natural resource
3 director and we service 10 tribes up in the Yukon Flats.
4 I'm glad to be here and see this gathering and people
5 having an opportunity to speak.

6
7 The topics that people have brought up
8 here have been on the minds of the people in the region
9 for a long time and there's a paradigm shift that's
10 needed for management structures to be inclusive of both
11 knowledge systems, both Western and indigenous and
12 there's opportunities to grow on both sides and to learn
13 from each other. And I guess I just want to thank the
14 Board for being able to listen and being able to be
15 inclusive of the people that are here, because I think
16 there's great opportunity to step beyond where we're at
17 now and make something real happen, both for the people
18 and for the environment and the ecology because it's
19 going to need all pieces to be able to move forward in a
20 good way.

21
22 And with that, thank you.

23
24 CHAIRMAN TOWARAK: Thank you. I
25 appreciate everyone willing to speak. We will take a 10
26 minute break and then continue with our agenda.

27
28 (Off record)

29
30 (On record)

31
32 CHAIRMAN TOWARAK: Could we begin finding
33 our seats please.

34
35 (Pause)

36
37 CHAIRMAN TOWARAK: While we're getting
38 our chairs, getting seated, a little matter of
39 housekeeping. Yesterday I was in Unalakleet, my
40 hometown, I had scheduled to come in with Pen Air, it
41 leaves at about 1:30 or so in the afternoon, but typical
42 of this time of the year we have a lot of fog with the
43 ice breaking up in the Norton Sound and the weather
44 getting warm we get a lot of fog in the springtime and
45 that got me to thinking what would happen if I didn't
46 make it into Anchorage for the meeting today and with
47 that thought I've elected to appoint Geoff Haskett, on a
48 temporary basis, anyway, to replace me if I, for some
49 reason, can't make it into a meeting. So for the rest of
50 the Board it's an administrative decision I've made. We

1 can discuss it, I guess in the future, and probably a
2 good time to do it would be after we appoint -- or we
3 have selected the two additional subsistence users on the
4 Board. I think that would be a good time to review the
5 Chairmanship and a replacement if for some reason I can't
6 show up for a meeting. But in the interim I'm going to
7 ask Mr. Haskett to fill in for me if I can't make it in
8 to any of the Board meetings.

9

10 With that, we will move on to Item No. 5,
11 which is the salmon bycatch in the Bering Sea and Gulf of
12 Alaska. I think each of the Board members were submitted
13 information and some proposed letters, draft letters that
14 are being proposed to be sent to the North Pacific
15 Fisheries Management Council, and with that, Don, are you
16 going to be leading us in this discussion?

17

18 MR. RIVARD: (Nods affirmatively)

19

20 CHAIRMAN TOWARAK: Don, the floor is
21 yours.

22

23 MR. RIVARD: Thank you. Mr. Chair. Good
24 morning, Mr. Chair, Board members and Council
25 representatives. My name is Don Rivard, I'm a fish
26 biologist with the US Fish and Wildlife Service, Office
27 of Subsistence Management.

28

29 I have monitored salmon bycatch issues on
30 behalf of the Federal Subsistence Program and have
31 attended several meetings of the North Pacific Fisheries
32 Management Council since 2005.

33

34 We're going to discuss your two draft
35 letters today. I have a couple introductory statements
36 and then we'll go into the letters themselves.

37

38 The North Pacific Fisheries Management
39 Council is currently evaluating measures to limit chinook
40 salmon bycatch in the Gulf of Alaska and chum salmon
41 bycatch in the Bering Sea in their respective commercial
42 pollock fisheries. Before you are two draft letters with
43 comments and recommendations addressing these issues for
44 your consideration to send to the North Pacific Fisheries
45 Management Council.

46

47 They were handed out for you this morning
48 and they have a 29 April 2011 date on them.

49

50 First, I'd like to take up the Gulf of

1 Alaska chinook salmon bycatch. In 2010 the amount of
2 chinook salmon bycatch was over 51,000 in the Gulf of
3 Alaska groundfish fishery; 41,000 of those were in the
4 pollock fishery itself. And this was one of the largest
5 on record. The North Pacific Fisheries Management
6 Council expedited this issue in order to address it
7 through regulation by no later than the start of the 2012
8 fishing season. During its meeting in Anchorage in early
9 April 2011, the North Pacific Fisheries Management
10 Council selected a preliminary preferred alternative with
11 a hard cap of 22,500 chinook salmon. This amount is
12 higher than the 2003/2010 bycatch average of
13 approximately 19,000. And those years, 2003 through 2010
14 are the ones that have been utilized in the Staff
15 analysis.

16
17 The draft Board recommendation in front
18 of you is a hard cap of 15,000, the lowest hard cap
19 amount among the range of alternatives. This is the
20 amount which would more likely lead to a meaningful
21 reduction in chinook salmon bycatch in the Gulf of
22 Alaska, if adopted.

23
24 The North Pacific Fisheries Management
25 Council is scheduled to take final action on this issue
26 at its June meeting in Nome. The North Pacific Fisheries
27 Management Council Staff gave presentations to the
28 Southcentral and Southeast Regional Advisory Councils at
29 their March meetings. Both Councils asked some questions
30 and discussed the issue but did not take any action.

31
32 And that's my summary on the Gulf of
33 Alaska chinook salmon bycatch. I can pause here or go to
34 the other one.

35
36 CHAIRMAN TOWARAK: We'll take it one step
37 at a time and open the floor at this point for any public
38 comment on the issue of bycatch.

39
40 MR. PROBASCO: Mr. Chair.

41
42 CHAIRMAN TOWARAK: Go ahead.

43
44 MR. PROBASCO: Mr. Chair, thank you. We
45 have -- actually you might want to have, Mr. Rivard,
46 since probably public comments are going to capture both
47 chums and chinook, you might want to have Mr. Rivard
48 finish on chums and then go to comments.

49
50 CHAIRMAN TOWARAK: Okay, that sounds more

1 reasonable. So if you would proceed onto the chum issue.

2

3 MR. RIVARD: Thank you, Mr. Chair. The
4 next one we're going to talk about is the Bering
5 Sea/Aleutian Island chum salmon bycatch, that's your
6 second letter in front of you.

7

8 The North Pacific Fisheries Management
9 Council took up the issue of chum salmon bycatch in the
10 Bering Sea commercial pollock fishery immediately after
11 it took final action on chinook salmon bycatch in April
12 2009. The Council has reviewed and refined preliminary
13 data and/or Staff analysis since that time and is now
14 scheduled to select a preliminary preferred alternative
15 during its June meeting in Nome. Final action by the
16 Council will occur either at its October or December 2011
17 meeting, which will then be provided to the Secretary of
18 Commerce for decision. The rulemaking process will
19 follow.

20

21 Implementation of any new regulations
22 adopted could happen as early as the 2012 fishing season.

23

24 The Draft Federal Subsistence Board
25 recommendation of 50,000 chum salmon is the lowest hard
26 cap amount among the range of alternatives being analyzed
27 and is consistent with the Board's recommendation to the
28 North Pacific Fisheries Management Council in April 2009
29 regarding Bering Sea chinook salmon bycatch.

30

31 The North Pacific Fisheries Management
32 Council members and Staff gave presentations to the
33 Bristol Bay, Yukon Kuskokwim Delta, Western Interior and
34 Eastern Interior Regional Advisory Councils at their
35 February and March 2011 meetings. The four Councils
36 discussed and then made resolutions to the Board on this
37 issue. The Seward Peninsula Regional Advisory Council
38 also adopted a resolution directed at the Board during
39 its meeting in March. Representatives from these five
40 Regional Advisory Councils are scheduled to attend the
41 North Pacific Fisheries Management Council meeting in
42 Nome in June with four funded by the Office of
43 Subsistence Management.

44

45 Thank you, Mr. Chair. That concludes my
46 presentation.

47

48 CHAIRMAN TOWARAK: Thank you. We will
49 then open the process up for public comment in regards to
50 these two issues of the chinook Board recommendation of

1 15,000 hard cap and I think it's Prince William Sound, is
2 it?

3

4 MR. PROBASCO: Gulf of Alaska.

5

6 CHAIRMAN TOWARAK: Gulf of Alaska, I'm
7 sorry. And then the 50,000 cap of chums in the Bristol
8 Bay, Western Alaska cap.

9

10 Go ahead.

11

12 MR. PROBASCO: Thank you, Mr. Chair. And
13 just as a reminder to the public that want to testify on
14 each of these agenda items. For our record and getting
15 correct spelling on people who testify, we request that
16 you fill out a green card and then my Staff will bring it
17 forward.

18

19 First up to testify on the bycatch issue
20 is Mr. John Starkey.

21

22 MR. STARKEY: Thank you, Mr. Chairman and
23 Board members. John Sky Starkey. I'm going to be
24 testifying, providing the comments of Myron Naneng and
25 the Association of Village Council Presidents, who have
26 been involved in this issue of chum salmon bycatch for
27 many, many years and were involved extensively in the
28 last round of bycatch which was the chinook bycatch issue
29 that the North Pacific Fisheries Management Council dealt
30 with two years ago, in which the North Pacific Fisheries
31 Management Council essentially ignored the State
32 Department and the Fish and Wildlife Service and the
33 Interior's advice on chinook bycatch and essentially
34 doubled from a recommendation of 30,000 to 60,000, what
35 the Council adopted.

36

37 I just want to commend the Board for
38 getting involved this early on and the Regional Councils
39 for making the recommendation for the Board to get
40 involved this early on. It's really essential in the way
41 the North Pacific Fisheries Management Council process
42 works to get involved early on and before the preferred
43 preliminary alternatives are identified. Afterwards it
44 becomes a much more of an uphill struggle. So I want to
45 commend the Board for doing that. I encourage you to
46 adopt the letter.

47

48 I want to also encourage the Board to
49 perhaps supplement the record, the letter and its own
50 record with documentation of the dramatic decreases in

1 chum salmon and subsistence uses in the Norton Sound
2 area. I'm sure the Chair's aware of what's gone on in
3 the Unalakleet, but even more dramatic in the Nome
4 Subdistrict for going on two decades now, chum salmon
5 have been in decline, barely met escapement goals, some
6 years they don't and subsistence uses have either been
7 eliminated or restricted for two decades and the
8 commercial fishery's disappeared. And so the chum salmon
9 stocks in the Norton Sound area are, you know, probably
10 on the border of ESA listing at some point in the future
11 if they don't start to recover and the bycatch is not
12 helping with that. So I would just encourage the Board
13 to look more carefully at that history of declining
14 stocks and supplement their record with that.

15
16 And, finally, I would just encourage the
17 Board to really stay persistent on this issue as the
18 Council moves through its process and really appreciate
19 the effort of sending the five Regional Council Chairs to
20 the meeting and we'll certainly be there to work with the
21 Regional Council Chairs and with Chairman Towarak there
22 so with that I'll conclude and thank you.

23
24 CHAIRMAN TOWARAK: Thank you, Mr.
25 Starkey. Are there any questions of Mr. Starkey.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: Thank you.

30
31 MR. PROBASCO: Mr. Chair. The next
32 person wishing to testify is Mr. Art Nelson.

33
34 MR. NELSON: Thank you, Mr. Chair, Board
35 members. My name is Art Nelson. I'm the policy and
36 outreach director for Bering Sea Fishermen's Association.
37 We represent communities and fishermen throughout Western
38 and Interior Alaska on subsistence and their coastal and
39 small scale fishery issues.

40
41 Bycatch is an issue we've been involved
42 with for quite some time and along with Sky, you know, we
43 were very actively involved with the Council's previous
44 action to limit chinook salmon bycatch in the Bering Sea.
45 We've also been following the two that they're looking at
46 now, the Gulf chinook and the chum in the Bering Sea
47 bycatch.

48
49 On the Bering Sea bycatch, you know, this
50 is Western Alaska and, again, as Sky mentioned, Norton

1 Sound and other parts of Western Alaska have had some
2 very serious chum conservation issues. We're very
3 concerned that the range of alternatives that the Council
4 is looking at, in my opinion, is skewed high. If you
5 look at the long-term average or the long-term bycatch
6 numbers in the pollock fishery, with the exception of the
7 three or four years in the previous decade where they had
8 this spike including, you know, one year that got up to
9 700,000 chum salmon, if you drop those four years, the
10 Gulf's bycatch never -- or the Bering Sea's chum bycatch
11 never exceeded 100,000 fish in any given year, but
12 nonetheless the -- all of the -- most or all of the cap
13 alternatives in their analysis all include, you know, any
14 number of years that include those high years in the
15 average and we think that skews them all very high. So
16 I think that the number that you're looking at right now
17 is a great recommendation to make to the Council and we
18 would encourage you to encourage the Council stay
19 aggressive on this and their other bycatch protection
20 measures.

21

22 There's one additional piece that I think
23 we'll be looking to recommend to the Council. Our
24 organization hasn't developed a position yet, we're
25 holding off until we have the benefit of the draft
26 analysis, which I think is due out in just another week
27 or two. But in looking at the stock composition in the
28 bycatch that's been sampled, it looks like the Alaska
29 component of fish seem to be at their highest in the
30 mixture of stocks that are out there, in the, I believe
31 it's a July and an August time window, and I think if the
32 Council's going to be looking at any kind of seasonal or
33 time and area closures we're going to be pushing for them
34 to be very aggressive during that time period when
35 Western Alaska or Alaska stocks are the most, or are at
36 their peak abundance.

37

38 Thank you.

39

40 CHAIRMAN TOWARAK: Thank you, Mr. Nelson.
41 Are there any questions of Mr. Nelson.

42

43 (No comments)

44

45 CHAIRMAN TOWARAK: I've always
46 appreciated the efforts that BSFA has worked on on the
47 issues in Western Alaska. I was involved originally with
48 Henry Mitchell and that group on the original CDQ
49 request, so I appreciate your comments.

50

1 MR. NELSON: Thank you.

2

3 CHAIRMAN TOWARAK: Thank you, very much.

4

5 MR. PROBASCO: Thank you, Mr. Chair. The
6 next person to testify is Ms. Mary Ann Mills.

7

8 MS. MILLS: Thank you. I was a bit
9 confused when we first began and basically what I had
10 testified about the biodiversity loss was actually for
11 this portion of it. And, you know, with the 90 percent
12 of the planet's fish stocks already depleted and with the
13 introduction of the industrial scale fishing operations
14 I think has had, not only quite an impact in Alaska
15 regarding the fishery but also world wide. And in view
16 of the depletion of our oceans and seas, I think it is
17 time for the trawler fishery to come to a close.

18

19 I believe that what is happening is going
20 to have a domino effect, it's not just only the fish that
21 they're catching that should be counted as bycatch, I
22 think it is everything that comes up in their nets.
23 Because fish and mammals eat what is there that they're
24 taking and then throwing out. In our culture you don't
25 -- you treat all life with respect. And I just don't see
26 that happening with this fishery and I see the results of
27 it being very devastating for our oceans.

28

29 Thank you. Thank you very much.

30

31 CHAIRMAN TOWARAK: Thank you.

32

33 MR. PROBASCO: Mr. Chair. The next
34 person to testify on the salmon bycatch is Mr. John
35 Andrew.

36

37 MR. ANDREW: Thank you, Mr. Chairman. My
38 name is John W. Andrew. I'm with the Organized Village
39 of Kwethluk. On salmon bycatch issues, not too long ago
40 our Council, in fact, our Kwethluk joint group met, which
41 consists of Kwethluk IRA, which is the tribe and the
42 Kwethluk municipal -- city of Kwethluk and the Kwethluk
43 Corporation on the very same issues. I also was called
44 by the Native Village of Akiak from their chief, Chief
45 Ivan M. Ivan, asked me to comment on the bycatch issue
46 before this Board.

47

48 As we know years ago at the time of our
49 forefathers and grandfathers and my time, fishing was
50 always good, it was always excellent. Good heavy runs

1 and mostly catch red chums and coho, pinks, but starting
2 in the 1980s after we started hearing about intercept
3 fisheries, pollock fisheries, we started drastically --
4 returning fish started to fall, even to the point where
5 they're placing severe restrictions on our river, on the
6 Kuskokwim River, on the Yukon River, too, because our
7 people fish both of those rivers. Because I'm also --
8 I've listened to those people.

9
10 Back in February, our YK Subsistence RAC
11 met in Mountain Village, we heard from several
12 testimonies regarding the bycatch issue. They even
13 suggested that they should try at least put a five year
14 moratorium on the pollock fishery to see what happens
15 afterwards and we were informed our Board has no
16 authorization authority over this issue, only the North
17 Pacific Fisheries Management Council. And we hear
18 reports back in 2005, they said the pollock fishery
19 caught well over 120,000 chinook, which are kings and
20 probably, if I am correct in 2000 summer, these are not
21 -- now recently over 700,000 chum bycatch, that is
22 unacceptable. And they're putting severe restrictions on
23 the villages along the Yukon, along the Kuskokwim. Even
24 as we speak, people back home, they're worried about if
25 they're going to catch any salmon this summer because
26 Fish and Game, Fish and Wildlife have already talked
27 about putting windows or not allowing king gear on our
28 rivers. Because we seen what happened on the Yukon River
29 when they were allowed windows and allowed using only 4
30 inch gear which is impossible to catch king salmon,
31 they're pretty big fish and we know that.

32
33 We'd like to see the North Pacific
34 Fisheries Management Council put severe restrictions or
35 put a real low hard cap on the bycatch limits. If they
36 do that it'll be beneficial to all the Western Alaska --
37 the salmon's river of origins. Because when the salmon
38 come back to the river of origins, our people are always
39 asked to bear the burden of conservation. There are fish
40 that come back to spawn up on the headwaters but then
41 Fish and Game and Fish and Wildlife always put
42 restrictions on us and it's very, very hard for people.

43
44 Thank you, very much.

45
46 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
47 Any questions from the Board, or the RAC Chairs.

48
49 (No comments)

50

1 CHAIRMAN TOWARAK: If not then we will
2 continue.

3
4 MR. PROBASCO: Mr. Chair. The last
5 person I have and he didn't identify an agenda item so
6 just to cover my bases, Mr. Tony Delia.

7
8 MR. DELIA: Hello everybody, thank you.
9 My name is Tony Delia. I work for Tanana Chiefs
10 Conference in Fairbanks, Alaska. For those that don't
11 know we cover an area of 235,000 square miles. We have
12 42 villages, only seven of those are connected by road.
13 So logistically we're challenged in every way and fishing
14 is just one of them. But I've got a list of things here
15 I'm going to go through real briefly.

16
17 First and foremost I want to honor all my
18 elders here, Native and nonNative. I want to honor our
19 leadership, Native and nonNative and I see a bunch -- a
20 few of our chiefs here and I'm honored to be here on
21 their behalf and also on behalf of our tribal members
22 that couldn't make it here.

