MEMBERS PRESENT:

Tim Towarak, Chairman
Charles Brower
Anthony Christianson
Bud Cribley, Bureau of Land Management
Geoff Haskett, U.S. Fish and Wildlife Service
Sue Masica, National Park Service
Eufrona O'Neill, Bureau of Indian Affairs
Wayne Owen, U.S. Forest Service

Bertrand Adams - Southeast RAC
Molly Chythlook - Bristol Bay RAC
Vern Cleveland - NWA RAC
Andrew Firmin - Eastern Interior RAC
Louis Green - Seward Peninsula RAC
Jack Reakoff - Western Interior RAC

Ken Lord, Solicitor's Office

Kelly Hepler, State of Alaska Representative

Recorded and transcribed by:
Computer Matrix Court Reporters, LLC
135 Christensen Drive, Second Floor
Anchorage, AK  99501
907-243-0668
sahile@gci.net
PROCEEDINGS

(Anchorage, Alaska - 1/22/2013)

(On record)

CHAIRMAN TOWARAK: Good morning.

My name is Tim Towarak. I'm the Chairman
for the Federal Subsistence Board.

I would like to call this meeting to
order today. Welcome everyone to the meeting. We've got
I think three days of -- I don't know what to call it.
Three days of sessions, but we look forward to hearing
from all of you.

To begin with, I'd like to make some
announcements. There's a few things that we need --
housekeeping things we need to do. First of all, if it's
agreeable with the rest of the Board, we'd like to make
sure everyone turns their cell phones off or put it on
vibrate or something so that we won't be disturbed by
incoming phone calls.

For those that signed up for Wednesday's
lunch for Pete, please pay at the front desk. We're
having a special lunch for a short timer to my left.
This week Pete's moving on to a different position with
the Federal government, and in appreciation for his work
that we've been blessed with here in the Board, we'd like
to send him off with a good lunch on Wednesday.

There will be an opportunity for public
comments on any non-agenda items at the beginning of each
day of the meeting. So I just want to make that clear.
Those who wish to provide public testimony on agenda or
non-agenda topics are asked to please fill out a card at
the front desk so we can call you up to testify. If you
have printed documents for your testimony, OSM Staff at
the front table can also make copies for you.

I want to recognize and thank all of the
Regional Advisory Councils and the Council Chairs and
representatives that have traveled in for this meeting.
Your input and support is critical for the Federal
Subsistence Management Program. There's going to be a
couple of people I think that are not going to make it
in. I think Mr. Lohse is -- has some health issues, and
he is not going to be meeting. According to the Staff,
we're going to try to find someone to sit in his chair
during our deliberations here for the next two or three
days.

The consensus agenda for this meeting
includes the fishery proposals that Councils, customary
and traditional ADF&G, the ISC and OSM agrees on. The
primary business of this Board meeting will be to
consider non-consensus agenda proposals. After we have
addressed all of the non-consensus agenda proposals at
the end of the meeting, I will entertain a motion to
adopt the consensus agenda. Any Board members can remove
a proposal from the consensus agenda at any time during
the meeting, and if there's a desire to have full
deliberations on that proposal.

All Board members have a gold-colored
18 card in front of them with our procedures for considering
19 non-consensus agenda proposals. This card outlines the
20 procedures that we will use to address each of the
21 proposals. On the right side of that card are the ANILCA
22 .805(c) criteria. If a Board member position -- Board
23 member's position is contrary to the Council's
24 recommendation, that Board member must support your
25 position with rationale that addresses at least one of
26 these three .805(c) criteria.

We will be taking public testimony on
29 proposals from people here at this meeting and from
30 people that call in on the teleconference line. Those
31 who wish to provide public testimony on agenda or non-
32 agenda topics are asked to please fill out a card at the
33 front desk so that we can call you up to testify.
34
35 We have two types of cards. One is for
36 tribes and one is for normal public testimony. Tribes
37 are asked to fill out the tribal cards, please.
38
39 Tribes may consult with the Board in
40 person or by teleconference starting at 1:00 p.m. today.
41 Tribal consultation was requested by the Secretary of the
42 Interior. Tribal representatives that are here are asked
43 to please fill out a tribal testimony card at the front
desk so that we can make sure to recognize you. This is
time certain.

We are planning to have an Alaska Native
dance group perform at 4:00 p.m. today. The group will
be doing what is called a blanket dance to raise funds to
help cover their costs. If you would like to help
support the dance group, please contribute during the blanket toss -- blanket dance. I was thinking of a different sport.

(Laughter)

CHAIRMEN TOWARAK: But, yeah, we look forward to that, and I appreciate Jack Reakoff for arranging the dance group to perform for us. I think it's very -- I'm sorry, Jack. I was thinking of our Staff here.

A group of six or seven students from Southeast will be here with Jan Straley to observe this meeting. I will recognize them when they arrive if they aren't here yet.

The Alaska Board of Game discussed the Federal predator management policy and referred to my openness to readdressing the policy. State Board member Spraker is drafting a letter to offer encouragement and support for the Federal Subsistence Board if the Board is readdressed -- or if the policy is readdressed. Once there is approval from other State Board of Game members, the letter will be forwarded to us.

Every year we have a student art contest to select the art for the front of our regulation book. The Council representatives and Board members at this meeting vote for the art work that will be printed on the next regulation book. Andrea Medeiros will be putting up this year's student art work tomorrow, and we'll be handing out forms for the Council representatives and Board members. Please fill out the forms and return them to Andrea. She'll be announcing the winners of the art contest later during this meeting.

Are there any other announcements that need to be made by any Staff members or Board members regarding policy, procedures for this meeting. Pete. If you have any, feel free to come up here and give them to me, and I will read the announcements as necessary.

I'm going to begin the meeting by having all the Board members and the people on the round table here to introduce themselves. I'm going to start with myself. I introduced myself earlier.

I'm Tim Towarak. I'm from Unalakleet, born and raised in Unalakleet. Spent my whole life in
Unalakleet. And I'm currently retired, but fill this position as a part-time position with the Federal government, and I appreciate everyone being here.

And let's go on our right and make a complete circle here with introductions.

MR. LORD: Good morning. My name is Ken Lord. I'm with the Solicitor's Officer of the Department of the Interior, which means I'm an attorney that advises the program.

Thank you.

MS. O'NEILL: Hello. My name is Eufrona O'Neill. I'm the acting regional director for the Bureau of Indian Affairs here in Anchorage.

MR. KESSLER: Good morning. My name is Steve Kessler. I'm with the U.S. Forest Service. I'm sitting in for Wayne Owen who we expect to come later this afternoon or hopefully right after lunch. He is stuck in Juneau because of weather. But I just got a note from him, and he anticipates being here for the afternoon.

MR. CRIBLEY: My name is Bud Cribley. I'm the state director for the Bureau of Land Management here in Alaska, stationed here in Anchorage.

MS. MASICA: Good morning. My name is Sue Masica. I'm the regional director for the National Park Service.

MR. REAKOFF: My name is Jack Reakoff. I live in Wiseman in the central Brooks Range and have leaved in the Brooks Range practically my whole life. And I'm the Western Interior Council Chair.

Thank you.

MR. CLEVELAND: (In Native language)

My name's Vern Cleveland, Noorvik, Regional Advisory Council. Thanks.

MR. FIRMIN: Hello. My name is Andrew Firmin. I'm from Fort Yukon/Yukon Flats. I'm sitting in for Sue Enstminger, the Eastern Interior Regional Council Chair.
MR. HEPLER: Good morning, Mr. Chairman, Board members, and members of the public. My name is Kelly Hepler. I'm the assistant commissioner of ADF&G, just fresh from the AYK Board meeting of six days, so we're here to share some of that information with you.

Thank you.


MR. CRAWFORD: Good morning. I'm Drew Crawford. I'm with the Alaska Department of Fish and Game, State/Federal subsistence liaison team.

MS. O'REILLY-DOYLE: Good morning. I'm Kathy O'Reilly-Doyle. I'm the deputy assistant regional director for the Office of Subsistence Management.

MR. ADAMS: Yeah. (In Native language)

That means good morning in my language.

(In Native language)

Bert Adams, Senior is my non-Native name. I am from Yakutat. I presently serve as the Chairman for the Southeast Regional Advisory Council. And it's nice to be here.

Gunalcheesh.

MR. C. BROWER: (In Native language)

Charles Brower. I'm from Barrow. I'm with the Federal Subsistence Board. Good morning, everyone. That's what I said in Inupiat.

(In Native language)

MR. CHRISTIANSON: Good morning, everybody. I'm Anthony Christianson. I'm from the community of Hydaburg. I currently serve as the mayor there, and serve on the FSB for the rural seat.

MR. HASKETT: Good morning. I'm Geoff Haskett, the regional director for the Fish and Wildlife Service. And I missed the last couple meetings. I was out of state. So it's nice to be back.
MR. PROBASCO: Good morning. I'm Pete Probasco. I'm the assistant regional director for the Office of Subsistence Management.

CHAIRMAN TOWARAK: Thank you. We have an agenda in front of us. I'd like to ask if there are any corrections or additions to the agenda before we go ahead.

MR. KESSLER: Thank you, Mr. Chairman.

I would like to request that the Board remove Proposal FP09-05 from the consensus agenda, and move it to the non-consensus agenda. I know that the Sitka Tribe of Alaska is here to talk about this proposal, and therefore the only way that we can talk about it is to move to non-consensus, and so I'd like to do that.

MR. CHRISTIANSON: Do I need to second that?

CHAIRMAN TOWARAK: Yes, a second is in order. There's a motion and a second on the floor. Is there any discussion on the motion.

(No comments)

CHAIRMAN TOWARAK: Are there any objections to the motion.

(No objections)

CHAIRMAN TOWARAK: Not hearing any, then the motion passes. So FP09-05 is on the non-consensus agenda.

Any other corrections on the agenda.

Pete.

MR. PROBASCO: Thank you, Mr. Chair. A couple things as we go through the agenda, and I would recommend we probably take up these items before we get to the non-consensus agenda items dealing with the proposals.

Before you in your brown packet is a bunch of information. And under tab 4 is the discussion of the regulatory cycle. If you recall, the Federal Board at the request of a couple Advisory Councils
requested that the Board take a hard look at their regulatory calendar, if you will. And there are recommendations there on how to proceed, and we would like to have a discussion of that at this meeting.

The other item is Mr. Bert Adams, the Chair for the Southeast Regional Advisory Council, will be addressing C&T. He and his Council are going to be submitting a letter to all of the Councils to take a look at our C&T process. And that's provided as an information.

At the end, when we get to agenda 16, Item 16, we need to schedule some meetings, so you might to take a look at your calendar, and when we get to that, we can address it. For the work session, we're going to need a work session prior to our spring public meeting to discuss the MOU and recommended changes from both the Federal and State side. And then we need to schedule a public meeting either towards the end of April or early May.

And then following that, due to the difficulty in getting, particularly at this time of the year, a venue, we would also like to take a look depending upon what we do with the regulatory cycle a January meeting for 2014.

Thank you, Mr. Chair.

-- Mr. Adams.

CHAIRMAN TOWARAK: Thank you. Any other

MR. ADAMS: Thank you, Mr. Chairman.

Just going through the agenda here, and as I listen to Pete, you know, talk about, you know, issues on the agenda, I was wondering when the C&T issue is going to be brought up? I don't see it anywhere on here. So when am I going to do that?

MR. PROBASCO: Thank you, Mr. Chair. And thank you, Mr. Adams.

My intent is the regulatory cycle item and the Southeast C&T we'll take up just prior to -- let me look at the number here. Just prior to agenda Item 15.

So it will occur in there, Mr. Chair.
MR. ADAMS: Thank you.

CHAIRMAN TOWARAK: I'm sorry. Any further discussion on the motion to accept the agenda as amended.

(No objections)

CHAIRMAN TOWARAK: If not, then I think procedurally I've already asked if there were any objections. There were none, and the motion is passed, so the agenda is approved as amended.

Item 3 on our agenda is information sharing. Is there any information that people would like to share at this point before we get into deliberations.

Pete.

MR. PROBASCO: Mr. Chair. When we get to Proposal 19 we will have an introduction of that proposal, but we'll also have a briefing on the activities the Forest Service has had with the Pacific Salmon Commission as it deals with this transboundary river, the Stikine. And so I just want to give everybody a heads up that that will be part of Proposal 19 that is not in your booklet.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Thank you. We just see the Seward Peninsula Chairman here.

Please introduce yourself.

MR. GREEN: Lost Louis.

(Laughter)

MR. GREEN: I found that my meeting wasn't at the Hilton this morning, and I was kind of frantic, so I ended up finally finding somebody that could get me on the internet and located you folks.

And I'm Louis Green from Nome. Thank you.

CHAIRMAN TOWARAK: Welcome, Louis. Thank you for finding your way here.
We also have Jan Straley. If you would
-- we had announced that you would be introducing the
students. If you could please come up and introduce your
students.

MS. STRALEY: Thanks. Well, thank you
for letting us speak. I'm Jan Straley. I'm faculty at
the University of Alaska Southeast, and last year we
brought a class of students here and it was such a
success we brought more students this year. In fact,
there are nine students coming from Southeast and also a
student from Fairbanks. And I did prepare little bios of
each of the students that will be sent to you. And, I'm
not sure, would you like each student to introduce
themselves, or would you like me just to give a summary
of who they are.

CHAIRMAN TOWARAK: The floor is open for
you to do anything that you would like to do.

MS. STRALEY: Okay. Well, I just give a
short synopsis, and then you will have the bios of each
of the students, so if you have more questions, you could
-- for each of those students.

The students from Prince of Wales are
three advanced high school students from Island School
District, from Coffman Cove, and they are very interested
in subsistence and for their -- the fisheries of their
region. We have a woman -- the other five students are
from the fisheries tech program out of UAS, and they're
very interested as well as of the fisheries issues
pertaining to fisheries management in Alaska as well as
they're for the most part all subsistence users from
Circle, Kake, Wrangell and those areas, and Cordova as
well. So I think I'll just leave it at that. And
they're very interested, they're excited about being here
and listening to the process.

UNIDENTIFIED VOICE: Could you have them
stand?

MS. STRALEY: Oh, yes, I will. I'll have
them all stand up. That's a good idea.

(Applause)

MS. STRALEY: And thank you. And, for
their class project, they are all responsible for a
proposal, and they've all selected different proposals,
so they may be approaching various people for more
information on the process and the outcome.

Thank you.

CHAIRMAN TOWARAK: Thank you very much.
And I want to say welcome to each of you students, and we
appreciate you being here. In past meetings we've had
other students that have attended. And we feel, and the
Board has reflected, that we think it's an important
process to educate the public as much as possible on the
procedures that we use, and the method we use to do the
work that we've been assigned to do by the Secretary of
the Interior.

So we welcome you here.

And if you have any questions, please
feel free to inject any questions throughout our process.
I try to conduct an open meeting as much as possible, and
adjust our agenda as we see fit for those in the crowd
that would like to participate in any of the processes
that we go through. So welcome to our meeting.

Mr. Adams.

MR. ADAMS: Mr. Chairman. I think it's
great that we have these students here. And, you know,
some day we hope maybe they'll be filling these seats
here. But if they're going to be responsible for some
certain proposals that would be brought forth, would they
be allowed to come up and share their thoughts or even
testify?

CHAIRMAN TOWARAK: There will be, and
we'd invite you to follow the public process that we
have, and fill out a blue card with the front desk and
submit it if you have any request to testify on any of
the proposals, or if you have any questions.

Do you have a question back there?

MR. WAGNER: I don't know if you guys
remember me or not. I'm the loud-mouthed guy that don't
need this thing very much. But my hearing aid didn't
survive my washer or my dryer, and I'm only here to --
I'm going to testify later, but I'm only here to request
that people please until -- the Fish and Game
representative put his voice up, but he's the only one I
heard. People seem to be scared of the machine, and --
or they're not kind of working. I don't know whether I'm
the only one here that has that problem, but I'd please
request that anything they say that can get by me, you
know. That's all I have to ask.

Thank you.

CHAIRMAN TOWARAK: Thank you, and I think
that's good advice for anyone that uses the microphone.
You need to get as close to the microphone as possible
and make it so that your voice is heard. Thank you for
that suggestion.

Go ahead.

MR. BROWER: Just a question. Did you
say Forest Service was going to introduce another
proposal? 19? Or who was?

CHAIRMAN TOWARAK: Okay. Pete.

MR. PROBASCO: Thank you, Mr. Chair. Mr.
Brower. What I was saying, when we get to Proposal 19
there's some significant additional information from the
Transboundary meeting that we had last week, and that is
not contained in your book, but between Robert Larson,
Mr. Kessler, and myself, we will provide that briefing so
that you can have that information as you deliberate on
19. But it's dealing with the Pacific Salmon Commission,
which deals with the transboundary river, Stikine River,
Canada and U.S.

MR. C. BROWER: Okay. Thank you. I
think it would be appropriate in the future that, you
know, if there's any introductions or information that
they be distributed to us ahead of time, because I hate
to go into proposals without any information at the point
of interest.

Thank you.

MR. PROBASCO: Thank you, Mr. Chair. And
thank you, Mr. Brower.

I fully respect your concern, and I agree
with it, except that meeting completed last Thursday.
And so we were -- the booklet was printed prior to that.

MR. C. BROWER: Thank you.
MS. O'NEILL: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead.

MS. O'NEILL: I just wanted to share that the Bureau of Indian Affairs did publish the position for the regional director, and it will be closing on January 31st. There will be, of course, the procedures that we follow relative to certification and tribal consultation that we'll be taking following that action.

Thank you.

Oh, and I just wanted to add, I am honored to be able to sit in this position during this time. And I had been to Alaska, but I haven't actually had the opportunity to enjoy it as I'm currently doing.

Thank you very much.

CHAIRMAN TOWARAK: Welcome to our process.

Any other information sharing that -- go ahead, Mr. Cribley.

MR. CRIBLEY: Yeah. This is Bud Cribley with the Bureau of Land Management. A couple of things that I just wanted to update folks on on some actions that are going on within BLM that affect public lands in Alaska and subsistence resource uses.

I think most people are aware that we issued the final environmental impact statement for the National Petroleum Reserve Integrated Activity Plan around the first of the year. And as a part of that issuance of that, the Secretary directed myself and Pat Pourchot, who works for the Secretary here in Alaska, to conduct some additional outreach meetings on the North Slope with the governmental entities and tribal interests to gain more insight on how BLM can better communicate or how the Federal government can better communicate with those interests on the North Slope as far as permitting activities and how that may affect the local communities and tribal interests. And we are in the process of setting those meetings up, and it looks like that we'll be up in the Barrow area around -- or the last week of January. We don't have the dates and locations made specific yet. We're in the process of that, and hopefully we'll be able to make that -- let the public be
aware of that this week sometime. And from those sessions that we'll have will be used in helping BLM and the Secretary in formulating the record of decision for management of the National Petroleum Reserve.

The other item that I'd like to bring up is that Bureau of Land Management has also issued on January the 11th a supplemental to the Eastern Interior Resource Management Plan that we have been working on. The draft has been out since last April. We've been receiving comments -- or the comment period has been open on that plan, and because of the need to do a supplement regarding leasable minerals in the White Mountains, it's been necessary for us to issue a supplement and extend that comment period. So we will be continuing to receive comments on that draft EIS for that resource management plan for Eastern Interior until mid April. And we will also -- we have had some public meetings, and we will be also scheduling some additional public meetings to receive comments on that supplemental to the draft EIS.

And both of those plans, the decisions that come out of those do have significant implications or affects on subsistence resources. And I'd strongly encourage anybody who's interested or has interests in those areas and those management plans to participate either in those meetings or to review and provide BLM comments in how those plans affect particularly subsistence resources and subsistence resource harvests so that we can factor that into or incorporate that into our decisionmaking process.

And that's enough for right now.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Cribley.

Any further informational sharing.

(No comments)

CHAIRMAN TOWARAK: If not, then we will proceed to the next item on the agenda, number 4, Board discussion of Council topics with Regional Advisory Council Chairs or their designees. Why don't you explain what that.....

MR. PROBASCO: Thank you, Mr. Chair.
The purpose of this agenda item, it's been our practice to provide the opportunity for a direct dialogue between the Board and the Chairs or their designee to share concerns or issues that are specific to their area that are not on the agenda. It may be issues that are up and coming or issues that have been dealt with over the time. So this is just an opportunity for dialogue and share.

Mr. Chair.

CHAIRMAN TOWARAK: The floor is open to any of the Chairmen of the Regional Advisory Councils to bring any issues that you would feel needs discussion at this point.

(No comments)

CHAIRMAN TOWARAK: If not, then we will proceed, but feel free to interject any information you would like as we go through our process.

MR. ADAMS: Mr. Chairman.

CHAIRMAN TOWARAK: Mr. Adams.

MR. ADAMS: Pete said that we can talk about anything that is not already on the agenda. And I'm sure that we'll cover those issues that are on the agenda, but you're looking for issues that we might feel is important in our region that is not on the agenda; am I correct in that assumption?

MR. PROBASCO: Yes.

MR. ADAMS: Okay. I can't think of anything for us right now, but I'm sure something will come up later, so thank you.

CHAIRMAN TOWARAK: We will get on then with Item No. 5. Every morning this topic is going to be brought up at the beginning of the day, and we're going to open the floor for any public comment on non-agenda items.

Go ahead.

MR. PROBASCO: Thank you, Mr. Chair.

And for the public, if you would like to
1 speak on non-agenda items, please fill out a blue card.
2 I have quite a few blue cards already. Many of them are
3 already specific to proposals that will be addressed, but
4 I do have two public members that would like to speak to
5 non-agenda items, Mr. Chair. And the first one is Ms.
6 Stickwan.
7
8 MS. DEMENTI: (Indiscernible - away from
9 microphones)
10
11 MR. PROBASCO: I've got two people. I've
12 Mr. Justin and Ms. Stickwan. The others are specific to
13 proposals.
14
15 MS. DEMENTI: I must have signed up wrong
16 maybe. This is a non-agenda item.
17
18 MR. PROBASCO: Please come up.
19
20 MS. DEMENTI: Thank you, Mr. Chairman,
21 thank you, Board members, for allowing me to speak today.
22 I have my comments written up so I'll just read it.
23
24 I would like to talk about the AHTNA
25 community subsistence hunt. I would like to let the
26 Federal Subsistence Board know about our concerns for the
27 community subsistence hunt.
28
29 Unit 13 is one of the most popular places
30 to hunt for caribou and moose in the State of Alaska.
31 Many people drive from urban areas to hunt in Unit 13 to
32 harvest caribou and moose. Many hunters utilize all-
33 terrain vehicles to hunt with off the Parks, Denali and
34 Glenn Highway system. During the caribou and moose
35 hunting season there are many vehicles parked in ditches
36 or pull-offs. An individual from Cantwell saw over 400
37 vehicles in Cantwell in Unit 13E this past fall during
38 the hunting season.
39
40 The Alaska Board of Game members created
41 a Copper Basin Community subsistence hunt permit hunt in
42 2009 to attempt to give the AHTNA people more of an
43 opportunity to hunt and harvest moose and caribou within
44 their traditional harvest areas. The Alaska Board of
45 Game established finding in Unit 13 for moose and caribou
46 in 2006 based on AHTNA people's customary and traditional
47 use of resources.
48
49 In 2010 one of the mandates the district
50 superior court ordered was to have the community
The subsistence hunt changed to allow other communities to participate in the hunt. Since 2010 the community subsistence hunt no longer meets the customary and traditional needs for moose and caribou in the AHTNA communities. The community subsistence hunt is now similar to a general hunt. It is open to communities in the whole State of Alaska. There are now many groups being formed and too many hunters hunting in Unit 13, which is where most of the AHTNA people hunt for caribou and moose.

There were 969 individuals participating in the 2012-2013 Copper Basin community subsistence harvest hunt, and there were 19 groups for moose and there were 17 caribou groups in 2012-2013 Copper Basin community subsistence hunt. And the total number of individuals participating was 828.

Groups that are formed and participate in the community subsistence hunt travel from as far away as Juneau, Alaska, Fairbanks, Anchorage to hunt in Unit 13 for moose and caribou.

Good intentions by the Alaska Board of Game in forming community subsistence hunt patterned after the AHTNA people's customary and traditional use of resources is no longer a hunt that provides reasonable opportunity to meet our customary and traditional needs for caribou and moose. The community subsistence hunt intended purpose to allow a community subsistence hunt based on AHTNA C&T patterns and use is now open to every community in the State of Alaska who applies for the group hunt.

The 2006-170 Board of Game finding listed eight criterias that are based on customary and traditional patterns of use of resources. That is, long-term consistent and rely on mainstay of livelihood which provides subsistence -- substantial economic, cultural, social and nutritional elements of the subsistence way of life. These eight criterias are not being followed, enforced or followed by the participants in the community subsistence hunt.