23
24 Another thing, we just had convention
25 here not too long ago in March and one of the things that
26 was presented during convention was an archeological find
27 that they had this past year. And they found some bones
28 of a young Native lady back in the Dunes area, they dated
29 it back 11,000 years, so it goes way, way back, the
30 history goes way back. And amongst all the finds, they
31 also found bones, they found fish bones, rabbits and
32 squirrels and all kind of different things and so it
33 dates way back, as far as our diet, our subsistence, our
34 way of life, and we've always regulated that.

35
36 And we want to preserve our culture. I'm
37 going to share something real personal. Just the other
38 day -- I have four daughters. I have four grandsons and
39 two granddaughters. And I have two of my granddaughters
40 right now teething and so we all know what kind of
41 nightmare that can be. Well, when my daughters were
42 growing up I would give them salmon strips and they would
43 chew on those things for hours and hours and it would
44 help with the teething process, and I want to be able to
45 continue that with my great grandkids and, you know,
46 further on. So it's very near and dear to us.

47
48 I mentioned some of the challenges that
49 we do have within our region. The bycatch issue, you
50 know, I know we can come to terms with that. There's a

1 lot of ideas, there's a lot of bright people here, we all
2 have the same concern. You know, I hear a lot of
3 concerns coming from our tribal leaders and members and,
4 you know, there's a common denominator. We can all work
5 together. I'm glad to see, you know, everybody at the
6 table, I just hope that it's not lip service. I just
7 hope that we can all work together as agencies,
8 government to government, tribe to tribe and with the
9 different agencies, let us get involved as well as tribal
10 leaders, as Native peoples, you know, to help -- and
11 regulate, not just fish but birds and moose and caribou
12 and things like that. You know we have to preserve our
13 way of life.

14
15 Now, when I mentioned our region, like I
16 said, there's only seven connected by road so they have
17 to fly all their food in. You know if we're regulating,
18 the State and the Feds and everybody else regulating and
19 telling my people they can't hunt and fish, they can't
20 hunt and they can't fish and they can't trap, you're
21 taking their way of life away from them and you're
22 getting them dependent on Welfare and all this other food
23 that's, you know, not a part of their diet, which is
24 causing a lot of cancers and stuff and sickness and
25 disease in our people. So, you know, we can come to
26 terms as far as more meetings. I would -- and I got this
27 from our vice president, Tanana Chiefs, Carl Jerue, he
28 would like to invite you different organizations, you
29 agencies, you groups and stuff, come to our villages, you
30 know, come in the height of the season and watch our
31 people and all the work that goes into going to fish camp
32 and the training and the culture and the elders and the
33 young people working together, we're putting food away.
34 You know, we don't fish for sport, you know, we fish for
35 survival. And I would rather have my kids growing up
36 eating salmon versus bologna and Top Ramen and that's
37 what they're shipping up to our villages. So we would
38 like to invite you folks to, you know, come on up for
39 Tanana Chiefs Convention. We invite you to come in and
40 present and be speakers. I'm glad to see everybody's
41 here and I hope we can all come to agreement at the end
42 of the day, you know, that we can all work together to
43 help address this issue.

44

And that's all I have, thank you.

45

46

CHAIRMAN TOWARAK: Thank you, Mr. Delia.

47

48

MR. PROBASCO: That's it, Mr. Chair.

49

50

1 CHAIRMAN TOWARAK: Are there any
2 questions of Mr. Delia.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: If not then we will
7 continue.

8
9 (Pause)

10
11 CHAIRMAN TOWARAK: If there are not any
12 other public comments -- okay, go ahead.

13
14 MR. SANDONE: I'm sorry, Pete, I should
15 have it turned in but I didn't. This is a real brief
16 informational statement here. Mr. Chair, Members of the
17 Board, RAC Chairmen, Chair people.

18
19 I just wanted to let you know that
20 besides the US Pollock fisheries there's also a Russian
21 pollock fishery on the other side of the border and
22 salmon, they don't understand borders, they go over there
23 into Russian and Japanese waters just as well as they
24 come into the US waters. And the Russian pollock fleet,
25 I may have already spoke to this in previous testimony,
26 the Russian pollock fishery has applied for marine
27 stewardship certification and I just wanted to let you
28 know that this process is in the information gathering
29 stage. The primary objective of this stage is to collect
30 information on the fisheries and, in particular, to speak
31 to representatives of the fisheries, fishery management
32 bodies and other stakeholders of the fisheries. In my
33 mind there's no doubt that they harvest Western Alaska
34 chum and chinook. We don't really know how much.
35 There's no much of a recordkeeping over there, they're
36 not a prohibitive species. And I just want to let you
37 know that there's a stakeholder's meeting coming up in
38 Seattle on the 11th of July and it would be good to have
39 some representation at that meeting so that we can
40 express our concern about chinook and chum bycatch.

41
42 Mr. Chair.

43
44 CHAIRMAN TOWARAK: Thank you. And for
45 the record would you state your name and who you
46 represent.

47
48 MR. SANDONE: Yeah, I was fouled up by
49 Pete's waiving. My name is Gene Sandone and I represent
50 Kwik'Pak Fisheries.

1 CHAIRMAN TOWARAK: Thank you. Any
2 questions of Mr. Sandone.
3
4 (No comments)
5
6 CHAIRMAN TOWARAK: If not, thank you.
7 Oh, I'm sorry, go ahead, Mr. Smith.
8
9 MR. SMITH: Yeah, Gene, what do we know
10 about the stream of origin for both the chinook salmon
11 and chum salmon that are getting caught in the Russian
12 pollock fishery, what's the state of scientific knowledge
13 of that situation?
14
15 MR. SANDONE: To my knowledge absolutely
16 nothing.
17
18 MR. SMITH: Just a follow up then, then
19 we have no idea what impact their fishery might be having
20 on, say, Norton Sound fish stocks, it's just a total
21 unknown; is that correct?
22
23 MR. SANDONE: I believe so. I believe
24 there is very, very little information that the Russians
25 share with anybody regarding what they catch in their
26 fisheries.
27
28 CHAIRMAN TOWARAK: Any further questions.
29 Mr. Reakoff.
30
31 MR. REAKOFF: Mr. Chair. Gene, I was
32 wondering how would we monitor without an observer
33 program, the Russian fishery, would the certification
34 process request an observer program of the Russian
35 fishery to bring certification for a healthy fishery or
36 how would you perceive that?
37
38 MR. SANDONE: Mr. Chair. Mr. Reakoff.
39 That's one item. I mean as far as I know there's very
40 little information. Moody Marine is there scientific
41 arm, they're going over there and collecting data as it
42 is now, there may be some information on the salmon that
43 they catch, there may not be but I see using the marine
44 stewardship certification as some kind of leverage to at
45 least get information and possibly clean up their
46 fishery. Remember they're not a prohibitive species over
47 there, they can do what they want with them when they
48 catch them.
49
50 MR. LOHSE: Mr. Chair.

1 CHAIRMAN TOWARAK: Go ahead.

2

3 MR. LOHSE: Through the Chair. Gene. Do
4 we even have any idea of what their total catch of their
5 targeted species is over there, I mean so that we could,
6 you know, I guess extrapolate if we wanted to, to even
7 get an inkling of what the bycatch could be?

8

9 MR. SANDONE: Mr. Chair. I'm not well
10 versed in that. I believe there are numbers of pollock
11 that are caught and I also understand that their
12 fisheries -- they believe that their fisheries don't
13 catch a lot of salmon because they're somewhat different
14 in their methodology. But I think there's probably
15 people in the room, other than me, that can speak to
16 that.

17

18 CHAIRMAN TOWARAK: Thank you, Mr.
19 Sandone. I do recall reading a Pacific fishing magazine
20 article about the Russian bycatch of salmon and so there
21 must be some material out there somewhere. And I don't
22 know who we would direct to find that information,
23 perhaps our Staff could take a look at that.

24

25 Jack.

26

27 MR. REAKOFF: I just wanted to bring up
28 to the Board, the Western Interior Council is concerned
29 about the bycatch in all of the fisheries in the Bering
30 Sea and I feel that it behooves the Federal Subsistence
31 Board to allow OSM or somebody to attend that Moody
32 Marine certification meeting on July 11th in Seattle to
33 basically do the same thing that we're doing to the North
34 Pacific Fisheries Management Council, stating the in-
35 shore returns and concerns that we have for chum and
36 chinook salmon and AYK stocks, and that the certification
37 process needs to take into consideration bycatch of North
38 American stocks from Alaska.

39

40 Thank you.

41

42 CHAIRMAN TOWARAK: Thank you, Jack. And
43 for your information we're going to go through the public
44 first and then we'd like to hear from the State in
45 regards to this issue and then we're going to wrap up our
46 discussions with hearing from the Regional Advisory
47 Councils on this issue.

48

49 If there are no further public
50 comments.....

1 MR. PROBASCO: Mr. Chair. While we were
2 listening to Mr. Sandone we got one more. Thank you,
3 Gene. Mr. Victor Lord from Nenana.

4
5 MR. LORD: Yeah, my name is Victor Lord
6 and I came down here from the Nenana Native Council and
7 Tanana Chiefs helped with my plane ticket also. We were
8 talking about bycatch and I fish way up the Tanana River,
9 about 200 miles up the Yukon and it runs into the Yukon
10 so the Yukon is a concern for me, the fish that come up
11 there and the bycatch that -- I believe the bycatch is
12 affecting our fish because, you know, I was born a few
13 years back and I was raised in fish camp on the Tanana
14 River, cutting fish since I was, you know, five years
15 old. One of the jobs in life but I remember being raised
16 in fish camp, and went back to fish camp, raised my
17 family in fish camp and people are kind of going away
18 from the river right now, but they're coming back and
19 then I see that there's becoming no fish to come back to.
20 We're not having such a problem on the Tanana River but
21 I see it happening on the Yukon and it could come up the
22 Tanana River -- well, it probably will if this trend
23 continues of no fish. I serve as advisory on the Treaty
24 Panel with the US/Canada and I talk to the Canadian
25 people, they can't even fish up there now, it's terrible.
26 And I see people can't go back to fish camp, you can't
27 eat fish, with our Diabetes problems, we're having health
28 issues in the Native community, high blood pressure,
29 Diabetes from eating all this food that Tony was talking
30 about. You know, I just want to see opportunity for
31 people to eat their fish and I know it's good healthy
32 food because I smoked fish last year and the year before,
33 try to feed it to my family and my extended family around
34 and it's just a big concern to me about the health
35 issues. If there's no fish to fish and the smaller fish
36 are becoming the issue too -- I'm jumping around here on
37 you guys but, yeah, I just wanted to let you know that
38 it's a concern and I don't know how you guys manage with
39 the North Pacific Fisheries Management Council and what
40 kind of relationship you guys got with them but it's a
41 big issue for us on the river. People that live on the
42 river, cut fish on the river, and the cultural thing,
43 too, to bring people to fish camps and keep them lively
44 and keep them busy, keep them out of town, you know, and
45 that kind of activities.

46
47 But appreciate you Mr. Towarak and the
48 rest of you Board, thank you.

49
50 CHAIRMAN TOWARAK: I got a quick question

1 for you.

2

3 MR. LORD: Sure.

4

5 CHAIRMAN TOWARAK: Do you see any problem
6 with the 15,000 figure that we've used?

7

8 MR. LORD: The bycatch numbers?

9

10 CHAIRMAN TOWARAK: Or the 50,000 chum
11 bycatch number?

12

13 MR. LORD: Oh, yes, thank you, I got it
14 written down here. Yeah, we were proposing for a 32,000,
15 I think, in a lot of our proposals, bring it down -- even
16 that seems pretty big. I was kind of impressed with the
17 numbers that Kodiak and them got, that side of the
18 bycatch down to -- just recently it was in the newspaper,
19 but, yeah, the numbers are too high for the bycatch, I
20 think it should be lower.

21

22 CHAIRMAN TOWARAK: Thank you.

23

24 MR. LORD: Thank you guys once again.

25

26 MR. PROBASCO: That's it, Mr. Chair.

27

28 CHAIRMAN TOWARAK: We don't have any more
29 green cards so we're going to proceed next to the State
30 comments.

31

32 MR. HEPLER: Thank you, Mr. Chairman.
33 Commissioner Campbell is the lead for the State on this
34 issue and she's had the opportunity certainly to hear
35 these concerns and she shares a lot of the same concerns
36 that, you know, the members have brought up and the
37 members of the audience. And we realize this is a very
38 serious issue. What she's looking forward to is the
39 opportunity to go through and make an informed decision
40 after she has some time to review the analysis that comes
41 from Staff, the Council Staff. She's also looking
42 forward to the obligation of going through and listening
43 to the public testimony, which I'm sure we're going to
44 hear in Nome. And I know she's looking forward to
45 working with the -- the RACs are going to be there and,
46 Mr. Chairman, I think yourself is going to be there and
47 she also urges participation from members of the audience
48 to come to that. We also want to recognize we think that
49 the Council really did an outstanding job and they really
50 opened their time and came out, Mr. Chairman, and met

1 with all the RACs, that was, I thought, a very good
2 gesture on their part in providing that kind of
3 information.

4
5 So, Mr. Chairman, that's all we're
6 prepared to do now, other than the fact that I know
7 Cora's looking to the meeting and seeing some new people
8 in Nome.

9
10 Thank you.

11
12 CHAIRMAN TOWARAK: Thank you. Questions
13 from the Board.

14
15 (No comments)

16
17 CHAIRMAN TOWARAK: Not hearing any, I
18 appreciate your comments.

19
20 Let's hear from the RACs starting with
21 Mr. Wilde.

22
23 MR. WILDE: Thank you, Mr. Chairman. As
24 you know -- as most of you sitting on the Board know, the
25 salmon, the chum salmon is the first salmon that comes
26 into our area along the coast and up the Yukon and
27 they're the ones that are targeted a lot, mainly the
28 summer chums. And because of that and because of the
29 concern that our people within our area had, there was a
30 resolution that was drafted and at this time, Mr.
31 Chairman, I would like to read that resolution, if I may.

32
33 CHAIRMAN TOWARAK: (Nods affirmatively)

34
35 MR. WILDE: The resolution of the Yukon
36 Kuskokwim Delta Subsistence Regional Advisory Council
37 regarding chum bycatch in the Bering Sea pollock fishery.

38
39 Whereas, the chum salmon are a vital
40 subsistence fisheries resources for
41 subsistence users in the Yukon Kuskokwim
42 Delta Subsistence Regional Advisory
43 Council region and also is essential for
44 small scale commercial fishing that
45 provide income necessary to participate
46 in subsistence hunting, fishing and
47 gathering and in many years there are
48 not enough chum to provide for
49 subsistence and commercial use in the
50 Yukon Kuskokwim Delta and for users

1 throughout the Yukon Drainage; and

2

3 Whereas, chum salmon are caught as
4 bycatch in the Bering Sea pollock
5 fishery. In 2005 over 700,000 chum were
6 taken as bycatch and many of these
7 salmon are discarded overboard since it
8 is illegal for trawl fisheries to sell
9 the bycatch and the quality of the
10 bycatch is often not sufficient to
11 deliver to food banks; and

12

13 Whereas, although the bycatch has fallen
14 over the last few years, there is little
15 regulation to prevent extremely high
16 bycatch to reoccur and the North Pacific
17 Fisheries Management Council is in the
18 process of developing regulations
19 intending to minimize salmon bycatch to
20 the extent practicable while attempting
21 to allow full harvest of the pollock
22 total allowable catch; and

23

24 Whereas, the last time the North Pacific
25 Fisheries Management Council balanced
26 these contradictory goals was in
27 relation to bycatch of the chinook
28 salmon in the Bering Sea pollock fishery
29 and the outcome was extremely
30 disappointing to subsistence users in
31 the Yukon Kuskokwim Delta, in that, it
32 continued to allow as many as 60,000
33 chinook salmon to be caught annually as
34 bycatch despite the drastic subsistence
35 and commercial fisheries restrictions on
36 the Yukon River and failure to meet
37 chinook escapement and treaty
38 obligations; and

39

40 Whereas, during the North Pacific
41 Fisheries Management Council chinook
42 salmon bycatch regulatory process, the
43 Federal Subsistence Board and the US
44 Fish and Wildlife Service recommended
45 and strongly advocated for a bycatch
46 level that was far below and adopted by
47 the Council because the Federal
48 Subsistence Board's obligation to ensure
49 healthy salmon population, subsistence
50 opportunity and a priority for

1 subsistence use; and
2
3 Whereas, the North Pacific Fisheries
4 Management Council is meeting in Nome in
5 June of 2011 and will adopt a
6 preliminary preferred alternative for
7 the regulation of chum bycatch at that
8 time;
9
10 Now therefore be it resolved; that the
11 Yukon Kuskokwim Delta Subsistence
12 Regional Advisory Council recommends
13 that the Federal Subsistence Board work
14 with affected Regional Advisory
15 Councils, tribes and communities to
16 develop a position from among the
17 alternatives before the North Pacific
18 Fisheries meet to regulate chum bycatch.
19 The Federal Subsistence Board's position
20 should seek to minimize chum bycatch to
21 the greatest extent practicable and
22 thereby ensure healthy fish populations
23 and subsistence and small scale
24 commercial fisheries. The Federal
25 Subsistence Board should officially
26 convey this position to the North
27 Pacific Fisheries Management Council
28 before or during the North Pacific
29 Fisheries Management Council meeting in
30 June.
31
32 And it was dated this 24th day of
33 February 2011 in Mountain Village.
34
35 Mr. Chairman.
36
37 CHAIRMAN TOWARAK: Thank you. Pete.
38
39 MR. PROBASCO: Mr. Chair. We can get you
40 copies of Mr. Wilde's resolution on behalf of the YK.
41
42 MR. WILDE: Yes, Mr. Chairman, we do have
43 copies or we could have copies made for whoever you want.
44
45 Thank you.
46
47 CHAIRMAN TOWARAK: Mr. Reakoff -- I mean
48 Mr. Lohse.
49
50 MR. LOHSE: Thank you, Mr. Chair. On

1 this issue Southcentral Regional Council mostly listened.
2 We recognize the impact of the bycatch on the Yukon and
3 Norton Sound area and we're hoping that this Board
4 supports as much reduction as possibly can be done
5 because of the impact on the subsistence users up there.

6
7 We're thankful for the fact that they
8 actually looked at the Gulf of Alaska bycatch. And I
9 know that individually and probably as a Council we would
10 support -- more than likely we would support the lowest
11 possible bycatch, and we don't see 22,000 as much of a
12 reduction, not when it's not -- you know, when it's not
13 below the average.

14
15 But we took no action on it and so as a
16 Council I can't say this is what we would recommend, but
17 we would recommend that this be looked at as an impact on
18 subsistence users and that any reduction is worthwhile
19 having.

20
21 So with that I'll turn it over to Mr.
22 Adams.

23
24 CHAIRMAN TOWARAK: Mr. Adams.