Of the eight criterias, three main criterias which are dependent on a wide variety of resources based on long-term C&T use of the resource from the community subsistence hunt areas in specific area of the area, handed down knowledge of fishing and hunting skills, values and lore, sharing and gift-giving are
being disregarded by other groups. Groups that are formed from urban areas and participate in the community subsistence hunt do not use all the resources, such as the variety of fish, small game, berries, and plants that the AHTNA people do, nor do they consistently harvest them in specific seasons each year.

AHTNA people teach the younger generations when they're out hunting at culture camp held each summer. Culture camps are designated to teach the younger generation to hunt and care for wildlife, and fish and plant use. Stories are shared at this culture camp to teach them culture practice.

AHTNA people share wild game, berries, and fish on a wide-scale basis at community events such as potlatch, church, social gathering, and other events.

Groups from urban areas who participate in the community subsistence hunt share moose and caribou meat with their immediate family and friends in one-time occurrence. They do not share meat on a wide-scale basis at community events or at customary and traditional potlatch.

All the groups should have to obey regulation and comply with the eight criterias and the community and subsistence hunt conditions.

Thank you for listening to me.

CHAIRMAN TOWARAK: Thank you. And would you please state your name for our public record?

MS. DEMENTI: My name is Eleanor Dementi. I'm a tribal member of the Native Village of Cantwell, and serve of the AHTNA board of directors.

CHAIRMAN TOWARAK: Thank you. The floor is open for any of the Board members that would have any questions.

(No comments)

CHAIRMAN TOWARAK: If not, thank you very much for your presentation.

MS. DEMENTI: I would like to invite you to hold a public meeting in our region if it's possible. The AHTNA region is composed of eight villages. I'm from
Cantwell, but the other seven villages are on the Glenn Highway.

Thank you.

CHAIRMAN TOWARAK: Thank you for the invitation.

MR. PROBASCO: Thank you, Mr. Chair.

I want to check on line if there's anybody that wants to testify on non-agenda items. And right now I understand we have Mr. Lee Wallace on line and Mr. Tim Smith. I believe they're on line to speak to agenda items. So this is an opportunity if there's anybody there that would like to speak on non-agenda items.

(No comments)

MR. PROBASCO: Okay. Hearing none.....

MR. ADAMS: Mr. Chairman. Could you do some of us a favor here and please have maybe someone from the Staff, or anyone, who might be able to explain the difference between factors and criteria? Because, you know, in C&T, you know, there are eight factors that is considered, you know, when you're determining C&T for an area. And I made a mistake one time and used the word criteria and got corrected. And so I've been pretty mindful of that. And I'm sure that there are many other people who might be confused with those two terms, so if someone can explain that, I would appreciate it.

MR. LORD: Mr. Adams, thanks for that question, because I think all of us have confused those terms at different times, and we get actually a little sloppy with our language.

What we try to do is refer to what's in regulation that is laid out as a matter of law as a factor. And criteria is something that the Board uses that has a little more flexibility. It's not in regulation, but it's something that we can -- we try to lay out to give ourselves some structure in how we make decisions with regard to C&T, but it's not necessarily regulation.

MR. ADAMS: Thank you.
MR. PROBASCO: Mr. Chair. Our next person is Ms. Stickwan.

MS. STICKWAN: Good morning. My name is Gloria Stickwan. I'm here to talk about the community subsistence hunt. I won't go over what she said.

Just basically that our area is really impacted during the community subsistence hunt in Unit 13. There are a lot of hunters in that area. There's over 900 bull moose taken in Unit 13 each year. It's getting close to 1,000.

Our Federal lands in the area is inaccessible. We have Unit 13, we have 13 million acres in that area, but it's largely inaccessible. You have to fly over to hunt in that area and people can't afford to fly to hunt in that area.

So a lot of our areas are on State lands, and everyone mostly hunts under the State hunt, and a few people do hunt under the Federal. The Federal lands in Unit 13 is very small compared to the State lands, so most people hunt under the community hunt since it's been opened in 2009.

On Federal lands, I understand there was 61 bulls taken under the Federal hunt. The 61 bulls are counted against the community subsistence hunt, and because the community hunt is so important to us, I just wanted to say again that I hope that the Staff is working again towards getting the data, antler size restriction hunt on -- into their data so that they could work with Fish and Game in determining what size the bulls are, because that's very important to us, because these 61 bulls that are taken, they don't know what size it is, so they count it against any bull under the community subsistence hunt. Even though it may be a 50-inch bull, four brow tine, it's still counted against any bull. And the any bull hunt under the community subsistence hunt is 70 any bull. That's the quota for the State. And once those 70 any bulls are taken, then it goes over to a restrictive 50-inch, four brow tine. So I would like to just remind the Board if they could keep on trying to get that worked on so that that will be part of the data for Unit 13.

Thank you.

CHAIRMAN TOWARAK: Thank you. Are you or
maybe I could ask this of the region in general, do you have any specific proposals for the Board to consider in Unit 13?

MS. STICKWAN: Not at this meeting, but -- not today.

CHAIRMAN TOWARAK: Go ahead, Pete.

MR. PROBASCO: Thank you, Mr. Chair, and thank you, Ms. Stickwan.

At some dialogue earlier in the year with Ms. Stickwan and concerns over collecting data on the Federal side of our moose hunt, we actually have to get permission and clear it -- get permission and authority to make changes to our permits. And as a result, this coming fall season, we will have antler size on the permits so that we can collect that data.

MS. STICKWAN: Thank you.

CHAIRMAN TOWARAK: Thank you for your presentation.

Further comments.

MR. PROBASCO: Mr. Chair. Our next person, and the last one to testify on non-agenda items, is Mr. Justin Wilson.

MR. JUSTIN: Thank you. Good morning. Wilson Justin, Cheesh'na Tribal Council. Mr. Larry Sinyon, the council president is also here, but he will be mostly observing, and possibly may have some comments a little later.

I wanted to speak about a couple of issues that Cheesh'na is getting highly alarmed about. One of this is this mad rush to all of a sudden revise, amend, and bring in new terminology under customary trade activities.

Before I speak to customary trade, I want to speak a little on the issue of traditions. They all kind of blend together in one cultural bowl, so to speak.

But I'm going to start out by using a little known term among upper AHTNA Athabaskans. It also applies to the lower AHTNA region. In the headwaters
country where I come from, when we hunt or camp or fish, even on a temporary basis, we use a term that is fairly common and was in use all the way up until my late 40s, and that term is (In Native language). In the white man terminology, (In Native language) just simply means an overnight camp. It has no other designation. It's a very derogatory way of looking at something that's really centrally important to how we view customary trade. (In Native language) in our original terminology is part of a term that when you rephrase it in English, it states, painting by the hand of the Creator. So there's a sacred context to that term.

So within the camp firelight of a particular location that we all (In Native language), there are memories that are associated with that place that will be repeated in clan history for generations. This could include childbirth at that location, the first kill of a young gentleman who's going to be a future chief, a meeting of clans that will result in an arranged marriage. That's where these things occur, within that circle of light.

I have never seen that term in over 100 publications I've plowed through this past two years. And it's kind of sad that the Fish and Game, who has done some wonderful work in their technical papers for fisheries and game management has overlooked such essential terminology in terms of not only tradition and customary trade.

Now, how does the term (In Native language) cross over into customary trade? So here we'll kind of stop and take a look at the AHTNA tribal history. All customary trade in AHTNA region, particularly in the headwaters location up from Batzulnetas on to Nubesna over to the Klawani Lake area occurred on the basis of three components.

Number 1, customary trade was used to alleviate suffering. So if a trade occurred, let's say in the dead of winter, it's generally on the basis of alleviating the collapse of an economy, or the collapse of a food source in another area. Now, how is that determined? By arranged marriages. All customary trade in the upper AHTNA region was predicated upon marriages that were arranged.

Now, nowhere in your literature will you ever find that, but that's what drives the AHTNA
definition of customary trade, all the way up until statehood. Now, when Statehood Act came into being, all of a sudden we have customary trade dedicated to market forces, which never existed in customary trade. All of a sudden tradition means value in terms of monetary and economic forces, which never existed in our language or in our terminology or in our everyday life.

Tradition is basically a covenant between a tribe and the Creator, period. Traditions also govern marriages, which govern customary trade, governs territory, and governs the interaction along the trade trails.

Now, I submit to you that this information was readily available in 1960. It was available in 1970. It was available in 1980. It was available in 1990. I spoke to it in the late 70s to early 80s during the discussion on ANILCA. I heard a lot of AHTNA elders speak about the same thing, and it never appeared in record.

So I submit to you today that your job is extraordinarily difficult, because you're going to be dealing with an issue that's strictly in the hands of what you would call the political electorate that has the political power to conduct business under its regulations without redress to what it meant to the people that were here first. I kind of feel very sympathetic to your positions. You have no place to go. But I do tip my hat to your willingness to try, which is something I never thought I would live long enough to see. But I'm here, you're here.

And I thank you for our attention. Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Justin.

Any questions of Mr. Justin. Thank you for your presentation.

MS. O'NEILL: I have one question.

CHAIRMAN TOWARAK: Yes. Go ahead.

MS. O'NEILL: And I apologize for this. I sometimes can't hear quite clearly.

When you said that -- did you say there
Three reasons that drive customary trade as a definition.

Okay. And the one that I heard was relief from suffering?

Relief suffering or the collapse of food source in neighboring villages.

Or collapse, okay.

And the second one, the most important one, of course, is marriages. Since the AHTNA clans married across clans, not next to each other, most of the marriages were from distant villages, distant clans. And the arranged marriages was the language used to determine trade, who traded where under what conditions. So we didn't use market force to determine trade and customary use. We used marriages.

The third component, which is really all about what I refer to in (In Native language) is the -- what you would call the -- children that were born under these conditions in or near sacred sites, they retain the ability to access the fish, not just for family, but for the clan. Oftentimes these people were recording in our history as potentially rich people, and the term for them was (In Native language). It's a Russian term meaning -- in the lower AHTNA (In Native language) means usually a sub-chief. In the upper AHTNA (In Native language), which is very close to it, means an important person. All that really means in terms of our tradition is that you were born to a resource as a result of an arranged marriage among clans that allowed your grandparents on your grandfather's side, since we're matriarchal, to have access to those resources that you have.

So those are the three components that drives the AHTNA definition of customary trade. And I am a little bit angry that no one ever asked the AHTNA people back in the 70s and the 70s and the 80s and the 90s what all this meant.

Thank you.
MR. HASKETT: So, good to see you again.

MR. JUSTIN: Thank you.

MR. HASKETT: And actually, as I mentioned to you when I saw you last week or the week before, I mean, I always am very, very impressed with the comments you make here to the group, and it's very helpful, and very educational.

I guess the question I would have though, it makes this difficult, is, as you mentioned, this is the AHTNA definition, and, of course, Alaska's huge. And I guess the question I have is, is this a definition that's all across Alaska or -- because we're going to struggle with customary trade for everyone as opposed to just one area.

MR. JUSTIN: The answer is that you do have regional representation from all of the portions of Alaska where indigenous societies operate. And it's very -- I think would be very easy for your representatives to go back and say, hey, this is what we heard about AHTNA; what's it like over here?

MR. HASKETT: Okay. I think that's very helpful. And I think we do need to do that, too, because I think that's really -- the definitions you gave us are very, very helpful, but I do think we need to go other places and other groups and make sure that everyone sees it that way, and then struggle with what we do to figure out how to define it for everyone.

So thank you very much.

MR. JUSTIN: Well, I'm appreciative of your question. And it should be always remembered that I'm authorized to speak for Cheesh'na to Cheesh'na's concerns. So even though I'm very much aware of the fact that there are numerous other groups, tribal groups, in Alaska, I never was asked to speak on their behalf.

CHAIRMAN TOWARAK: Thank you, Mr. Justin.

MR. JUSTIN: Thank you.

MR. PROBASCO: Mr. Chair, we do have one other individual that's on line that would like to speak on non-agenda items. And Mr. Tim Smith, please go.
MR. SMITH: Yeah. Thanks for giving me a chance to speak. I just wanted to comment briefly on chum salmon, the chum salmon situation in Norton Sound. Things continue to get worse up here. Last summer was probably the worst run that I've seen for many, many years. And we haven't really come up with any relief. I see there's nothing on the agenda addressing this issue.

The North Pacific Fisheries Management Council is considering bycatch reduction in the pollack trawl fisheries. And the Federal Subsistence Board has made a statement on that, but I just wanted to make sure that we continue to follow the process. It doesn't look very good. I've been attending those meetings, and I don't expect a very significant reduction in chum salmon bycatch in the trawl fisheries. And we need to do something.

We're at the point where some of these runs are becoming threatened. The Snake River, that's the river than runs through Nome -- I'm from Nome, by the way -- had 614 chum salmon in it this year. That's getting pretty serious, and we really need to do something.

The other issue that came up this year is that the Western Alaska salmon stock identification program produced -- published its results and that was a big genetic study looking at where fish caught in what we consider to be intercept fisheries, fisheries like Area M come from. And, again, the geneticists weren't able to really break down the bycatch or the interception fish to individual rivers of origin. And that was a bit loss. That was a big disappointment for all of us. Not really unexpected, but we can't tell where -- how many fish, how many chum salmon caught in Area M are headed for the Snake River, which means that we can't really do anything to reduce that impact.

And I just wanted to make sure that the Board is aware of that. And I would like to see some more proactive efforts to do something to restore chum salmon harvesting opportunity in Norton Sound, and other species, too. The king salmon are even in worse shape. You know, our three king salmon socks in northern Norton Sound are down to less than 100 individuals each. So things are getting pretty bad out here. And I just hope that we can get some kind of Subsistence Board recognition of that problem, and try to address the cures.
for what's happening.

And that concludes my testimony. Thanks.

CHAIRMAN TOWARAK: Thank you, Mr. Smith.

Are there any questions of Mr. Smith from the Board.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, thank you for your presentation, Mr. Smith.

Is there any other comments.

MR. PROBASCO: Mr. Chair. That's all I have that have signed up for non-agenda items at this time.

CHAIRMAN TOWARAK: Go ahead, Mr. Firmin.

MR. FIRMIN: Thank you, Mr. Chair.

Just a reminder for the other folks that testified there, I believe most of Unit 13 falls under the Eastern Interior RAC, and we meet in Fairbanks February 20th and 21st, if you guys want to come, and we'll be taking up wildlife proposals there if you want to attend. It would be good to voice your opinion at that meeting also.

Thank you.

CHAIRMAN TOWARAK: Thank you.

This then concludes are public comment period on non-agenda items. We'll move forward to Item No. 6, Fisheries Resource Monitoring Program call for proposals.

MR. PROBASCO: Thank you, Mr. Chair. And Dr. Steve Fried will provide you a briefing on that.

Thank you.

MR. FRIED: Good morning, Mr. Chair, members of the Board. My name is Steve Fried. I'm the fisheries division supervisor in the Office of
Subsistence Management. And I'll try to provide a short summary of the Fisheries Resource Monitoring Program, and some information about the 2014 call for proposals.

The Fisheries Resource Monitoring Program is administered by the Department of Interior, U.S. Fish and Wildlife Service, Office of Subsistence Management. And this program seeks technically sound projects that collect information to manage and conserve subsistence fisheries resources on Federal public lands. And it supports meaningful involvement in fisheries management by Alaska Native and rural organizations, and it promotes collaboration among State, Federal, Alaska Native, and rural organizations in conducting these projects. Most of the projects are funded under cooperative agreements.

And the Federal assistance is provided through a biennial competitive year-long process. So we have a call for proposals every other year, and so 2014 is the call for proposals. It was put out in December 2012, and the details can be found on our website and they're also posted in other areas on the web.

The process, as I said, is a year-long process, and includes reviews by a multi-agency Technical Review Committee with members from all five Federal agencies directly involved in Federal subsistence management, as well as the State of Alaska. Also reviews by the InterAgency Staff Committee, the Regional Advisory Councils, and the public. And this process ends with adoption of a monitoring plan that includes all the projects that have been recommended for funding, and the Board adopts the management plan -- the monitoring plan, and approval for funding is done by the assistant regional director of Office of Subsistence Management.

Project selection is based on guidelines and criteria established by the Board. All the projects are evaluated on four major criteria: strategic priority, technical and scientific merit, the ability of the investigator and the organization to conduct that particular project, and also partnership and capacity building.

Some activities are not considered for funding, and these are habitat protection, restoration, mitigation, and enhancement; hatchery propagation, enhancement, and supplementation; and contaminant assessment, evaluation, and monitoring. And it was decided, it was a Board decision, that these types of
activities are better done by the land management agency in charge of these particular things, and a lot of times there are specific funding programs in place already that do this.

Also, projects that have a primary objective of capacity building are not considered for funding. In other words, if it's a project that's for a summer culture camp, and that's all it would do, then that would not be appropriate for the monitoring program. But we do encourage projects to have a secondary objective of capacity of capacity building in the program. That's very important for us.

The monitoring program seeks to gather new information. It tries to avoid duplication of effort. It discourages agencies from shifting existing projects to the monitoring program, but it will cover up to 50 percent of the cost in specific cases where agencies are having financial problems in conducting a project that's important for Federal subsistence management.

Matching funding in general is encouraged. And projects having a broad overlap of State and Federal responsibilities, we really try to get a match for those programs.

Just to give you an idea of what funds we provide, project funding has ranged for an individual project for a year from about $3,000 to as much as about $375,000. Each year a total of about $6.5 million is available for monitoring program projects. Not all of this is available for the new projects, because there are ongoing projects.

For 2014, there's about $3.7 million that's available for new projects, and the rest of the money is going to support projects that are ongoing that were funded in past years.

Projects are usually funded for a one to four-year duration.

The priority issues and needs for these projects have been identified and are provided as part of the request for proposals. We get these priority needs from either the managers, the Regional Advisory Councils. In some cases we have strategic plans that provide this. But we do consider all projects that are appropriate to
be funded. So even if it's not listed as priority
information need, we do consider a project as long as it
fulfills all the other criteria.

We do have funding guidelines for trying
to distribute the funds among the six geographic regions
in the state. And we do consider three broad categories
of information. Harvest monitoring, stock status and
trends, and also cultural knowledge and traditional
ecological knowledge.

We have been some changes from the past process for the 2014 call for proposals. In this 2014 call, investigators only have to submit a detailed investigation plan. In the past we've had investigators submit a very short three or four-page proposal that was reviewed by the Technical Review Committee, and they would then make a decision as to whether to recommend that proposal for further consideration, in which case the proposer would have to submit a detailed investigation plan. This also entailed two meetings of the Technical Review Committee, so I think -- we had a long discussion and rather than having this two-part proposal submission, we're only going to ask investigators to submit a detailed investigation plan at the beginning, which will cut down the number of meetings for the Technical Review Committee, and hopefully make this a better process.

We're also increasing our efforts to include more social science expertise on the Technical Review Committee. And this will be done by having two co-chairs. In the past it was only a chair from the fisheries division at OSM, and now we'll have co-chairs, one from fisheries division, one from the anthropology division. And also the assistant regional director of OSM can appoint additional members to the TRC to help get more social science expertise on that panel also.

And also we're looking into some stricter conflict of interest requirements for the TRC. This is currently under review, and hopefully this will be straightened out shortly.

So if anybody has any other questions, I could certainly try to answer them now. And if anybody needs some more detailed information, I'll be here for the duration of the meeting, and so will my staff.

So thank you for your time.
CHAIRMAN TOWARAK: Mr. Reakoff.

MR. REAKOFF: Thank you, Mr. Chairman.

My question is, Western Interior Regional Advisory Council's very concerned about what's referred to as incidental harvest mortality of basically drop-outs out of gillnets. With the Chinook salmon returns to the Yukon and Kuskokwim Rivers declining, the managers are utilizing smaller mesh nets, six-inch gear. There are proposals to use six-inch net maximum on the Yukon River. But yet there's no data on how many fish are killed and fall out of the gear. The Alaska Department of Fish and Game and the U.S. Fish and Wildlife don't have data on what incidental harvest mortalities would be. And I was wondering, is there a request for -- sent out for this harvest monitoring program for garnering this vital information for utilizing gear that -- basically six-inches, an inch and a half smaller than optimum for Chinook harvest. So these kings get caught on the face, they die in the net, and when you pull the gear up, fish fall out of the net. You've got dead fish. And the perception is that these fish swim off and go on happily up the river, and that's not what happens.

And I'm concerned, that the Western Interior's asked for this data. Nobody can design a study that -- a valid study and I feel that this is a very vital question as management shifts more and more towards too small a net on the Yukon River and we have poor king runs.

So my question is, is there a request out and are you getting any bites on getting this vital information?

Thank you.

MR. FRIED: Now I was trying to quickly go through the information needs that came out, and I don't know if there's anything specifically there. But it certainly is a suitable topic, you know, that might be covered in the monitoring program, and so we would certainly, you know, consider, you know, a proposal that came in on that. But as you mention, that is kind of a difficult one to get a handle on.

MR. REAKOFF: Well, the Western Interior in our meetings when we go over fisheries monitoring, we've requested that this information be sought through
a request. And I want the Board to be aware that this is a very vital issue to managing these fisheries and understanding what different sized nets do. How many are we killing with these nets.

And so the Department of Fish and Game has switched -- you know, the Board of Fish almost was entertaining the idea to make a maximum of six-inch net size on the Yukon River for Chinook and all salmon. Well, there would have been a huge mortality factor with using too small a net for Chinook salmon fishing.

And what we need to know is what are the incidental harvest mortalities, and to take that into consideration when a fishery is executed as to how many human-induced mortalities we're inflicting on these salmon runs. And so I feel that this is a very important issue, and I wanted to bring that up during this point in this harvest -- Fisheries Resource Monitoring Program discussion.

Thank you.

MR. FRIED: Yeah, I did notice one of the information needs on the Yukon, it's more general than that, but it does say, harvest and spawning escapement level changes through time in relation to changes in gillnet construction and use. For example, set versus driftnet fishing, mesh size changes for Chinook salmon subsistence harvest in the main stem Yukon. I mean, something like that would certainly fit under that.

MR. REAKOFF: That's not the question. The question is, how many fish fall out of gillnets and are lost incidental to harvest. So enumerating fish on the spawning grounds and the effects of gear size, that does not actually tell us how many fish are actually falling out of nets dead. The question is, the Department nor the Fish and Wildlife -- Department of Fish and Game nor the Fish and Wildlife has any indices, any kind of a number that they can show where there's so many fish die and fall out of the nets. And so this is a real question. I want your crew to think about this in the future and design a request that's specifically asking for that information. And I want the Board to be aware this is a huge critical issue on the Yukon River at this time.

Thank you.
CHAIRMAN TOWARAK: Any further questions of Mr. Fried.

MR. GREEN: Mr. Chair.

CHAIRMAN TOWARAK: Go ahead, Mr. Green.

MR. GREEN: Excuse me. Yeah. I'd kind of react to his comments there is that in many discussions during the Board of Fish meetings back in the 90s that issue came up about the intercept in Area M, that it was causing the same problem in that chum salmon were dropping out of the gear that weren't getting counted. The Department of Law defined the caught fish as a fish over the rail on the vessel, because that incident -- I mean, those things were taking place. And I'd also seen it in the Norton Sound area when there was a directed pink fishery there at one point in time, that the gear was so small that the chum were getting caught in there and the effect. So it's a real problem. And it's strange how the departments have never done anything like Jack over here has requested in the past. But it is a definite problem.

CHAIRMAN TOWARAK: Any further comments or questions of Mr. Fried.

(No comments)

CHAIRMAN TOWARAK: Thank you very much for your presentation.

The next item on the agenda is a budget briefing, Item No. 7.

MR. PROBASCO: Excuse me. Thank you, Mr. Chair. This will be a fairly sort one.

As you know, as we were preparing for fiscal year 2013, initially this program was slated to have a significant reduction in its operation. And at this point in time as we move through fiscal year 2013, our next significant milestone is what's going to happen in March. As we approach March, right now the subsistence program is working under a $500,000 reduction from what it had in fiscal year 2012. I think we've positioned ourself fairly well in that with vacancies that we have left vacant, we will be able to address part of that $500,000 reduction. However, funding to partners and some of the funding that goes to the State for
liaison support, as we work with the State, there may be a reduction in that arena.

As we approach March, all of you with the agencies know that that future's uncertain. We could be looking at an additional reduction that could be as high as a little over 8 percent or it could be no reduction, so hopefully we will be focusing only on the $500,000 reduction, but there is a possibility that we would have to address more dollars. And if that's the case, then we would be looking at -- based on the briefing that I provided about a year ago, we'd be looking at fundings for the partner's program and the State of Alaska as far as the liaison support.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Are there any questions. Mr. Adams.

MR. ADAMS: I'm just curious, Mr. Chairman, what are some of the programs that are going to be most affected by this reduction in force?

MR. PROBASCO: Thank you, Mr. Chair.

Thank you, Mr. Adams.

Speaking in programs, as you know, we provide approximately $900,000 annually to our partner's program. And we have various partners that have biologists or anthropologists as well as focusing on the youth within those communities to, pretty much like we have here today, to look and assist in various monitoring programs, et cetera. Initially, at the very large reduction, that 2.8 million, we were looking at losing that entire program. But at this point in time, based on vacancies, forward funding, we're able to probably safeguard 70 percent of that program. And so we will continue with it.