25
26 MR. ADAMS: Thank you, Mr. Chairman.
27 Thank you, Mr. Lohse for turning it over to me.

28
29 Our position is pretty much the same as
30 Southcentral. We listened to, you know, the testimonies
31 given at our last Regional Council meeting. And we felt,
32 you know, while we were really appreciative of the report
33 that the National Marine Fisheries has presented to us
34 and we're going to pretty much support, you know, what
35 they come up with, I agree with Mr. Lohse that the count
36 should be as low as possible. I even liked it better
37 when that individual, I can't remember who it was, said,
38 let's put a five year moratorium on it, you know, that's
39 how I personally feel. But I think a lot could be told,
40 you know, if that was actually done.

41
42 But other than that, you know, we didn't
43 take any position on this particular issue, just going to
44 wait and see what happens, you know, when the report
45 comes out. I think, you know, some of the numbers that
46 have shown, I think they are kind of high, particularly
47 on the chum salmon, I think 50,000 -- when you consider
48 the fact that at one time, you know, the individual said,
49 175,000 bycatch, you know, on chum salmon was taken at
50 one point, I think I heard 140,000 and an average is, of

1 course, 58,000 and they only reduced it by 8,000 and, you
2 know, I have a serious concern about that. So other than
3 that, Mr. Chairman, you know, we're just going to sit
4 back and see what happens and then we'll probably do
5 something more positive later on.

6

7 Gunalcheesh.

8

9 CHAIRMAN TOWARAK: Thank you, Mr. Adams.

10 Mr. Reakoff.

11

12 MR. REAKOFF: Thank you, Mr. Chair.

13

14 Western Interior had presentation from
15 the North Pacific Fisheries Management Council and NMFS
16 on this issue. The data presented was very complex and
17 the Council did not want to delve into the numbers. We
18 adopted a similar, almost verbatim resolution that Mr.
19 Wilde read, it's basically verbatim. There was minor,
20 very minor misstatement of the year of fishery -- the
21 highest bycatch of 700,000 was 2007, not 2005, I want to
22 clarify that on the record. This document was
23 transmitted to the Federal Subsistence Board and signed
24 by myself on March 2nd, 2011 from Galena. I would like
25 this document to be part of the record because the
26 Western Interior Council adopted this document. It
27 should have been part of your packet.

28

29 This draft document here, I feel that the
30 evaluation of the data and adopting a hard cap of 50,000
31 on chum salmon is addressing the issue and having the
32 history of what occurred with the evaluation for chinook
33 bycatch in the Bering Sea and what the North Pacific
34 Fisheries Management Council actually adopted, I feel
35 that the Federal Subsistence Board taking a stance of a
36 real and hard number, 50,000, and going to the meeting in
37 Nome with that firmly affixed in mind, it's very --
38 there's a lot of political pressure to up that number and
39 so we had a lot of testimony and you had it here before
40 you today of the importance of chum salmon for
41 subsistence use within our region. As these chinook runs
42 fall people are shifting to chum salmon and we can't have
43 all of the fisheries in hardship simultaneously.

44

45 Having seen the draft letter that the
46 Federal Subsistence Board is reviewing I feel that this
47 is a timely and should be endorsed by the Federal
48 Subsistence Board and transmitted to the North Pacific
49 Fisheries Management Council.

50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you. Sue.

4

5 MS. ENTSMINGER: Thank you, Mr. Chair.
6 Eastern Interior did exactly the same thing as Western
7 and Lester's committee -- or Council. Do you guys have
8 these in your packets, our resolutions, because we signed
9 ours at our meeting in March 2011 and it's pretty much
10 ditto of both of them, except changing our name to
11 Eastern Interior. And the Eastern Interior being further
12 up the river probably see more impact of less fish than
13 down river and the people are pretty adamant about the
14 minimum for the amount for this hard cap. I see -- I'm
15 looking at this Page 13 in the book and it looks like
16 50,000 is the lowest number you can go but I think that
17 our Council would probably agree with the what the
18 gentleman, Mr. Lord, said in Nenana, lower than that
19 because they're pushing for the lowest possible cap that
20 can be.

21

22 And then I wanted to bring up two things
23 that came up at our meeting because this is, as I said,
24 frustration, earlier, it's a four year process to get
25 this stuff done through this National Marine Fisheries
26 because of all these different things they got to go
27 through, OSHA and NOAA and all this other stuff and it
28 gets a little frustrating as a user to see it take so
29 long to get something done. But one of the things that
30 was talked about was utilizing the salmon. And they said
31 it was a volunteer program for the trawlers when they get
32 back to Seattle they can get more bycatch -- or I don't
33 know what this is all about, it's pretty complicated, but
34 if they could bring the salmon back and then it could go
35 back to the people. And we were under -- thinking, why
36 couldn't there be a process -- and I think that it might
37 be taken to that meeting in Nome, instead of them being
38 thrown overboard, that they be utilized. It just makes
39 perfect sense to utilize it.

40

41 And the other thing that they talked
42 about, and maybe we're not needing to get into it right
43 now but there are different areas on a map where if that
44 much got caught, then they couldn't fish there. I think
45 they need to look at areas, even more broad, of where
46 they're going to stop the fishing of the fleet when
47 they're going to start catching the salmon.

48

49 So our Council would support the lowest
50 number possible on both of them.

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you. Mitch.

4

5 MR. SIMEONOFF: Thank you, Mr. Chairman.
6 I appreciate Lester's resolution. As we all know Kodiak
7 Island sits in the Gulf of Alaska and we believe that all
8 species of fish, of salmon, are affected by the pollock
9 fishery.

10

11 I would ask that we can include all
12 species of salmon in that resolution, it's not only the
13 chums, it's the sockeye, the coho, the pinks, the
14 chinooks. All species of salmon in Kodiak Island are
15 affected by the bycatch issue.

16

17 Thank you, Mr. Chairman.

18

19 CHAIRMAN TOWARAK: Thank you, Mitch.

20

21 MS. AHTUANGARUAK: Thank you. The North
22 Slope chose not to take an action on this. We are
23 looking at this issue very strongly. Proposals to change
24 access in the Arctic is something that's being promoted
25 in many areas and these concerns are echoing in the
26 North. We have learned a lot from other tribes that have
27 been dealing with these issues and efforts to try to look
28 at ways to find management techniques that can help to
29 affect -- we learn that this process of affecting the
30 bycatch has a possibility to affect the subsistence
31 users, whereas some of our other modalities of management
32 have limited effects, this could have a larger effect.

33

34 We understand that this is very important
35 and it needs to be looked at and addressed and reduced,
36 the bycatch.

37

38 CHAIRMAN TOWARAK: Thank you, Rosemary.
39 I understand that there is more and more fish, or salmon
40 showing up in the region, North Slope region.

41

42 MS. AHTUANGARUAK: Thank you. In Nuiqsut
43 we are seeing quite a bit of a change on the Colville
44 River. We can actually go out and now get silvers in a
45 good amount. That's very different. We routinely get
46 kings, not large numbers but we do routinely get them in
47 the summer and the sockeyes, we are getting some of them.

48

49 Definitely things have greatly changed.

50

1 CHAIRMAN TOWARAK: Thank you. Another
2 interesting point, I think, is the North Pacific
3 Fisheries Management Council has set the Bering Sea line
4 northward is no deep sea fishing, which I think is a good
5 guarantee that if there is going to be any future
6 intercept fisheries, you know, I think that should
7 protect it as long as they keep that line solid.

8

9 Mr. Smith.

10

11 MR. SMITH: Yes, Mr. Chairman. I think
12 one of the big problems in all of this is the state of
13 the scientific information on the effect of bycatch.
14 It's hard for me to consider what's happening in the
15 pollock fishery as incidental catch. You know to put
16 this in perspective, you know, we're talking about 52,000
17 fish in the Gulf of Alaska this last year, that's more
18 than all of the commercial fishermen took in the AYK
19 region, in commercial fisheries, from the Kuskokwim to
20 Barrow, that's a lot of fish. And then throw in the
21 additional 10,000 that were taken in the pollock
22 fisheries in the Bering Sea and the Aleutian Islands
23 fisheries, that's, you know, over 60,000 -- 60,000 king
24 salmon killed and wasted.

25

26 Let me come back to -- and the fact of
27 the matter is we don't know the migratory pattern of the
28 fish. We don't know what the stream of origin of those
29 fish caught in the bycatch. I went to the last Council
30 meeting and listened to the geneticist talk about the
31 Gulf of Alaska bycatch, genetics hasn't really done
32 anything for us. It hasn't done very much for us in the
33 Bering Sea, it's even worse in the Gulf of Alaska because
34 of the way that the samples are taken. They're grab
35 samples taken by observers, there's no real statistical
36 analysis you can do on those types of samples. All we
37 know that there's a lot of fish getting caught and
38 they're coming from someplace.

39

40 Let me tell you about what's happening on
41 the Seward Peninsula. On the Pilgrim River 44 king
42 salmon came back to the Pilgrim River this year. That's
43 a weir count, that's a good count, 44 fish. Fish and
44 Game has said in the past that it takes 200 pairs of king
45 salmon to make a distinct stock. Well, in the last six
46 years on the Pilgrim River we've only reached that
47 number, 400 fish, one time in six years, and our fish are
48 mostly six year old fish so through the entire life cycle
49 of the king salmon, we've only reached what constitutes
50 a distinct stock one time. And biologically I think it's

1 -- you'd have to conclude that that stock is extinct.

2

3 The run on Boston Creek is in about the
4 same situation. All we have there is aerial counts,
5 which a lot of people will contest. But I've flown the
6 aerial surveys for 30 years myself and I can tell you
7 that there is very few fish in any of our rivers in the
8 Nome area, and very few king salmon in any of the rivers.
9 Now we see the Unalakleet River going down too. I think
10 it's -- the decline on the Unalakleet River is probably
11 unstoppable. Bycatch is a big problem.

12

13 I think that 15,000 in the Gulf of Alaska
14 is a lot of fish.

15

16 You know, I attended the Council meetings
17 in April of 2009 where they talked about Bering
18 Sea/Aleutian Islands bycatch and it was one of the most
19 disappointing things I've ever been too, 60,000 fish --
20 king salmon, in my mind, is not a reasonable cap, that's
21 not a reduction in harvest. These mixed stock fisheries
22 are very, very hard to manage. You know, we don't know
23 where the fish are coming from. We don't know what
24 impact the harvest is having on various weak stocks. And
25 it's just impossible to protect weak stocks. I think
26 what's being done is not sustained yield and it certainly
27 isn't in the Pilgrim River.

28

29 And so I realize there's only so much we
30 can do through the Council process, but I think the
31 maximum reduction, as other people have said, is
32 certainly justified.

33

34 Switching over to chums.

35

36 Our Council adopted a recommendation of
37 30,000 chum salmon as bycatch, and, still, that's a lot
38 of fish. We certainly don't catch 30,000 chum salmon in
39 the Nome area for subsistence, we haven't for many, many
40 years. And there's no sign that it's getting better.

41

42 You know, because of the way the Council
43 process works, the lowest cap that they can consider is
44 50,000, well, that's, I guess, better than some of the
45 higher caps but it's still a lot of fish as Mr. Nelson
46 said.

47

48 I would also urge you to ask them for a
49 hard cap rather than a cap with an incentive program like
50 they did with chinook salmon. I mean I think that is

1 custom made for cheating. I think it's very easy to
2 exceed the allowable harvest through that incentive
3 program. And so I'd like to see a hard cap where you
4 reach that number and the fishery's shut down.

5
6 So I think these recommendations are good
7 but I would like to see -- I would like to urge the
8 Federal Subsistence Board to follow through with the
9 process and try to participate with the Council and try
10 to get something that's going to be a little more
11 protective of our weak stocks. We need to restore the
12 stocks otherwise there's going to be no more subsistence
13 in a lot of areas. There is no subsistence for chinook
14 salmon in most of the Seward Peninsula now and, you know,
15 I can see the day coming when it will be closed
16 completely. I think that we probably should be looking
17 at Tier II subsistence fishing on the Unalakleet River
18 now. I think it's a very unpopular thing, it's very
19 divisive, but I don't see any other way to deal with it.

20
21 Thank you.

22
23 CHAIRMAN TOWARAK: Thank you, Mr. Smith.
24 I'd like to ask Mr. Rivard a question.

25
26 Could you elaborate a little on how this
27 15,000 -- I mean the 50,000 cap of chum in the Bering Sea
28 could affect the closure of the pollock fishery; if it
29 will?

30
31 MR. RIVARD: Mr. Chair. If the North
32 Pacific Fisheries Management Council and ultimately the
33 Secretary of Commerce make a decision for a certain level
34 of hard cap, and, if it, indeed, is a hard cap, then that
35 means that once the pollock fishery reaches that number
36 then everything is -- they're done for the year, whether
37 they hit that mark in the middle of the year or towards
38 the end of the year then they would shut down.

39
40 CHAIRMAN TOWARAK: And that would be
41 regardless of all the fancy little maps that were
42 attached to our report?

43
44 MR. RIVARD: Mr. Chair. Those are
45 details of how they would try to minimize bycatch. And
46 these maps that you see are areas where they've found
47 high bycatch in previous years and they would try to
48 avoid them. Those are some of the options they have
49 before them. They're details on kind of how to achieve
50 reaching or avoiding of chum salmon. So those are all

1 real fine details of how that would be done. And in
2 drafting the letter it was to just kind of stay away from
3 those details. I think the most important thing is
4 coming to a certain hard cap itself.

5
6 CHAIRMAN TOWARAK: Thank you. Go ahead.

7
8 MR. HASKETT: Thank you, Mr. Chair. I
9 also have a question for Don.

10
11 So I'm looking at this chart here that
12 shows the bycatch numbers and am I understanding
13 correctly what we did in coming up with the 50,000
14 number, we did a five year average over the last five
15 years; is that correct?

16
17 MR. RIVARD: The five year average was
18 used as it was for chinook salmon bycatch for the five
19 years just previous to the signing of the Yukon Salmon
20 Treaty with Canada. So in 2002 they signed it and at
21 that time they asked that salmon bycatch be minimized,
22 and so that was the reason they used the five year
23 average just prior to the signing.

24
25 Does that make sense?

26
27 MR. HASKETT: So which years was that?

28
29 MR. RIVARD: I've got it in my briefing,
30 I'd have to look at it here real closely.

31
32 (Pause)

33
34 MR. HASKETT: Okay, well, while you're
35 looking that up and the reason I'm asking that, and I may
36 just be misunderstanding this. I thought the five year
37 average included this big spike where there was kind of
38 a huge bycatch a couple years ago but it does not?

39
40 MR. RIVARD: No, it does not include that
41 huge spike of 2005.

42
43 MR. HASKETT: So it's like '97 to 2002?

44
45 MR. RIVARD: '97 to 2001.

46
47 MR. HASKETT: 2001.

48
49 MR. RIVARD: Are the five years, yes.

50

1 MR. HASKETT: So when I look at that.....

2

3 MR. RIVARD: Because, again, they were
4 already asking to reduce bycatch at that time, when the
5 average was around 58,000.

6

7 MR. HASKETT: And the reason I'm
8 struggling with this, and I don't need an answer right
9 now but before we make an ultimate decision of what that
10 number ought to be that we recommend, is that, I'm having
11 a hard time seeing how this is 50,000 when I look at this
12 stretch of years, it looks like it should be a lower
13 number and I might just be misunderstanding it.

14

15 (Pause)

16

17 MR. HASKETT: Nevermind, I got it, your
18 number works. Pete just gave me an elementary lesson in
19 mathematics here.

20

21 (Laughter)

22

23 MR. HASKETT: Okay, I get where the
24 number came from, thank you.

25

26 CHAIRMAN TOWARAK: Thank you. Are there
27 further questions?

28

29 (No comments)

30

31 CHAIRMAN TOWARAK: I'd like to ask about
32 the \$15,000 -- \$15,000 cap.

33

34 (Laughter)

35

36 CHAIRMAN TOWARAK: 15,000 hard cap on the
37 chinook; is there any feelings, Mr. Lohse, about that
38 cap?

39

40 MR. LOHSE: Well, again, our Council
41 didn't take come up with any number, we were just
42 basically glad to see that they were actually looking at
43 it and thinking of putting a cap on it so that it didn't
44 spiral out of reach. And like I said, I'm sure that, as
45 a Council, or as individuals, I know, we would have
46 supported the lowest cap that we could get.

47

48 15,000, with the fishery -- with the way
49 that that fishery is prosecuted, for a lack of a better
50 way of putting it, it's a total different fishery than

1 the Bering Sea fishery. The people involved in it area
2 a lot of, I'll use the word, local coastal residents,
3 small boat fishermen up and down the coast. And the
4 fishery is pretty much all not done on large processors
5 but it's brought to shore so that the fish can actually
6 be counted and kept track of a lot better. We felt that
7 that -- we all expressed the idea that it shouldn't be
8 wasted. And we recognized that that impact, when we
9 looked at it, that impact spreads out completely all the
10 way down to British Columbia, Washington, Oregon,
11 Southeast Alaska, Copper River, Kodiak, that impact of
12 15,000 is not affecting just one or two systems, it's
13 spread out over a larger area so we didn't feel that we
14 needed to take a position on it because this is an
15 emerging fishery, kind of. And the fact that they were
16 actually starting to do something before it became such
17 a huge impact problem on any of the fisheries, we thought
18 it was a good idea. So we kind of took it for
19 information and we were just glad to see that they were
20 actually doing something on it.

21

22 Personally I don't see how they would
23 manage that fishery with smaller than the 15,000 cap.
24 And I'm just glad of the fact that they are actually
25 putting a cap on it and that they will start gathering
26 numbers and have a way to have a handle on it. But like
27 I said our Council did not take action so all I can talk
28 about it is from my own standpoint.

29

30 CHAIRMAN TOWARAK: And, Mr. Adams, would
31 you concur that the Southeast Council feels basically the
32 same way?

33

34 MR. ADAMS: Thank you, Mr. Chairman.
35 Yes, we do.

36

37 We're supporting, you know, the lowest
38 possible catch -- bycatch as possible. Personally I'm
39 not sure whether the 15,000, you know, is a good number.