The State provides very important liaison support to the program. That fluctuates as far as the money request, but it's approximately $450,000 annually. That may be impacted, depending upon the level of reduction. If it's higher, then that program is in jeopardy.

And then we'd start looking at the fisheries monitoring program as far as prioritizing research needs. The thing that's the highest priority,
of course, is the Regional Advisory Council process and
the Board process. That would be probably the last thing
that we would look at.

Thank you, Mr. Chair.

MR. ADAMS: Thank you.

CHAIRMAN TOWARAK: Any further questions
regarding the budget process.

(No comments)

CHAIRMAN TOWARAK: If not then we will
continue on to Item No. 8, memorandum of understanding
update.

MR. ADAMS: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead. Go ahead,
Mr. Adams.

MR. ADAMS: Could we take a break?

CHAIRMAN TOWARAK: Let's take a 15-minute
break before we get into the MOU.

MR. ADAMS: Gunalcheesh.

(Off record)

(On record)

CHAIRMAN TOWARAK: I'd like to reconvene
our meeting if we could.

We had completed the budget briefing, and
we're getting on with the agenda to Item No. 8. It's a
memorandum of understanding update.

But before that we have a new chairman
that just joined our meeting. I'd like to have you
introduce yourself, Molly.

MS. CHYTHLOOK: Good morning. My name is
Molly Chythlook from Dillingham. And since I've been
retired, I lose track of days, and I realized that I was
supposed to be here today, so thanks to Donald. He
reminded me this morning. So happy New Year. It's good
to be here.
CHAIRMAN TOWARAK: Thank you, Molly. And I want to explain, too, that I attended the Bristol Bay Regional Advisory Council meeting in October I think it was. And Molly brought some of the best food I've ever tasted to the meeting. And it was a very enjoyable meeting for me.

MR. ADAMS: Mr. Chairman.

CHAIRMAN TOWARAK: Go ahead.

MR. ADAMS: If it's okay, I would like to make some comments before we get back to the agenda again. And I just thought about a couple of things here while I was sitting here.

I'd just like to let the Board know that Southeast Regional Advisory Council really appreciated the combined meeting we had last March. And it was long and tiring, and, you know, I think we established history there by the fact that a Regional Advisory Council was able to meet at the same time as the Board. And very historical indeed. And I just wanted to, you know, remind everyone that I thought it was a good meeting and much came out of it. You made us work until almost midnight, but we managed to come up with a solution to the problem that we were addressing at that particular time. So I just wanted to, you know, express that.

I also want to let Pete know that it was a pleasure to work with him over the many years that I've been on this Council, and I'm sorry to see you go. So good luck to you.

And also another observation. You know, we used to be sitting over in that end, you know, me and Mr. Ralph Lohse. And that used to be the trouble-making chair. So now that's, you know, delegated over to that place. So I just wanted to make that observation.

So thanks a lot, Mr. Chairman.

CHAIRMAN TOWARAK: Thank you, Mr. Adams, and in my book this is the left wing and this is the right wing.

(Laughter)

CHAIRMAN TOWARAK: Thank you for your
comments. And that was I think a historic meeting that we had in Juneau. And I wish we could do that more often and go out to the regions and conduct some of our meetings, but as we just got briefed on our budget, it's something I think we will not be able to afford to do in the future, and probably hold most of our meetings that I know of here in Anchorage. But I still would like to find ways for us to get out to other parts of the State of Alaska.

Thank you. We will continue then on with the MOU update. Pete.

MR. PROBASCO: Thank you, Mr. Chair. And thank you, Mr. Adams, for those kind words.

I also have a real quick briefing on the status of the memorandum of understanding between the State of Alaska and the Federal Subsistence Management Program. And after that, Mr. Chair, Mr. Harvey Kitka wanted to speak to it, so we'll have one person that would like to address the MOU.

You'll recall, Board members, that under the secretarial review called by the Secretary of Interior and Secretary of Ag, one of the tasks that was set before us was to review the memorandum of understanding with the Regional Advisory Councils and the Advisory Committees from the State side. We've been in that process, and originally looking at our calendar, we were hoping to provide recommendations to you at this meeting, and then take final action with our counterparts from the State. However, as you know, our programs somewhat paralleled, but at times they diverge, and particularly when you deal with our Regional Advisory Councils and compare them to the schedule of the State's Advisory Committees, they don't quite mesh.

And so even though our Councils have completed their review of the memorandum of understanding, the State of Alaska Advisory Committees are part way through. As you know, they have both the Board of Fish and Board of Game meeting this year, and it is anticipated that that work will be completed here late winter. And then the MOU working group will get together from both sides and provide a briefing document.

And it is our hope that in the spring meeting, either late April or early May that the signatories could get together, review the
recommendations and then finalize the MOU. So, Board members, we're looking at this spring to complete our process.

Ms. Yuhas has been working with her Advisory Committees, and there are still a few more out there that have yet to meet. And they will complete and then we'll go forward from there.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Thank you. Are there any questions from the Board regarding the MOU. We will be getting more information as we go along.

Do you have any comments, Jennifer Yuhas.

MS. YUHAS: Thank you, Mr. Chair. While I normally do, my counterpart, Mr. Probasco, ably covered this agenda item.

CHAIRMAN TOWARAK: Thank you. If there are no questions -- oh, go ahead.

MR. PROBASCO: Thank you, Mr. Chair. And Mr. Harvey Kitka would like to speak to the MOU.

MR. KITKA: Thank you, Mr. Chairman. Members of the Board. My name is Harvey Kitka. I'm representing the Sitka Tribe of Alaska.

We as a tribal member, as a tribe, the Sitka Tribe, sometimes we have some real doubts about this MOU. We bring forth things and ideas before the Council as well as to the Board.

The memorandum of understanding from our point of view is where the communication goes both ways. I understand that it seems like sometimes our -- what we say only goes part way and only half understood. Now, for us to come to a complete understanding of the memorandum of understanding, we need to know each other a little better. It seems like our ideas doesn't get interpreted the right way.

One of the things that we find hard to understand is where the law says that these rights were given to us. These rights were always ours. They weren't given to us. It seems like once we have to come up and talk about them, we have already lost these
rights, and we're trying to get them back. And that's
really an uphill battle, and it seems that that is the
way this memorandum of understanding seems to be working,
because it doesn't seem like it's going both directions.
And I'm really sorry to have to say that, but that's the
way it seems to our people.

And one of the big things was when they
started the TEK program. It was understood that this TEK
was going to be used just about the same value as the
science of the Western world. And from what we
understand, it doesn't carry the same weight from what we
see happening.

Our people look at things from a
different perspective. We understand what people say,
but we look at their actions, and their actions speak
louder than words.

So when we've seen, like, for instance,
in Sitka Sound the herring, we say they've been -- for
thousands of years we've been harvesting herring. And
the herring spawn from -- probably all the way up to --
all the way up and around the coast of Alaska and all the
way down to Washington and Oregon. And the last year the
herring spawn was supposed to be so big, but when they
looked at it, it wasn't anywhere near that big. And
that's a whole different subject, but that was where we
seem to run into problems and where our understanding of
what this law means and the consultation with the tribes.
It doesn't seem to be working the way it should be.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Kitka.

Are there any questions of Mr. Kitka.

(No comments)

CHAIRMAN TOWARAK: Thank you. And I do
notice that in the agenda that we have a proposal from
the region regarding the herring, and that issue will be
coming up later in the day.

MR. KITKA: Thank you, Mr. Chair.

comments.

CHAIRMAN TOWARAK: Thank you for your
Any further discussion on the MOU.

(No comments)

CHAIRMAN TOWARAK: I'm not hearing any, then we will continue on to Item No. 9, Kootznoowoo, Incorporated extraterritorial jurisdiction petition update.

MR. PROBASCO: That's Mr. Kessler.

CHAIRMAN TOWARAK: Mr. Kessler.

MR. KESSLER: Thank you, Mr. Chairman. Good morning, Mr. Chairman. Members of the Board.

Just a quick update on Mr. Owen. The plane I believe has left Juneau, and so he will be here representing the Forest Service on the Board this afternoon.

Again, I'm Steve Kessler with the U.S. Forest Service and will be providing you an update on the petition to the Secretaries to exert extraterritorial jurisdiction in Southeast Alaska as received from the Kootznoowoo Village Corporation of Angoon.

A briefing paper has been placed in front of you for your information, and you're welcome to follow along with it. There are extra copies out on the front table for the people in the audience, too.

I won't go into a lot of background, because you know this issue well. You did ask for an update on activities occurring to help solve this issue at every Board meeting, so this is your update for this Board meeting.

As you will recall, on August 23rd, 2012, the Secretaries of Agriculture and the Interior conveyed their decision to Kootznoowoo regarding their petition to reduce or close the State of Alaska commercial purse seine salmon fishery in Chatham, Icy and Peril Straits. The Secretaries as recommended by the Southeast Alaska Subsistence Regional Advisory Council and Board and discussed just a moment ago the meeting, the joint meeting we had as Bert Adams described, the Secretaries deferred decision on the Kootznoowoo petition for up to three years to facilitate a locally developed solution.
So what's happening? As anticipated, an agreement was signed in September 2012 with the U.S. Institute for Environmental Conflict Resolution to assist in facilitating a local solution as a third-party neutral. In the agreement, two phases of work were developed with the institute: first, the situation assessment, followed by the process of collaborative issue resolution.

The Bureau of Indian Affairs has committed $40,000 to fund the first phase of the work. BIA signed the funding agreement with the Institute, although to date unfortunate technical problems exist with the Institute not actually receiving any of the funds yet.

Wayne Owen and I are coordinating with the Institute for phase one, which is that situation assessment. Although BIA provided the funding, they agree that the U.S. Forest Service has the lead in coordinating with the Institute.

Phase one is expected to extend from this past December to the end of March. There are five main components of phase one: project set up and coordination, such as becoming familiar with all the background material; interviewing key stakeholders; assessing the readiness of stakeholders to engage in some kind of collaborative issue resolution; preparing a written assessment and having it reviewed; and, finally, their last activity, preparing a briefing paper for the Board to meet the Secretaries' reporting requirement. That paper will be reviewed by the Board before the Board sends it to the Secretaries, consistent with the Secretaries' request for that twice yearly status update.

Once complete, the phase one assessment will help determine the need and process for phase two, that is, the collaborative issue resolution.

So, again, activities that have actually occurred. During the first week of December, Institute project managers Kaylynn (ph) McKee and Pat Lewis conducted their first round of interviews and meetings in Juneau and Angoon with key stakeholders including Kootznoowoo, the Angoon Community Association, which is the local tribe, the Alaska Department of Fish and Game, the Southeast Alaska Seiners, and the U.S. Forest Service. The Institute also met remotely by video teleconference, or just teleconference, with the
InterAgency Staff Committee and the Office of Subsistence Management. Based on the results of this first round of interviews and meetings, and recommendations for additional people or groups to talk to, the Institute is now conducting phone interviews with an expanded list of parties.

The Institute is also scheduling a return trip to Alaska to discuss the assessment of the situation with key stakeholders and ideas for collaborative issue resolution process. The exact dates for this return trip are somewhat in flux until the funding situation is resolved. I anticipate it will be one to two weeks during the month of February.

The need, cost, and source of funding for phase two has not yet been established, and won't be until the completion of phase one and likely additional discussion among the Board. No further BIA fundings are anticipated to help pay for phase two.

As you are aware, the Secretaries requested an update on activities underway every six months from the Board. That six-month update should be this February. But I would like to let you know that an informal briefing was given to USDA Deputy Undersecretary Butch Blazer who was at your meeting last March. That informal briefing was provided on December 5th with much of the same information that I'm providing to you now. It would be up to the Board to determine whether an additional more formal update should be provided to the Secretaries this February.

And that's all I've got, and I'm wondering if you have any questions for me.

CHAIRMAN TOWARAK: The floor is open for questions from the Board. Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Steve, you might want to share with the Board our six-month update, how would that be accomplished? Would that be a written document?

MR. KESSLER: Yes, Mr. Probasco. The way I see it, that would be a written brief essentially, very similar to what you have in front of you right now. We would like that and mail it to each of the Secretaries as the update.
CHAIRMAN TOWARAK: Any further questions.

Go ahead.

MR. HEPLER: Thank you, Mr. Chairman.

Hearing Chairman Adams talk about that long night last spring, productive night, I was rather hungry I think by the end of that night, Mr. Chairman. But during that time we did spend together, which was very productive, with the Board and with the RAC, the State showed a very strong willingness to help resolve this issue, working with their partners and working with the industry.

Mr. Chairman, you know, that resolution has carried through these last few months. We've done a lot of things we talked about, we were committed to doing, like going out and getting genetic stock identification money to do a study. We've invested hundreds of thousands of dollars to that end. The first year has been completed. We're still working close with the Forest Service to get improved passage into Kanaiku Lake. We're working with our subsistence division to get a better understanding of the amount necessary in the northern Chatham Straits. And working close with the user groups.

During the last few months I also want to commend the Forest Service has been an excellent partner working with us. They've been open, candid. Wayne isn't here, although I'd say it, you know, to his face, he's been outstanding working with us that way. We appreciate that. The users are fully engaged. I think there's a good concourse going on between all the parties.

And so this is actually, you know, thinking where we were, Chairman Adams, you know a few months ago, we're much further along than I really thought we would be. And I just think people recognize what the concern is. But we're still committed to the process to the end, and, you know, we appreciate the opportunity to participate.

Mr. Chairman.

CHAIRMAN TOWARAK: Thank you for those comments. I assume that the feeling is still pretty much the same, that objectives are reachable.

MR. KESSLER: Yes, Mr. Chairman. I would agree with that.
CHAIRMAN TOWARAK: Thank you. Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman.

The thing that was so impressive to me about, you know, the outcome of this particular issue is that it brought a lot of user groups together, and they were all concerned, you know, about their own particular little fisheries or user groups and so forth, but they were all willing to come together and help assist, you know, in solving this problem. So I thought that was probably to me the biggest positive thing that came out of those meetings.

Thank you.

CHAIRMAN TOWARAK: Any further questions.

(No comments)

CHAIRMAN TOWARAK: Thank you for your presentation, Mr. Kessler. We will wait to hear from you in future meetings.

We will then go on to Item No. 10, which is rural/ nonrural review update. Mr. Probasco.

MR. PROBASCO: Thank you, Mr. Chair.

Dr. David Jenkins will provide you with an oral update on this process.

DR. JENKINS: Good morning, Mr. Chair. Board members. RAC Council Chairs.

My name is David Jenkins. At the moment I'm the acting assistant regional director for migratory birds and State programs. Next week I migrate back to the Office of Subsistence Management and I'll continue my work in that office. I'm here to give you a briefing on the rural determination process review that the Board was tasked with by the Secretaries of Interior and Agriculture.

The review is necessary in order to rethink the process and categories for rural determination. We published in the Federal Register on December 31, 2012 a request for public input on how rural determinations are made. And, of course, these are central to what the Board does, because the subsistence
priority is granted to Federally-qualified rural residents. So the question is what's rural and what is not rural. So we've asked the public for comments through the Federal Register notice. And we've asked for five broad -- responses to five broad categories or questions.

The first is population threshold. At the moment the population threshold of 2,500, below that it's considered -- a community or area is considered to be rural. Between 2,500 and 7,000 a community or area has no presumption of rural or nonrural, but has other characteristics that are applied to it to analyze it's rural status. And above 7,000 it's presumed to be a non-rural area. So we've asked the public to give us some guidance on these population thresholds, whether they're adequate, whether they fit Alaska, whether they fall under -- whether they're useful categories.

Let me just point out that the 2,500 population threshold originated in the 1910 U.S. census. And so we've just continued to use this particular threshold since, for the last hundred years. So part of the question is, is it -- does it remain a useful category.

The second question we've asked the public is about rural characteristics that the Board uses, other than assessing population. And the characteristics include use of fish and wildlife, development and diversity of the economy, community infrastructure, transportation, and educational institutions. And these characteristics are used to think about and determine rural status. And we've asked the public, are these the best or the only categories that we should be using here to determine rural characteristics.

We've asked about how the Board aggregates communities together to provide population figures. And at the moment the Board -- the aggregation criteria include do 30 percent or more of the working people commute from one community to another. Do they share a common high school attendance area. And are the communities in proximity and road accessible to one another. So we've asked the public, are these useful aggregation criteria.

We've asked about timelines. The Board reviews rural determinations on a 10-year cycle, and out
of cycle in special circumstances. And again we've asked
the public, is this 10-year cycle a useful cycle for
review.

And then finally we've asked about
information sources. The census is changing. We don't
get the same kind of information out of the U.S. Census
as we used to. Are there other kinds of information
sources that we could make -- that we could access for
thinking about rural characteristics in this sense.

Now, the winter RAC cycle, at each of the
winter Regional Advisory Councils, they will get a
briefing on the rural determination review, including
these five categories that I just mentioned to you. And
so they'll have an opportunity to think about these
characteristics, and then next winter they will be able
-- they'll be in a position to -- or next fall rather
they'll be in a position to ask for public input from
their particular Regional Councils on this rural
determination review.

So the review with public input will then
end at the end of that fall Regional Advisory Council
meeting, November 1st of this year.

So that's briefly what we're doing with
the Regional Advisory Council -- or, pardon me, with the
rural review that we've been tasked with.

I should also point out that I have
drafted a history of rural determinations from the
Federal Subsistence Board starting in 1990, but
conditioned by a 1988 Ninth Circuit Court of Appeals
determination on what rural means. And I've written that
review in order to provide the Board a sense of why we
are where we are at this point, why we're still
contesting some of these issues, why they're still of
interest to the public, and how we can move through that.
That briefing is currently under review, pending minor
revisions. It will be released to the Board for its
edification.

So briefly that's what I have to report
to you. I'll be happy to entertain any questions.

CHAIRMAN TOWARAK: Are there any
questions of the Board. Go ahead.

MR. KESSLER: Yeah. I have just one
question, and that is, if I remember correctly, we extended the implementation time for the rural determinations that were already made by three years. And I'm just curious how this all comes together when the comments for this Federal Register notice ends in November, and is there still time to get where we need to go within a three-year period?

DR. JENKINS: That's what we're working toward, Mr. Kessler. So I do believe there's enough time.

CHAIRMAN TOWARAK: Go ahead, Molly.

MS. CHYTHLOOK: Thank you, Mr. Chair.

I guess I need a little bit more clarification between the 2,500 and 700 I guess population. I know in our region, in Dillingham, we're getting close to the 2500. So I'm -- I guess what I need is what the criteria is between 2,500 and 7,000 population?

Thank you.

DR. JENKINS: Yes, thank you. In that range, between 2,500 and 7,000 then we apply these other characteristics that I mentioned, these rural characteristics: fish and wildlife use, development and diversity of the economy, community infrastructure, transportation and educational institutions. So those are the categories that the Board then uses to think about the rural status of communities that were within the 2,500 and the 7,000 range. There's no presumption of whether they're rural or nonrural; there are other characteristics that the Board look at, and those are five of them. And the Board's not limited to those five, but -- and they can use other characteristics as well.

But the point of this review is that your region and all the other regions now have the opportunity to advise the Board on what you think are the appropriate criteria for thinking about rural status. So that's what we hope to get from the Regional Advisory Councils and from the public broadly is some guidance and input on all of that.

CHAIRMAN TOWARAK: Any further questions.

(No comments)
CHAIRMAN TOWARAK: Thank you for your presentation, update.

Item No. 11 is tribal consultation implementation update.

MS. LEONETTI: Waqaa.

SEVERAL: Waqaa.

(Laughter)

MS. LEONETTI: One more time. Waqaa.

IN UNISON: Waqaa.

MS. LEONETTI: Okay. That's the Yup'ik, what's up.

I'm Crystal Leonetti, Alaska Native affairs specialist for U.S. Fish and Wildlife Service, and co-chair, Federal co-chair, of the work group of the Federal Subsistence Board for tribal consultation.

I was going to ask all the work group members of this work group to come up and introduce themselves, but since there's just a couple chairs and I want to get through this report, I'll ask them to stand and be recognized. And if you're a work group member and you're on the phone, you can stand up, too.

(Laughter)

MS. LEONETTI: So the work group members are Della Trumble from King Cove, John W. Andrew from Kwethluk, I think he's here somewhere, Richard Peterson from Kasaan, Rosemary Ahtuangaruak from the North Slope, Bobby Andrew from Ekwok, myself, Jean Gamache, National Park Service, Lillian Petershoare, U.S. Forest Service, Brenda Takeshorse, Bureau of Land Management, Andrea Medeiros, Office of Subsistence Management, Jack Lorrigan, Office of Subsistence Management. You can stand. Glenn Chen, Bureau of Indian Affairs, Nancy Swanton, National Park Service. And new members, as you recall from our last meeting, the Board Chair, Mr. Towarak, sent a letter to all tribes and all corporations in the State asking for more work group members representing tribes and ANCSA corporations. So the new members are Charles Ekak from Wainwright, Cliff Adams from Beaver, Gloria Stickwan, AHTNA, Roy Ashenfelter,
Bering Straits Native Corporation, Gary Harrison, Chickaloon, Eddy Rexford Kaktovik, and Michael Stickman, Nulato. So we welcomed all the new work group members, and we've had several meetings after the work group members came on board.

Also, we have a new tribal co-chair, Rosemary Ahtuangaruak was elected by her peers to be the tribal co-chair of the work group, and she's done an excellent job leading those meetings and helping me chair this group.

In your book you should have a tab called Tribal Consultation, so I've provided a couple documents to you, my briefing as well as the draft implementation guidelines for the Federal Subsistence Board government-to-government tribal consultation policy. These are the modified guidelines from January 16th, 2013. That was last week I think. And then appendix B of the Federal Subsistence Management Program annual regulatory process at a glance.

MS. HERNANDEZ: The Chairs can find them in the gray folders.

MS. LEONETTI: Okay. And the RAC chairs, you can find that in your gray folders as well.

If any members of the public would like copies, you can check with the front desk. I believe they also have copies.

The Federal Subsistence Board consultation work group has undertaken a year-long process involving Federal field level and land manager, Regional Advisory Councils, the InterAgency Staff Committee, and numerous government-to-government consultation events with Federally-recognized tribes.

At the May 2012 Federal Subsistence Board meeting you adopted your new government-to-government tribal consultation policy. That was an awesome day. At the same meeting you approved a set of interim implementation guidelines and directed this work group to continue to refine the draft implementation guidelines. This is the result of that work.

The government-to-government tribal consultation policy sets forth the Board's commitment to having positive relations with tribes across the State,
ensuring that when an action may have an impact on a tribe, that the tribe is offered consultation prior to taking that action. It has also confirmed the Board's commitment to ensuring that the consultations are meaningful.

The implementation guideline provides further guidance for Federal Staff on the policy. It includes the recommendations from Federally-recognized tribes in Alaska, the Regional Advisory Councils, and the InterAgency Staff Committee. The guidance starts by first outlining the various steps in the regulatory process and how to carry out meaningful consultation with tribes, offering consultations at critical times, and also allowing for consultation to be initiated by tribes throughout the cycle. The steps in the regulatory cycle are also illustrated on the attached handout, Appendix B, Federal Subsistence Management Program Annual Regulatory Process at a Glance.

The major considerations are: reporting a summary of any consultations to the Regional Advisory Councils; offering one or more teleconferences open to all tribes on all proposals prior to fall RAC meetings; and providing time on the Federal Subsistence Board meeting agenda for tribal consultations and summary reports of prior consultations.

Other parts of the guidelines include for in-season management and special actions, consultation will take place when possible. Consultation on non-regulatory issues will occur on a case-by-case basis. Training will be developed and offered as needed. Possible training topics are listed. Consultation tracking and reporting is important and is outlined. Review of the tribal consultation policy will occur annually by this work group, and follow up on unanswered questions of tribes will occur after Board meetings.

So just a couple notes there. For the training portion, both the guidelines and the policy encourage Board members to attend and observe subsistence activity in the field in rural parts of Alaska. And so I'd just like to offer to you that the Native liaisons, and especially Jack Lorrigan, OSM Native liaison, are willing to help you find opportunities to do that. For example, going to fish camp or caribou hunting in the north, whatever species you might be interested, we'd be happy to help you find an opportunity so that you can observe and attend some of those activities in the field.
Also, the fact that this policy, or that these guidelines are reviewed annually, we'd say that this is a living document, that it can remain flexible.

So what are the next steps for these guidelines. After incorporating any edits you might offer today, this draft will be provided to each Regional Advisory Council for review and feedback during their winter cycle meetings. So we have a quick turn around to get those edits incorporated and out to the RACs. And we also send a letter from Chair Tim Towarak to all tribes to get their feedback on these implementation guidelines.

The work group will meet after those comments and feedback are received and incorporate the feedback that we get, and then report to you at your next Board meeting, at which time you might choose to approve it as a final living document.

And that's all I have, so if there's any questions, I'd be happy to answer them.

CHAIRMAN TOWARAK: Any questions. Mr. Brower.

MR. C. BROWER: Good morning.

(In Native language)

I'm just joking.

(Laughter)

MR. C. BROWER: Anyway, I just have some -- in your presentation, in your guidelines for the Federal Subsistence Board on their government-to-government consultation, it seems like there's three different kind of database that each department uses. Why aren't they combined to one policy? If you interject with other departments, you're going to exclude some tribal rights or one versus -- if you can come up with one synchronized consultation policy, it would be appropriate. We have DOT, you have Forest Service, and so on that has their own database for tribal consultation versus the Subsistence Board.

Thank you.

CHAIRMAN TOWARAK: Go ahead.
MS. LEONETTI: Sure. There's two kinds of databases. One is a contact list for each Federally-recognized tribe and ANCSA corporation. And so that's a database that the current -- the one that we're currently using for the Federal Subsistence Board is the one housed by Department of Interior, and coordinated by all the Department of Interior agencies.

The other kind of database that we have is a tribal consultation tracking and reporting database. So we enter, Federal Staff enter the consultations that take place, the consultation events, and which tribes were present, which senior tribal officials were there, et cetera, and how decisions were made beyond that consultation.

So I don't -- I think that this policy is doing exactly what you're suggesting, which is making one policy to follow for the Federal Subsistence Board.

But I do hear your concern. I know that it's hard for tribes to know and learn each of the departments and their respective bureaus' separate consultation policies. And as far as I'm concerned, it's my job to help you understake the Fish and Wildlife Service and this Federal Subsistence Board tribal consultation policy.

MR. C. BROWER: Great. Thank you.

MS. LEONETTI: You're welcome.

CHAIRMAN TOWARAK: Any further questions.

Ms. Masica.

MS. MASICA: Crystal, thanks for the report. I just want to make sure I was clear.

On the step 5, at the Federal Subsistence Board meeting, it talks about consultation will occur at the Board meeting in person or via telephone, and then it also talks about OSM Staff or tribal representatives reporting on the results of tribal consultations. And that reporting on I'm presuming, and I just want to make sure I'm not missing anything here, is the consultations that occurred at the earlier steps before the proposals got before the Board? There still will be time during the Federal Subsistence Board meeting for the kind of consultation that we've started doing now as part of this process?
HS. LEONETTI: You're exactly right. And we will clarify that statement so that it reads better and it says that reports will be made on prior tribal consultations to the Board.

Thank you.

CHAIRMAN TOWARAK: Go ahead.

MR. BERG: Thank you, Mr. Chair. Jerry Berg with Fish and Wildlife Service. Geoff had to step out for a phone call and should be back in this afternoon.

But we did have a number of people in Fish and Wildlife Service review this latest draft, and I want to thank Crystal and the work group for all the work they've done. They've met numerous times and done a lot of work over the last year. And I think the document keeps improving every draft I see, and I think this one is very close.

We do have a few editorial type comments that we'd like to just submit to Crystal. I just wanted to let the Board know, and then let the work group kind of work through some of those editorial comments for the next draft that comes out that goes to the RACs.

We do have a few concerns. I did want to point out to the rest of the Board members and the Council members, and that being under step 1.A. on Page 1, at the bottom of that page, where it says, Federal agencies will contact the affected tribes prior to submitting a proposal. And while, you know, we recognize that I think most -- at least for refuges, they do work very closely with the tribes and contact tribes prior to submitting proposals in most cases, but I think there's some times when proposals are very simple. Maybe we're lengthening a moose season or we're aligning with a State regulation that's already in place. And so maybe think about somehow -- we didn't come up with any wording that we want to propose today, but some way to address, you know, straight forward alignment type proposals that wouldn't need to necessarily go out for consultation prior to submitting that type of a proposal.

So with that, maybe the work group can consider that, and maybe the Councils when they meet this coming winter.
Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Ms. Chythlook.

MS. CHYTHLOOK: Thank you, Mr. Chair.

Next steps, number 2, the draft with your edits will also be sent to all tribes for feedback. I'm just hoping that these -- the draft will just not be mailed to the tribes. I know that the tribal council offices get, you know, piles and piles of mail from all over the place. And I just hope that if this draft is sent to like, for instance, Togiak or any of our communities that are mainly Yup'ik speakers, that it will be notified -- or, you know, the tribes will be notified, and that the tribal councils will be encouraged to look at this edit together, or this draft together, and hopefully somebody will be there to explain this draft also, because I think this tribal consultation -- I know it started off -- I was present when the Federal Subsistence Board attempted our first consultation process, and there's been different times when consultation process took place.

And I want to thank you for, you know, the work group's work in implementing these guidelines, but my concern is just -- I just hope that if this draft is sent to the communities, that it will be presented for their understanding, and tracked so that it just wouldn't be sent to an office and then when the timeline -- when May comes around, you know, assume that, you know, everybody looked at the draft.

Thank you.

MS. LEONETTI: Thank you. Those are excellent comments. I think what we'll do then is send the letter in the mail as well as follow up a week or two later by an email to each tribe. And we do have a really good database for each tribe with a good email address that we keep updated regularly. So I hope that will help. And to also include information in the letter for who tribes can contact to give an oral presentation if they desire.

CHAIRMAN TOWARAK: Go ahead.

MS. CHYTHLOOK: I now that, you know, for Bristol Bay, you've got Bobby Andrew, and people in our region knows him pretty well. And they're comfortable in
talking to him, so maybe when you send this draft, you'd encourage the councils to contact him if they have any questions regarding this. That way they'll have initiative to even look at the draft and be interested in it.

Thank you.

CHAIRMAN TOWARAK: Any further questions of Crystal. Go ahead, Steve.

MR. KESSLER: Thank you, Mr. Chairman.

Crystal, after reviewing this version, I agree with Jerry. It's by far the best that we've seen so forth, and it's almost perfect. Forest Service has a few minor edits that we'd like to provide to you prior to it going out to the Regional Advisory Councils and tribes, but I think that there's no big issues.

MS. LEONETTI: Thank you.

CHAIRMAN TOWARAK: Did you have.....

MR. PROBASCO: Go ahead if you have something.

CHAIRMAN TOWARAK: No, go ahead.

MR. PROBASCO: Mr. Chair and Ms. Leonetti. So what we're looking for is a nod that this document's ready to go out to the Regional Advisory Councils as a draft, as well as the tribes and corporations. So we would like to have something on the record affirming that.

CHAIRMAN TOWARAK: Are there any opinions from the Board.

MR. KESSLER: If you'd like a motion, I'd move that the Board accept this version of the tribal consultation implementation guidelines with the minor modifications that would come from the U.S. Fish and Wildlife Service and the Forest Service and maybe other agencies, I'm not sure, and that this version then be put to the Regional Advisory Councils and sent out to all the tribes for their review and comment.

MR. CRIBLEY: I second the motion.
CHAIRMAN TOWARAK: You head the motion and the second. Any discussion on the motion.

(No comments)

MS. CHYTHLOOK: Question.

CHAIRMAN TOWARAK: The question's been called for. Excuse me. Are there any objections to the motion.

(No objections)

CHAIRMAN TOWARAK: The motion passes unanimously then.

MS. LEONETTI: Can I say one more thing? Piuraa, which means I'll see you around.

CHAIRMAN TOWARAK: That reminds me what the Japanese say about language. If you speak three languages, you're trilingual. If you speak two languages, you're bilingual. If you speak one language, you're American.

(Laughter)

CHAIRMAN TOWARAK: We will go on then to Item No. 12, the report to the Board on fiscal year 2012 -- no, we just did that.

MR. PROBASCO: No.

CHAIRMAN TOWARAK: Or, no, okay.

MR. PROBASCO: Mr. Chair. This report will be given by our Office of Subsistence Management Native liaison, Jack Lorrigan.

MR. LORRIGAN: Good morning, Mr. Chair and Board members. My name is Jack Lorrigan. I'm the Native liaison for the Office of Subsistence Management. I'm here to give you a summary briefing of the fiscal year 2012 consultations that were undertaken by the Board or the OSM.

For the purpose of background, you're familiar with it already, but in May you approved your own tribal consultation policy. It was all founded on the Department of Interior's consultation policy and
Agriculture. And the idea is to meaningfully consult with tribes regarding ANILCA Title VIII and subsistence matters, government-to-government consultation, training the tribes, and et cetera.

And the consultations that occurred for 2012 began in December 2011. A consultation occurred at the Providers Conference, many of you were there, in Anchorage on the subject of consultation guidelines, other issues regarding subsistence and regulatory proposals.

A second consultation was also held during the combined Federal Subsistence and Southeast RAC Advisory Council meeting in Juneau regarding the Angoon extraterritorial jurisdiction petition.

A third was held during the spring Federal meeting in May 2012 where you approved this policy, the guideline policy, in considering comments on the draft guidelines.

And a fourth consultation was held with tribes and ANCSA corporations that were affected by the 2013-15 regulatory proposals on fisheries. The first day was tribes would call in, and the second the corporations were able to call in. There were two Board members present, or at least one. Mr. Christianson was present for the tribe, and Joel Hard represented the Board for the ANCSA corporation consultation. And the report was given to the RACs at their fall meeting.

Feedback from those tribes and corporations has been favorable. And it's been noted that consultations will probably be less likely to take place when a regulation is liberal, and consultations will be more likely to occur when they were seen to be prohibitive or restrictive on take.

As Ms. Leonetti said, I stand ready to help facilitate any opportunity to get the Board or the OSM Staff or the ICS members out into the field to observe traditional practices in action.

Mr. Chairman.

CHAIRMAN TOWARAK: Thank you. Are there any questions of Mr. Lorrigan. This is your first Board meeting, and perhaps if you can give us a little bit of your background just for our information.
MR. LORRIGAN: Thank you, Mr. Chair.

I come from Sitka. I got my degree from Sheldon Jackson. And I've worked -- I worked for the Sitka Tribe for roughly 10 years. I was involved with the Fisheries Resource Monitoring Plan Program that's funded by this office. I had three projects there. I've done a lot of tribal work from the tribe. And then I became a subsistence biologist with the Forest Service where I learned this program in terms of analysis writing and the regulatory procedures.

I grew up in Colorado and a place called Meyers Chuck in Southeast Alaska. My lineage is Tsimshian, Tlingit, and Haida. I've lived in all three households. And a former marine for the veterans in the audience.

And I'm happy to be here. I think this is a fine job and I look forward to many years of consultation work with the tribes and the Federal Staff.

CHAIRMAN TOWARAK: Thank you, Jack. And I appreciate the work that you've done so far, and it's good to have a Staff back again since Carl Jack retired.

Any questions on the tribal consultation process for Mr. Lorrigan.

(No comments)

CHAIRMAN TOWARAK: Thank you for your presentation.

MR. LORRIGAN: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Go ahead.

MR. PROBASCO: Mr. Chair. If I may, I think before we get into specific testimony from the tribes and public on the proposals, I gave you some misguided information there. I think we want to take up these two agenda items that we added, the regulatory cycle review and then Mr. Adams' Council's Southeast C&T. So if we can insert them between 12 and 13, and start out with the regulatory cycle discussion, that would probably be best.

Mr. Chair.
CHAIRMAN TOWARAK: Are there any objections to making the change on the agenda.

(No comments)

CHAIRMAN TOWARAK: If not, then we will go ahead and proceed and go first into the regulatory cycle discussion, and then we will turn the floor to Mr. Adams.

MR. PROBASCO: Thank you, Mr. Chair. And I've asked Mr. Chuck Ardizzone, our division chief for wildlife, to come up to assist. He actually was the lead on this topic for the Board.

And we're not going to have this as an action item at this meeting. We actually need to have the Board, and with their Staff Committee, take a look at this information and then schedule a meeting sometime this winter, a work session where we would discuss, and the Board would make a decision based on the Councils' recommendations.

If you go to the fourth tab in your book, that information is provided. It gives both a table that summarizes each Council's recommendation and then there's a brief narrative that follows each one.

And so with that, Mr. Ardizzone, do you have anything you want to add? Chuck can also answer questions.

MR. ARDIZZONE: Mr. Chair. Yes, this table and the comments were obtained from the RACs at this last meeting cycle. As many of you are aware, we had recommendations from several Councils to move some meetings around and extend the fall Council meeting windows. So what we did, we went out to the Councils and we asked them their opinions.

I think we asked four separate questions, and I think the first one would be the first column, should we move the Federal Subsistence Board wildlife meeting from January to later in the year. The second column would be should we extend the fall meeting window. The third column was should we change the fisheries meeting, because that's also in January. And the fourth column would be, should we maintain the effective date of the fisheries regulations.
And what they did, they gave us their recommendations to either support it, take no action or no comment, and then there were a few other comments. But they’re all summarized in the table and in the following paragraphs.

And I can answer any questions if anyone has them.

MR. LORD: Chuck, could you talk a little bit about what problems may flow from -- if all of these questions are answered in the affirmative, and they all happen, you know, that compresses the amount of time between the end of the RAC cycle and the winter meeting. And, you know, that may cause other problems, and could you speak to that a little bit?

MR. ARDIZZONE: Mr. Chair. Through the Chair.

If we extend the fall meeting cycle, I think we'll be okay. That's only extending it a few weeks. It would crunch Staff a little but, but we would still be able to get the analysis done.

If we move the wildlife meeting, which has been in January lately, to later, maybe April, but not any later than that, I think we would be okay. We'd still be able to get regulations published.

Maintaining the fisheries meeting in January would be the optimal situation, because if we move it later, we start affecting the regulations, getting them published, because the effective date for fisheries regulations is 1 April. So if we move it later as some Councils would like into April, we'd have to change the effective date of the regulations. That would really crunch Staff, and it would also make it difficult to get the regulations published.

Does that answer your question.

MR. LORD: Yes. Thanks.

CHAIRMAN TOWARAK: Any further questions. I know that, Mr. Reakoff, you had some concerns about traveling in December. And I think this is the first meeting that we've had with this schedule.

MR. PROBASCO: Mr. Chair. We've actually
met before in January. Our meetings used to be December,
but they were moved into January primarily due to the
travel around the holidays, conflicts with the Board of
Fish/Board of Game, and then secondarily weather
concerns.

Mr. Chair.

CHAIRMAN TOWARAK: Mr. Reakoff, do you
have any comments.

MR. REAKOFF: Thank you, Mr. Chairman.
We discussed this at the Western Interior Council
meeting. We posed the understanding that, you know, some
of the constraints of regulatory process of publishing
the regulations. We requested what would be the
possibility of moving the publication for fisheries to
the first of May, not the first of April, which then can
allow at least a one-month shift into February for the
Federal Board meeting, so that we et away from that
middle of January brutal weather scenarios that we
typically have, not this year, but typically have. And
so that would be the preferred for fisheries is to move,
shift the regulation publication to the first of May.
That allows the Federal Board to meet in February. And
it puts less burden for the RAC Chairs from --
Southcentral is supportive of the current thing, but
they're live right here in Anchorage, so, I mean, it's
really easy to get to this meeting. But the further you
get away, it gets harder for people to travel. And so I
feel that that would be something that the Board could
contemplate is just a publication shift to the 1st of May
for fisheries regulations, which allows the Board to meet
in February.

Thank you.

CHAIRMAN TOWARAK: Go ahead, Mr.
Ardizzone.

MR. ARDIZZONE: Mr. Chair. The Board can
direct us to do anything. I just wanted the Board to be
aware that I believe it would be a regulatory action to
change the fisheries cycle date since it is in I think
subpart (d) in the definitions. So all the other action
could be taken and it would be non-regulatory, you know,
moving meeting dates, moving the meeting window for the
Councils. That's all non-regulatory, but this one action
would be a regulatory action.
MR. PROBASCO: Thank you, Mr. Chair. In addition to what Mr. Ardizzone, and I know a lot of the agencies recognize this, but maybe some of the Council and the public, a lot of our publications of our regulations fall outside of what we can control. And quite frankly we work with D.C. in getting these regulations published. And so we need to take that into consideration as we start moving dates around.

Wildlife is fairly easy in that the regulations and when the window to publish them occurs in a time frame that is accessible, if you will, to D.C. If we look at fisheries and moving them later, there's a possibility, and I'd have to check with Staff, that that may be compressed in what we can get through D.C. as well as what we can put in the handy-dandy. So no firm answer yes or no, Mr. Reakoff, on yours, but we need to consider outside of what we can control, i.e. what takes place in D.C.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Further questions.

Mr. Reakoff.

MR. REAKOFF: I do really appreciate the Board reviewing this issue and, you know, at least moving -- the possibility of moving the wildlife meeting back away from January. Even holding these meetings later in January is a big deal. The middle of January, you know, 60 below zero is a big deal where I live, and for a lot of people. You know, travel gets -- even Bert was commenting last year about leaving in January. And so I do feel this is an issue for the Regional Councils that do want to participate in this fisheries meetings and wildlife meetings. But I also wanted to express my gratitude that the Board is looking at addressing this issue.

Thank you.

CHAIRMAN TOWARAK: Further questions or comments.

(No comments)

MR. PROBASCO: Mr. Chair. Where we go from here is that we provided this as information to the
Board. Excuse me. We will meet with the Staff Committee. The Staff Committee will develop -- take a look at this, pretty much put together a briefing document if you will, and then we'll do a public announced work session at some time that's acceptable to the Board members. I would say we'd like to do this before late winter. And what would be on the agenda item would be this discussion, keeping in mind that if we do move the winter cycle, that would affect our January meeting date for 2014. So that's why I think we need to move on this quicker than later.

So, Mr. Chair, this is an FYI if you will. The information is before you. OSM and the Staff Committee will meet and then we'll develop a document and then we'll determine a date to have a work session.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Thank you. Are there any further discussion on this issue.

(No comments)

CHAIRMAN TOWARAK: Thank you, Mr. Ardizzone for your presentation.

The next item is, Mr. Adams, you have the floor.

MR. ADAMS: Mr. Chairman. Would you like me to go up there, or can I just stay right here?

CHAIRMAN TOWARAK: You can present it from there.

MR. ADAMS: Oh, shucks. I always wanted to sit up there.

(Laughter)

CHAIRMAN TOWARAK: If you prefer that, you have that option.

MR. ADAMS: Okay. Thank you, Mr. Chair. I think I will go up there and then I will ask Mr. Larson, Robert Larson, if he will accompany me up there. I might have to rely on him for some information, but I think I can handle it myself, but I will go up there, Mr. Chair.
Thank you, Mr. Chairman. Members of the Board.

The Southeast Regional Advisory Council, you know, formulated a committee to set up some concerns that the Council had in regards to C&T. And so because we had learned that 9 of the 10 Regional Councils did not have a real problem with this issue. Some of our Council members, you know, were concerned that things were not being properly done here.

So what I'm going to do is I'm just going to read the letter. It's only about, you know, a couple of pages. And then there is a policy statement that follows that. But we'll go ahead with the letter first.

This letter in particular is addressed to Mr. Harry K. Brower, Jr., the Chair of the North Slope, Alaska Subsistence Regional Advisory Council. This letter is going out to all of the Regional Councils. And we certainly do want their input on this particular issue.

And it says that, Dear Mr. Brower. During the spring of 2011, pursuant to the Secretarial Review of the Federal Subsistence Management Program, the Federal Subsistence Board sought input from the Federal Subsistence Regional Advisory Councils on the current customary and traditional use determination process. The Board subsequently reported to the Secretaries that 9 of the 10 Councils thought the process was working. The Southeast Alaska Subsistence Regional Advisory Council does not agree that the process is being implemented as intended in the Alaska National Interest Lands Conservation Act, or as we all know it, ANILCA.

We are asking your Council to review your evaluation of the current customary and traditional use determination process and join with us in crafting a petition to the Secretaries to address deficiencies in the current regulations. The Southeast Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section .804 of ANILCA.

The Southeast Council has formed a working group to assist us in evaluating the current customary and traditional use determination process. The work group received the 2007 draft Customary and Traditional Use Determination Policy, the public comments
on this policy, the 2011, transcripts from all 10 Council
meetings, and the 2012 Board transcripts where each of
the Councils' input was summarized. The 2007 draft
Customary and Traditional Use Determination Policy and
the public comments to this policy are enclosed with this
letter.

By the way, you all should have a copy of
this letter. I should have made that clear earlier.

In addition, there was a lack of
direction or background information provided to the
Councils and would be necessary to formulate an informed
opinion. There was no mention or discussion of the
strength and deficiencies of the current Customary and
traditional use determination process as detailed in the
review of the 2007 draft Customary and Traditional Use
Determination Policy.

During its March 2010 meeting, the
Southeast Council included the topic in its 2011 annual
report. And the Southeast Council made the following
recommendations in its annual report.

Given that ANILCA does not require the
Board make customary and traditional use determinations,
the Council recommends the Federal Subsistence Board
eliminate the current regulations for customary and
traditional use determinations, and task the Office of
Subsistence Management with drafting regulations with
adhere to provisions contained within Section .804 of
ANILCA.

The current Federal customary and
traditional use determination regulations, and the eight
factors, were based on pre-existing State regulations.
Customary and traditional use determinations are a
necessary step in State of Alaska management, because
only fish and wildlife, excuse me, with a positive
determination are managed for the subsistence preference,
and those with a negative determination do not have the
preference.

The decision whether there is or is not
a subsistence priority is not necessary under Federal
rules, because ANILCA already provides rural residence
preference for a subsistence use on Federal public lands.
The current customary and traditional use determination
process is being used to allocate resources between rural
residents, often in times of abundance. This is an
inappropriate method of deciding which residents can
harvest fish or wildlife in an area, and may result in
unnecessarily restricting subsistence users. The
Southeast Council has a history of generally
recommending a broad geographic scale when reviewing
proposals for customary and traditional use
determinations. Subsistence users primarily harvest
resources near their community of residence and there is
normally no management reason to restrict use of rural
residents from distant communities. If there is a
shortage of resources, Section .804 of ANILCA provides
direction in the correct method of allocating resources.

The Southeast Council has determined that
the Office of Subsistence Management did not give the
directive from the Secretaries the due diligence it
deserves and the programs would benefit from additional
evaluation and dialogue. We request your Council
consider its recommendations to the Board on how well the
current customary and traditional use process is serving
the needs of residents in your region. The Southeast
Council is interested in either eliminating or improving
the process, but, since this is a statewide issue, we do
not want to propose a solution that is not supported by
the other Councils. We encourage your Council to read
the briefing paper provided to you by the Southeast
Council in its winter 2013 Council meeting, and review
the enclosed background information. We would like your
Council to consider what you would be most -- what would
be most beneficial to your region: eliminate customary
and traditional use determinations, change the way
customary and traditional use determinations are made, or
make no change.

After reviewing these materials, we
courage your Council to include this subject as an
agenda action at its fall 2013 meeting. The Office of
Subsistence Management has committed personnel to help in
your further consideration of the customary and
traditional use process at your fall 2013 meeting.

Please address any questions and report
any actions taken regarding this request either directly
to me or through Mr. Robert Larson, Council Coordinator,
U.S. Forest Service, and it gives the box number and
address and all that.

And it says Gunalcheesh, meaning thank
you. And it's signed by myself.
So, Mr. Chairman, that is the position that the Southeast Regional Advisory Council would like to take in regards to this particular issue. Questions. Don't make them hard.

CHAIRMAN TOWARAK: Go ahead.

MR. PROBASCO: Thank you, Mr. Chair.

And, Mr. Adams, if I may, a very well written letter. And our intent is to present this at the Councils as Bert said, but then in the fall is when we would roll up our sleeves in conjunction with each respective RAC and go through the questions that this letter asks, so the action when we really get down to working hard would be in the fall 2013.

MR. ADAMS: That is true, Mr. Chairman. And we do want all of the regions, you know, to consider this, but take enough time to be able to reconsider their positions and see if there is a need, you know, in their regions to make any changes in the C&T.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Adams. Are there any questions.

(No comments)

CHAIRMAN TOWARAK: I've got a question for Mr. Lord. Is there anything you see that would prevent us from asking the Regional Councils for their recommendations on this letter.

MR. LORD: If by recommendations you mean a recommendation that would be binding on the Board, that would require more process than simply a letter from the Southeast RAC. I mean, I think the intent here is to just get the conversation started. But as we go through the process, it will undoubtedly be a long discussion. If we start to go down the path that Mr. Adams is recommending, then we would need a more formal process to get a recommendation from the RAC that would go to the Council -- or go to the Board and be considered as a basis for a change in the rulemaking.

MR. ADAMS: So, Mr. Lord, what are you saying there? That we would have to start another process to make this, you know, come forth from the RAC?
MR. LORD: Well, I'm sorry if I wasn't clear. When the Chair asked me about recommendations from the Councils, I wasn't sure if he was referring to regulatory recommendations, the kind, you know, for rulemaking, or if he was just referring to recommendations moving forward in this discussion about how -- that you're starting about what to do with C&Ts, if anything. I wasn't sure what he meant with the use of the word recommendation, what was intended.