40

41 But I'd like to, Mr. Chairman, if I could
42 share with you some personal experiences.

43

44 One is what is happening right now in the
45 Situk River, but I'll go back a little bit further. In
46 the 1980s there was a sockeye crash that occurred on the
47 East Alek River and this really concerned the community
48 because that was the most productive sockeye river in the
49 Yakutat area for many, many years. And fishermen from
50 Yakutat who normally fished in the Situk and the Arhnklin

1 and other rivers would all go down there and they would
2 spend time fishing because of the tremendous number of
3 sockeye that were going, and then all of a sudden there
4 was a crash. We don't know what the reason for it was,
5 whether it was overfishing or other reasons but that
6 river was closed. That's why I said, you know, I liked
7 the gentleman's idea of putting a five year moratorium on
8 the pollock industry because I'm going to share with you,
9 you know, what really worked for us when we shut
10 everything down. And so for the next few years the whole
11 community got together and included all of the government
12 agencies, the tribal government, the city and borough,
13 sat down and tried to brainstorm how they were going to
14 address that issue and we came up with a plan that we
15 were going to submit, you know, several proposals to the
16 Federal Subsistence Board to start addressing that issue.
17 The very first one, Mr. Chairman, that we submitted which
18 was a priority to us was to do a TEK project. And
19 luckily enough we had a young lady who had just received
20 an anthropology degree. She was born and raised in
21 Yakutat and so we snatched her up right away and we put
22 her to work on that project. And as the tribal president
23 one of the things that I was really mindful of was that
24 she make sure that we do a deep research on how our
25 people in that particular area managed their resources in
26 the past. And I've always maintained, you know, when I
27 brought up the subject that the Native people had methods
28 and means of managing their resources so that they can be
29 sure that, you know, generations to come would have those
30 resources returning back. And so in the late 1800s there
31 was a cannery that was built in the Dry Bay -- along the
32 banks of the Cannery Creek in Dry Bay, and it was set up
33 by a company, I can't remember the name, but it was for
34 the purpose of processing salmon. And the only people --
35 when they completed that cannery the only people who knew
36 how to fish in those rivers was, of course, the Native
37 people, and so they hired them to go out and catch the
38 fish for them and then they began to process. Now here's
39 something that's really, really strange that this young
40 lady found out about the management of those resources,
41 when the king salmon came in, they were out there
42 fishing, you know, then all of a sudden they would stop,
43 and the cannery people were saying, get out there and
44 catch that salmon, you know, time is passing by, the run
45 is going to be over, but they wouldn't go back and they
46 wouldn't fish the salmon anymore. And then the sockeye
47 was in, they did the same thing, they fished and then all
48 of a sudden they stopped. And then the pinks and the
49 rest of the salmon, the cohos, they came and they did the
50 same thing.

1 What they were doing is they were
2 managing their resources so that they could be assured
3 that generations to come would have those there available
4 for them.

5
6 And then they finally realized, you know,
7 they were stopping it because they wanted the salmon to
8 go up into their spawning beds and do their business.
9 And then after that they did some more fishing. But they
10 needed to be sure that they went up and got their
11 escapement and the salmon spawned.

12
13 So that was an important thing that we
14 learned, you know.

15
16 We worked with the State and the Federal
17 people and, you know, of course you do have today that
18 same way of managing resources but it was really eye
19 opening to me to be able to see, you know, how our people
20 managed those resources.

21
22 Those grants that followed it, you know,
23 was managed by the National Park Service, Glacier Bay
24 National Park Service, and they did some enhancement
25 programs down in that area and within a period of four or
26 five years, the sockeye salmon began to build up in that
27 particular stream and now, today, you know, there is an
28 opening there and they're getting their escapement and
29 they're watching it real close. So I wanted to share
30 that with you.

31
32 Today we are being faced with serious
33 chinook returns in the Situk River. I mentioned earlier
34 that the Fish and Game people were targeting 750 king
35 salmon to go past the weir. Last year they only had 150
36 and the years before that we could see a decline. And so
37 this year they're going to be really, really watching
38 that real close to a point where -- when the subsistence
39 fishery opens in the latter part of May and into June,
40 it's a catch and release with the king salmon. You have
41 to be on your net, as soon as that king salmon hits your
42 net you got to release it, you know. It's going to be
43 closed to commercial fishing. It's going to be closed to
44 sportfishing and subsistence, all the user groups are
45 going to be closed until they reach that goal of 750
46 salmon up the river.

47
48 There's a special section on the river
49 where most, all these salmon -- where king salmon are
50 caught, there's three or four nets right at the mouth of

1 the Situk River that catch the majority of the king
2 salmon so for a period of time they are going to close
3 that particularly area and we think that, you know, we'll
4 get that escapement and then it will be opened up again
5 for the other user groups. So that's forthcoming and
6 we're going to watch that real close.

7

8 But I just wanted to share that with you
9 because sometimes it's necessary to take some drastic
10 measures in order to make sure that your resources start
11 coming back again and sometimes a complete closure, you
12 know, is necessary, you know, to do that.

13

14 Thank you, Mr. Chairman.

15

16 MR. HASKETT: Thank you, Mr. Chairman.
17 So this is confusing because we keep going back and forth
18 between the chum and the chinooks, but let me stick with
19 chum just for a second, and I hope that's okay. And if
20 I can I'd like to ask another question of Don, I
21 apologize Don I don't mean to put you on the spot but I
22 am struggling with this a little bit.

23

24 So I want to go on the record and say I
25 think it's a really good idea for this Board to go ahead
26 and send these letters, you know, with our
27 recommendations to the North Pacific Fisheries Management
28 Council. And I also want to make it clear that on this
29 I want to defer to the RACs on their recommendations to
30 us and what I'm hearing the RACs say, I think from
31 everyone, is that we ought to go for the lowest possible
32 number when we make that recommendation. And this is
33 where I'm kind of heading to the question to you, so I
34 know at least one RAC proposed 30,000 as the number to be
35 used, but of course we have to use something, you know,
36 for the rationale for how we come up with that number,
37 and with Pete's help I understand the arithmetic here how
38 we came up with that, over this five year period of time,
39 from '97 to 2001, that's the average, and we utilized
40 that, and so Don the question I have though is; I
41 understand why we did that, it's a fairly simple way to
42 do it but I don't know that it's the best way to come up
43 with a number because -- just because that's the amount
44 of bycatch we had during that five year period of time
45 doesn't necessarily the right number for us to utilize,
46 we make a recommendation of what that number ought to be
47 -- here's the question, finally, so did we consider any
48 other way of analyzing this in coming up with that number
49 or is that the only way -- is there another alternative
50 we could do to come up with a different number and try

1 and get to the point where we could defer to the RACs in
2 what I'm hearing them say?

3

4 MR. RIVARD: Mr. Chair. Mr. Haskett. A
5 couple of things for that 50,000 figure. As you saw it
6 is the lowest number that's being analyzed by the North
7 Pacific Fisheries Management Council, their lowest
8 alternative that they're considering is 50,000, so that's
9 one of the reasons to use that 50,000. And then, again,
10 the other was to be consistent with the Board's
11 recommendation on chinook salmon bycatch in the Bering
12 Sea in 2009, it was also using that five year average
13 just prior to signing of the Treaty. And to try to lower
14 that number from that five year average a bit.

15

16 So those are the two reasons that the
17 50,000 is in your draft recommendation.

18

19 Thank you.

20

21 MR. HASKETT: So if I may, Mr. Chair,
22 just a little more.

23

24 So I mean it may be that the 50,000
25 number we can get with because it's the best analysis we
26 can come up with but I guess my suggestion is, though,
27 that I understand that that's the lowest number that
28 they're looking at, I understand the logic behind it, I
29 guess I'm just not completely sure it really gives us the
30 best answer, maybe it does, but I just don't really know
31 that. And I would still like to -- if there's some other
32 way we could take a look at that number I would like to
33 do it. Maybe that's what beyond what we could do today.

34

35 MS. ENTSMINGER: Mr. Chair, I have a
36 question.

37

38 (Pause)

39

40 MS. ENTSMINGER: It's this red mic over
41 here. Okay. I have a question of Don also.

42

43 I feel like I'm a logical sensible person
44 here. I see three alternatives and you're looking at
45 alternative two with the lowest number, but alternative
46 three, the trigger closure, they have a cap of 25,000 as
47 a lower number. Now, it looks like it gets very
48 complicated but can you explain the difference here?

49

50 MR. RIVARD: Through the Chair. Ms.

1 Entsminger, I cannot decipher all of the different
2 permeations that they have regarding trigger caps and
3 that, it gets very complicated, it's not a simple answer
4 and I don't know the answer to your question. I could
5 research if you'd like and get back with you. But I
6 basically avoided all of that, as I pointed out earlier,
7 I think what is best to do is to concentrate on a certain
8 number that you would like to see happen and the details
9 of how that happens, it gets pretty complicated.

10

11 CHAIRMAN TOWARAK: Pete.

12

13 MR. PROBASCO: Yes, Ms. Entsminger, I
14 think the way you need to focus on these different
15 alternatives that the Council is looking at, is you have
16 before us is a hard cap, and then when you look at the
17 25,000 that's a trigger cap, where other actions would be
18 implemented if they hit that 25,000. So you can't look
19 at the 25,000 in the same light as the 50,000. The
20 50,000 is a hard cap, once they hit it, the fishery is
21 closed. When they hit the 25,000 other action is taken,
22 they may close areas, et cetera. So the two are
23 different in concept.

24

25 Mr. Chair.

26

27 CHAIRMAN TOWARAK: Mr. Smith.

28

29 MR. SMITH: I just wanted to address Mr.
30 Haskett's question. Some of the rationale for our
31 Regional Advisory Council asking for a hard cap of 30,000
32 is the numbers they used in the past, there were more
33 chum salmon in the Bering Sea at the time and so 50,000
34 is a different percentage of the total population than
35 50,000 would be today and so that's why we thought that
36 a lower cap would be justified. And as one of the
37 audience said, you know, we're being asked to take an
38 increasing burden of conservation to preserve the chum
39 salmon stocks and I don't think that's very fair.

40

41 CHAIRMAN TOWARAK: Go ahead.

42

43 MR. HASKETT: So when you came up with
44 the 30,000 number, was there some kind of -- I mean did
45 you come up with some kind of percentage decrease? I
46 mean how did you get from the 50,000 to the 30,000, I
47 think your logic's good, I'm just still trying to figure
48 out how you come up with something that's fairly
49 defensible if you do something different.

50

1 MR. SMITH: We don't have a very hard
2 formula for determining that but then neither does anyone
3 else. It's very arbitrary. Whatever number you pick is
4 extremely arbitrary. You know you can use all kinds of
5 mathematical manipulations to justify it but still, you
6 know, everything is a shot in the dark, we know so little
7 about the situation biologically that it's going to be
8 arbitrary. And we just think that this arbitrary number,
9 and an arbitrary number of 30,000 puts more of the burden
10 of conservation on the pollock industry and less of the
11 burden on subsistence users.

12

13 MR. HASKETT: Thank you.

14

15 CHAIRMAN TOWARAK: Tim, the 50,000 number
16 is a lot smaller than the average bycatch in the last
17 five years. If our fishermen in the Norton Sound
18 understood that, I assume that they would feel that at
19 least we're headed in the right direction, we're not
20 making a bad mistake by saying 50,000.

21

22 MR. SMITH: If I can respond, I don't
23 think we're making a bad mistake by reducing the bycatch
24 because, you know, we're talking the peak year, 700,000,
25 so, yeah, it's better than that, but I don't know that
26 it's really going to address the situation of the weak
27 stock management.

28

29 Another thing, you know, this is getting
30 a bit beyond the topic, but so much of the bycatch, the
31 chum salmon bycatch is one sector of the fishery and
32 that's another thing, is we could address imposing more
33 restrictions on the shorebased trawler segment of the
34 fishery, which takes 80 percent of the chum salmon
35 bycatch. There are -- I think that this one number hard
36 cap is a real coarse way of fixing the problem.

37

38 CHAIRMAN TOWARAK: But isn't the
39 shorebased cap the State's responsibility or who knows,
40 do you know?

41

42 MR. HASKETT: So, Mr. Chair, actually I
43 guess I'd like to hear from the State as well, maybe hear
44 their viewpoint on the discussion or maybe that's not
45 appropriate for me to do that, okay.

46

47 CHAIRMAN TOWARAK: Okay, it looks like
48 Pete's got something to say and then we'll defer to the
49 State.

50

1 MR. PROBASCO: You know as far as this
2 cap, the pollock fishery is not managed by the State,
3 it's managed by the North Pacific Fisheries Management
4 Council, and as they stated in a testimony, this fishery,
5 which I'm very familiar with, has two, you have two, you
6 have shorebased deliveries but you also have some
7 deliveries that occur between units of gear that are
8 fishing for a floating processor but most of the product
9 does come to shore to the processors.

10

11 Mr. Chair.

12

13 CHAIRMAN TOWARAK: State.

14

15 MR. HEPLER: Mr. Chairman. When I gave
16 my initial comments, you know, when I said where
17 Commissioner Campbell is, I mean she truly is not on a
18 hard number one way or the other. You know, and that's
19 what I said, she shared some of the concerns that I think
20 drove the RACs to come up with a number, but the number
21 itself, I mean in fairness, Cora needs to get the benefit
22 of hearing the analysis from the Staff and also get the
23 benefit of hearing from public testimony. And without
24 those two pieces in place it would be very inappropriate
25 for me or for her, in my mind, to suggest what a number
26 should be one way or the other. And I'm not trying to
27 give you a politically correct answer, I'm just saying
28 that's just how the process should work.

29

30 So I mean you're struggling with this
31 right now and, you know, you can decide. I mean you can
32 decide what kind of message you want to send or not, but
33 I mean the only suggestion I'll offer you is be sure you
34 keep you -- I would suggest that you keep your
35 recommendation with what the Council can deal with. If
36 you want to be a meaningful player in the Council
37 process, stay with what's in front of them legally, if
38 you go below that or above that or something, then you
39 know you're sending a message, of whether they can deal
40 with it, that's a different question.

41

42 Mr. Chairman.

43

44 CHAIRMAN TOWARAK: Thank you. Go ahead.

45

46 MS. K'EIT: Thank you, Mr. Chair. Just
47 a couple comments as we are thinking about, you know,
48 what numbers to put in our letter or how to defend them,
49 that kind of thing.

50

1 I really appreciated some of the comments
2 that we had about using some of our information on how
3 dramatically subsistence catches have dropped, more --
4 putting more support of that kind of information, the
5 number of closures we've had on commercial fisheries over
6 how much amount of time that we have data for; the
7 numbers of windows we've had to implement or perhaps we
8 can have State data, that the State has had to implement
9 windows or closures on subsistence. And I think that's
10 pretty substantial data for us to use to support our
11 rationale of a cap, whether it's the 50K or 30K on chum
12 and the 15K on chinook.

13

14 I think in regards to whether we go with
15 50K for chum because that's what's in the alternatives of
16 the North Pacific Fisheries Management Council or we go
17 with something lower, I mean it can work out either way,
18 I think, unless, you know, someone really has a good
19 handle on how that Council has been running and
20 responding to suggestions. They could go either way.
21 They could take our suggestion and really run with it at
22 50K or they could -- you know, if we say 30K they could
23 throw it out or they could go, well, yeah, that's
24 reasonable we should go lower. I mean realistically do
25 we know what they may end up doing?

26

27 And also there was another point that was
28 made in the public testimony about some kind of language
29 to say -- to recommend that that Council reduce fisheries
30 or close them when the Alaska stocks are high, and I
31 believe July and August was the comment; I'm supportive
32 of that, including it in our letter.

33

34 And third, in our office, at BIA, we had
35 some discussion about affecting change of -- you know,
36 working on change that we can really make an effect on,
37 and we talked about this Pacific decadal oscillation of
38 high fisheries for about a decade, fisheries being high
39 in Alaska but lower in the southern part of the Pacific
40 Northwest and then vice versa and we don't have any
41 discussion of that in our letter. I think that would be
42 something to insert as well.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN TOWARAK: Thank you. Jack.

47

48 MR. REAKOFF: Mr. Chairman. Looking at
49 the alternatives, I feel it's also very important to go
50 for 50,000 hard cap but also to request the trigger point

1 of 25,000 so that they get on board with conservation
2 right away, as soon as they hit a number. Request a
3 50,000 hard cap but also a 25,000 trigger point. The
4 alternatives for triggers go up to 200,000. I would very
5 concerned about them setting some really high trigger
6 points and setting some real high bycatch hard caps. So
7 I feel that it behooves -- Western Interior, from my
8 perspective, the Western Interior would be supportive of
9 requesting the lowest trigger point so that conservation
10 is implemented as soon in the process as possible.

11

12 Thank you.

13

14 CHAIRMAN TOWARAK: Would that be
15 something that the Norton Sound, do you think, Tim, would
16 agree with, setting a 25,000 trigger and a 50,000 hard
17 cap?

18

19 MR. SMITH: I think we would be receptive
20 to anything that would reduce the bycatch, and I think
21 that is a good suggestion. Though, I think it's really
22 important that we have a hard cap and not something else,
23 you know, like we did with chinook salmon.

24

25 CHAIRMAN TOWARAK: Mitch, go ahead. I
26 should have asked you, too, about the \$15,000 [sic] fish
27 cap.

28

29 MR. SIMEONOFF: Thank you, Mr. Chairman.
30 Yeah, you know, in discussing all this bycatch and stuff,
31 I think we got to keep in our minds that our way of life
32 is being affected, you know, the bycatch issues is
33 affecting people from the Bering Sea to the Canadian
34 border and it affects every village on Kodiak Island. I
35 feel that the lower the hard cap, the better we serve our
36 subsistence way of life.

37

38 Thank you.

39

40 CHAIRMAN TOWARAK: I think that's a good
41 point. The cap versus fish sticks and McDonalds.

42

43 (Laughter)

44

45 CHAIRMAN TOWARAK: Further discussion.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Are there any
50 objections from the Board members about the \$25,000 [sic]

1 trigger point, that we should add that into our letter or
2 what's -- what's the thoughts?

3

4 MR. HASKETT: Well, you can tell I'm
5 struggling a lot with just what the number ought to be,
6 but, yeah, I think that makes sense. If we could have a
7 trigger point that gets people looking at it and working
8 at it right away then maybe it isn't as important to
9 worry so much about that second number because they'll be
10 on it.

11

12 MR. PROBASCO: Thank you, Mr. Chair. If
13 I may, I may help here a little bit. I think what Mr.
14 Reakoff was pointing to is that the Council is going to
15 look at all these alternatives and not only is he
16 concerned about the hard cap but he's also concerned
17 about the wide variety in the trigger cap, and so
18 weighing in, we don't know where the Council's going to
19 go but weighing in on each of those respective concepts
20 and recommending that we're looking at the lower end of
21 both of those types of concepts is important.

22

23 If I may, Mr. Reakoff.

24

25 CHAIRMAN TOWARAK: Personally I think
26 that does send a good message and it's a reasonable
27 message to the Council. And I think promoting the most
28 reasonable suggestion on caps to them, I think, would be
29 more preferable than setting too low of a cap that might
30 just laugh them off of our record -- their record.

31

32 MR. LOHSE: Mr. Chair.

33

34 CHAIRMAN TOWARAK: Go ahead.

35

36 MR. LOHSE: I have a question and a
37 comment, and one of them is a procedural question. The
38 way I understand this, the Council has put these -- the
39 North Pacific Fisheries Management Council has put these
40 options on the table and said this is what they're going
41 to consider at their meeting, it's June, I think, up in
42 Nome, and any testimony and anything has to be within the
43 scope of these options or can they refine these options
44 and change these options? Have they got the option to
45 put a different option on the table or are these options
46 the only options that are going to be considered?