MR. PROBASCO: Thank you, Mr. Chair.

And, Ken, please correct me if I go down the wrong path. But this process as Mr. Lord presented will collect information. And based on that information collected and presented to the Board, may result in a recommended change. At that point in time, if there's a recommended change, then we would have to go through rulemaking. Make a public announcement, take that out before the Councils, and then come back for final action. So whatever is produced in the fall will come back to the Board to determine the next steps.

Mr. Chair.

CHAIRMAN TOWARAK: Mr. Adams.

MR. ADAMS: So we are asking, you know, that the C&T as it stands right now, you know, in regards to the eight factors and so forth, be eliminated or improved. And as you described, Pete, you know, the process, and Mr. Lord as well. Well, what we're asking is that we task, you know, the OSM to draft some regulations. So how will that fit into the process as we go through this issue.

CHAIRMAN TOWARAK: Go ahead, Pete.

MR. PROBASCO: Thank you, Mr. Chair. And thank you, Mr. Adams.

The process, because you're addressing the letter to the Regional Advisory Councils and requesting their input, there's 10 Councils, you could conceivably have 10 identical recommendations, but based on the last go around, we'd probably have differences of opinion. That information would be developed, summarized, the Chairs would be here, and present that information to the Board. Based on that information presented to the Board, the Board could elect or direct
a proposal if you will be developed, and/or the Councils could do that. But we can't go to that process until we get the information from each respective Council.

Mr. Chair.

MR. ADAMS: Thank you.

CHAIRMAN TOWARAK: Molly, go ahead.

MS. CHYTHLOOK: Yeah. Thank you, Mr. Chair.

I can just picture bringing this to our Council in February and I could assure you that there's probably some majority of the Board members that would question this paragraph on Page 2, the third paragraph, given that ANILCA does not require the Board make customary and traditional use determination, the Council recommends the Federal Subsistence Board eliminate the current regulations for customary and traditional use determination.

So my understanding, Pete, is that there's steps to change -- there would be steps to change this? Is it in a proposal form or regulatory form?

And I guess if we do -- we will have this -- we probably will have this on our agenda in February, and I would -- hopefully by then OSM or somebody would have a pretty good clear recommendation and also a recommendation to answer, you know, this number 3 as well.

Thank you.

CHAIRMAN TOWARAK: Yeah, Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Thank you, Ms. Chythlook.

The whole intent of Mr. Adams' letter is to get input from each of the Councils. I think the key in Mr. Adams' letter is that the process of determining C&T currently affects all 10 Councils. So to introduce this letter as the areas of concern outlined by the Southeast Council, this letter will be presented at your February meeting. It will not be at the February meeting where you would take action and make recommendations. It
CHAIRMAN TOWARAK: Any further confusing questions.

(Laughter)

CHAIRMAN TOWARAK: Go ahead.

MR. KESSLER: Thank you, Mr. Chairman.

The first paragraph of the letter talks to a request from the Southeast Council to, quote, join us in crafting a petition to the Secretaries to address deficiencies in the current regulations, unquote. So the Council it seems was envisioning that this would need to be done through a petition to the Secretaries, but the discussion that I've been hearing there's actually an alternative route possibly. And that's for the Board to take it up and the Board to make a recommendation based on what the Board hears from all the Regional Advisory Councils, and the Board then to take it to the Secretaries. These are Secretaries' regulations where the Board doesn't have the authority. But the Board could make the regulation and then save the -- make a recommendation and save the Council I guess from doing the petition process. So it seems to me to be just two avenues, and we probably don't know which avenue we would be going down until after those fall meetings where we and the Southeast Council gets the recommendation from all the other Councils.

Does that make sense?

UNIDENTIFIED VOICE: The letter's already gone.

MR. KESSLER: The letter -- yes, the letter's gone. The Council's envisioning crafting the petition, a petition to the Secretaries, but the point is that there is another way that this could occur, too. It's not the only way.

MR. LORD: Steve is right. The C&T regulation is in subpart B of our regulations, which are Secretarial in nature, meaning that only the Secretaries can change those particular regulations.

But often our process has been that the Board takes up a proposed change, considers it as it
would any other proposal, does an analysis of it, takes
a vote, but the Board's vote is simply a recommendation
to the Secretaries to then change or not change those
recommendations. So if I understood Mr. Kessler
correctly, that's the process we could follow.

CHAIRMAN TOWARAK: Sue, did you have a
comment, too.

MS. MASICA: Just more for my
edification. The letter sort of raises some concerns
about the way and the consistency in the presentations of
C&T at the RAC meetings that occurred in, what, 2011 I
guess. And I'm wondering if there's a game plan to
address that in terms of consistency given that this
letter is going to go before 10 different RACs now during
2013, and how that is going to be dealt with. I don't
know that we need to have an answer today, but I would
just encourage that we have some attention to that aspect
so that at least the Southeast RAC can be satisfied and
we can be satisfied that there was some consistency both
in the information and the presentation and the
discussion occurs at each of the RACs, because at least
how I read the letter, it suggests that there was
considerable amounts of different levels of information
that were provided. So that might be something we want
to be mindful for.

CHAIRMAN TOWARAK: Any further
discussion. Molly, go ahead.

MS. CHYTHLOOK: Thanks, Mr. Chair. You
know, it's confusing to me at this level and, you know,
it's going to be much -- probably much more confusing,
you know, once we get it to the RAC level. So I'm just
hoping that by the time this letter gets to our RAC, that
it wouldn't be so confusing, and we'd be able to deal
with it, you know, with understanding.

Thank you.

CHAIRMAN TOWARAK: I'm assuming that the
process will be explained clearly to all of the Regional
Councils, and they would have a course lined out on how
they could respond to the letter.

MR. PROBASCO: Thank you, Mr. Chair. As
you directed, we will do that. Thank you.

CHAIRMAN TOWARAK: Any further discussion
or any more comments, Mr. Adams.

MR. ADAMS: No, thank you, Mr. Chairman.

Appreciate it.

CHAIRMAN TOWARAK: Thank you. Sealaska keeps us busy.

(Laughter)

CHAIRMAN TOWARAK: It's noon right now. I'd like to break for lunch before we get into the proposals this afternoon. We will reconvene at 1:15.

(Off record)

(On record)

CHAIRMAN TOWARAK: Come back to order if we could. There was another request for us to -- that are up on this table to speak a little bit closer to the mic. There's some people in the back that cannot hear the conversation. So whenever you speak into the mic, please get as close to it as possible. Could we get a little bit more volume in this.

UNIDENTIFIED VOICE: Mr. Chair. There was people on line that couldn't hear very well, so they were wondering about the volume of the mics.

CHAIRMAN TOWARAK: Okay. I will call the meeting back to order. We were on Item 14, right?

MR. PROBASCO: That's correct. Just 13, I've got a question.

CHAIRMAN TOWARAK: Okay. We're on Item No. 13, tribal consultation. Well, we did that. We're on 14.

MR. PROBASCO: No.

CHAIRMAN TOWARAK: Oh, no, no. We're on 15, right?

MR. PROBASCO: No, we're on 13.

CHAIRMAN TOWARAK: On 13?

MR. PROBASCO: Yes.
CHAIRMAN TOWARAK: Okay. We'll start off with 13. Pete.

MR. PROBASCO: Mr. Chair. Before we move to item 13, which is the opportunity for tribes and corporations to consult with the Board on the fishery regulatory proposals before them, you'll recall this morning Mr. Kessler took off the consensus agenda Proposal 09-05, which is a Southeast proposal. I had a couple people in the audience asked when that would be taken up. And what I replied is that we would take it up during the Southeast proposals which are first on your agenda, but I did not know in what order the Forest Service would recommend that we take that up.

So we'll get back to you -- it definitely won't be the first one, but after Steve and Wayne can take a look at where they want to insert it, we'll get back to the Board. I just didn't want to lose sight of that.

So our next agenda item is the tribal consultation. And I have -- and tribal consultation are the gold cards. And the first person I have is Tom Lang, Sr. Tom.

MR. LANG: Thank you. Mr. Chair.

Even though you say it's about consultation, I also see that it has other matters, too.

MR. PROBASCO: That's correct.

MR. LANG: I wanted to bring up something new that wasn't on your agenda, a non-agenda item. It's something I wanted to speak about. I thought we were going to speak with that earlier with the comments, but we weren't called upon.

One of the issues that I'm talking about involves mining on the British Colombia side all the way from above Juneau down to the Canadian border, affecting all the main rivers, starting with in Juneau area, the Taku River, in the middle area Petersburg/Wrangell, the Stikine River, Ketchikan area, the Unuk River, and then the British Columbia border area, the Skeena and the Nass Rivers. Every one of them on the Canadian side are under attack by mining.
We didn't find this out until after our last meeting when we had an issue over eulachons. The State Fish and Game presented to the Board that we were over-fishing the eulachons, there was no fishing. So you've got to stop fishing the Unuk. And the Board went along with that, because that's the only information they had.

Since then we've learned quite a bit about why there are no eulachons in the Unuk, and it had a lot to do with mining. And I have actual maps, data, facts and figures and my own deals that I want to present to the Board for your viewing purposes, because it affects all the rivers. And what is happening is that we don't know whether the Forest Service who closed down the river, say they're running the river. The State wants to close from the river out to the bay, say they're controlling it. The Park Service says they run it. And BLM is in there somewhere. And all they're fighting about is management and they're not worried about the health of the river.

We didn't know about this mining issue until now. And now we do, and we're getting together with -- it took an outfit in Canada, an outfit named Rivers without Borders, and they patrol all the mining in Canada that are above rivers that go through different countries, America and Alaska. And they're the ones that brought it to our attention, and they're the ones that we're working with right now to find out why.

It turns out our eulachons didn't disappear. We didn't over-fish them. They moved. They moved to different rivers. The eulachon is an glacier river fish. When the ice goes out in the spring, the eulachons move in. They're the first ones to go. They've moved out to islands. The island that Ketchikan is on, Ravilagigedo, the fish actually moved out there where there is no ice, but they're in different rivers now. The same fish.

But the Unuk River is barren. Also what is barren there is that the king salmon, the coho, and the humpy and the sockeye that also spawn in there are all gone. And we believe that it's because the SK (ph) mine was mining for 10 years right above the corner there, right on the BC side that feeds the glacier that feeds the river that feeds the Unuk. We believe that the chemicals drove them out and killed the river. They stopped mining five years ago and the eulachons are
starting to come back. We don't know whether the salmon will or not.

Now, that's just one river. All the other rivers, you add them together, the five main rivers on that mainland, you have the biggest salmon and eulachon producing area in the world. Not only in Alaska, in the world. Bigger than Bristol Bay or anywhere else. And want the Board to know that you're protect our -- I always thought you were here to protect our subsistence rights, but you're also there -- to do that, you should be able to protect the rivers.

When we asked the Fish and Game at a mining meeting in Ketchikan -- a mining outfit came to Ketchikan and made a presentation, we asked the State Fish and Game that was there, what are you going to do about it? They said, there's nothing we can do about it. And the Forest Service came to Metlakatla twice now, once even last month, and their fisheries department said, what -- we asked them, what are you going to do about the pollution in the rivers, and they said, there's nothing we can do about it.

But it turns out there's a law. There's a law that was passed in '99. It is Laundrey's (ph) Water Treaty passed in '99, and it's been used several times successfully to stop Canadian issues from polluting American rivers.

And part of the information that I want to hand to you covers a Montana issue where the governor, their legislature, senate and house, all their entities, including all their Native tribes, got together and actually used this law to stop a coal mining outfit in Canada from polluting their river. And that's what it takes. We can't do it ourselves as a tribe. We're trying to organize right now. Louie and I and Metlakatla and the British Columbia people are trying to organize all the people along the rivers to get together and learn. Mostly people don't know about it. We didn't know about it. You didn't know about it. Fish and Game claims they didn't know about it, but I think they did. So did the Forest Service, but they say they have no powers. But I think together we do.

Now, I wanted to know that if it would be okay for me to produce these issues to you. I don't have complete copies of everything, but you can make copies and spread them out. Would that be okay?
MR. PROBASCO: Mr. Chair. Yes, provide them out front to the ladies at the desk there and they'll make copies for the Board members.

MR. LANG: There is a chart there. It's the latest chart of all the minings that are active now. The minings that are produced, that have been shut down, and technically the minings that they're working on now. The mine that's going to be built above the Unuk River is bigger than the Pebble Mine that they're fighting over at the Bristol Bay area. It's bigger. Huger. And they're talking 50 to 100 years and stuff like that. And people on this side of the border don't know about it, and those are our rivers. It's our fish.

That's what I wanted to bring to your attention. It's not that we're over-fishing. We can't eat all the eulachons. We didn't them all up. It's just like telling the people in Sitka that eating herring eggs on branches, you're killing all the herring. That's insane. We've been doing that for 10,000 years. And we never ever hurt that thing. But mining can kill a river, and it has. It has. And I want to bring that to your attention. That is what I wanted to bring up earlier. And I was going to bring it up, because it wasn't on your agenda.

But I see you added a number 19, which had to do with I think the Stikine boundary issue. Does that have to do with mining or is that a different issue? I didn't get that. I'd like to know.

MR. PROBASCO: Mr. Chairman. Proposal FP13-19 deals with the guideline harvest level for sockeye salmon on the Stikine.

MR. LANG: Oh, that's a different issue.

MR. PROBASCO: Correct.

MR. LANG: Yeah. Okay. And I'll bring it up then. We are going to deal with FP11-18, 13-20, and 13-21 which deals with eulachons. I can bring it up then, the mining issue. But I just wanted to know if I had permission to give you the printout deals so that you can each get copies and actually know and see what we're talking about.

Okay. Consultation. I couldn't quite hear. I told you I'm having a hard time hearing, and I
think, Mr. Kessler, you made a statement about something
that's in the mail. You're looking for reaction to it.
To me consultation means that anything that's going to
deal with my tribe, anything, from the smallest thing to
the biggest thing, we should be in on it at the start.
That's what consultation means to me. When they keep
saying they're trying to make it more and more strong so
that when we're in with in the start, by the time you get
it to this Board, you have our input, the memorandum of
understanding is taken care of, and we're not up here in
a confrontation issue like we are now. I told you that
the first time I came here. Every time we meet with you,
we don't consult, we confront, because someone is trying
to cut us off from our his history and our fishing. And
we'd rather be consulted with than have to come and fight
and have a confrontation over an issue that a lot of
people have no business trying to change. And that is
what's happening with our consultation issue. You see,
you shouldn't have to ask us to write a comment about
something that you're trying to do. We should be
involved in that thing you're trying to do. That is
consultation to me, that's what it means to me. My
tribe, my council should be involved in everything that
has to do with these issues, instead of coming up here
and reacting to something that somebody else is trying to
change for us.

And I always thought that was the reason
your Board was created, the reason they emphasized more
consultation, more strict consultation, because the
Forest Service and the State Fish and Game Department
would have a meeting with us and then determine if we
didn't do anything, we agreed with them. They'd do
whatever they want anyway. They call that consultation.
That's not, not the way I think.

So I just think that consultation should
be an issue for each tribe in the whole state to work on
it right from the onset, the beginning of it. Then you
wouldn't have to have questions or, like I say, we won't
have to fight about it any more.

Meanwhile then I will just withhold all
my other statements about the mining issues when I get to
the eulachon issues that are on your agenda. And I'll
turn the printed stuff in for you to read for that.

CHAIRMAN TOWARAK: Okay. Since we're
under tribal consultation, I missed the tribe that you
said you were representing.
MR. LANG: Tsimshian. Tsimshian Tribal.
I'm the Tsimshian tribal chairman. I'm the elder.
Metlakatla Indian Community.

CHAIRMAN TOWARAK: Thank you.

MR. LANG: Is that it? Any questions.

(No comments)

MR. LANG: All right. Thank you.

MR. PROBASCO: Mr. Chair. We have one
more individual who would like to speak on behalf of the
tribe, and that's Mr. Louie Wagner.

MR. WAGNER: Thank you, Mr. Chair and
Board. My name is Louie Wagner. I'm from Metlakatla.
I'm a councilman in our community.

One of the concerns I have is when the
Board and the RACs starts putting numbers on the amount
we -- on our seafood that we can take, or even our --
well, not so much hunting, but our seafood and our salmon
mainly, a lot of us -- when I grew up as a young boy, I
was in the fish camps with the elders, and everybody
worked together. You helped each other. You shared in
whatever was harvested that day. And today it's done a
little bit differently where we don't have the fish
camps, but as individuals like myself, I get a lot of
extra salmon, halibut when I go out, because I have
erlers to take care of. My in-laws and my older
relatives. So it gets worrisome when you're sitting in
the back and you start hearing about numbers being put on
your limits. So it would be nice not to have to worry
about things like that, because when I was growing up,
you were taught never to waste, so we only take what we
know we're going to be able to use and share with family
members and other elders in the community. So that's
just -- that seems to come up a lot.

And it seems like when people submit
proposals, they don't -- they're not coming from the
people in the villages. They come from people who really
don't have the ties in our way of life. And they could
make huge changes if we're not here to oppose the
proposals or whatever you have to do when they show up.
And there's been times when we hear about them too late.
So I think when a person submits a proposal, there should
be good reasoning behind it, and it wouldn't have to take
up so much of everyone's time.

That's about all I had on that, and wait for when the discussion comes up on the proposal, wait for when you pull the green cards, and discuss the other topics there.

Thank you.

CHAIRMAN TOWARAK: Thank you. Are there any questions of Mr. Wagner. Go ahead.

MR. PROBASCO: Thank you, Mr. Chair.

And Mr. Wagner makes a good point. For clarification, this does not preclude an individual testifying during tribal consultation to testify on proposals that the Board's going to address. There will be an opportunity on each proposal for public testimony, so that will be allowed at that time. for those proposals.

MR. WAGNER: Thank you.

CHAIRMAN TOWARAK: Go ahead.

MR. CHRISTIANSON: I'm sorry. I think he brought up another good point, too. As we look at the consultation process earlier and some of the proposals that are submitted, you know, they come from a largely individual basis, or some of them come from Regional Advisory, some come from Advisory Councils, some come from local people, but I don't know how they would inject getting local support prior to getting proposals submitted, because I see some of the proposals that I've read through, and I know that there was no local support garnished for the submission of that. And like he stated, there could be widespread implications if a regulatory process or change was made. So I just wanted to make that point.

CHAIRMAN TOWARAK: Thank you. Mr. Adams.

MR. ADAMS: Yeah. I like what Anthony Christianson said. You know, when we deal with proposals, we receive a lot of them that come from individuals, and to me it doesn't hold any weight unless it is submitted by maybe an Advisory Council or Regional Advisory Council. Or if an individual does submit a proposal, you know, as an individual, I always look at
the fact if they were able to have community hearings, you know, and got the word out so that the community could be behind it. But this is an issue that, you know, I think is really an important one, and we need to address it somehow.

Thank you.

CHAIRMAN TOWARAK: Thank you. Any other comments.

(No comments)

CHAIRMAN TOWARAK: Not hearing any.

Pete.

MR. PROBASCO: Mr. Chair. One other individual would like to testify under tribal consultation, and that's Mr. Delbert Rexford.

MR. REXFORD: Good afternoon. Excuse me. Delbert Rexford for the record. Tribal council member for Inupiat Community of the Arctic Slope, sergeant-at-arms.

And I'm also a -- I also look around this room and I look at my former colleagues that served on the Gates of the Arctic National Park Service. It's great to see you, Mr. Reakoff. It's been many years.

So I would like to speak very briefly on tribal consultation and what it means to the tribes. Not so much the Federal agencies that have policies in place, but what it means to the tribes. As indigenous peoples, we feel that tribal consultation is having full and meaningful participation, meaning that we sit at the table together, discuss issues, and make decisions that are in the best interest of the tribes that are directly affected on their subsistence way of life. This includes Federal legislation that protects rural preference and subsistence priorities all throughout Alaska. All too often regulation is enacted and proposed without our direct involvement; however, this is not to take anything away from the local Advisory and Regional Advisory Councils that represent the region.

But we as tribes have unique one-on-one consultation relationships with the Department of Interior and the various Federal agencies that are represented here. We need to be at the table together...
and make those policy statements and discuss them opening
with our affected communities.

As industry proposes to go into NPR-A and
other areas like the Chukchi and Beaufort Sea, we have a
vested industry, not only fisheries, NOAH has conducted
studies that they may have identified potential
commercial quantities of pollack. That in itself is a
threat to marine wildlife that we are very concerned
about. We are seeing marine species that we've never
seen before traversing through our waters.

But in a nutshell, I would like to
encourage the Federal Subsistence Board, the Department
of Interior, and the respective Federal agencies that
have a trust responsibility to the tribes to meet with
the affective communities appropriately within the
communities, because many thousands of Alaska Natives
can't be here to voice their concerns out to you. But I
would like to respectfully request that. And Mr. Brower
is from my region, and I have -- I hold him in high
regard. Mr. Towarak is a former colleague. But we as
tribes need to be consulted with as intended by Congress.
Not so much interpretation, not so much policy, but
intended by Congress.

And I leave that thought with you,
because Alaska has resources that we all need to tap
into. The sustainable utilization of these renewable
resources have been first and foremost, because what has
happened in the commercial fisheries is deplorable. This
is not our management style as Alaska Natives. We look
about future generations. And I close on that note,
because I realize the vital importance of your role as
the Federal Subsistence Board, that you have a role in
this matter, and that not to forget the tribes' unique
one-on-one tribal government status with the united
States Government, the Department of Interior, and the
various Federal agencies that have a trust responsibility
to all of Alaska's Natives.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr.
Rexford. Good to see you.

MR. REXFORD: Good to see you, Mr.
Towarak.

CHAIRMAN TOWARAK: Are there any
CHAIRMAN TOWARAK: Thank you very much for your statements.

MR. REXFORD: Thank you, Mr. Chairman.

MR. PROBASCO: Mr. Chair. I neglected to check on line. Mr. Lee Wallace would like to speak on the tribal consultation portion of our agenda. Mr. Wallace, please.

MR. WALLACE: Hello?

MR. PROBASCO: Go ahead, Mr. Wallace.

MR. WALLACE: Yeah. Mr. Chair and Board, do you hear me okay?

MR. PROBASCO: You're pretty muffled.

MR. WALLACE: Must have got the phone on there? Disconnect me. Yeah. I'll pick up the phone here instead of conference. Can you hear me okay, Mr. Chair?

MR. PROBASCO: Much better.

MR. WALLACE: Okay. Mr. Chair. Board. President Lee Wallace with the Organized Village of Saxman, Saxman IRA Council. I'd just like to give some comments.

The first thing, I pulled up on line the meeting information. One thing I'd like to see that is added is your updates be included with the agenda items. All other agenda items are included on line at your website, but you don't have the items for updates on there. And that would be appreciated, and it also would be vital to have on hand also. When you're not there in person, you definitely don't hear well with the communication issues that happen.

And I'd like to give a comment on FP13-16. I support the proposal that was submitted by Mike Jackson from Kake. And the reason why I do support it is that I am a user, whether it be on State or Federal lands and waters. Especially when you're engaged in customary
and traditional fishery, the last thing we're thinking about is finning the fish that we just caught. In a lot of cases, those of us that are fishing, we're fishing for a number of our citizens. That would be uncles, aunts, elders and others that can't participate in the fishery for various reasons.

So again with that stated, you're out there fishing for a number of individuals and so you need a good catch. And when you're in that situation, you're not looking at finning your fish immediately. You're looking at the next fish or school of fish to catch. It's uncalled for.

You know, the past thought and the current thought may be because there's fear that the fish will enter into the commercial market. And I would say probably 99 percent of us that are involved in that type of a fishery, that's kind of the last thing we're thinking about is selling the fish. For us that are participating in a way of life, C&T, or some may call it subsistence, there's really no value you could put on it like that. It's a real high value that we put on it when we're out there fishing for our way of life. And, yes, that can happen. A small percentage of the individuals may enter their fish into the commercial market, but it would be a small, small amount that would enter into the commercial area.

I do thank OSM for supporting the proposal, and I thank Southeast RAC for supporting with their modifications. I can understand their modifications, but my real gut review of it was to -- that's the last thing we want to do is fin the fish right away.

So that's my comments on that. I'd like to make some comments on rural/nonrural.

Basically I did receive the announcement January 14th, and I appreciate that. And I do appreciate FSB opening this up for review as it drastically affects communities like Saxman and others. I would that FSB members to review the 2003 ISER and Wolf report.

Back in 2006/2007 members of the Board didn't support the ISER Wolf report. And what they ended up doing was adding more criteria than what was in the report, and that was uncalled for. Adding criteria onto the list would diminish a village rural status. I
believe what happened during the 2006/2007 period was beginning to aggregate communities. And by aggregating communities, it led to a wrong decision of Saxman, aggregating us with a larger community like Ketchikan.

I don't think I have to remind you guys of ANILCA was for. It was to protect our rural rights. And who is rural? Alaska Native villages.

We come from a small community of about 413 people. That's a far cry from the threshold of 2500 to 7,000 for rural determination.

I also support testimony and data given by Rosita Worl of SEAlaska and from AFN back in March 2012.

And I do request tribal consultation, one-on-one with FSB or the Southeast RAC when they're in our area. I see there are some meetings scheduled in Ketchikan coming up this spring, and I would really request a one-on-one. And usually one of the small tribes, they may send one person up to a meeting like what's happening right now, may two. But it would be a lot more advantageous if there was one-on-one with OVS and/or Cape Fox Corporation to meet with you folks one-on-one versus open in a public meeting.

I say that only because I was involved in a USDA tribal consultation last year here in Ketchikan. And what they ended up doing was they did a public announcement. And what happened is you got the general public, and, yes, a lot of the general public input is useful at times. A lot of times it isn't. And what I seen there was tribal consultation that was set up for Federally-recognized leaders to consult with Staff, and what we ended up getting was a lot of public comments of unneeded information. It ended up being a laundry list of comments and questions, and it deterred from the real consultation process that should happen between nation-to-nation or government-to-government.

That's my comments. Thank you. I will be adding more written comment to the rural/nonrural review period before the November 1st deadline.

Thank you.

CHAIRMAN TOWARAK: Thank you, Mr.
Wallace. Go ahead.

MR. PROBASCO: Mr. Chair. We received three more tribal consultation requests with the Board.

Mr. Sam Jackson, I believe you're on line. Mr. Sam Jackson.

MR. JACKSON: Thank you. Yeah. This is Sam Jackson. I'm here with our Chief Ivan Ivan from the Akiak Native Community. I'd like to, if I may, have Chief Ivan start off first.

MR. PROBASCO: Go ahead.

CHIEF IVAN: Thank you very much, Mr. Chairman. Thank you for this wonderful opportunity to speak on tribal consultation as far as Akiak Native Community is concerned. And this is the first time in my lifetime and in my position to have an opportunity. And my comments are not intended to hurt anyone, us or you or the audience. I just wanted to explain in my point of view.

We have about 360 trust Alaska Natives living in our community, and they belong to Akiak Nativity Community, and we have a community role that the Bureau of Indian Affairs reviews and approves and recognizes as tribe.

For so many years we lacked this opportunity as far as State of Alaska is concerned. We were invisible for many, many years. Finally this opportunity, recognition of tribes is an opportunity for us. And a lack of that tribal consultation in my opinion was happened last summer when State of Alaska closed the king/Chinook salmon, king salmon fishing for seven days, and the tribe agreed to that. But without our knowledge, without tribal consultation, that was extended another five days. And resulted in citation of about 67, and I think in this area up to 30 people cited by State of Alaska for going after their main food.

We would like for you to -- I don't know what your powers, but recommendations from us, from the Akiak Native Community, that you ask the U.S. Fish and Wildlife Service based out of Bethel to consult with this tribe before anything of that nature occurs. That left a lot of our elders without dried fish, king salmon dried
fish, for this winter. And when they're very unhappy and feel lonely, we understand that, and it's just a bad impact when there's no tribal consultation occurring. If you would continue with this type of opportunity.

We thank you very much for executing the policy of the United States Government, and that's recognition of tribes and tribal consultation. We dearly need that.

And I consider myself the ward of the government through BIA in all aspects of health, education, and welfare for so many years. And please don't have them walk away from us. Please consult with us.

And thank you for this opportunity. And may the good Lord bless us all, and you, too.

And I'd like to recognize Sam Jackson, the vice chief. He's more astute, but we've instructed him to make a few comments.

Thank you, Mr. Chairman, and please continue this tribal consultation.

CHAIRMAN TOWARAK: Thank you, Mr. Ivan.

MR. JACKSON: Yeah. Thank you, Mr. Chairman. Like I stated earlier, this is Sam Jackson. I'm the Vice Chief of the Akiak Native Community. And I may be bouncing off the subject here, but excuse me if I do.

We've been watching the decline of our Chinook salmon within Western Alaska for some years now. Up into Norton Sound, on the Yukon, on the Kuskokwim and tributaries within these rivers.

Now, there's been some tools that have come out since the management styles, previous management styles have -- there's been some information come out, such as the Western Alaska salmon stock identification program which identifies which stocks are where in the Bering Sea. And also within rivers.

Now, as you all know, we had a pretty bad summer last summer, like Ivan explained. And did not get to dry our fish traditionally.
We've watched the managers' styled previously on the Yukon where mesh sizes were reduced and windows were created. Yet, let's look at the Yukon today. They still have smaller fish. They still have -- the Chinook is still a stock of concern.

Now, what we'd like here is for the U.S. Fish and Wildlife biologists to consider using a different management style tool which involves our elders and our fishermen, the end users of the Chinook. As Ivan stated earlier, these fish, they're like spiritual to us. We've been doing it for so long, tens of thousands of years and we have not once, there is no evidence of once mismanaging our fisheries, and our fish and game.

I think a step can be taken in a right and large step, large direction if, you know, consultation with our elders and our fishermen and our tribes is done correctly.

I'd like to thank you for your time and what the Federal Subsistence Board is trying to do to increase consultation within -- with the tribes in Alaska. Thank you.

CHAIRMAN TOWARAK: Thank you, Mr. Jackson.

Any questions from the Board.

(No comments)

CHAIRMAN TOWARAK: I'm not hearing any. Do we have more comments.

MR. PROBASCO: Mr. Chair. Rosemary, our co-chair for the Tribal Consultation Work Group had asked to speak, but she's been disconnected. So if she comes back on, I think at the Board's pleasure, we would ask Rosemary to testify.

Thank you, Mr. Chair. That's all I have for tribal consultation.

CHAIRMAN TOWARAK: Okay. We will leave the option of listening to Rosemary whenever she gets back on.

That concludes Item No. 13. We will go on to No. 14, which is public comment period on consensus
agenda items.

MR. PROBASCO: Mr. Chair. With the exception of Sitka Tribe's request to address Proposal FP09-05, I have no others that have signed up for the consensus agenda items to testify.

And so with Proposal FP09-05 on the non-consent items, those people from the Sitka Tribe will have the opportunity to discuss that proposal during public testimony when it comes up. And I consulted with Mr. Kessler, and we're recommending that Proposal FP09-05 be taken up at the end of the Yakutat/ Southeast Proposals, right after Proposal FP13-21.

Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Okay. We will insert that then.

Okay. That takes care of our public comments on consensus items.

We will move on to Item No 15 then, 2012-2014 Subparts C and D proposals, fisheries regulations.

MR. PROBASCO: Mr. Chair. Before we get into the actual proposals, I just wanted to draw your attention to Page 3 of your Board book, and it lists out the consent agenda proposals. Keep in mind that FP09-05 has been pulled off the consensus agenda.

And just for the record, consensus agenda proposals are those proposals for which there's agreement among Federal Subsistence Regional Advisory Councils, the Federal InterAgency Staff Committee, and the Department of Fish and Game concerning Board action. So those four remaining proposals are in all -- everybody agreed to the recommended action, either to oppose or support. And we'll take final action after we go through the non-consent agenda proposal.

Mr. Chair.

CHAIRMAN TOWARAK: Thank you. Any questions on that process.

(No comments)
CHAIRMAN TOWARAK: We will continue then with Board deliberations and actions on non-consensus agenda items.

MR. PROBASCO: And, Mr. Chair, our agenda for the proposals under the non-consensus agenda is found on Page 2. And our first proposal will be FP13-16. Mr. Casipit, would you lead us.

MR. CASIPIT: Thank you, Mr. Chair. For the record, my name is Cal Casipit. I'm the subsistence staff biologist for the Forest Service, Alaska Region, stationed in Juneau.

The executive summary for this proposal is on Page 4 of your book. And the Staff analysis itself begins on Page 5.

Proposal FP13-16 was submitted by Mr. Mike Jackson of the Organized Village of Kake. He requests the elimination of requirements to remove fins to identify subsistence-caught salmon in the Southeastern and Yakutat areas.

He states that removing fins from subsistence-caught salmon interferes with traditional means of handling, processing, and preserving fish. It is an unnecessary burden on subsistence users, imposes a burden on subsistence users that is not imposed on sport and commercial fishermen, and that Federally-qualified subsistence users are burdened with a non-traditional and disrespectful mutilation of their food.

He also states that residents of Kake have limited access to commercial buyers, and that subsistence limits are so low it is not economically viable to sell a catch that has cost someone gas and personal time to process.

The existing proposed Federal -- the existing and proposal Federal regulations and pertinent State regulations can be found on the bottom of Page 5 in your book. And the customary and traditional use determinations for Southeast and Yakutat appears in Appendix A on Page 8 and 9 of your books. Excuse me.

For a regulatory history, fin clipping regulations were modified from the dorsal to the pelvic fins by the Board from State subsistence regulations for the Southeast and Yakutat areas when the Federal
subsistence fisheries regulations were first published in 2000.

In 2006 Proposal FP06-26 was submitted by Mr. John Littlefield, requesting the elimination of fin clipping requirements in Southeastern and Yakutat areas. The Southeast Council supported the proposal; however the Board during its deliberations adopted a modification to require a clipping of both lobs of the caudal fin instead of the pelvic fins since testimony from the Council Chairman at the time indicated that the pelvic fins were important for processing salmon in the Southeastern and Yakutat areas.

I also wanted to note that Federal subsistence fishing regulations require removal of fins of subsistence-taken salmon in Districts 1, 2 and 3 of Yukon River, the Kenai Peninsula, Bristol Bay and the Upper Copper River areas along with Southeast and Yakutat.

The effects of this proposal. If this proposal is adopted, it would have no effect on State salmon subsistence marking requirements. Most salmon harvested for subsistence purposes in Southeastern and Yakutat areas are harvested under State permits and State jurisdiction, and therefore elimination of these clipping requirements wouldn't apply to State regulation.

The reason for clipping fins of subsistence harvest salmon is to prevent those fish from entering the commercial marketplace. If this proposal is adopted, State and Federal regulations would further diverge in both Southeastern and Yakutat areas.

In the Yakutat area, there are commercial and subsistence fisheries which occur in the same area under State jurisdiction. In the Southeastern Alaska area, State managed commercial and subsistence fisheries are geographically and temporally separated from Federal subsistence salmon fisheries. In addition, salmon caught from Federal jurisdiction, that is, freshwater, generally have low or no value to commercial buyers compared to salmon caught in State jurisdiction or marine waters.

Forest Service law enforcement had received a complaint in the past from the public that subsistence-caught fish that were not properly marked were entering the commercial markets in the Yakutat area. It was unclear whether this complaint stemmed from
activities undertaken under Federal or State jurisdiction.

Our OSM conclusion is to support Proposal FP13-16. Federal subsistence salmon fisheries in the Southeastern and Yakutat management areas are temporally and geographically separated from State-managed commercial and subsistence fisheries, and the marking requirement does seem burdensome and disrespectful to cultural ways of life, and that the Federal subsistence sockeye harvest limits in the Southeastern area are so low that it is not economically viable to sell a household limit of sockeye after the time and cost of harvesting is considered as the proponent contends.

In addition, salmon caught in Federal jurisdiction generally are of low or no value when compared to salmon caught in State jurisdiction.

That concludes my presentation. I'll be happy to answer any questions.

Mr. Chair.

CHAIRMAN TOWARAK: Any questions of the Board.

(No comments)

CHAIRMAN TOWARAK: Thank you for your analysis. We'll move on to the summary of public comments. Regional Council coordinators.

MR. LARSON: Thank you, Mr. Chair. My name is Robert Larson. I am the Southeast Council's coordinator.

If you look on Page 4 of the executive summary, you will see there's reference to one written public comment in support of the proposal. That is from the Wrangell-St. Elias Subsistence Resource Commission. They're actually not in favor of the proposal as written. They're in favor of the proposal as modified by the Southeast Regional Advisory Council. And they are in agreement because of the concurrent nature and overlapping jurisdictions in Yakutat, that it would be advisable to keep the marking requirements in Yakutat and remove it for Southeast.
Thank you.

CHAIRMAN TOWARAK: Any questions of the coordinator.

(No comments)

CHAIRMAN TOWARAK: Thank you. We will continue on and open the floor to public testimony.

MR. PROBASCO: Mr. Chair. I have no one signed up for this proposal, FP13-16.

CHAIRMAN TOWARAK: If not, then we will move on to the Regional Council recommendations. Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman.

Excuse me.

The Council recommendation is support the proposal with modification, to rescind the requirements for Southeast Alaska, but retain the requirements for the Yakutat area.

As mentioned a couple of times before, Yakutat is quite different than other parts of Southeast Alaska, because there is situations when commercial and subsistence fishing takes place at the same time.

This is how the proposed regulation would read: You must remove both lobes of the caudal, tail, fin from subsistence-caught salmon when taken.

And then the justification is that the Council recommend approving this proposal as modified because the harvest practices in Yakutat area are much more closely tied to commercial fishery than in the Southeast Alaska area where the subsistence fishers have little or no association with an ongoing commercial fishery.

The Council made several relevant observations, and there are six of them here.

Number 1. The salmon caught by a subsistence fisher has much more value to that person as food rather than the value it would have in the commercial market because of the time and effort expended to capture the fish.
Number 2. Because these fish are taken in freshwater, there's little or no commercial value in the fish. Because of their condition, there would not be a problem with the fish entering the commercial market even if there was a provision that allowed a person to sell the fish commercially.

Number 3. Anyone selling fish to a commercial buyer must have a CFEC commercial fishing permit. Failure to properly document the sale of a salmon has significant criminal and administrative consequences to both the seller and the buyer.

There is no provision to mark subsistence-taken halibut and no requirement to mark sport-taken salmon or halibut.

The Federal subsistence fishery is the smallest component of the total harvest and the one with the least opportunity to sell a fish commercially.

And, lastly, it is not customary to cut fins from a subsistence fish taken.

Let me just maybe elaborate a little bit about the reasons why Yakutat is unique. We are -- in the Yakutat area the lakes or the rivers, like the Situk River I'll use, is under State jurisdiction. Okay. And then this, you know, proposal more so addresses Federal jurisdiction, or freshwater.

However, I'll use the State as an example, and it could apply in Federal waters as well. When the escapement of say the sockeye, you know, reach their goal, normally the subsistence fishing takes place, you know, on the weekends. But there are times when the escapement has been enough that satisfies the managers, that they will open it up for both commercial and subsistence fishing. And that's when those two, you know, user groups, you know, partake of the salmon at the same time. And so there is a problem, you know, with identifying, you know, which is which. And so that's the reason why we feel, you know, that removing of that one little fin in the back, and it isn't hard to snip off, you know, that that be taken care of.

And then if an enforcement officer comes, all he needs to do is look at it and say, okay, this is subsistence and commercial. You know, he's able to determine which is which just by that simple little act.
Thank you.

CHAIRMAN TOWARAK: Any questions of the Board.

MR. GREEN: Mr. Chair. Right here. This big guy with the red shirt on.

(Laughter)

CHAIRMAN TOWARAK: Oh, I'm sorry. Go ahead, Mr. Green.

MR. GREEN: Mr. Adams, through the Chair. You said that the subsistence and commercial fishery are taking part -- they're taking part, and is that at the same time or are they alternate times?

MR. ADAMS: At the beginning -- through the Chair. At the beginning of the fishing season, you know, they are alternating. Commercial fishing takes part during the first part of the week, and then the latter, toward the weekend, is when subsistence takes place. However, as explained a little while ago, it sometimes happens, you know, when the escapement meets management goals, then the fisheries are opened up for both. And that's where the problem is, you know, how do you know which is subsistence-caught fish and which is commercial. And that's the reason why we support the removal of that little fin in the back.

MR. GREEN: Thank you.

CHAIRMAN TOWARAK: Any further questions.

(No comments)

CHAIRMAN TOWARAK: Thank you, Mr. Adams.

We will move on to the Department of Fish and Game comments.

MS. YUHAS: Thank you, Mr. Chairman.


The Department is opposed to this proposal for reasons that you've heard many times on very similar proposals. As the Staff noted on Page 5, you can see our State requirements. And enforcement supports the
Department and the idea that divergent requirements for marking the fish creates confusion both for users and for enforcement.

The State of Alaska still holds subsistence use as the priority use. And although it is infrequent, we do have reports of restaurants and commercial buyers being approached to purchase salmon in Southeast. We've had many discussions through the RAC process that it is infrequent, but our enforcement personnel believe that this adds to the decreased frequency by having this on the books.

CHAIRMAN TOWARAK: Thank you. Are there any questions of the State.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, thank you.

We will proceed then to InterAgency Staff Committee comments.

MS. O'REILLY-DOYLE: Mr. Chair. My name is Kathy O'Reilly-Doyle for the record, and I am the chair InterAgency Staff Committee, and I will read those comments.

The InterAgency Staff Committee found the Staff analysis to be a thorough and accurate evaluation of the proposal, and that it provides sufficient basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The InterAgency Staff Committee noted that if adopted, this proposal will result in a divergence between the Federal and State regulation and may increase regulatory complexity in this area.

CHAIRMAN TOWARAK: Any questions of the Staff.

(No comments)

CHAIRMAN TOWARAK: Thank you. Board discussion with Council Chairs and the State liaison. Go ahead.

MR. HASKETT: I just want to make sure I
understand this one. So the main reason for proposing this is that it's not traditional practice? I'm not sure who I'm presenting that to.

MR. CASIPIT: Mr. Haskett through the Chair. Yes, that's correct. The proponent believes that clipping fins -- well, his exact words were, clipping fins is a non-traditional and disrespectful mutilation of their food. That's his exact words.

MR. HASKETT: Okay. Thank you.

CHAIRMAN TOWARAK: Further questions.

(No comments)

CHAIRMAN TOWARAK: We will then open the floor for Board action on FP13-16.

MR. OWEN: Motion?

CHAIRMAN TOWARAK: Go ahead.

MR. OWEN: Mr. Chair. I move to adopt the Southeast Alaska Regional Subsistence Advisory Council's recommendation to remove the requirement for marking subsistence-caught fish for the Southeast area, but to continue to require it in the Yakutat area per the modification spoken of by Mr. Adams.

This is different from the original proposal that requests total removal of the mark, and after a second I will provide my rationale for the motion.

MR. C. BROWER: Second.

CHAIRMAN TOWARAK: You heard the motion, and it was seconded. The floor is open for discussion.

MR. OWEN: Mr. Chair. My primary rationale for supporting this proposal is on Page 10 of the Board book and were read previously by Mr. Adams. I don't know that I need to read them again. You know, I'll let that stand as it is.

I recognize that this increases the complexity for this area, having marked fish and unmarked fish at different times, different places. However, I believe that there are sufficient regulatory controls in...
other areas to prevent abuse. And I feel obligated to
support our RAC and their discussions.

Thank you.

CHAIRMAN TOWARAK: Further discussion.

Bert.

MR. ADAMS: Thank you, Mr. Chair.

Just let me share, you know, some personal insight on this. When we started having these commercial and subsistence fisheries open at the same time, this is one of the practices that I taught my family, you know. Let's figure out how we can, you know, delineate between the two. And so I've asked them, you know, required them. We fish together. We go out to the river and on Saturdays, you know, we fish as a family. And so we make sure that that fin is take out of there. And we've had enforcement officers come and check us out. And they knew the difference and so, you know, I'm happy that, you know, this is in place for us.

I can understand in other places in Southeast Alaska you don't have that situation where the two fisheries are, you know, fishing at the same time. But Yakutat, it is unique, and so I thank you for listening to that other part of the explanation. It helps us quite a bit.

CHAIRMAN TOWARAK: Thank you, Mr. Adams.

Any further discussion.

(No comments)

CHAIRMAN TOWARAK: Would someone call for the question.

MR. C. BROWER: Question.

CHAIRMAN TOWARAK: The question's been called for. Roll call, please.

MR. PROBASCO: Thank you, Mr. Chair. As customary with our roll call vote, I randomly selected the order. So first up is Mr. Christianson.

MR. CHRISTIANSON: Yes.
MR. PROBASCO: Mr. Cribley.

MR. CRIBLEY: Yes.

MR. PROBASCO: Mr. Towarak.

CHAIRMAN TOWARAK: Yes.

MR. PROBASCO: Mr. Owen.

MR. OWEN: Yes.

MR. PROBASCO: Mr. Brower.

MR. C. BROWER: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. O'Neill.

MS. O'NEILL: Yes.

MR. PROBASCO: Mr. Chairman. Motion carries, 8/0.

CHAIRMAN TOWARAK: Thank you. Our next proposal is FP13-18 and 23. Have the lead author.

Go ahead, Mr. Reeves.

MR. REEVES: Thank you, Mr. Chairman. Good afternoon, Board members.

I'll be presenting the analysis of Proposal FP13-18, and it's also combined with Proposal FP13-23. If you look on Page 14 of your materials, you'll find the executive summary, and the analysis begins on Page 16.

Proposal FP13-18, which was submitted by the Southeast Alaska Subsistence Regional Advisory Council. It requests that household harvest limits be placed on individual streams within the Prince of Wales and Kosciusko Islands subsistence steelhead fisheries,
along with removing the overall harvest quota from the fisheries.

Proposal FP13-23, submitted by Mr. Jim See, requests that the household harvest limits be placed only on the Klawock River within the same fisheries.

The proponent of FP13-18 believes that the proposal will address potential conservation issues where a single stream could be subjected to high harvest rates. The proponent's intent is to provide additional conservation by preventing a person from taking their entire harvest limit from any one stream and then using the designated fishing permit system to take multiple limits from the same stream.

The proponent also believes that the overall harvest quotas for the winter and spring fisheries could be removed with the proposed reduction in the household harvest limits from a particular drainage.

The proponent of FP13-23 believes his proposal is necessary to provide for the conservation of steelhead within the Klawock River and for the overall Federal subsistence fishery. During clarification with the proponent, he stated that although he's overly concerned with the Klawock River, he believed that his proposal could also benefit the other Prince of Wales drainages if the same type of regulation was in place by a specific drainage. The proponent is supportive of subsistence fishing opportunity for steelhead and believes that his proposal would provide for conservation while allowing for continued subsistence harvest opportunity on Prince of Wales. Unlike the Council's proposal, this proponent is not seeking any change to the overall harvest quota.

Both of these proposals are a result of a situation which occurred during the 2011 winter subsistence steelhead fishery on the Klawock River. Potential issues arose during this fishery due to the Federal designated fishing permit where several individuals from the same household were noted harvesting multiple household harvest limits during the same day.

Although the harvesting up to two household possession limits within the same day is legal under Federal regulations, the potential to easily over-harvest steelhead from the drainage before Federal
managers can act was dramatically increased.

The winter 2011 situation was discovered at the end of the fishery and resulted in the Federal in-season manager reducing harvest limit and instituting prohibitions no the Klawock River to allow for continue subsistence opportunity during the spring fishery.

This Board approved subsistence harvest of steelhead on Prince of Wales Islands in 2002, and it furthered opportunity onto Kosciusko Island that following year. The spring season fisheries began in 2003.

Although 76 permits were issued during that first season, the average number of permits issued per season from 2004 to 2007 was 55. Since 2008 effort in the fishery has increased with an average of 73 permits being issued yearly. Harvest from 2003 to 2011 has averaged around 29 steelhead per season.

A summary of the steelhead harvest and permit activity for this fishery can be found in Table 1 which should be on Page 24 of your materials.

The winter fishery also began in 2003 with typically harvest and effort in this fishery being low. From 2003 to 2008, Federal steelhead harvests have ranged from 0 to 5 per season with the number of permits ranging from 10 to 20. Since 2009 effort in this fishery has also increased as the number of permits issued has ranged from 36 to 38, and a reported harvest ranging from 1 to 13. This fishery, it should be noted, that it can be greatly affected by weather, where in 2006, 2007, and 2010 effort was very minimal due to winter conditions; however, in 2007 similar type winter weather conditions actually increased effort down to -- basically the effort was concentrated to Klawock River.

A summary of steelhead harvest and permit activity for the winter fishery can be found in Table 2, which should be on Page 25 of your materials.

Both of these proposals could be addressed as special restrictions within the permit conditions of the subsistence fishing permit. The Federal in-season managers are both delegated to implement special restrictions within these fisheries. Every year since the inception of the fishery there have been special restrictions implemented on the small road-
accessible systems, and you can find them listed as terms and conditions of the permit.

The concerns expressed in Proposal 23 could easily be addressed in that manner; however, with the scope of Proposal 13-18 encompassing all 74 drainages on Prince of Wales Island and about three to five other drainages on Kosciusko, addressing that issue via permit conditions is going to be more problematic.

If these proposals were adopted, they will add additional restrictions to the Federal subsistence harvest of steelhead. Although the proposals will reduce the amount of steelhead a household may harvest from a specific drainage, the proposals do not affect the annual harvest limit that the household can take during the fishery. While reduced harvest limits by drainage may provide for a more equitable distribution of harvest opportunity among Federally-qualified users, there could be a reduction in the numbers of fish received by recipients from the designated fishing program.

The proposals do not affect the State managed sport fishery.