47

48 MR. PROBASCO: Mr. Chair, I'm looking at
49 Mr. Hepler but he pointed my way. The Council works
50 within those alternatives but they can amend, I've seen

1 that in the past, but usually they're telling the public,
2 the industry, et cetera, these are the alternatives we're
3 looking at, we want your comments on them. But they do
4 have the flexibility of offering amendments also.

5

6 Mr. Chair.

7

8 MR. LOHSE: Thank you. Well, with that
9 I had a different understanding of what Jack was asking
10 over there.

11

12 I had the understanding that he wasn't
13 interested in what the trigger cap limit was, he was
14 interested in a hard cap but having a trigger cap to put
15 conservation measures in place so that they don't exceed
16 their hard cap. In other words, it didn't change the
17 hard cap at all but it put a trigger that they didn't
18 wait to you got to 50,000 and then just close the fishery
19 but at 25,000 you start putting in drastic conservation
20 measures so you don't pass the 50,000.

21

22 Am I correct on that, Jack?

23

24 MR. REAKOFF: Yes, that's exactly where
25 I was going with that. They should be in a conservation
26 mode and they should -- and when they hit certain
27 thresholds they should start into conservation and they
28 should not exceed certain amounts. That's the way the
29 Council's -- they have three options, one, two and three,
30 and they really need to have a combination of how their
31 management shall actually occur. But if you don't state
32 any kind of preferred trigger cap then if they opt only
33 for trigger caps then you're not on record and so you
34 have to be on record with the 25,000 -- or I suggest the
35 25,000.

36

37 CHAIRMAN TOWARAK: Geoff, go ahead.

38

39 MR. HASKETT: I'm prepared to make a
40 motion, I think, if you're prepared to take one.

41

42 CHAIRMAN TOWARAK: The floor is open.

43

44 MR. HASKETT: So it seems to me we could
45 spend the rest of the day talking about whether 30,000 or
46 50,000 is the right number and I'm not hearing anything
47 that's going to convince me one way or the other, real
48 scientifically, on the best rationale, I really like what
49 Jack has come up with in a proposal.

50

1 So I think my motion is that we do stay
2 with the 50,000 number in terms of the hard cap but that
3 we do have a trigger of 25,000 where conservation
4 measures -- this is our recommendation obviously, are put
5 into place.

6
7 MR. PROBASCO: For the Bering Sea.

8
9 MR. HASKETT: Yeah, for the Bering Sea.

10
11 CHAIRMAN TOWARAK: Okay. And I assume
12 that we're going to address the \$15,000 -- or 15,000 cap
13 later. Is there -- I'm sorry, I'm out of line. Is there
14 a second to the motion.

15
16 MS. K'EIT: Second

17
18 CHAIRMAN TOWARAK: The motion has been
19 seconded, any discussion by anyone, the Chairs or the
20 Board.

21
22 (No comments)

23
24 CHAIRMAN TOWARAK: Not hearing any, all
25 those in favor of the motion say aye.

26
27 IN UNISON: Aye.

28
29 CHAIRMAN TOWARAK: Those opposed say nay.

30
31 (No opposing votes)

32
33 CHAIRMAN TOWARAK: Motion passes
34 unanimously. Now, I'd like to ask whether we want to
35 address the 15,000 hard cap in the.....

36
37 MR. PROBASCO: Gulf.

38
39 CHAIRMAN TOWARAK:in the Gulf of
40 Alaska.

41
42 MS. PENDLETON: Mr. Chair. I'm curious,
43 was there a trigger cap identified, I don't see it in my
44 material, so that's a discussion or clarification that
45 I'm interested in, for the chinook.

46
47 CHAIRMAN TOWARAK: Don.

48
49 MR. RIVARD: Mr. Chair. Don Rivard. If
50 you look on Page 12, that is the motion that is before --

1 that is what the preferred alternative is for the North
2 Pacific Fisheries Management Council, and that's what
3 they'll be acting on in June. They don't have all the
4 other different components that they do in the Bering
5 Sea. It's pretty straightforward as far as putting a cap
6 on and then maybe how that cap is split up between
7 Western Gulf and the Central Gulf.

8

9 Thank you.

10

11 MR. LOHSE: Mr. Chair.

12

13 CHAIRMAN TOWARAK: Go ahead.

14

15 MR. LOHSE: Mr. Chair.

16

17 CHAIRMAN TOWARAK: Go ahead.

18

19 MR. LOHSE: If you look on Page 12, you
20 see that their preferred alternative -- their preferred
21 alternative is 22,500. If we take a look over here on
22 Page 5 where we look at our draft letter that you've got
23 written down;

24

25 Therefore the Board recommends that a
26 hard cap of 15,000 be adopted.

27

28 How they split that up between the
29 Central Gulf and the Western Gulf, they're going to have
30 to decide. But if we adopt their preferred alternative
31 we're adopting 22,500, if we stick with our draft we're
32 saying that we think that 15,000 is more realistic. And,
33 I, personally as somebody who probably is in some way or
34 another is affected by this, I'm sure that the fish I
35 catch swim through this area, I would definitely prefer
36 the 15,000 and I think that most of the subsistence users
37 in Southcentral and down in Southeastern would probably
38 preferred that you stayed with your draft, which
39 basically says 15,000 and let them decide how to divide
40 it between Central and Western.

41

42 CHAIRMAN TOWARAK: Okay. Is there any
43 objection to that by the Board.

44

45 MR. PROBASCO: A motion.

46

47 MR. HASKETT: The draft is good.

48

49 CHAIRMAN TOWARAK: I'll ask for a motion
50 to put that into effect.

1 MS. K'EIT: Mr. Chair. I move that we
2 adopt our draft letter as written.
3
4 MR. HASKETT: I'll second that.
5
6 CHAIRMAN TOWARAK: There's a motion and
7 a second, any discussion.
8
9 (No comments)
10
11 CHAIRMAN TOWARAK: Not hearing any, all
12 those in favor of the motion say aye.
13
14 IN UNISON: Aye.
15
16 CHAIRMAN TOWARAK: Those opposed say nay.
17
18 (No opposing votes)
19
20 CHAIRMAN TOWARAK: Motion passes
21 unanimously.
22
23 Pete.
24
25 MR. PROBASCO: Mr. Chair, if I may before
26 we go off of this topic. Ms. K'eit, as far as the Bering
27 Sea letter was asking for more information to include the
28 status of subsistence, stock status, et cetera, is that
29 okay that we add that to the letter and send it out for
30 the Staff Committee to look at and then to you to sign?
31
32 MS. K'EIT: Mr. Chair. I wasn't sure
33 about that because we didn't really include that in our
34 motion for the chum salmon letter.
35
36 MR. PROBASCO: So leave it as it is?
37
38 MS. K'EIT: I would prefer that we put in
39 more supporting information about the effects on
40 subsistence and our commercial fisheries but it wasn't
41 part of the motion and I didn't take the step to amend it
42 so.....
43
44 MR. HASKETT: Make a motion, I'll second
45 it.
46
47 (Laughter)
48
49 MS. K'EIT: Okay, Mr. Chair, I move that
50 we amend both our letters to include our information that

1 we have as I discussed earlier.
2
3 MR. HASKETT: Second.
4
5 (Laughter)
6
7 CHAIRMAN TOWARAK: There's a motion and
8 second on floor.....
9
10 MS. K'EIT: Thank you.
11
12 CHAIRMAN TOWARAK:any discussion.
13
14 (No comments)
15
16 CHAIRMAN TOWARAK: Not hearing any, all
17 those in favor of the motion say aye.
18
19 IN UNISON: Aye.
20
21 CHAIRMAN TOWARAK: Those opposed say nay.
22
23 (No opposing votes)
24
25 CHAIRMAN TOWARAK: Motion passes
26 unanimously. With that I think we've carried ourselves
27 as long as we could without having any lunch, I'd like to
28 take a break. It's 10 to 1:00, if we could be here at 10
29 after 2:00 we'll reconvene.
30
31 (Off record)
32
33 (On record)
34
35 CHAIRMAN TOWARAK: Good afternoon. I'm
36 going to call the meeting back into session. I want to
37 introduce Daniel O'Hara, welcome Dan.
38
39 We had gone through the first five agenda
40 topics this morning and we're on Item No. 6, Proposed
41 Rule to add two representatives of rural Alaska
42 subsistence users. And Theo.....
43
44 MR. PROBASCO: Mutuskowitz.
45
46 CHAIRMAN TOWARAK:Theo M.....
47
48 (Laughter)
49
50 CHAIRMAN TOWARAK:is going to lead

1 us through the discussion. Thank you, Theo.

2

3 MR. MATUSKOWITZ: Mr. Chair. Members of
4 the Board. And for the record I'm Theo Matuskowitz. I'm
5 the regulations specialist for the Office of Subsistence
6 Management, US Fish and Wildlife Service.

7

8 If you'd like you could turn to Page 19
9 of your meeting materials, that is the start of my
10 briefing.

11

12 On February 11th of this year the
13 Secretaries published a proposed rule to expand the Board
14 to include, and, I quote:

15

16 Two public members representing rural
17 Alaska subsistence users

18

19 As a reminder, this issue is a
20 Secretarial action. The Board's role is to make a
21 recommendation to the Secretaries on this issue.

22

23 On Page 20 you can see the current
24 existing regulations under Section 10, Federal
25 Subsistence Board, and below that we have the Proposed
26 Federal Regulation. The main part is highlighted:

27

28 Two public members representing rural
29 Alaska subsistence users to be appointed
30 by the Secretary of the Interior with
31 concurrence of the Secretary of
32 Agriculture

33

34 Two other minor changes at the end of
35 that paragraph. We clarify that each Federal agency
36 member of the Board may appoint a designee. And then
37 below that we changed the quorum from four to five.

38

39 On Page 20 and 24 of your booklets we
40 have comments that were turned in by the public and our
41 Regional Councils. We received a total of 28 comments,
42 26 of those comments are in support of this proposed
43 rule. There were additional comments of the people that
44 commented, who supported it, but the majority of those
45 went along the lines of making recommendations to the
46 selection process. And at this time I will note that in
47 drafting the proposed rule we followed current
48 regulations as far as how the Secretaries do a selection
49 for the Chair, for example, where they did not go into
50 details of the selection process. So we basically

1 followed that general line of thinking for this also.
2 This allows the Secretaries to have the maximum
3 discretion in their selection process.

4
5 Of the two comments that were not in
6 support, one was neutral and this was from the Alaska
7 Federation of Natives. And they basically made the same
8 recommendation that they did originally to the Secretary,
9 which is replace the Board by 12 subsistence users from
10 the ANCSA regions or the Chairs of the Regional Advisory
11 Councils, and the public members should be Alaska Native
12 subsistence users.

13
14 One other comment, which was opposed to
15 this proposed rule, believe that 51 percent of the Board
16 should be made up of the general public and an additional
17 comment that was not real positive toward Federal
18 employees.

19
20 OSM Staff attempted to incorporate all
21 the relevant comments into the summary. And, once again
22 at this time the Staff will state that recommendations
23 for selection based on age, race or membership or any
24 other protective class would not be legally defensible,
25 our current belief at this time.

26
27 The RAC comments also are included at the
28 end after the public comments and, again, all the
29 Councils did generally support this proposed rule.

30
31 That basically concludes my comments to
32 you at this time unless you have any further questions.

33
34 (No comments)

35
36 CHAIRMAN TOWARAK: There don't seem to be
37 any questions from any of the Councils. Dan.

38
39 MR. O'HARA: Thank you, Mr. Chairman.
40 It's nice to be here. I had a meeting last night so I
41 apologize for being a little late getting here today.
42 And I don't know why we come here in May but I guess we
43 have to so it's all right.

44
45 (Laughter)

46
47 MR. O'HARA: There's lots of things, I
48 mean there's herring out there, can look for seagull
49 eggs, what else do we do, yeah, come to a meeting.

50

1 (Laughter)

2

3 MR. O'HARA: I was not at the Council
4 meeting when Bristol Bay endorsed the two additional
5 people coming in.

6

7 But one of the things that I have a
8 question on that maybe the Staff could answer was they
9 mention in their paragraph that if there was an alternate
10 for a backup should that member not be able to attend.
11 Has that been addressed, Mr. Chairman?

12

13 MR. PROBASCO: Mr. O'Hara, I'm sorry, I
14 was reading the transcript, would you repeat your
15 question?

16

17 MR. O'HARA: Parson me?

18

19 MR. PROBASCO: Would you repeat your
20 question?

21

22 MR. O'HARA: Yeah. I think the Bristol
23 Bay seemed to think that there was not an alternate,
24 should that, you know, they're recommending two be put on
25 the Board, would there be an alternate backing them up
26 should they not be able to attend?

27

28 MR. PROBASCO: Mr. Chair. Mr. O'Hara.
29 Your comments are totally in line as far as your
30 Council's recommendations. What we're doing at this
31 meeting, if I may, Mr. Chair, we'll go to public
32 comments, then we'll go specifically to each Council for
33 their recommendations and actions so we haven't got there
34 yet.

35

36 MR. O'HARA: Okay, thank you.

37

38 CHAIRMAN TOWARAK: Any further questions.

39

40 (No comments)

41

42 CHAIRMAN TOWARAK: If not then we will
43 proceed with the comment process. We'll start with the
44 public comments and then we'll hear from the State and
45 then go to the Regional Advisory Chairs.

46

47 MR. PROBASCO: Thank you, Mr. Chair. And
48 excuse me if I mispronounce his last name but the first
49 person to testify on this issue is Mr. Larry Sinyon.

50

1 MR. SINYON: Good afternoon. My name is
2 Larry Sinyon, I'm Cheesh'Na Tribal Council president. On
3 that issue two representative, I think we support it. I
4 don't see anything, you know -- it shouldn't hurt
5 anything if the -- you know the person is a true
6 subsistence user. I mean in the past we seen -- we've
7 seen people claim they're a subsistence user but, you
8 know, they're something else but they have the
9 credentials like they live out, you know, in the Bush
10 area, things like that. I think the only place a true
11 subsistence user is now is on the Yukon River where
12 there's no roads, you know, the road system has taken out
13 a lot of the description of a subsistence user but, you
14 know, they're still in the Native village there's a lot
15 of subsistence users, you know, that fit the way that we
16 would describe subsistence so we support the
17 representative for -- you know, two representatives.

18
19 Thank you.

20
21 CHAIRMAN TOWARAK: Thank you, Mr. Sinyon.
22 Any questions of him.

23
24 (No comments)

25
26 CHAIRMAN TOWARAK: Thank you for your
27 comments.

28
29 MR. SINYON: Yes.

30
31 MR. PROBASCO: Mr. Chairman. Next we
32 have Mr. Tony Delia.

33
34 CHAIRMAN TOWARAK: Delia.

35
36 MR. PROBASCO: Or, Delia, excuse me.

37
38 MR. DELIA: Thank you, you're getting it.

39
40 (Laughter)

41
42 MR. DELIA: Hello everybody, thank you
43 once again. My name's Tony Delia. I work for Tanana
44 Chief's Conference. And as I mentioned we're in the
45 Interior and we have 42 villages, 235,000 square miles,
46 and definitely in support of the addition of the two
47 members. But I've got a recommendation here on your
48 pamphlet here.

49
50 On Page 20 there, the voting members of

1 the Board or a Chair to be appointed by the Secretary of
2 the Interior with the concurrence of the Secretary of
3 Agriculture, two public members representing rural Alaska
4 subsistence user to be appointed. Well, what I would
5 like to see in there, two members, Alaska Native rural,
6 if we could add that in there, just a recommendation.
7 Also we'd like those persons to have some experience with
8 the RAC process. Also maybe those two members maybe
9 voted in by their tribal governments or Councils or their
10 region. And also those members, the new members to be
11 mentored or receive training in the process of what's
12 going on. Because if we bring people in from rural
13 areas, you know, you know, you don't want to just throw
14 them right into the fire, you want to teach them the
15 process, maybe have them mentored by one of the RAC
16 groups and/or part of the commission. And also recommend
17 that the members must reside in rural areas preferably.

18

19 That's it.

20

21 CHAIRMAN TOWARAK: Any questions.

22

23 (No comments)

24

25 CHAIRMAN TOWARAK: Thank you, Mr. Delia.

26

27 MR. PROBASCO: Thank you, Mr. Chair.

28 Next is Mr. John Andrew.

29

30 MR. ANDREW: Thank you, Mr. Chairman. My
31 name is John W. Andrew, again, with the Organized Village
32 of Kwethluk.

33

34 We had a meeting over this one not too
35 long, that was actually last week. Since 1993, the Board
36 always has had five members, only one is from a rural
37 area. Too often, the rural or the Bush always loses out
38 when it comes down to the vote. It'll be very helpful if
39 they add two more rural Natives, actual subsistence
40 users. I don't like the idea of being represented by a
41 weekend warrior or an urban electronic subsistence user,
42 I'd rather see them come out of the rural area, that way
43 the villages out there, people that actually live an
44 actual subsistence lifestyle practically year-round.

45

46 Thank you, Mr. Chairman.

47

48 CHAIRMAN TOWARAK: You're welcome. Thank
49 you.

50

1 MR. PROBASCO: Mr. Chair. Mr. Sidney
2 Smith.

3
4 MR. SMITH: I'm learning how to press the
5 button.

6
7 (Laughter)

8
9 MR. SMITH: My name is Sidney Smith. I'm
10 originally from New Stuyahok, which is Bristol Bay area.
11 Like I mentioned before when we first started, I don't
12 call it the Subsistence Bill, but that's what it's called
13 now, in 1966, when I look at your trying to get endorse
14 two more Board members to the Federal Subsistence Board
15 I agree with the ones that are saying before me, should
16 come from rural areas.

17
18 I talked about real people earlier. And
19 what the elders talk about real people is the first
20 people of Alaska. The biggest argument that we used to
21 have and the young gentleman, I think, before talked
22 about it, if you have another hat on it's very difficult
23 to be truthful when you make decisions that help our
24 people because we're all human. I'm not trying to say
25 they're bad or anything, we're all human. The first
26 people of Alaska, which is the tribes. And I talked
27 about regulatory powers within a geographical area, it
28 was mentioned before, it should be somebody from rural
29 areas. Regulatory powers gives them a decision what
30 happens within their area. Like today we all make
31 decisions what's going to happen in Kodiak. We all make
32 a decision what's going to happen over in Bethel. How
33 could you make a decision for those people when you don't
34 live there. The thing that really bothered us the most
35 is that the tribe members never had a right to govern
36 their own existence. All these laws that we have. If
37 you look at Fish and Wildlife or even Fish and Game, to
38 me there's more enforcement coming into our areas. And
39 if you look at all the health problems our people have
40 and look at those variables that's happening, you know,
41 why isn't there -- the people that live in those areas
42 making the decision within that area. And I can't
43 understand that both governments, whether it's the
44 Federal and the State hire so many enforcement people
45 instead of just being what they're supposed to be, is the
46 service to learn from the people that live under this
47 bill.