Adoption of Proposal 13-18 will remove the harvest quota that is currently defined under the Federal subsistence fishing regulations.

The OSM conclusion is to support Proposal FP13-18 and to oppose Proposal 13-23.

Implementation of annual household harvest limits by specific drainage will provide for conservation of the individual steelhead stocks while providing for subsistence fishing opportunity. Adoption of Proposal 13-18 is supported since this will set annual household harvest limits by specific drainages to all streams within the Prince of Wales and Kosciusko fisheries, and will include the Klawock River which is the focus of Proposal FP13-23.

This action will provide for conservation by preventing a person or designated fisher from taking entire harvest limits from any one stream, which could easily push the stream beyond its desired harvest levels. Although the harvest limit by individual streams is reduced, action does not reduce the overall household harvest limit for the fishery. An opportunity may still
exist to harvest any additional steelhead from other streams on the island. The overall harvest quota for the Prince of Wales/Kosciusko fishery is not as important as the overall steelhead harvest from the individual drainage. Conservation of individual streams will be provided for by implementing annual household harvest limits by drainage, thus removing the need for an overall quota. Additionally, both the Federal in-season managers on the island are the delegated authorities to implement special restrictions within these fisheries should any unforeseen conservation concern arise.

Thank you.

CHAIRMAN TOWARAK: Thank you. Are there any questions of the Staff.

(No comments)

CHAIRMAN TOWARAK: Thank you. We will move on to the summary of public comments from the Regional Council coordinator.

MR. LARSON: Thank you, Mr. Chair. There are no written public comments.

CHAIRMAN TOWARAK: Thank you. We'll open the floor for public testimony.

MR. PROBASCO: Mr. Chair. I have no one signed up for Proposal FP13-13/23.

CHAIRMAN TOWARAK: Then the Regional Council recommendations. Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman.

As you can see, you know, we dealt with both, with two proposals here, 13-18 and 13-23. The Council recommendation for 13-18 is to support.

And the justification reads: The Council noted that although adopting this proposal may have a negative impact on some residents of Prince of Wales Island, it was necessary to address a conservation concern with steelhead due to the potential of exceeding the minimum [sic] harvest for any one stream. Current rules do not provide for adequate conservation of these stocks. There is limited access to streams on Prince of Wales Island during the winter fishery and harvests are
concentrated on a few streams. The total fishing mortality would not exceed 10 percent of the total return, and if a relatively large portion of the total allowable harvest is taken in the winter, there is a potential for over-harvest in the larger, more popular spring fishery. In addition to addressing an emerging conservation issue, adopting the proposal would be beneficial to the majority of subsistence users, because it allows the maximum number of households to participate in the subsistence steelhead fishery. The most accessible streams are the most popular and have the greatest potential for requiring in-season special actions to close the fishery once the annual allowable harvest is taken. Unless the Federal program adds a provision to prevent a small number of households from concentrating harvest on these streams, there is an increasing likelihood for unknowingly exceeding the allowable harvest under regulation that is now in place. The harvest cap of 100 fish in the winter fishery with a total fishery cap of 600 fish is unnecessary and provides no benefit to either subsistence users or managers. The current harvest is much less than these caps and management and conservation issues are identified on a stream-by-stream basis, not on a fishery basis.

So that is the justification for supporting 13-08 [sic].

AP13-23 [sic], the Council recommendation is to take no action, and the reason for that is because of the action it took PF13-18 [sic].

Thank you, Mr. Chairman.

Any questions. Go ahead.

MR. CHRISTIANSON: Well, again I guess I come back -- Anthony Christianson, through the Chair here.

I do got some issues with the proposal only because it affects the entire Prince of Wales area, and it seems like the concern was for the Klawock and conservation of that stock. And this seems like it might impose some restrictions on subsistence activity to other users on Prince of Wales Island. And I just say that because I'm a resident of Prince of Wales Island.

And I see some issue arising with this
just as far as the two per household. You know, I was just doing some quick math. That would be 15 homes in Hydaburg using the adjacent streams, if they had two per house, we would max out just our local streams with 30 sockeye [sic], and that would service 15 homes, and we have 100 homes that need five. So if we started to do the math, I'm going to have to send the people all over Prince of Wales Island to meet their need.

And I've always been contentious about where the 10 percent threshold is come from. I've never received an answer on that. I've questioned it several times it's come up and I've never found out why there's a 10 percent threshold on any given system when we've harvested out of the Hydaburg River for 100 years. It's a small system, and it still has one of the largest subsistence stock of steelhead on Prince of Wales.

So, you know, I understand there's a conservation issue for steelhead on the Klawock and some of the surrounding rivers, but my local knowledge tells me they could sustain a higher harvest, and this may impact, you know, some of the rural communities on the island, not only because it limits what they could take out of their close in proximity to their home, but again it will also put, like the thing says, spreading other users out to those other systems that local rural residents are using outside of Klawock. So that's just my concern and comment.

I think I was supposed to direct that to Staff, not to Bert. Sorry, Bert.

MR. ADAMS: I wasn't going to answer you anyhow.

MR. CHRISTIANSON: Yeah.

(Laughter)

CHAIRMAN TOWARAK: Is there any reaction from the Staff.

MR. REEVES: Mr. Chairman. Mr. Christianson.

I guess to elaborate in the history. The 10 percent was the best decision that come up amongst both State and Federal managers at the time, because of
an overall lack of actually accurate escapement data on
all 74 plus systems on Prince of Wales. So in order for
the fishery to go forth, it was, you could I guess say,
just a verbal agreement amongst managers, this is the
escapement we're going to take. And it eased a lot of
concerns amongst management agencies.

Under the Federal permit, one of the
things is like when you do look at the graphs -- or,
excuse me, the tables of the harvest history, what we
have found is that very few people have been taking the
full household limit. So when you see a reduction, what
it is, is it means that out of five fish that a household
could take under the terms of a spring permit, what the
proposal is asking for is that only two of the five could
be taken from a particular drainage. So if they took two
from, say, the Klawock River, then they would have to
move elsewhere to harvest the remaining three. It's not
affecting your harvest limit.

What a review of the data did show is
that, if you look on Page 24, you'll see that over
history, like in the spring fishery, the most of a permit
ever reporting a full household limit was there was three
in 2004 and also three in 2011.

So taking a full five is not happening very often. When
you look at the actual average number of fish being
harvested per permit, it's averaging right around two
fish. So that went into where the recommendation also
came from as to what the proponent was asking for.

So the data didn't seem to show that
there was a hardship in two fish coming out of a
drainage, because of what the permit returns were
showing. But it is definitely understandable that a
household could need more fish.

CHAIRMAN TOWARAK: Go ahead, Mr.
Christianson.

MR. CHRISTIANSON: Yeah. And I guess I
just -- my history comes from being in the area where a
Federal closure happened on the subsistence stock due to
conservation concern in a system similar to this size
that we're discussing. There's large and small systems.

And I witnessed a closed subsistence stock fishery to a
couple of communities.

And as I look at the, you know, two per
household from any particular drainage, and the threshold
being 10 percent, and them saying that most of the
systems are less than 100, that means five homes in
Hydaburg would harvest out of the Hydaburg River, and it
would constitute a Federal closure if they were being
honest o their permit. And I just don't know if there's
justification, or even -- I mean, I called it speculative
science, and he just answered my question there that they
thought it was a good number to start with, and they both
agreed on it, the State and the Feds. And I've always
contended, no, it's an arbitrary number, and I don't
think the science is sound enough to start putting
conservation methods or conservation concerns on stocks
that we don't have the data yet on, and impede
subsistence activities.

So that's just my feeling on it, and I've
always felt this way about this one. And when you're
there and there is a Federal closure on a stock, you kind
of take it personal a little bit. It doesn't leave your
mouth feeling that tasteful.

CHAIRMAN TOWARAK: Further questions.

CHAIRMAN TOWARAK: If not, then we will
continue on. Summary of public comments from the
regional coordinator.

(No comments)

CHAIRMAN TOWARAK: Okay. I'm on the
wrong finger. We're on number 5, the Department of Fish
and Game comments.

MS. YUHAS: Thank you, Mr. Chairman.

Jennifer Yuhas, Alaska Department of Fish and Game,
State/Federal subsistence liaison team leader.

The Department is neutral on both of
these proposals, noting on 18 that detailed maps and an
explanation for the public are required to be able to
make this work.

On Page 36, I'd like to direct the Board
to conditions that we've written up that would allow the Department to support this proposal; otherwise we would be neutral. And I've heard Member Christianson's comments. What we have noted is a 10 percent cap for the Klawock and then only five on each of the smaller drainages. We have some concerns that the proposal as written could shift some of the pressure to the smaller drainages.

And so the Department is neutral, but if this were amended, in this matter on Page 36, we could support it.

CHAIRMAN TOWARAK: Any questions. Mr. Haskett.

MR. HASKETT: So I'm not completely clear. So amended, what would your amendment be specifically?

MS. YUHAS: Yeah. On Page 36, through the Chair, if there were a cap on the total harvest on the Klawock River of 10 percent, and if there were a harvest limit of only five fish on the smaller streams.

MR. HASKETT: Thank you.

CHAIRMAN TOWARAK: If no other further questions then we'll proceed onto number 6, InterAgency Staff Committee comments.

MS. O'REILLY-DOYLE: The InterAgency Staff Committee found the Staff analysis to be a thorough and accurate evaluation of the proposal, and that it provides sufficient basis for the Regional Council recommendations and the Federal Subsistence Board action on the proposal.

And on future proposals, I will consider this to be the standard comment from the InterAgency Staff Committee, so that I will not have to read this into the record each time, if the Chair is in agreement with that.

CHAIRMAN TOWARAK: That's fine.

MS. O'REILLY-DOYLE: Thank you.

CHAIRMAN TOWARAK: Any questions from the Staff. Sorry, wrong button.
CHAIRMAN TOWARAK: If not, then we will proceed onto the Board discussion with Council Chairs and the State liaison.

I've got a question for Mr. Christianson. With your concern, would there be any way that you would want to amend the proposal.

MR. CHRISTIANSON: Well, yeah, through the Chair. Thank you.

Yeah. It seems to me the concern is the Klawock River. And, you know, being an island residence, I know the Klawock gets a lot of pressure. I mean, it gets a lot of sport pressure. It gets a lot of subsistence pressure. And then when the weather is tight and they are reducing the number of roads on the island, it has consolidated subsistence activity on all levels to less area, and fishing being one of them.

And if they're concerned about the Klawock, I would amend it to the Klawock and set the harvest guidelines and the conservation measures to the Klawock River, and again come back to, you know, maybe consulting with local communities about establishing harvest guidelines and such before we move forward and start setting conservation measure for an entire island.

CHAIRMAN TOWARAK: Pete, do you have a comment.

MR. PROBASCO: Mr. Chair. Mr. Reeves. Proposal 18 -- and to address Mr. Christianson's question. Proposal 18 speaks to the entire island, correct, and Proposal 23 is specific to Klawock.

MR. REEVES: Mr. Chairman. Mr. Probasco. That is correct.

CHAIRMAN TOWARAK: So what's the net effect of that, if we followed your proposals. Does that answer your concerns.

MR. CHRISTIANSON: Well, my concerns is that they're just doing a blanket conservation measure for an entire island without substantial data to evaluate what it is that they want to do. That's my concern. I mean, they just said it, that they came up with an
arbitrary figure for conservation measures that they agreed on. And I could agree with that to some degree. You have to set a threshold, and you have to know, you know, being a manager myself on some subsistence stocks, that you want a certain amount of escapement so you can have a return. But also having traditional knowledge that we've harvested a considerable amount more than that out of the adjacent systems in our community and still have healthy stocks. My concern is that we're going to start to reduce subsistence activities without really having a justification to do so.

I mean, I can speak from personal experience that a majority of the steelhead harvest in our community happens from young teenagers and adults, and most of them don't get permits. And myself, up until I was probably in my 20s harvested anywhere between 10 and 20 from the immediate streams around the community, and there was probably a handful of us that did that. And we could have harvested up to 10 out of those systems in a given year. And the return was still always there year-to-year-to-year-to-year.

That's my concern, is I have traditional knowledge and use pattern, and this not only would change my use pattern, but a whole group of people. And that's why I don't know if I'm being personal about it, or if I'm looking at it from the top down and trying to make a decision. And I had to struggle with this yesterday when I had some questions about how do I interject here with my concerns. And so I just -- that's where I'm at with it.

CHAIRMAN TOWARAK: If it's agreeable with you, Mr. Christianson and Mr. Adams, and the Staff, do you think we could take a 10-minute break and you folks could get together and see if there's a way that we might be able to address your concerns and still come up with a proposal?

MR. CHRISTIANSON: Sure.

CHAIRMAN TOWARAK: Okay. We're going to take a 10-minute break, and I'm going to ask the interested parties to see if they could come up with a proposal.

(Off record)

(On record)
CHAIRMAN TOWARAK: I will call the meeting back to order. We had taken a 10-minute break to give the Southeast contingency an opportunity to work out something. I'd like to perhaps give it to the Staff.

MR. REEVES: Mr. Chairman. I think Mr. Christianson's a little bit more enlightened on the situation, although he may still -- I mean, you know, in his opinion disagree on some of the aspects though, but I think I can kind of hand it back over for deliberation and for you guys' recommendation.

MR. CHRISTIANSON: Anthony Christianson, through the Chair. Again I think, you know, our little side discussion there was good. And I will look to support the Southeast Board's recommendation, and then work with these guys in the future to alleviate the local concern.

Thank you.

CHAIRMAN TOWARAK: Thank you. If I remember right, we were on number 7, the Board discussion with Council Chairs and State liaison. Is there anything further to discuss after that explanation.

(No comments)

CHAIRMAN TOWARAK: If not, we will go to Item No. 8, Federal Subsistence Board action.

MR. OWEN: Motion?

CHAIRMAN TOWARAK: The floor is open for a motion.

MR. OWEN: Thank you, Mr. Chairman.

First of all, before my motion, thank you for the opportunity to get together to have that discussion.

And with respect to Mr. Christianson, I request unanimous consent to take the actions recommended by the Regional Advisory Committee. The Office of Subsistence Management conclusion and the Regional Advisory Council are in agreement in the action to be taken, while the State of Alaska is neutral. Normally this type of agreement would result in proposals on the consensus agenda. Therefore,
without controversy, I ask for unanimous consent to adopt Proposal FP13-18 and reject Proposal FP13-23.

CHAIRMAN TOWARAK: There's a motion for unanimous consent. There's no debate. Are there any objections to the motion.

(No objections)

CHAIRMAN TOWARAK: Motion passes unanimously. Thank you.

I've got a little note here to remind people to -- if you're going to the lunch tomorrow, you need to either see Helen Armstrong or pay outside at the desk for the lunch. Or you'll starve.

(Laughter)

CHAIRMAN TOWARAK: We will move on then to the next proposal, which is FP13-24. Lead analysis, please.

MS. KENNER: Good morning, Mr. Chair. Members of the Board and Council Chairs. My name is Pippa Kenner, and I'm an anthropologist with the Office of Subsistence Management.

The analysis for Proposal FP13-24 can be found on Page 37 of the Board book.

This proposal was submitted by James See of Craig, Alaska and requests that only elders unable to fish for themselves or people who are severely disabled be allowed to designate another person to fish for them in the Klawock River. The Klawock River was the focus of Proposal 13-23 also that was just discussed.

The OSM Staff recommends that the Board oppose this proposal, because Proposal FP13-18 was adopted by the Board. This is because the Board adoption of this proposal will address the conservation concern for fish in the Klawock River. The Board did adopt Proposal FP13-18 and addressed the conservation concern for fish in the Klawock River, and therefore the OSM Staff recommends that the Board oppose this proposal, FP13-24.

And that's the end of my presentation. Thank you.
CHAIRMAN TOWARAK: Are there any questions.

(No comments)

CHAIRMAN TOWARAK: Thank you for your presentation.

Summary of public comments from the Regional coordinator.

MR. LARSON: Mr. Chairman. There are no written public comments regarding this proposal.

CHAIRMAN TOWARAK: Thank you. We'll open the floor then to public testimony.

MR. PROBASCO: Mr. Chair. I have no one signed up for public testimony on this proposal.

CHAIRMAN TOWARAK: Thank you. Regional Council recommendations. Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman.

The Southeast Regional Advisory Council recommendation is to oppose this proposal. And the justification for it would be that it would be an unnecessary restriction to subsistence uses. The preferred alternative to address the subsistence steelhead fishery on the Klawock River and the remainder of streams on Prince of Wales Island is captured in the Council's recommendation to support Proposal 13-18.

Thank you, Mr. Chairman.

CHAIRMAN TOWARAK: Any questions.

(No comments)

CHAIRMAN TOWARAK: Not hearing any, then we'll go to the Department of Fish and Game.

MS. YUHAS: Thank you, Mr. Chairman. Jennifer Yuhas, Alaska State/Federal subsistence liaison team leader.

This has been a perennial discussion over the last few years, whether it's been designated hunter or designated fisher depending on the area. And you're
well familiar with the Department's comments. We are bound to support the same criteria the State has, and that's outlined for you on Page 39.

For our comments, it's less to do with the conservation concern for the criteria for designation, but consistency. And the Board has typically not adopted these proposals, but if you do, we would like you to use the State's criteria to eliminate confusion.

CHAIRMAN TOWARAK: Thank you. Any questions of the State.

(No comments)

CHAIRMAN TOWARAK: Thank you. We will go on then to InterAgency Staff Committee comments.

MS. O'REILLY-DOYLE: So, Mr. Chair, the InterAgency Staff Committee submits its standard comment.

CHAIRMAN TOWARAK: Thank you. The Board discussion with Council Chairs and State liaison. Any discussion needed.

(No comments)

CHAIRMAN TOWARAK: If not, then the floor is open for action.

MR. OWEN: Motion?

CHAIRMAN TOWARAK: Motion's available. The floor's open for motion.

MR. OWEN: Mr. Chairman. I move to adopt Proposal FP13-24. And although I'm making this motion in the affirmative, I would like to let you know that I plan to support the Southeast Alaska Subsistence RAC's recommendation and vote no on my motion. After a second, I'll provide my rationale.

UNIDENTIFIED VOICE: Second.

CHAIRMAN TOWARAK: There's a motion and a second on the floor, and the floor's open for discussion or the rationale.

MR. OWEN: Thank you, Mr. Chair.
My rationale for opposing this recommendation can be found on Page 54 of the briefing book.

Furthermore, there are already existing definitions for designated hunters and fishes. I could point out that designated harvesting provisions recognize that some households, often referred to as super households, produce a surplus of wild foods, and that is customary and traditional, and is meant to share and redistribute harvest to others. This proposal would practically eliminate the ability for designated harvesters and fishers for others.

Further, this proposal regulation applies -- this proposed regulation, I'm sorry, applies to all fish, and there's no merit to restricting the harvest of all fish when a conservation concern does not exist. It would be an unnecessary restriction on subsistence users.

Finally, if a conservation concern does arise, then the in-season manager has the delegated authority to take immediate action.

Thank you, Mr. Chairman.

CHAIRMAN TOWARAK: Any questions. Any further discussion.

(No comments)

UNIDENTIFIED VOICE: Question.

CHAIRMAN TOWARAK: The question's been called for. Roll call, please.

MR. PROBASCO: Thank you, Mr. Chair.

And just to remind the Board, to support the Southeast Council's recommendation, a no would be in order.

Mr. Cribley.

MR. CRIBLEY: No.

MR. PROBASCO: Mr. Towarak.

CHAIRMAN TOWARAK: No.
MR. PROBASCO: Mr. Owen.

MR. OWEN: No.

MR. PROBASCO: Mr. Brower.

MR. C. BROWER: No.

MR. PROBASCO: Mr. Hasket.

MR. HASKETT: No.

MR. PROBASCO: Ms. Masica.

MS. MASICA: No.

MR. PROBASCO: Ms. O'Neill.

MS. O'NEILL: No.

MR. PROBASCO: And Mr. Christianson.

MR. CHRISTIANSON: No.

MR. PROBASCO: The motion fails.

CHAIRMAN TOWARAK: The next proposal is FP13-19. Have the Staff analysis, please.

MR. LARSON: Yes, Mr. Chair. My name is Robert Larson. I work for the Forest Service. I am the analyst for FP13-19.

The proposal is to increase the annual Stikine River subsistence sockeye salmon guideline harvest level from 600 fish, the same number that's in both Federal regulations and in the treaty annex language. The treating meaning the U.S./Canada Pacific Salmon Treaty. From 600 fish to 2,000 fish.

The executive summary begins on Page 57. The Staff analysis begins on Page 59.

There is additional information that is included in your board book. That is a Stikine River subsistence fishery annual report. That was not available to the Regional Advisory Council when they met, but subsequent to that meeting and prior to this meeting I prepared that report. And that is a requirement of the Pacific Salmon Commission, and we've included it as an
So let me talk about process for a minute and then I'm going to address the meeting that Mr. Probasco and I attended last week, which was the Transboundary Panel of the Pacific Salmon Commission.

So I want everyone to understand that implementing this regulatory change not only requires changing Federal regulations, but it in fact requires changing the language of the Pacific Salmon Treaty. The first step in changing the Pacific Salmon Treaty is working through the Transboundary Panel who is charged with managing those stocks that originate in Canada, return to Canada, but pass through fisheries under U.S. jurisdiction.

The original proposal is to increase the guideline harvest from 600 to 2,000. At the Council meeting, the Southeast Council meeting, their recommendation was to simply eliminate the guideline harvest level.

But we need to keep in mind that there is additional information, mostly contained within the annual report, and there are additional events that have taken place since then that they were not privy to. The additional events are those discussions that we had last week at the Transboundary Panel meeting in Vancouver, Canada. That meeting in Canada was attended by myself and Council Member John Yeager as well as Pete Probasco.

I would characterize it to say that there was some very good discussions regarding some communication and educational aspects of our program and our fishery that the U.S. section was more aware of than what I would characterize the Canadian section was aware of. The dual management of subsistence, commercial and sorts fisheries is not apparent. They're just not used to that, meaning them, the Canadian section.

I think it's safe to say that the U.S. section reacted favorably to either increasing or eliminating the guideline harvest level. There were concerns over our overall management of the fishery. There was concerns over management of Chinook salmon. There was concerns over in-season management regarding net tending, accurate reporting of harvest or bycatch, lost fish. There was a number of questions that they had.
The Canadian section was not positioned to provide us with a recommendation whether or not they should support, or if they would support -- what action they would support, whether elimination or increasing the guideline harvest. Their understanding of the guideline harvest in their management processes is very much like a management cap or a quota.

And it was clear that our definitions were different than theirs in our system, and in this case specifically a guideline harvest was provided and adopted a means to provide the U.S. section an anticipated scope of this fishery. It wasn't going to be 100 fish, it wasn't going to be 10,000 fish. It was going to be something more modest. And the number that was used at that time was 600. But it was not designed to be a harvest quota or a cap. It was strictly a guideline to enable the U.S. managers of the sport and commercial fisheries to stay within the U.S. allocation.

The Panel requested that a Federal representative or contingent return to their annual meeting. Their annual meeting is the 12th through the 14th of February. And at that time they would like to have a more detailed discussion of exactly what our management processes are, who does what when, why, under what circumstances. And we have not assigned personnel to participate further, but it's my understanding that we would in fact provide that information to the Transboundary Panel.

I think that the concerns of the Panel are rally threefold. One is that there's a lack of net tending regulations on the Federal side. We don't have a regulation that requires closely attending or checking a net under some time schedule. They were concerned that that lack of regulatory oversight would result in under-counting fish or maybe wasting fish. There was some concerns and testimony that they've had regarding predation by seals and that kind of thing.

They were also concerned over our management of Chinook salmon. They really didn't want to talk about sockeyes independent of the fishery concerns with Chinook salmon.

The were also concerned that they didn't understand how we were managing our fisheries versus the normal U.S. contingent which is made up of entirely state fisheries managers. We've said that we would address
those issues and get back to them.

There was no promises about what they
would recommend or a timeline from their side. The
U.S./Canada process, although it runs on a parallel track
to ours, it doesn't have the same time constrictions or
constraints as ours. And I just can't tell you when and
if we would have a recommendation for action from that
body. Maybe it will be in February and maybe it won't.
Maybe it will be sometime next year.

But we're moving forward, and it was a
good exchange. And I think that we could move with the
rest of this process, and hopefully at the end of this --
well, I have a recommendation from managers, from our
Staff, about how to -- what action would be appropriate
for the Board to take at this time.

But maybe I could quickly just look and
discuss the proposal, and what it is exactly the proposal
is doing, and provide some information regarding the
proposal itself.

So the 600 fish is contained within Annex
4 of the U.S./Canada Pacific Salmon Treaty originally
signed 1985. It was amended in January of 2009.

The subsistence salmon fishery on the
Stikine River is the only salmon fishery in Southeast
Alaska that is exclusively a Federal subsistence fishery.
It was started in 2004 for sockeyes. It was expanded in
2005 to include a Chinook and a coho component.

One of the things that we need to
remember is that these harvests are part of the U.S.
harvest allocation, and there is an annual allocation
that's also adjusted weekly by a number of the U.S. and
the Canadian fisheries managers working together to
evaluate the in-season run strength of these stocks. So
the number that is characterized as a U.S. allocation is
what we're part of, changes on a weekly basis. It's
highly regulated. There's no corresponding State fishery
for subsistence on the Stikine River.

Customary and traditional use has been
determined that only residents of Wrangell, Petersburg
and Meyers Chuck can participate.

The entire Stikine River watershed is
part of the Stikine-Le Conte Wilderness area, but it's
all under Federal jurisdiction.

In 2004 we had 40 permits that harvested 243 sockeyes. If you looked on Table 2 of our appendix, that's Page 72 of your Board book, you'll see an increasing trend of both participation and harvest. 2012 is the fourth consecutive year when we've exceeded the 600 fish guideline harvest.

One of the provisions of Annex 4, it's contained in Chapter 1, and it says that any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral Transboundary Panel and approved by the Salmon Commission. So that's where are with those people. We've approached them. We've provided them with this proposal, and they've taken it under advisement, but provided us with no recommendation at this point.

The Advisory Council and the OSM provided a recommendation to eliminate the guideline harvest. There's an expectation that we will not restrict this fishery to contain the harvest close to 600 fish. We think that this fishery is maturing. We think that the total number of fish may increase some, but probably those people that are participating are the same people that will participate. So we're beginning to see some trends in the decreasing rate of increase.

There's no conservation issues with those stocks. The stocks are generally healthy. There is components of those stocks that are -- take turns being either healthier or less healthy than one or the other. There's several of those systems within the Canadian province that is -- where there's stock assessment projects. For instance, one of the major systems this last year was less than what they'd like to see for escapements, but some of the other ones were greater. The overall numbers of fish in the river is healthy. It's been healthy and I would suggest it will like stay healthy for a long time.

The managers have a recommendation. And that is because of ongoing negotiations with the Transboundary Panel that Board action on FP 19 be deferred, and provide the Transboundary panel an opportunity to interact with us some time in the future and provide a recommendation to the Board regarding this proposal.
Thank you.

CHAIRMAN TOWARAK: Are there any questions of the Staff. Do you have a comment.

MR. PROBASCO: Mr. Larson, you did a very good job of outlining the process and what we went through. I think the part that, unless I didn't hear you state, was dealing with how we're going to start the season next year for king salmon, and the commitment we've made based on working jointly through the U.S./Canada process as well as our process.

MR. LARSON: Mr. Chairman. Thank you, Pete.

That is in the mind of both the U.S. section and in the Canadians. As I mentioned before, management of king salmon is of paramount importance. The Stikine River subsistence fishery is considered a directed fishery. And the forecast return for Chinook salmon to the Stikine River is less than what would be appropriate or be the threshold to allow directed Chinook fisheries.

It's our intent to submit a special action request to the Board for management action then. The management actions would be two-fold. One would be to close the Stikine River Chinook fishery preseason, and it would -- part of that action would result in an amended delegation of authority letter to the in-season manager that would allow him to reopen the fishery based on whether or not there is sufficient fish in the in-season abundance estimate to allow a directed fishery.

CHAIRMAN TOWARAK: Any other questions.

(No comments)

CHAIRMAN TOWARAK: We will proceed then on to the summary of public comments from the regional coordinator.

MR. LARSON: Thank you, Mr. Chair. There is one written public comment in the Board book. And that comment is that the Board should not take independent actions but instead work with the Pacific Salmon Commission.

There is an additional written public
comment that I was provided, and that's from the United
Southeast Alaska Gillnetters. And they were concerned
that an open-ended or the elimination of a guideline
harvest level could in fact impact the other uses,
meaning the commercial fishermen that are prosecuting
their fishery at the boundary of the U.S. subsistence
fishery. They also encouraged us to work within the
Pacific Salmon Treaty process.

   Thank you.

   CHAIRMAN TOWARAK: Any questions of the
   Board.

   (No comments)

   CHAIRMAN TOWARAK: Not hearing any, then
   we will open the floor to public testimony.

   MR. PROBASCO: Mr. Chair. I have no one
   signed up.

   CHAIRMAN TOWARAK: We will proceed then
   with number 4, Regional Council recommendations. Mr.
   Adams.

   MR. ADAMS: Thank you, Mr. Chairman. The
   Southeast Regional Advisory Council recommendation is to
   support the proposal, Proposal EP13-19 [sic], with a
   modification. And that modification is to eliminate the
   subsistence sockeye salmon annual harvest level from the
   Federal regulation.

   Now, the modification regulation should
   read as follows: You may take Chinook, sockeye, and coho
   salmon in the mainstream of the Stikine River only under
   the authority of a Federal subsistence fishing permit.
   Each Stikine River permit will be issued to a household.
   Only dip nets, spears, gaffs, and reel [sic], beach
   seine, or gillnets not exceeding 15 fathoms in length my
   be used. The maximum gillnet mesh size is five and a
   half inches, except during the Chinook salmon when the
   maximum gillnet mesh size is eight inches.

   Item No. A. You may take Chinook salmon
   from May 15 through June 20th. The annual limit is five
   Chinook salmon per household.

   Excuse me. B. You may take sockeye
   salmon from June 21st through July 31st. The annual
limit is 40 sockeye salmon per household.

C. You may take coho salmon from August 1 through October 1st. The annual limit is 20 coho salmon per household.

And, D. You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally-taken salmon must be reported on your permit calendar.

Item No. E. The total annual guideline harvest level for Stikine River fisheries is 125 Chinook, and 400 coho salmon. All salmon harvested, including incidentally-taken salmon, will count against the guidelines for that species.

And the justification for this proposal, Mr. Chairman, is this action would eliminate the Stikine River subsistence fishery sockeye salmon annual guideline harvest levels from both the Federal regulations and the U.S./Canada Pacific Salmon Treaty. The Council noted there is no conservation concern with removing the annual guideline harvest levels as the stocks appear healthy and the subsistence harvest relatively small. The in-season manager has the authority to close the fishery for conservation if necessary. The harvest from the subsistence fishery is already part of the U.S. allocation and there is no need to have a separate subsistence fishing allocation. The Federal regulations of the Treaty Annex are not the appropriate locations to apportion the U.S. allocation between domestic user groups. This action is in the best interests of the subsistence users as it would better reflect the actual management of the subsistence fishery.

Thank you, Mr. Chairman.
In this arena the State participates as a non-voting member and in the Panel on the Commission, the State participates as a voting member. And, in fact, Mr. David Bedford, our assistant commissioner, attended the Southeast RAC meeting and explained some of the details and collected some information so he could best represent the wishes of the users at these meeting.

But because of this divergence, the State must defer a recommendation until there is an outcome from the Commission and the Panel.

CHAIRMAN TOWARAK: Thank you. Any questions of the Department of Fish and Game.

(No comments)

CHAIRMAN TOWARAK: We will move on then to the InterAgency Staff Committee comments.

MS. O'REILLY-DOYLE: The InterAgency Staff Committee provides a standard comment.

CHAIRMAN TOWARAK: Board discussion with Council Chairs and State liaison. Pete.

MR. PROBASCO: Thank you, Mr. Chair.

I just think it's important to put on the record the unique situation we have here working on Federal waters of the Stikine River under our jurisdiction, which also falls under the jurisdiction of the Pacific Salmon Commission.

It really came to light to me when we started working with both Don Collingsworth and Ken Lord on this issue, and then Jim Yu, in that the view that one would trump the other is not a view that we can hold. That has not been tested. In fact, it is recommended that within both of our legal mandates that we try to work cooperatively and to provide the opportunities that each respective mandate provides for. So in other words, we should look at working through the Pacific Salmon Commission, still working within our mandates to try to establish the regulations within Federal regs that provide for this fishery.

So with that said, Mr. Larson's summary indicates the importance of allowing that side of the Pacific Salmon Commission Treaty process to continue to
see what recommendations they would provide for us.

You've got to keep in mind that it is a process that there's negotiations that take place to establish the treaty language, and that will be renegotiated starting in 2014 with a completion date of 2016. So it's very important that we listen to the U.S. side on how to proceed in dealing with the various fisheries that we also have jurisdiction on. And so in my opinion, it's very important that we work collaboratively.

And it's also important to recognize that the process did not allow this to play out in time for Mr. Adams' meeting, the Southeast Regional Advisory Council meeting. So that information that Mr. Larson shared was not part of the information that the Council would have had to develop their recommendation.

CHAIRMAN TOWARAK: Thank you. Are there other questions or further discussion. Mr. Haskett.

MR. HASKETT: So I just want to make through the Chair to the RAC. I just want to make sure I understand the proposal. So this is not -- the proposal is to increase from 600 to 2,000 sockeye salmon, but it's -- are we making it subject to what the Transboundary River Panel decides, or are we just making a proposal that we're going to do this regardless of what they decide? I'm not clear.

CHAIRMAN TOWARAK: I'm not either. I was hoping that we would maybe hear from the Chair. Mr. Adams.

MR. ADAMS: I'm going to defer to Mr. Larson for that answer, because that's a hard question.

MR. HASKETT: So, before you answer, because I didn't -- so to me, there's a big difference between the two. If what we're actually proposing is that here for all these reasons we have, this Board understands that we ought to go ahead and increase the amount of fish that we allow, or we recognize these jurisdictional issues, so we'll work with them. We're waiting to see what they do next. That's pretty easy for me. It's not quite so easy if the proposal is, well, we just think we're going to move forward and not recognize
Mr. Larson.

Mr. Chair. There's actually two related issues here at play.

One is that part of the treaty language says that our regulations need to be coordinated with the Pacific Salmon Commission. Now, that's in order to change our own regulations. We have some regulations that are not only Federal regulations, but they are part of the treaty. So, for instance, in this case, the guideline harvest limit for the subsistence fishery on the Stikine River is a treaty provision. And not only are we obligated to consult with the Pacific Salmon Treaty before we change our own regulations, implementation of any changes we might make, they're just not effective until we change the treaty language, because we can't be violating the U.S./Canada treaty with a Board action. If that makes sense.

Chairman Towarak: Go ahead, Pete. Go ahead, Mr. Haskett.

Mr. Haskett: Sorry, I didn't understand what you just told me at all.

(Laughter)

Mr. Haskett: So really what I'm looking for is a really kind of -- and probably too simple of an analysis, but the proposal, recognizing the treaty, we're not going to come up with anything that's in violation of the treaty without treaty changes. I think that's a given. Can't do that. Not legal.

So is the proposal to move forward, to recommend that we increase from 600 to 2,000 sockeye salmon, but subject to some determination or working with the Transboundary River Panel? So it's just kind of a yes or no I think.

Mr. Larson: And if that's my question, it's yes.

Chairman Towarak: Okay. Pete.

Mr. Probascio: Thank you, Mr. Chair.
Mr. Haskett, that was a good summary, and
a possible action. Probably the best way to look at that
is we may be able to meet the Southeast RACs intent of
eliminating the GHL, but we're not sure what the Pacific
Salmon Commission will come back to. And so it may be in
our best interest to just defer action on the proposal
until that process is completed.

CHAIRMAN TOWARAK: Mr. Haskett.

MR. HASKETT: So I guess I can
communicate that my intent here is based upon my
understanding, because it doesn't seem to me we need to
defer, unless we have some legal recommendation that
tells us we have to, as long as we recognize that there's
some legal requirements that we're not jumping over or
ignoring, and that we're just making a recommendation of
what we think the subsistence use ought to be, this
increase from 600 to 2,000, but recognize that we have
the following to do to get there. And if that's the
proposal, then I have no problem voting for that.

CHAIRMAN TOWARAK: Ms. Masica.

MS. MASICA: On Page 59 there's a
statement that says implementation is contingent upon
concurrency by the Pacific Salmon Commission through the
Transboundary Panel. I wonder if -- and this would be
amending the motion, but putting -- I mean, the language,
but putting the statement in the actual reg, which makes
it clear, because the language is actually in the reg, so
it is proposed to take effect with the regs I think,
unless you clarify that that other situation is the case.
Sorry.

CHAIRMAN TOWARAK: Pete.

MR. PROBASCO: Mr. Chair and Board
members. I think what's been laid out both by Mr.
Haskett and Ms. Masica is an option. Keep in mind that
we're dealing with a process that has the U.S. side and
the Canadian side. And negotiations at times can get
very challenging if you will. And so what is presented
and what's postured can be viewed one of two different
ways: that we're working with them, or we're trying to
drive the bus. And so I think it's important that we
recognize that we have to work through both processes and
respect the U.S. side as they work through the treaty
process, and try not to get out too far in front.
Mr. Chair.

MS. O'NEILL: Mr. Chair. I actually have a question about if we adopt FP13-19, what is the likelihood that the negotiations and discussions between Canada and the U.S. will be -- the language will be specific enough in the agreement to confirm and support this particular regulation.

MR. LARSON: Mr. Chair. I think it's important to recognize that we need to honor this other regulatory mechanism that's in place between the United States and Canada. These are all Canadian fish we're catching. They are part of a U.S./Canada negotiations that have been ongoing since 1984.

I believe that this body, the Transboundary River body, made up of equal numbers of Canadian and U.S. stakeholders, will provide us with the information and a recommendation that supports the RAC position. I'm not positive of that, but I believe that if we allow that process to move forward and honor their process, that we would get to the finish line a little faster than what we would if we got out in front of their process.

CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

MR. CRIBLEY: Mr. Chairman. I thought the dangers were out in the hallway. I didn't realize the dancing had already started, but it sounds like we're doing an excellent job of political dancing right now.

(Laughter)

MR. CRIBLEY: Just a clarification. I think I understand what the situation is from the standpoint of we don't want to get the cart in front of the horse, and we don't want to do anything that would jeopardize those negotiations with Canada on this treaty. But I guess the -- and I guess what I'm trying to do is to position ourselves or our folks who are in those negotiations the best position that they need. And I guess if -- I'm just wondering should it be that we defer the decision and then have them take that recommendation -- take it as a recommendation, or would it be better for us to take a position that we support it contingent on the negotiations. And I guess what I want to do is make this successful, and to do something that would make the negotiators -- or put them in the best position. And I
don't want to over -- I wouldn't want to make a recommendation to overstate our position, to make it appear that we're trying to assert our authority or to essentially drive the bus, but rather to facilitate the negotiations so that they understand this is what we would like to do, but we also recognize the necessity of the treaty negotiations and to follow that. And I don't know who knows -- if anybody knows that answer or anybody who is involved with that to give us advice on it, but I guess that -- my feeling is we should follow -- or that would be the best thing for us to do is to follow that intent or try to achieve that objective or goal.

CHAIRMAN TOWARAK: Mr. Haskett first, and then Mr. Probasco.

MR. HASKETT: So just to build on that, it does seem to me that it's important for us not in any way to antagonize the other jurisdiction over this and cause problems we don't intend to cause, but we ought to figure out the best way to and send a message that we would like to work with them, we recognize that they have the jurisdiction, and here's the amount of fish that we believe would be appropriate that we hope they will be working for. So whether we do that through deferring and some letter from this Board to them that says that, or whether we pass a motion and just pass it in a way to make sure that it is very respectful and understanding of the relationship, I think we need to do one of those two things.

CHAIRMAN TOWARAK: Pete.

MR. PROBASCO: Thank you, Mr. Chair.

Both of you said it very well. I think the thing to consider is that when we, Robert and myself and John Yeager, just met with the U.S. Panel, that Panel was not totally in consensus as far as eliminate the GHL or increase the GHL. Many of the commercial users were in favor of upping the GHL to some level that would capture the fishery, and they were talking about 2,000, and a couple talked about 3,000. A couple of the commercial users were not in favor of eliminating the GHL. So if we took an action to mirror what the Southeast RAC was, to eliminate the GHL, they may come back and say, no, we want a GHL.

So that's the only risk I see, Mr. Cribley and Mr. Haskett, in selecting one of those versus
just deferring action. Because if they come back and say
we want a cap of -- a GHL of 3,000, and you recommended
and passed a proposal with eliminating GHL, then we'd
have to come back and have another dialogue with the
Council and take further action.

Mr. Chair.

CHAIRMAN TOWARAK: Is it possible for us
to defer action and take action by teleconference after
the treaty is addressed.

MR. PROBASCO: Mr. Chair. That wouldn't
be wise, because all of our public meetings are done by
notice and we give the opportunity whenever we have those
meetings to have the Council that's affected to meet and
then follow it with a meeting.

Mr. Chair.

CHAIRMAN TOWARAK: Thank you. Any other
questions. Go ahead, sir.

MR. HEPLER: Thank you, Mr. Chairman.

I checked with David Bedford when we were
having this discussion and asked the same question that
you're all asking. And I asked David, you know, better
to defer or better to, you know, write something in
writing, you know, and I also understand why, you're
trying to support the RAC. I get that. He suggested
deferring for the reasons that Pete articulated.

And so, Mr. Chairman, you know, certainly
from an ADF&G perspective, the Commissioner understands
clearly what the Board wants to do. There's no question
about that. And I probably think the U.S. contingent
does. And so at the very least I would defer. I'd
respectfully suggest that. And then, you know, going
back, like, Mr. Haskett, if you want to be sure that they
understand what you want, then, you know, then writing a
letter to the U.S. contingent, I think, Mr. Probasco --
I don't think they'd find that overly troubling or trying
to push them one way or the other. But, I mean, I'd
defer, Pete, to what you think on that one, but certainly
having the Board defer than trying to figure out a clear
way, a cleaner way, or at least a little less open way to
let them know what you're trying to do. I think that
would be beneficial.
Mr. Chairman.

CHAIRMAN TOWARAK: Thank you. Any further discussion. Go ahead, Tony.

MR. CHRISTIANSON: Well, my understanding -- Anthony Christianson, through the Chair.

My understanding is that there's already a domestic allocation though and that this would just come out of that allocation that's established for the U.S., so whatever the harvest guideline is, it's going to be counted throughout the season, and when that threshold's met, all the fisheries are closed. I mean, that's what the justification basically says here about in-season management, and that it's already going to come out of that domestic allotment of fish for the U.S. So I don't know where we would have to wait to make a decision to support the RAC.

CHAIRMAN TOWARAK: Go ahead, Pete.

MR. PROBASCO: Mr. Chair. And I'll ask Mr. Larson to add to it.

You're correct, Mr. Christianson, it does come out of the domestic allocation, but if you recall what Mr. Larson said, the GHL is already in language of the treaty. And so when you look at the Canadian side, who view the GHL as a cap, and we're exceeding it, even though we go -- our proportion of fish come out of the domestic allocation, they don't view it that way. They said, you've got 600 fish. You catch 600 fish, when you catch that, you're done. So that's why we're looking at this issue, because it's contained within the treaty language.

Mr. Chair.

CHAIRMAN TOWARAK: Any further questions or discussion. What's the wishes of the Board, do we move on to Item 8 on the process? Board action.

Mr. Larson, you had a question.

MR. LARSON: Mr. Chair.

To get back to Tony's question, and he's absolutely correct, that there is a pre-season abundance estimate that results in a harvestable quota, the total
allowable catch that's divided equally between the
Canadian fisheries and the U.S. fisheries. We do have
this number specific to the subsistence fishery, this
600. What we've told both the Canadians and the U.S.
managers is that we'll manage our fishery based on being
a component of the total allowable catch. When the total
allowable catch is taken, then all fisheries are
restricted.

We will manage this fishery. But what we
will not do, is what we've told the Canadians and the
U.S. fishermen, is that we're not managing to this 600
fish number. We're managing within our -- as a component
of the total U.S. allowable harvest, not the 600 fish.

So that's where we are. Regardless of
Board action, that's where we expect to be this summer,
managing within the total allowable harvest.

CHAIRMAN TOWARAK: We are ready then for
number 8, Federal Subsistence Board action.

MR. OWEN: Motion?

CHAIRMAN TOWARAK: Motion.

MR. OWEN: Thank you, Mr. Chair.

I move to defer addressing this proposal
until January 2014, perhaps sooner, pending action by the
Pacific Salmon Commission relevant to this proposal.

If seconded, I will provide additional
comment with respect to my motion.

MR. C. BROWER: Second.

CHAIRMAN TOWARAK: The motion's been
seconded.

MR. OWEN: Thank you, Mr. Chair.

CHAIRMAN TOWARAK: Discussion.

MR. OWEN: Before I start, I'd like to
say for the record how much I personally appreciate Mr.
Probasco's personal involvement in this issue and helping
us get to the place that we've been, and Mr. Bedford's
support for the work that we've been doing, sincerely
both as my position here today and with the Forest
I'd like to make it clear that I fully support the Southeast RAC's recommendation to the Board on this proposal. It's the right thing to do. However, as Mr. Probasco pointed out, this is not solely within our control to make these changes. And we have to balance our action against the Pacific Salmon Commission. Without them, we can't really implement the proposal as it is right now.

The Pacific Salmon Treaty and ANILCA are both the law of the land. We need to be able to balance actions to make both of them reality. That's why we've been put here. And in order to make that happen, we have to be careful of and manage our relationship with the Canadians. And I don't believe that we manage our relationship with the Canadians well by telling them what we're going to do regardless of what we are going to say together.

So we should not abandon the cooperative approach to providing for subsistence on the Stikine River. We know that the U.S. Panel is committed to negotiations in good faith to provide changes to the GHL and working closely with the Canadians and the bilateral Transboundary Panel. The adoption of the motion to defer will assist the U.S. Panel in negotiating the needed changes for the guideline harvest level while honoring the Council's recommendation.

And I will remind us all that this Board has taken action to defer action on regulations before, and recently, specifically in the rural determination case. So I do not anticipate that the Federal subsistence fishery for sockeye salmon on the Stikine in 2013 will be negatively affected by deferring this proposal.

I've moved to defer this proposal to January 2014, perhaps sooner, if the Pacific Salmon Commission were to take action on the guideline harvest change before 2014. Given that they were to take action in a way that could be considered before this Board, we should do that at that time, not before.

Thank you, Mr. Chairman.

CHAIRMAN TOWARAK: Thank you. Is there other discussion. Mr. Haskett.
MR. HASKETT: So just a question, kind of a point of order thing. So if we vote to defer, are we still able to have a follow-up discussion about whether this Board wants to send some message about what we think the position ought to be somehow, some discussion that way? Some letter from us?

CHAIRMAN TOWARAK: I don't know how it could prevent us from doing it.

MR. HASKETT: Okay, thank you. I'll probably have another proposal after we vote on this, then.

CHAIRMAN TOWARAK: Further discussion.

(No comments)

CHAIRMAN TOWARAK: Is there a call for the question.

MR. HASKETT: I'll call for the question.

CHAIRMAN TOWARAK: The question has been called for. Roll call, please.

MR. PROBASCO: Thank you, Mr. Chairman. Action on Proposal FP13-19, to defer.

Mr. Towarak.

CHAIRMAN TOWARAK: Yes.

MR. PROBASCO: Mr. Owen

MR. OWEN: Yes.

MR. PROBASCO: Mr. Brower.

MR. C. BROWER: Yes.

MR. PROBASCO: Mr. Haskett.

MR. HASKETT: Yes.

MR. PROBASCO: Ms. Masica.

MS. MASICA: Yes.

MR. PROBASCO: Ms. O'Neill.
MR. PROBASCO: Mr. Christianson.

MR. CHRISTIANSON: Yes.

MR. PROBASCO: And Mr. Cribley.

MR. CRIBLEY: Yes.

MR. PROBASCO: Motion carries.

CHAIRMAN TOWARAK: Is there -- okay. We're going to recess the meeting until 8:30 in the morning, but we had a special arrangement made through Jack Lorrigan for a presentation that comes in the form of Native dancing.

Jack, would you please introduce our new guests.

MR. LORRIGAN: Thank you, Mr. Chairman. We're going to change the tempo of the day a little bit.

When I took this position as the Native liaison, I observed a lack of cultural exposure if you will on the Board. And, if allowed, I'd like to start a tradition of having a cultural dance group come and perform for the Board from now on. I think it's appropriate that we spend all this time talking about our culture in terms of food and harvest and regulations about where and when we can take certain things, but when it comes down to it, these cultures survived on the very thing we're regulating. And a lot of it is told through song and stories. And there's another half of our culture that is expressed through our dance and our songs.

And the Tlingit and Haida Dancers of Anchorage have agreed to come and perform for you today. They're going to preform over here to my left. It's a group of it looks like half children, which is appropriate, because this is who we're handing all this stuff down to is them. So they learn it. They'll bring up -- hopefully this will keep on in perpetuity.

Are you ready?

(Nods affirmatively)
MR. LORRIGAN: So without further ado, I'd like to introduce the Tlingit and Haida Dancers of Anchorage.

(Tlingit and Haida Dancers of Anchorage)  
(Applause)

CHAIRMAN TOWARAK: We'll see you at 8:30 in the morning.

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 136 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME I taken electronically by our firm on the 22nd day of January 2013, in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 4th day of February 2013.

____________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/14