48
49 So while I'm glad that you're trying to
50 look at getting more people on the Board, you know, from

1 those areas because it's so important. A lot of our
2 younger kids, I find out from Oxford, a lot of them might
3 not even reach 40 years old because of what's going on
4 today. I talked about it has not changed for 50 years,
5 we're still here talking. When the Secretary of Interior
6 Babbitt came to Dillingham in 1992 I asked him, I said,
7 where's the regional boards that we talked about in
8 Washington, D.C., he says I don't know nothing about
9 that. The good thing about it, he went to his hotel
10 room, he read the Act, he came back to our meeting in the
11 morning and he said, Sid, you will have regional boards.
12 And I also explained to you guys earlier, is that, that
13 whole bill is looking at regulatory powers within a
14 geographical area.

15

16 So, thank you, Chairman.

17

18 CHAIRMAN TOWARAK: Thank you, Mr. Smith.

19 Next.

20

21 MR. PROBASCO: Mr. Chair. I believe Mr.
22 David Harrison would like to speak on this.

23

24 MR. HARRISON: My name is David Harrison.
25 I'm an Athabascan Nation (In Native) citizen. I don't
26 consider myself a United States citizen because of the
27 very law that declares that I am. That law is the 1924
28 Indian Citizenship Act. That law says that I'm declared
29 a citizen provide that it doesn't deprive me of my tribal
30 property or other property. So how could I be a citizen
31 of the United States when the United States has done
32 everything in their power to strip Alaska's First
33 People's of all of their resources and their lands and
34 their water and the very food that provides sustenance
35 for our peoples.

36

37 Adding two more people to this committee
38 will not change the outcome.

39

40 To what authority do you have to regulate
41 my existence?

42

43 What authority do you have to impose your
44 will upon my country?

45

46 We already know that this country is
47 occupied. It's occupied by a foreign nation. Alaska's
48 First People did not choose the United States to come in
49 here and occupy our country. The Alaska Native people
50 did not choose to have a state of Alaska. The United

1 States espouses that they bought Alaska from Russia.
2 It's fiction. They bought the exclusive right to trade
3 with the indigenous inhabitant of this territory. They
4 ain't bought no land, they ain't bought no resources and
5 they bought no people, and here you sit trying to tell me
6 that I can't go feed my family.

7
8 I'm two generations away from being free.
9 Of being able to utilize our resources, manage our
10 resources. And under our management, under the
11 management of Alaska's First People's we had no animals
12 on the endangered species list. Today, how many are on
13 the endangered species list under your management. You
14 need to include another species, it's called Alaska's
15 First People. Because of this management continues to go
16 on, we're going to be extinguished.

17
18 What is going on is genocide because
19 you're creating conditions of life calculated to bring
20 about the physical destruction of our group in whole or
21 in part. The Genocide Act has been on the records
22 internationally for a number of years. It was in the
23 late '80s United States authorized the Act. My
24 recommendation to this Board is to create regulation that
25 recognizes the authority of these Federally-recognized
26 sovereign Alaska villages, tribes and nations to regulate
27 their own resources. We know the state of Alaska doesn't
28 have any authority. We know the Federal government might
29 have a limited authority but the authority that they use
30 the most is their gun, their intimidation. So that's the
31 recommendation that this Board needs to take.

32
33 Mr. Towarak, I offer you condolences
34 because you have a thankless job, and for you to be as
35 Chair they have taken away your voice as one of Alaska's
36 First People. Because in my understanding.....

37
38 CHAIRMAN TOWARAK: Could I get you to
39 focus on the question that we have in front of us about
40 whether or not we should add two Board members onto this
41 Federal Subsistence Board. I think some of the issues
42 that you're bringing up are very well taken but I think
43 personally don't think this is the right body to be
44 discussing that issue. I think you need to be talking to
45 people like Senator Murkowski and Senator Begich and Don
46 Young.....

47
48 MR. HARRISON: Well.....

49
50 CHAIRMAN TOWARAK:and have those

1 decisions made in Washington, D.C. We're just a rural
2 Federal Subsistence Board and we don't have any authority
3 to do anything else but help the Secretary of Interior
4 manage for subsistence in Alaska.

5
6 MR. HARRISON:that's what I'm
7 talking about is because what authority does the United
8 States have in Alaska other than its gun. That's
9 intimidation of Alaska Native people, telling people that
10 they can't go fish, they can't go hunt and they can't go
11 take the subsistence resources that are theirs, not the
12 United States', not the state of Alaska's.

13
14 As far as putting two more members on
15 this Board, I already said that it's going to be futile
16 and useless. If you want to do it go right ahead, it may
17 help, but my recommendation is to create regulation that
18 recognizes Alaska's First People's and the Federally-
19 recognized villages, tribes and nations to assert their
20 authority over the management of these resources and then
21 we might be able to eat again.

22
23 Thank you.

24
25 CHAIRMAN TOWARAK: Thank you, Mr.
26 Harrison. Are there any questions.

27
28 (No comments)

29
30 CHAIRMAN TOWARAK: Next.

31
32 MR. PROBASCO: Thank you, Mr. Chair.
33 Next is Mr. Carl Jerue.

34
35 MR. JERUE: Good afternoon,. Mr. Chair.
36 I do support adding a couple more, and the reason I
37 support it is the tribes, the people living out in the
38 villages should govern their area, their resources where
39 they live, not nobody from Washington. And getting their
40 input on regulations for their people should be -- it
41 should be their responsibility for where they live at.
42 I do support it.

43
44 I know we got a tough job trying to work
45 with the State and the Feds in protecting our resources
46 and there's no easy answer. There's all kinds of laws we
47 got to follow, we got to follow the State. And there's
48 so much work to be done that -- that's not been done by
49 the people. I mention people in DC making regulations
50 for us, we should be doing it. But we're all pretty

1 divided, we got different governments, tribes, State,
2 Feds, everybody wants a little authority but I think
3 we're losing what we need to work towards, and that's
4 management. We don't want to see all of our resources
5 disappear or we'll be sitting here 20 years from now
6 wondering what the heck went wrong. But working
7 together, putting two more, especially from the villages,
8 on this Board, would help.

9

10 Thank you, and appreciate it.

11

12 CHAIRMAN TOWARAK: Thank you, Carl.

13

14 MR. PROBASCO: Mr. Chair. Next is Ms.
15 Gloria Stickwan.

16

17 MS. STICKWAN: My name is Gloria
18 Stickwan. I'm here to testify on the Tenena Customary
19 and Traditional Use Committee, the letter that was sent
20 to the Federal Board.

21

22 We'd like to have the two seats from the
23 rural areas, we'd like to have the two people to be
24 familiar with the 10 Regional Advisory Councils. They
25 should be experienced commissioners, have served in the
26 past on Councils, Commissions, Board members, or on other
27 boards. They should write and communicate well. They
28 should be knowledgeable about Roberts Rules of Order.
29 They should be knowledgeable about ANILCA. They should
30 be knowledgeable about budgets, Federal policies,
31 regulatory process and management of the Federal
32 agencies. I'm not saying they have to be experts but
33 they should be knowledgeable about all these areas
34 because this is these two seats, you know, if they're not
35 knowledgeable about any of this stuff they're going to
36 have to catch up and if you do pick people that are not
37 knowledgeable about the Federal process then I do hope
38 that you will provide training for them because it's a
39 lot to learn. I'm sure you all know what I'm talking
40 about, to serve on the Federal Board and to serve the
41 whole state of Alaska; it's a big task for two people.

42

43 So we would like to see these two people
44 vote and be able to have discussion before anything
45 that's brought before the Board.

46

47 And to have these terms staggered so that
48 other people from rural areas will be able to serve on
49 the Board, so three year staggered terms.

50

1 Thank you.
2
3 CHAIRMAN TOWARAK: Thank you, Gloria.
4
5 MR. PROBASCO: And, Mr. Chair, the last
6 person I have is Mr. John Sky Starkey.
7
8 (No comments)
9
10 MR. PROBASCO: I believe he's out in the
11 hall.
12
13 (No comments)
14
15 MR. PROBASCO: Apparently he's not in the
16 hall, Mr. Chair.
17
18 CHAIRMAN TOWARAK: Okay, if he does come
19 back in we'll give him an opportunity to give us his
20 opinions since he's signed up to do so.
21
22 We will then move on with the State's
23 comments.
24
25 MR. HEPLER: At the Board of Fish this
26 actually turns on automatically so what can I say I'm a
27 slow learner.
28
29 Thank you, Mr. Chairman.
30
31 The State thinks that increased public
32 participation and introducing a diversity of thought and
33 deliberation process are both good things. And we had
34 some comments like rotation of the seats but I think
35 Gloria's testimony, particularly in the details, are very
36 articulate, Mr. Chairman, and we certainly would support
37 her route for potential Board members.
38
39 Thank you.
40
41 CHAIRMAN TOWARAK: No questions.
42
43 (No comments)
44
45 CHAIRMAN TOWARAK: If not then we'll move
46 on to hearing from the Regional Advisory Council Chairs
47 and we'll start with Mr. Wilde this time and work.....
48
49 MR. WILDE: Thank you, Mr. Chairman. The
50 Yukon-Kuskokwim Delta Subsistence Regional Advisory

1 Council supported a resolution submitted by AVCP that
2 requested the two new Board members be representatives of
3 a tribal government. The resolution was supported
4 unanimously by the Council.

5
6 Greg Rocizcka asked also that the
7 selection process for the new Board members be included
8 in the final rule.

9
10 Mr. Chair.

11
12 CHAIRMAN TOWARAK: Thank you. Is that
13 possible, on the last request?

14
15 MR. MATUSKOWITZ: Mr. Chair. Could you
16 repeat what exactly your question is?

17
18 CHAIRMAN TOWARAK: The question was
19 whether or not it's possible to include the selection
20 process for the new Board members in the final rule?

21
22 MR. MATUSKOWITZ: Mr. Chair. I believe
23 we would have to talk with our attorneys on that. My
24 belief is making that significant of a change to the
25 proposed rule would possibly require additional time to
26 have public input on that specific part since it was not
27 addressed in any manner in the original proposed rule.

28
29 MR. GOLTZ: I think that's correct.

30
31 CHAIRMAN TOWARAK: Any questions of Mr.
32 Wilde from the Board.

33
34 (No comments)

35
36 CHAIRMAN TOWARAK: Thank you, Lester.
37 We'll go on to Mr. O'Hara.

38
39 MR. O'HARA: Yeah, I apologize for
40 speaking out of turn there, a little rusty, you know.

41
42 Bristol Bay supported it. They said that
43 they would recommend public members from the different
44 parts of Alaska, I think that's interesting, that have
45 experience and knowledge of subsistence and have the
46 ability to participate in the Board process. The Council
47 noted that unlike agency representatives, these public
48 members do not have someone to take their place if they
49 are unable to attend the Board meeting and as I mentioned
50 earlier, as such, the Council recommends that one or two

1 alternates be selected for those Board members.

2

3 Thank you, Mr. Chairman.

4

5 CHAIRMAN TOWARAK: Thank you. Any
6 questions.

7

8 (No comments)

9

10 CHAIRMAN TOWARAK: Not hearing any, Mr.
11 Lohse.

12

13 MR. LOHSE: Thank you, Mr. Chair. Well,
14 the Southcentral Alaska Regional Advisory Council, we
15 supported the concept of the proposed rule.

16

17 We mostly had process questions. We
18 didn't have any answers, we had a couple suggestions.

19

20 Some of the process questions we had was,
21 whether or not the two representatives should or could be
22 limited to Federally-qualified subsistence users; whether
23 or not they should or could be limited to people with
24 prior experience on a RAC or SRC; and whether or not they
25 should or could be tribal representatives.

26

27 We also felt that it would be a good idea
28 to have a three year staggered term so that it wasn't so
29 politically vulnerable, and also that would give it a
30 chance to rotate through the different areas.

31

32 And we thought that the RACs should be
33 involved in the nominating process, and we didn't have
34 any idea how that would be done but we thought it would
35 be a good idea to involve the RACs in the nominating
36 process.

37

38 CHAIRMAN TOWARAK: Thank you, Ralph. Any
39 questions of Ralph.

40

41 (No comments)

42

43 CHAIRMAN TOWARAK: Mr. Adams.

44

45 MR. ADAMS; Thank you, Mr. Chairman. I'm
46 going to take my comments from a letter that was
47 submitted to the Board on March 31st, 2011. It came soon
48 after our Regional Advisory Council meeting.

49

50 The Southeast Council is in favor of

1 adding two members to the Board. And the Council decided
2 to comment on how that should be done as individuals and
3 did not adopt a consensus position. The meeting
4 transcript is being prepared and will serve as the
5 Council's official comments, but the following points are
6 a good summary of the Council member's thoughts on this
7 issue. They are presented without regard to priority or
8 any measure of agreement between members.

9

10 A person with experience serving on a
11 Subsistence Regional Advisory Council should be given
12 preference for selection.

13

14 A member should be experienced in the
15 Federal Subsistence Management process.

16

17 The appointments will be for three year
18 staggered terms.

19

20 The two members will not be subject to
21 reappointment to ensure representation is rotated between
22 regions.

23

24 Members should be subject to
25 reappointment if they are effective representatives for
26 the entire state, provide program continuity.

27

28 Each appointment should be from a
29 different region to rotate members throughout the state,
30 such that the two members should always be from different
31 regions.

32

33 If a seat becomes vacant it should be not
34 -- it should not be filled from the same region.

35

36 Appointments should be made without
37 regard to age or ethnicity.

38

39 Each new member will be a Federally-
40 qualified subsistence user.

41

42 The new Board member should reside in a
43 rural community and not simply claim rural residency
44 while actually living in an urban community.

45

46 An important selection criteria for new
47 members should be the ability to communicate effectively
48 with Councils throughout the state.

49

50 The intent of the new rule is to put a

1 Native on the Board.

2

3 So thank you, members of the Board, for
4 allowing us to make these comments into the record.

5

6 Gunalcheesh.

7

8 CHAIRMAN TOWARAK: Thank you, Bert.

9 Could you comment on the terms, are there restrictions
10 also on that?

11

12 MR. MATUSKOWITZ: Again, Mr. Chair, the
13 guidelines that we used in the original drafting is
14 similar to your position where the Secretaries would have
15 the maximum amount of discretion in their selection.
16 These recommendations could obviously be made, however,
17 if we would include them or attempt to include them in a
18 final rule, I believe we would have to go through the
19 public process again to allow public comment on those
20 specifics since they were not addressed in the original
21 proposed rule.

22

23 CHAIRMAN TOWARAK: I don't have any
24 further questions with regard to this Southeast Regional
25 Advisory Council's comments.

26

27 Pete.

28

29 MR. PROBASCO: Mr. Towarak, if I may,
30 based on your question to Theo, we have the proposed rule
31 for you, in addition the Board also has the option, as --
32 in addition to the proposed rule, in their letter back to
33 the Secretaries, with recommendations for them to
34 consider. So you have the option of the proposed rule
35 and then you also have recommendations for the
36 Secretaries to go through the process.

37

38 So Theo's cautioned the Board on how far
39 to expand the proposed rule, which may require additional
40 public process, but you also have the opportunity in your
41 letter to address recommendations as far as
42 consideration.

43

44 Mr. Chair.

45

46 CHAIRMAN TOWARAK: Thank you. I assume
47 that since the Southeast Regional Advisory Council is
48 requesting set terms, we should put that on the table for
49 general discussion at this point.

50

1 MR. PROBASCO: You still have the other
2 Councils.

3
4 CHAIRMAN TOWARAK: Okay. We will hear
5 from the other Regional Advisory Councils. We will get
6 back with you then Bert on your question about the three
7 year staggered terms.

8
9 We will then continue hearing -- Mr.
10 Reakoff.

11
12 MR. REAKOFF: Thank you, Mr. Chair.
13 Western Interior Council wholeheartedly supported the
14 language of the February 11th, 2011 proposed rule to
15 expand the Federal Subsistence Board to include two
16 public members representing rural subsistence users.

17
18 The Council recommends that these members
19 be Federally-qualified subsistence users so that they
20 know and understand what they are working on, and so I do
21 enjoy hearing the other perspectives of the other
22 Councils and their recommendations, but the whole crutch
23 of having two additional members was that they had
24 experience, on the ground experience with subsistence and
25 so that was our recommendation on the proposed rule.

26
27 Thank you.

28
29 CHAIRMAN TOWARAK: Any questions of Mr.
30 Reakoff.

31
32 (No comments)

33
34 CHAIRMAN TOWARAK: Thank you. Ms.....

35
36 MS. ENTSMINGER: Entsminger.

37
38 CHAIRMAN TOWARAK: Ms. Entsminger.

39
40 MS. ENTSMINGER: Yeah, that's a tough
41 one. Eastern Interior pretty much ditto. We support the
42 two new members, and, again, that they're Federally-
43 qualified subsistence users. We probably could have
44 spent a little bit more time on that but our meeting, our
45 last meeting could have been a three day meeting and not
46 a two day meeting, so we didn't put a lot of time into
47 it.

48
49 Thank you.

50

1 CHAIRMAN TOWARAK: Thank you. Mr.
2 Simeonoff.
3
4 MR. SIMEONOFF: Thank you, Mr. Chairman.
5 The Kodiak/Aleutians Subsistence Regional Advisory
6 Council fully supports the addition of rural residents to
7 the Federal Subsistence Board.
8
9 Alaska encompasses many cultures and
10 practices and so, therefore, the Kodiak/Aleutians RAC
11 recommends adding three rural members rather than two
12 which would allow for more geographic distribution for a
13 better representation. The Council suggests that the
14 three members be selected from the North Pacific Gulf of
15 Alaska area, North Interior and Western areas of Alaska.
16
17 The Council also requested that the
18 review process of selecting these members include the
19 Regional Advisory Councils and consider their
20 recommendations.
21
22 Thank you.
23
24 CHAIRMAN TOWARAK: Any questions of Mr.
25 Simeonoff.
26
27 (No comments)
28
29 CHAIRMAN TOWARAK: Again it appears --
30 and we will get back to, I think, the discussion of the
31 -- the whereabouts of the selection, you know, where
32 these additions should come from, as a topic, I think
33 it's been brought up by your Advisory Council, I'd like
34 to hear what the rest of the Board has to say about that.
35 So then we'll proceed with Northwest -- no, the
36 North.....
37
38 MS. AHTUANGARUAK: The North Slope.....
39
40 CHAIRMAN TOWARAK:yeah, the North
41 Slope.
42
43 MS. AHTUANGARUAK:supported
44 expanding the Board and further commented that the new
45 Board members should have a tribal and/or local
46 perspective and knowledge and use of subsistence.
47
48 We also commented that there needs to be
49 a nomination process for selection of the Board members
50 similar to what's in place for selecting the Council

1 members. The process should be transparent, clarify how
2 the selection will occur. Clearly state the eligibility
3 criteria, include things that would exclude a person,
4 such as background checks. Be clear, concise and easy to
5 follow.

6
7 Additionally each Council should be able
8 to nominate someone from their region to be on the Board.
9 Ideally there should be one Board member representing
10 each region.

11
12 Discussion occurred regarding the need
13 for the rural representative on the Board to represent
14 all rural users in the state.

15
16 One Council member was concerned that
17 this would not happen.

18
19 The concern was raised that the state is
20 large and subsistence users are from diverse cultural
21 backgrounds and have different subsistence uses.

22
23 The new Board members need to communicate
24 with the Council members representing all subsistence
25 users statewide. Need to establish a means of
26 communicating.

27
28 And also that they should be Alaska
29 Native.

30
31 CHAIRMAN TOWARAK: Thank you, Roseanne
32 [sic]. Any questions.

33
34 (No comments)

35
36 CHAIRMAN TOWARAK: Mr. Smith.

37
38 MR. SMITH: The Seward Peninsula Regional
39 Advisory Council supported this new rule, though we had
40 quite a bit of discussion about how difficult it was
41 going to be to choose two people that could fairly
42 represent all regions of the state. You know the
43 discussion that went along with it said, you know, that
44 we recognize it's going to be very difficult to find two
45 people that can do that.

46
47 I just wanted to, for the record, I've
48 gone over the transcripts and it's in this -- in this
49 account it shows that we recommended for someone over 65
50 years. One of the Council members did bring that up but

1 it wasn't part of our motion, so I don't think that it's
2 fair to say that our Advisory Council supported that and
3 it seems to me it would be discriminatory.

4
5 So we didn't -- I don't think that was
6 our recommendation.

7
8 But we support the principle of citizen
9 participation, just making that work with picking two
10 people, I think is going to be very difficult and we
11 thought that they should be chosen on the basis of their
12 experience and their knowledge of the issue.

13
14 CHAIRMAN TOWARAK: Thank you. Are there
15 any questions of Mr. Smith.

16
17 (No comments)

18
19 (Pause)

20
21 CHAIRMAN TOWARAK: Go ahead.

22
23 MR. PROBASCO: Board Members, Mr. Chair
24 and I just consulted, we had a late sign up from the
25 public to testify on this so Mr. Michael Johnson.

26
27 (No comments)

28
29 MR. PROBASCO: Mr. Michael Johnson.

30
31 CHAIRMAN TOWARAK: There's a red button,
32 or a silver button on the right side, press that please.

33
34 MR. PROBASCO: In front.

35
36 CHAIRMAN TOWARAK: In front. In front.

37
38 MR. JOHNSON: Good afternoon. I'm from
39 Bristol Bay, Southeast. My parents met in Mt. Edgecumbe,
40 boarding schools. I'm the youngest out of 10. I'm
41 Tlingit and Aleut and I'm part Swedish.

42
43 I think we -- there are only three
44 governments in the United States, there's Federal, State
45 and tribal. I think we ought to have somebody
46 representing all the tribes of Alaska on this --
47 appointed to the Board. Like somebody from the Alaska
48 InterTribal Council. You know, we've been here for
49 10,000 years. My father's a World War II Veteran, my
50 brother's a Vietnam Vet. I got one nephew who's served

1 27 years, and he's still in the United States Navy now.
2 And I'm a CIRI shareholder. And I'm for 100 percent
3 having a tribal sovereignty law and because I notice that
4 they have offices for Federal and State, they ought to
5 have an office for the Federal, State and tribal --
6 tribal jurisdiction, that we can manage our own resources
7 and we can implicate -- implicate our own laws and it
8 would not only benefit the tribes but it would benefit
9 the Federal and State because we would go forward as one
10 nation, as we are.

11

12 So thank you for letting me talk.

13

14 CHAIRMAN TOWARAK: Thank you.

15

16 MR. JOHNSON: You're from Bristol Bay?

17

18 CHAIRMAN TOWARAK: No, I'm from Northwest
19 Alaska, the Seward Peninsula.

20

21 MR. JOHNSON: Oh, okay, sorry, I just was
22 -- I wasn't planning on -- but I'm really for somebody
23 representing the tribes. They're -- we -- you know,
24 because the Native Corporations branched off on their own
25 and I think they're doing a very good job but they're
26 basically for themselves and us, the tribal -- tribal
27 people, we are for the people. And I think it's about
28 time that we jump on this boat, you know, they got -- the
29 State is 100 percent sovereign, the Federal government is
30 100 percent sovereign, we are sovereign but we have not
31 exercised our full potential and our full rights and
32 there's a lot of jurisdiction that goes with it because
33 I used to investigate the police and, you know, they --
34 here in Alaska and we have -- we have a right to be on
35 this ship. And so thank you very much.

36

37 CHAIRMAN TOWARAK: Thank you for your
38 testimony.

39

40 Okay, well, there were a couple of things
41 that came up mostly, I think, from the Regional Councils
42 regarding terms on the Board. At this point there are no
43 terms set that I see in the wording and I'd like to hear
44 a little discussion from the Council -- or the Board
45 members about this.

46

47 MS. K'EIT: Thank you, Mr. Chair. I just
48 took some notes from our RAC recommendations and also
49 some public comments of about 15 different criteria that
50 had been put forth, just I thought I'd read them for

1 refreshing our memory.
2
3 They are, just in no particular order:
4
5 Tribal government reps.
6
7 Alaska Natives.
8
9 One to two alternates.
10
11 From different parts of Alaska.
12
13 Staggered three year term.
14
15 RACs part of the nomination process.
16
17 Not be eligible for reappointment unless
18 they were serving the whole state well.
19
20 Federally-qualified subsistence users.
21
22 Three members instead of two representing
23 three different defined geographic areas and those areas
24 were, one, the North Pacific and Gulf of Alaska; two
25 North and Interior; and three Western Alaska.
26
27 They should have tribal and local
28 perspective.
29
30 They should have knowledge of and have
31 used -- knowledge of and use of subsistence.
32
33 And the nomination process, like what is
34 used for the RACs.
35
36 And then there's a paragraph in North
37 Slope RAC's recommendation about the process, there
38 should be a clear nomination process and it should be
39 transparent, it should be clarified how the selection
40 will occur. A clear statement of eligibility criteria
41 and what things might exclude a person. And clear,
42 concise and easily followed.
43
44 Thank you, Mr. Chair.
45
46 MR. GOLTZ: Let me interject. The
47 question presently before the Board is whether we should
48 add two new members. That's what we submitted to the
49 public and that's what we got comments on.
50

1 The selection criteria are really
2 answering a question that hasn't been asked. And the
3 Secretary has not solicited our input on that point.
4 Now, I think if the Board is strongly motivated they can
5 volunteer a letter to the Secretary, but that's really
6 quite beyond the job we've been assigned at this point.

7

8 CHAIRMAN TOWARAK: Go ahead, Geoff.

9

10 MR. HASKETT: Thank you, Mr. Chair. So
11 I think that -- I'm glad that you put that on the table
12 for us because I think we've spent a lot of time -- it's
13 good to hear all the comments on what we should be
14 looking for, but ultimately it is a recommendation to the
15 Secretary, and I think what we ought to do is consider
16 making the motion to make that recommendation, that we do
17 want two Board members to go forward. And I'm assuming,
18 this is a question, that that should go through, probably
19 Pat Pourchot's office, so the question should probably be
20 put to him, and once we know that then it seems like we
21 should entertain that and then the rest of it, I guess,
22 we could decide whether we want to make a recommendation
23 on the rest to the Secretary or not. But I don't think
24 we're going to be able to resolve that additional part
25 today.

26

27 CHAIRMAN TOWARAK: Go ahead.

28

29 MS. MASICA: Mr. Chairman. It seems to
30 me that a lot of the criteria kinds of questions are once
31 the decision's made for who -- what's the number that are
32 going to be on the Board, and then how the selection
33 process is going to work is up to the two Secretaries to
34 figure that out, and that might be, I think, as was
35 suggested, sort of, could be a letter or a set of
36 recommendations then encapsulates some of those comments
37 that have been heard from the various RACs and the
38 public.

39

40 It struck me that one piece of what we
41 heard that might be appropriate in the discussion about
42 the proposed reg is the way the draft reg went out,
43 talked about public members representing rural Alaska
44 subsistence users as opposed to being Federally-qualified
45 subsistence users; and that might be something that would
46 be appropriate for the Board to discuss and decide on
47 because that is specific to the reg that's out there as
48 opposed to many of these other criteria.

49

50 CHAIRMAN TOWARAK: Go ahead, Theo.

1 MR. MATUSKOWITZ: Mr. Chair. I can add
2 a little light to the comment that was just made.

3
4 In our original draft we did state two
5 rural Alaskans, or two rural subsistence users and we
6 were corrected from the Secretary's office to the current
7 language that we have today. So I mean that could have
8 been very easily been my misinterpretation of the
9 original letter that went out by the Secretary, but we
10 were corrected to the current language as it is stated in
11 the proposed rule.

12
13 CHAIRMAN TOWARAK: Go ahead.

14
15 MS. MASICA: I guess I would just offer
16 that I don't know if we're precluded from, in providing
17 our recommendation back to the Secretary, to say, that,
18 well that was what went in the draft from the comment,
19 that based on the public comment that was heard back, our
20 recommendation would be to go back to what was originally
21 on the table, or originally thought about, I mean I don't
22 think we should box ourselves out from doing that.

23
24 MR. GOLTZ: Yeah, I wish I'd brought some
25 papers with me, but the original question came up in the
26 mid-90s about whether we could restrict RAC membership to
27 rural Alaska residents, and the question was no based on
28 the statute.

29
30 MS. MASICA: Okay.

31
32 MR. GOLTZ: And as you recall we had some
33 urban members, Mr. Thomas from Southeast was one and
34 there have been others in Southcentral and maybe, I guess
35 those two, have had members who were not rural Alaska
36 residents.

37
38 I'd have to think through how we would do
39 it in this case. I don't want to necessarily preclude it
40 but it's not necessarily true that we could restrict it
41 to rural Alaska residents.

42
43 I'm looking for some attorney help.....

44
45 (Laughter)

46
47 MR. GOLTZ:does anybody else want
48 to -- AG isn't there.

49
50 (Laughter)

1 MR. GOLTZ: I think we'd have to be
2 cautious with that.
3
4 CHAIRMAN TOWARAK: Go ahead.
5
6 MR. DUGAN: Mr. Chair. Maybe I'm being
7 a little simplistic here and help me if I am. You know
8 the Secretary asked us to develop a proposed regulation
9 to increase the membership on the Board to include two
10 additional public members representing subsistence users.
11
12 What are subsistence users?
13
14 What do you have to be to be a
15 subsistence user?
16
17 You have to come from a rural area,
18 right?
19
20 MR. GOLTZ: No, I don't think that's what
21 the regulation was intended to say. It's intended to say
22 that they're representing rural subsistence users. It's
23 not intended to say you have to be one.
24
25 And in the case of Mr. Thomas, Bill
26 Thomas, one of our most forceful advocates for the
27 subsistence point of view, he was not a qualified
28 subsistence user, but he knew -- he was Tlingit and he
29 knew and had been in the past. But there are many
30 qualified Alaskan Natives, for health reasons, or age
31 reasons or economic reasons, are living in an urban area.
32
33 CHAIRMAN TOWARAK: I assume that all of
34 this discussion is overlaid or is based on ANILCA? No?
35
36 MR. GOLTZ: I hope so.
37
38 (Laughter)
39
40 MR. GOLTZ: Every word we say ought to be
41 based on ANILCA.
42
43 CHAIRMAN TOWARAK: So just by that fact
44 that, you know, we're restricted to what ANILCA allows,
45 we're somewhat limited, I think, on what we can do.
46
47 MR. GOLTZ: Yes, that's correct.
48
49 CHAIRMAN TOWARAK: And where does that
50 put us -- Geoff.

1 MR. HASKETT: Mr. Chair. So I'm prepared
2 to make a simple motion and then we could decide whether
3 we wanted to visit it more after that. But I think the
4 motion in its simplest terms is is that we move to adopt
5 two additional members and have that motion forwarded to
6 the Secretary's office.
7
8 MR. PROBASCO: That language? That's the
9 proposed rule.
10
11 MR. HASKETT: Yes, use the proposed
12 language.
13
14 CHAIRMAN TOWARAK: The proposed language
15 is written in the black. It says two public members
16 representing rural Alaskan subsistence users to be
17 appointed by the Secretary of the Interior with the
18 concurrence of the Secretary of Agriculture.
19
20 MR. PROBASCO: We need a second.
21
22 CHAIRMAN TOWARAK: Is there a second to
23 the motion.
24
25 MS. K'EIT: Second.
26
27 CHAIRMAN TOWARAK: There's a motion and
28 a second.
29
30 MR. PROBASCO: Who seconded.
31
32 CHAIRMAN TOWARAK: Sue did.
33
34 MR. PROBASCO: Julia.
35
36 MR. HASKETT: I don't know who seconded.
37
38 MR. PROBASCO: Who seconded it?
39
40 MS. PENDLETON: Kristin. I think Kristin
41 did. I have a question.
42
43 CHAIRMAN TOWARAK: Sure.
44
45 MS. PENDLETON: It seems that the word
46 that's somewhat troublesome and I think Mr. Lord [sic],
47 I think I understood what you said but it's the word,
48 representing. And so for me, does it mean that the two
49 public members should be rural Alaskan subsistence users
50 or does that mean that they can be represented by someone

1 who may be a non-rural Alaska subsistence user? That's
2 kind of the question that I think I'm struggling with a
3 little bit, it's the word, representing.

4

5 CHAIRMAN TOWARAK: Go ahead. I mean.....

6

7 MS. MASICA: And I guess that's where I
8 was at, Beth, is a similar spot, which is -- as I
9 understand it, so this was a regulation that went out for
10 public comment, we got public comment back. The question
11 to the Board is, what's our recommendation back to the
12 Secretary having heard the public comment. And what my
13 suggestion was, was we've heard the public comment and we
14 suggest a change that rather than saying representing
15 rural Alaska subsistence users, that the regs should read
16 who are Federally-qualified subsistence users or whatever
17 the right wording would need to be. The Secretary
18 retains -- the Secretaries retain the right to reject the
19 recommendation of the Board, but it seems to me that what
20 we would be saying back to the Secretaries with our
21 recommendation would be based on the public comment that
22 was heard we suggest a modification to the draft rule
23 that went out for public comment.

24

25 CHAIRMAN TOWARAK: Go ahead, Geoff.

26

27 MR. HASKETT: So, and I'm not quite sure
28 the order of doing this but maybe can I modify my
29 original motion?

30

31 CHAIRMAN TOWARAK: I think you'll need a
32 motion to amend your motion.

33

34 MR. HASKETT: Okay. I'd like to make a
35 motion to amend my motion.

36

37 Somebody second me.

38

39 MS. MASICA: Second.

40

41 MS. PENDLETON: I'll second you.

42

43 MR. HASKETT: Okay. So to make this
44 clear and I think Sue's point is good, the Secretary can
45 determine what to do, in coordination with the Secretary
46 of Agriculture, so we change the wording proposed to two
47 public members from -- or who are rural Alaskan
48 subsistence users; everything else staying the same.

49

50 CHAIRMAN TOWARAK: There was a second to

1 that motion to amend the original motion. Any
2 discussion.

3

4 (No comments)

5

6 CHAIRMAN TOWARAK: Not hearing any, those
7 -- go ahead.

8

9 MR. GOLTZ: I think the original question
10 was, what was the language intended to convey? Was it
11 intended to pick from members of a class, or was it meant
12 to say that there should be advocates for that class, and
13 I think the original language was meant to say they
14 should be advocates for that class; I think what you've
15 changed it to is members of the class.

16

17 I'm not sure we can do that.

18

19 I would have to go back and pull out some
20 legal memorandums from the '90s. I don't have them with
21 me. But I think it's a risk.

22

23 CHAIRMAN TOWARAK: Go ahead, Geoff.

24

25 MR. HASKETT: So let me clarify, because
26 I think we intended to do exactly what you're
27 questioning, the intent was to go ahead and make it clear
28 that these will be as opposed to advocates for. I think
29 Sue's explanation covers what you're asking, because we
30 said it's subject to legal review and some final decision
31 by the Secretary if what we proposed isn't legal or isn't
32 correct, then they can change it there, so I think there
33 could be some kind of legal review that goes on as it
34 goes up, and the intent of this Board is, in fact, to
35 make it be members, and not advocates. It can be fixed
36 if there's a problem there.

37

38 CHAIRMAN TOWARAK: Do you want to take a
39 recess.

40

41 MR. PROBASCO: Let's take a break.

42

43 MR. GOLTZ: I can make some calls during
44 a break.

45

46 CHAIRMAN TOWARAK: Okay, we're going to
47 take about a 15 minute break so our -- did you have a
48 comment?

49

50 MS. PENDLETON: They can wait if we're

1 going to get clarification but I do have some comments
2 relative to this.

3

4 CHAIRMAN TOWARAK: Okay, let's hear your
5 comments then.

6

7 MS. PENDLETON: Yeah, let -- I just
8 wanted to share a few comments why I feel it's important
9 that the two public members are rural Alaskan subsistence
10 users. Just a couple of things.

11

12 First of all I feel that to truly
13 represent subsistence users public members need to be
14 actively participating in Federal subsistence.

15

16 They're the ones who interpret Federal
17 subsistence regulations. They also struggle to
18 understand the differences between State and Federal
19 regulations and what is allowed under which regulations
20 and where. And I believe that there are also
21 representatives who we don't have on this Board and whose
22 knowledge and current hunting, fishing and gathering
23 experience is really important to this Board and we would
24 benefit from having two public members who are rural
25 Alaskan subsistence users.

26

27 CHAIRMAN TOWARAK: Okay, we're going to
28 take a 15 minute break and ask our attorneys to pull out
29 some reference material.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN TOWARAK: I'd like to call the
36 meeting back into session.

37

38 (Pause)

39

40 CHAIRMAN TOWARAK: Okay, prior to taking
41 a break -- I'm going to call the meeting back to session
42 here -- we had a question, a legal question on what we
43 can do and our attorneys, I think, have a report to give
44 us.

45

46 MR. GOLTZ: The question that we ended
47 with actually goes back about 15 years, Ralph may
48 remember this, I probably should have called on him.

49

50 (Laughter)

1 MR. GOLTZ: But the question was, whether
2 or not non-rural Alaska residents can serve on Regional
3 Advisory Councils, and Joe Darnell in our office wrote an
4 opinion at that time that said, yes, they can, and the
5 basis of that was -- this is what I did not remember, is,
6 Section .805 says that the qualification for Regional
7 Advisory Council membership is residence in the region
8 and nothing else. Joe's opinion, which he just read to
9 me over the telephone, was appealed to Solicitor Leshkey
10 (ph) in Washington D.C., and was confirmed by him, so
11 that's the rule for Regional Advisory Councils, and I
12 don't want anybody to think that what I say next applies
13 to Regional Advisory Councils, because it doesn't. The
14 Federal Subsistence Board is not statutory. It's a
15 creature of regulation created by the Secretaries,
16 therefore, it's not constrained by the same section of
17 ANILCA. Also it's important to remember that the Federal
18 Subsistence Board is not a FACA committed, so it's not
19 subject to those constraints either.

20
21 So with that brush kind of cleared out of
22 the way, the answer is, yes, you probably can change that
23 phrase from advocates to members of a group, legally.

24
25 I make no comment on the wisdom of that.

26
27 I do want to remind you, though, that I'm
28 dealing with this cold -- I'm dealing with this cold,
29 it's going to be subject to legal review in our office
30 and in Washington, D.C., but to the best of my knowledge,
31 yes, you can go ahead and make that change.

32
33 CHAIRMAN TOWARAK: So we have an
34 amendment on the motion -- go ahead, Pete.

35
36 MR. PROBASCO: Yes, Mr. Chair, the
37 amendment which was made by Mr. Haskett and seconded by
38 Ms. Pendleton is to strike the word, representing, and
39 they threw about three or four different phrases in
40 there, but I have right now:

41
42 It would read:

43
44 Two public members who are rural Alaskan
45 subsistence users.

46
47 So you're striking representing and
48 adding who are.

49
50 CHAIRMAN TOWARAK: We have an amended

1 motion on the floor. Any discussion.

2

3 MS. K'EIT: Mr. Chair.

4

5 CHAIRMAN TOWARAK: Go ahead.

6

7 MS. K'EIT: I'd like to clarify that this
8 motion on the floor, we vote on it to approve it and then
9 we have to vote again to approve the motion as it's been
10 amended.

11

12 CHAIRMAN TOWARAK: Right.

13

14 MS. K'EIT: Yeah. And then second, this
15 motion will be just specifically about the language of
16 the regulation and then will we have opportunity for
17 further discussion about any other recommendations we'd
18 like to make or comments of how the selection process
19 might be laid out and so on or is this the time to talk
20 about that?

21

22 CHAIRMAN TOWARAK: I think we're
23 restricted to the amendment right now so we will restrict
24 the discussion on the amendment and we will get back to
25 our general discussions when we get back to the main
26 motion.

27

28 All those in favor of the motion say aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN TOWARAK: Those opposed say nay.

33

34 (No opposing votes)

35

36 CHAIRMAN TOWARAK: The motion passes
37 unanimously. So our original motion then, Pete, is
38 what's in front of us? It's -- it's -- go ahead.

39

40 MR. GOLTZ: I just want to give out a
41 caution, you may already know, but what we're doing now
42 is making a recommendation to the Secretary and I don't
43 have any idea what the Secretary's going to do but if he
44 adopts this he's going to need a record, so if you have
45 reasons for adopting this they should probably be on the
46 record now.

47

48 CHAIRMAN TOWARAK: Okay. We had the
49 original motion on the floor and the floor is now open
50 for discussion.

1 Go ahead. Go ahead.

2

3 MS. PENDLETON: So I did lay out some
4 rationale or some reasons why our recommendation to
5 change it to who are rural Alaskan subsistence users; do
6 you want me just to go over those again for the record
7 and there may be some other reasons; is that what you're
8 looking for right now, Mr. Chair?

9

10 CHAIRMAN TOWARAK: Yes.

11

12 MS. PENDLETON: Okay. So, you know, I
13 feel that to truly represent subsistence users public
14 members need to be actively participating in Federal
15 subsistence.

16

17 They're the ones who interpret Federal
18 subsistence regulations. They struggle to understand the
19 differences between State and Federal regulations and
20 what is allowed under which regulations and where. And
21 they are the representatives who we don't have on this
22 Board and whose knowledge and current hunting, fishing
23 and gathering experience this Board clearly would benefit
24 from.

25

26 Thank you.

27

28 CHAIRMAN TOWARAK: Go ahead, Sue.

29

30 MS. MASICA: Mr. Chairman. In addition
31 to what was just identified, I think the other rationale
32 for the change is demonstrating a genuine commitment to
33 listening to what we heard through the public comment
34 process on the proposed rule and if you go through the
35 testimony that was both presented today from the public
36 and the RAC Chairs and also through the materials that
37 were in our book, there are a number of instances where
38 there was a very clear recommendation put forward that
39 the individuals should be rural Alaskan or Federally-
40 qualified subsistence users, which terminology one uses,
41 it's not consistent throughout. And I think the action
42 that we've proposed would be consistent with much of that
43 feedback and still within what we believe, based on what
44 we know today, is allowable within the constraints of the
45 law.

46

47 CHAIRMAN TOWARAK: Any further
48 discussion.

49

50 MR. LOHSE: Mr. Chair.

1 CHAIRMAN TOWARAK: Geoff [sic].
2
3 MR. LOHSE: I'm glad to see that you're
4 -- as a Board, that you're thinking of going in this
5 direction because if you don't take some of the steps
6 that you're talking about doing right now then it's going
7 to even put off longer the impact of this proposal
8 because then it will take more discussion and more things
9 in the future so I'm really glad to see that you're
10 going, you're taking it one step farther than just saying
11 that you're supporting two -- you haven't taken that
12 step, but you're at least putting it on the table, that
13 you aren't just supporting just adding two members
14 because these other discussions that have been brought
15 forward are going to have to be dealt with in order for
16 this to be put in place and I'm just glad to see that you
17 guys are working in that direction.
18
19 CHAIRMAN TOWARAK: Further discussion.
20 Kristin.
21
22 MS. K'EIT: Mr. Chair, thank you. I'm
23 wondering if we need any further clarification on the
24 language to be consistent with the regulations, where
25 comments had been Federally-qualified subsistence users;
26 I don't know if this phrase rural Alaskan subsistence
27 users -- I mean then perhaps it's inferred in that
28 because this is the Federal Subsistence Board, we're
29 talking about Federally-qualified users; I don't know if
30 that's semantics or just being too picky but I thought
31 I'd put that out for discussion.
32
33 Thank you.
34
35 CHAIRMAN TOWARAK: Go ahead, Theo.
36
37 MR. MATUSKOWITZ: Our regulations define
38 rural subsistence users so the term that we have here is
39 according to our definitions currently so we don't have
40 to say Federally-qualified because our regulations are
41 Federal regulations.
42
43 CHAIRMAN TOWARAK: Any other discussions.
44
45 (No comments)
46
47 CHAIRMAN TOWARAK: Is there a need for
48 any further motions.
49
50 (No comments)

1 CHAIRMAN TOWARAK: If not, could I ask to
2 have the question on the main motion called.

3
4 MS. MASICA: Call question.

5
6 CHAIRMAN TOWARAK: Question's been called
7 for. All those in favor of the main motion say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN TOWARAK: Any opposed say nay.

12
13 (No opposing votes)

14
15 CHAIRMAN TOWARAK: Motion passes
16 unanimously.

17
18 (Pause)

19
20 CHAIRMAN TOWARAK: Are we going to have
21 any other discussions on -- go ahead Kristin.

22
23 MS. K'EIT: Yes, Mr. Chair. As I talked
24 about earlier I'd like to have our recommendation letter
25 to the Secretaries include discussion about the majority
26 of what the public comments were and what our RAC
27 comments were and that includes the list that I had read
28 earlier at the start of the conversation. So I'd like
29 those to be part of our letter to have it on the record,
30 the variety of ideas that came in through the public
31 comment period, but also to point out that the selection
32 process is clearly an issue of interest to many different
33 groups, including our RACs.

34
35 Thank you, Mr. Chair.

36
37 CHAIRMAN TOWARAK: Pete.

38
39 MR. PROBASCO: Mr. Chair. Our process is
40 that OSM would draft this letter and would go through a
41 Staff Committee review and then ultimately a Board review
42 and then you get to sign it. And I know Kristin took
43 good notes there and so I'll grab her list and we'll go
44 from there, if that's okay.

45
46 CHAIRMAN TOWARAK: Is there any
47 objections to that process. Go ahead.

48
49 MR. GOLTZ: I was just saying that
50 Gloria's list was pretty good too and we might want that.

1 (Pause)
2
3 CHAIRMAN TOWARAK: We do have copies of
4 your comments. So if there's no objections then that
5 concludes our discussions on the proposed rule to add two
6 representatives of rural Alaska subsistence users.
7
8 (Pause)
9
10 CHAIRMAN TOWARAK: Go ahead, Geoff.
11
12 MR. HASKETT: Thank you, Mr. Chair.
13 Would it be appropriate -- I think we're moving on to the
14 next item, if I went back to clean up something that we
15 didn't get to before on a previous item, it'd be an easy
16 one.
17
18 CHAIRMAN TOWARAK: I'll say yes.
19
20 MR. HASKETT: Okay, you're taking a
21 chance, that's good.
22
23 (Laughter)
24
25 MR. HASKETT: So one thing we never went
26 back to, is Jack Reakoff before had talked about that
27 maybe we should send someone to represent the Board, to
28 the stakeholders meeting at the Marine Convention on July
29 11th in Seattle and we never went back to that, so I
30 think that's a good idea, and so I guess I'd like to put
31 that motion before the Board that we should, in fact,
32 have someone go to represent us there for that. And I'd
33 be looking for a second.
34
35 MS. K'EIT: Second.
36
37 CHAIRMAN TOWARAK: Okay, the motion is
38 then to have someone from.....
39
40 MR. HASKETT: Pete or one of his people
41 go represent us there at that meeting.
42
43 CHAIRMAN TOWARAK:from the Staff to
44 attend the users -- what's the term.....
45
46 MS. K'EIT: Mr. Chair. There were
47 actually two meetings that it was recommended the Board
48 be represented at.
49
50 MR. HASKETT: One we're already going to.

1 MS. K'EIT: Okay. So we're going to the
2 one in Nome with the North Pacific Management.
3
4 MR. HASKETT: So this was an additional
5 recommendation we never went back to, it's specific to
6 that one, which I think.....
7
8 MS. K'EIT: And it's about the Russian
9 certification of their -- actually I think it was a
10 member of the public -- I have it here.
11
12 CHAIRMAN TOWARAK: Jack, have you
13 got.....
14
15 MR. REAKOFF: The Moody Institute is
16 looking at certification of the Russian pollock fishery
17 and we have concerns in the Western Interior and
18 discussed this issue that they're possibly taking Alaskan
19 stock salmon. There's a real need for documentation of
20 those interceptions and bycatch and there's a real need
21 for the certification process to delve into and look at
22 that. Just stating that they don't catch salmon is
23 hardly believable.
24
25 CHAIRMAN TOWARAK: The motion includes
26 that, and there was a second.
27
28 MR. HASKETT: Uh-huh.
29
30 CHAIRMAN TOWARAK: Any discussion on the
31 motion.
32
33 (No comments)
34
35 CHAIRMAN TOWARAK: Not hearing any, all
36 those in favor of the motion say aye.
37
38 IN UNISON: Aye.
39
40 CHAIRMAN TOWARAK: Any opposed say nay.
41
42 (No opposing votes)
43
44 CHAIRMAN TOWARAK: Motion passes
45 unanimously. Pete.
46
47 MR. PROBASCO: And, Mr. Chair, depending
48 on -- I'll inform the Board who will attend. Keep in
49 mind we have the July 12th Board meeting, that will
50 affect representation but we would report back to the

1 Board from that meeting.

2

3 Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you. Any
6 further discussion on Item No. 6.

7

8 (No comments)

9

10 CHAIRMAN TOWARAK: Not hearing any, we
11 will proceed then to Item No. 7, Federal Subsistence
12 Board meeting guidelines.

13

14 Mr.....

15

16 MR. PROBASCO: Matuskowitz.

17

18 CHAIRMAN TOWARAK:Matuskowitz.

19

20 MR. MATUSKOWITZ: Thank you, Mr. Chair.

21 At this time I will cover the Board policy on meeting
22 guidelines.

23

24 In January of this year the Board
25 directed Subsistence Management Staff to revise this
26 policy specifically reference subparagraph C, executive
27 sessions. We've done that according to guidance,
28 however, in going through the entire policy we realized
29 that there were quite a few other changes that needed to
30 be made based on changes in our regulations over the last
31 couple of years.

32

33 This starts on Page 25 of your meeting
34 materials. And I will note under paragraph i, Board
35 structure, one of the comments, obviously that section
36 would have to be revised depending on the Secretarial
37 action on the proposed rule that you just got done
38 discussing.

39

40 Further down that page we have another
41 minor change. Again, this simply is a revision to
42 reflect current Board procedure that had been voted on,
43 I believe, two years ago.

44

45 If you go to Page 26 we made some changes
46 there. Once, again, that was based on Federal Register
47 documents. One from 2008, another one from 2010. Again,
48 basically just revising and correcting the citations from
49 the CFR to what they currently reflect as opposed to what
50 it was.

1 On Page 27 we deleted a paragraph
2 referencing public meetings because that was simply
3 saying the same thing we said earlier in the document; no
4 use repeating ourselves and that was a recommendation
5 from the Staff Committee.

6
7 Under work sessions we have a change.
8 That's based on the Board's closure policy of August
9 2007. Once, again, just reflecting current policies.

10
11 And then we move on to Page 28, the
12 actual change to the executive sessions. Once, again,
13 that was taken from the Board's original directives to
14 Staff where we state the Board will minimize the use of
15 executive sessions to the extent possible. We also go on
16 to state:

17
18 If an executive session is called during
19 a public meeting the topics to be
20 discussed will be announced prior to the
21 executive session and upon its
22 conclusion a general summary of the
23 topics discussed will be announced to
24 the public.

25
26 And then we revised the recordkeeping
27 part where we now state that a summary will be maintained
28 of the executive session and as a minimum we will include
29 who will in attendance and the subjects that were
30 discussed. And, once, again, it would be made available
31 to the Councils and upon request, to the public.

32
33 A few other changes throughout the
34 document, again, reflect changes to the current citations
35 in the CFR. And further on we have some additional
36 changes based on current Board procedure and then simple
37 changes to reflect some of the changes we made in the
38 executive session part reference the meeting record, and
39 how that's kept and where it's maintained. Basically it
40 just reinforces changes that are made earlier in the
41 document.

42
43 And that's really it in a nutshell.
44 Nothing major, pretty well follows the directives of the
45 Board from earlier this year.

46
47 CHAIRMAN TOWARAK: Do we have any
48 questions.

49
50 MS. MASICA: Mr. Chairman, I do have a

1 question.

2

3

CHAIRMAN TOWARAK: Okay.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

CHAIRMAN TOWARAK: Any further

1 discussion.

2

3

(No comments)

4

5 CHAIRMAN TOWARAK: I assume that we're
6 going to need Board action to approve the changes?

7

8 MR. MATUSKOWITZ: Mr. Chair. That is
9 correct.

10

11 CHAIRMAN TOWARAK: Wishes of the Board.
12 Sue.

13

14 MS. MASICA: Make the motion.

15

16 MS. PENDLETON: Second that.

17

18 CHAIRMAN TOWARAK: It's been moved and
19 seconded to approve the changes as has been presented.
20 Any discussion.

21

22 (No comments)

23

24 CHAIRMAN TOWARAK: Not hearing any, all
25 those in favor of the motion say aye.

26

27 IN UNISON: Aye.

28

29 CHAIRMAN TOWARAK: Any opposed say nay.

30

31 (No opposing votes)

32

33 CHAIRMAN TOWARAK: Motion passes
34 unanimously.

35

36 We are done then with Item No. 7. Item
37 No. 8 is fairly lengthy. Pete, have you got comments.

38

39 MR. PROBASCO: Mr. Chair. Based on Staff
40 work and then review by the Staff Committee I think the
41 tribal consultation review will take time. We have to be
42 out of here by 6:00, and so I don't think that's going to
43 be adequate time to finish the draft consultation
44 protocol. As I look at the remaining agenda items we
45 will have to meet tomorrow so it's up to the Board if
46 they want to recess now or grab one of the other items
47 and proceed.

48

49 Your call, Mr. Chair.

50

1 CHAIRMAN TOWARAK: What's the wishes of
2 the Board.
3
4 MR. HASKETT: May I.
5
6 CHAIRMAN TOWARAK: Go ahead.
7
8 MR. HASKETT: Mr. Chair. It looks to me
9 like we'll be able to finish this up tomorrow morning
10 fairly easily once we get through the, what I think will
11 be the more lengthy discussion, so I say we adjourn today
12 and come back tomorrow morning.
13
14 CHAIRMAN TOWARAK: Are there any
15 objections to that.
16
17 MS. K'EIT: I agree as long as we don't
18 have anyone signed up for public comment that may not be
19 here for tomorrow.
20
21 CHAIRMAN TOWARAK: Is anyone in the
22 public restricted by time?
23
24 (No comments)
25
26 CHAIRMAN TOWARAK: Not seeing or hearing
27 any, are there any objections from the RAC Chairs?
28
29 (No comments)
30
31 MR. O'HARA: Was that to recess or -- was
32 that to adjourn or recess?
33
34 CHAIRMAN TOWARAK: Yes, to recess for the
35 day or do you want to continue until.....
36
37 MR. O'HARA: Did you say adjourn?
38
39 MR. PROBASCO: You said adjourn.
40
41 MR. O'HARA: Recess.
42
43 MR. HASKETT: Recess, I'm sorry.
44
45 CHAIRMAN TOWARAK: Right. Okay, then
46 that seems to be the consensus, is that, we'll come in
47 fresh tomorrow morning and discuss tribal consultation
48 and customary and traditional use determination process.
49
50 MR. PROBASCO: And Board members we will

1 be locking this room so you can leave stuff here.

2

3 Thank you.

4

5 CHAIRMAN TOWARAK: Someone turned in a
6 earring it looks like a.....

7

8 MR. PROBASCO: Diamond.

9

10 CHAIRMAN TOWARAK:diamond on the
11 end and it looks like a pierced earring and it looks like
12 it's big enough to fit on a nose too.

13

14 (Laughter)

15

16 CHAIRMAN TOWARAK: So if it's anybody's
17 here, it'll be sitting here up in front.

18

19 MR. PROBASCO: 9:00?

20

21 CHAIRMAN TOWARAK: We recess until 9:00
22 a.m., tomorrow morning. Thank you.

23

24 (Off record)

25

26 (PROCEEDINGS TO BE CONTINUED)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the State of Alaska and Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 2 through 118 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically on the 3rd day of May 2011, beginning at the hour of 9:00 a.m. at the Dena'ina Convention Center, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 18th day of May 2011.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14