

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME I
7

8 EGAN CENTER
9 ANCHORAGE, ALASKA

10
11 January 22, 2013
12 8:30 o'clock a.m.
13

14 MEMBERS PRESENT:

15
16 Tim Towarak, Chairman
17 Charles Brower
18 Anthony Christianson
19 Bud Cribley, Bureau of Land Management
20 Geoff Haskett, U.S. Fish and Wildlife Service
21 Sue Masica, National Park Service
22 Eufrona O'Neill, Bureau of Indian Affairs
23 Wayne Owen, U.S. Forest Service

24
25
26
27 Bertrand Adams - Southeast RAC
28 Molly Chythlook - Bristol Bay RAC
29 Vern Cleveland - NWA RAC
30 Andrew Firmin - Eastern Interior RAC
31 Louis Green - Seward Peninsula RAC
32 Jack Reakoff - Western Interior RAC

33
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35 Ken Lord, Solicitor's Office

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41 Kelly Hepler, State of Alaska Representative
42

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P R O C E E D I N G S

(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,

1 we're going to try to find someone to sit in his chair
2 during our deliberations here for the next two or three
3 days.

4

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

16

17 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.

27

28 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
44 desk so that we can make sure to recognize you. This is
45 time certain.

46

47 We are planning to have an Alaska Native
48 dance group perform at 4:00 p.m. today. The group will
49 be doing what is called a blanket dance to raise funds to
50 help cover their costs. If you would like to help

1 support the dance group, please contribute during the
2 blanket toss -- blanket dance. I was thinking of a
3 different sport.

4

5 (Laughter)

6

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

12

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

17

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

26

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

37

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

43

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

48

49 I'm Tim Towarak. I'm from Unalakleet,
50 born and raised in Unalakleet. Spent my whole life in

1 Unalakleet. And I'm currently retired, but fill this
2 position as a part-time position with the Federal
3 government, and I appreciate everyone being here.

4
5 And let's go on our right and make a
6 complete circle here with introductions.

7
8 MR. LORD: Good morning. My name is Ken
9 Lord. I'm with the Solicitor's Officer of the Department
10 of the Interior, which means I'm an attorney that advises
11 the program.

12
13 Thank you.

14
15 MS. O'NEILL: Hello. My name is Eufrona
16 O'Neill. I'm the acting regional director for the Bureau
17 of Indian Affairs here in Anchorage.

18
19 MR. KESSLER: Good morning. My name is
20 Steve Kessler. I'm with the U.S. Forest Service. I'm
21 sitting in for Wayne Owen who we expect to come later
22 this afternoon or hopefully right after lunch. He is
23 stuck in Juneau because of weather. But I just got a
24 note from him, and he anticipates being here for the
25 afternoon.

26
27 MR. CRIBLEY: My name is Bud Cribley.
28 I'm the state director for the Bureau of Land Management
29 here in Alaska, stationed here in Anchorage.

30
31 MS. MASICA: Good morning. My name is
32 Sue Masica. I'm the regional director for the National
33 Park Service.

34
35 MR. REAKOFF: My name is Jack Reakoff.
36 I live in Wiseman in the central Brooks Range and have
37 leaved in the Brooks Range practically my whole life.
38 And I'm the Western Interior Council Chair.

39
40 Thank you.

41
42 MR. CLEVELAND: (In Native language)

43
44 My name's Vern Cleveland, Noorvik,
45 Regional Advisory Council. Thanks.

46
47 MR. FIRMIN: Hello. My name is Andrew
48 Firmin. I'm from Fort Yukon/Yukon Flats. I'm sitting in
49 for Sue Enstminger, the Eastern Interior Regional Council
50 Chair.

1 MR. HEPLER: Good morning, Mr. Chairman,
2 Board members, and members of the public. My name is
3 Kelly Hepler. I'm the assistant commissioner of ADF&G,
4 just fresh from the AYK Board meeting of six days, so
5 we're here to share some of that information with you.

6
7 Thank you.

8
9 MS. YUHAS: Good morning. Jennifer
10 Yuhas, State of Alaska. I am the State's Federal
11 subsistence liaison team leader.

12
13 MR. CRAWFORD: Good morning. I'm Drew
14 Crawford. I'm with the Alaska Department of Fish and
15 Game, State/Federal subsistence liaison team.

16
17 MS. O'REILLY-DOYLE: Good morning. I'm
18 Kathy O'Reilly-Doyle. I'm the deputy assistant regional
19 director for the Office of Subsistence Management.

20
21 MR. ADAMS: Yeah. (In Native language)

22
23 That means good morning in my language.

24
25 (In Native language)

26
27 Bert Adams, Senior is my non-Native name.
28 I am from Yakutat. I presently serve as the Chairman for
29 the Southeast Regional Advisory Council. And it's nice
30 to be here.

31
32 Gunalcheesh.

33
34 MR. C. BROWER: (In Native language)

35
36 Charles Brower. I'm from Barrow. I'm
37 with the Federal Subsistence Board. Good morning,
38 everyone. That's what I said in Inupiat.

39
40 (In Native language)

41
42 MR. CHRISTIANSON: Good morning,
43 everybody. I'm Anthony Christianson. I'm from the
44 community of Hydaburg. I currently serve as the mayor
45 there, and serve on the FSB for the rural seat.

46
47 MR. HASKETT: Good morning. I'm Geoff
48 Haskett, the regional director for the Fish and Wildlife
49 Service. And I missed the last couple meetings. I was
50 out of state. So it's nice to be back.

1 MR. PROBASCO: Good morning. I'm Pete
2 Probasco. I'm the assistant regional director for the
3 Office of Subsistence Management.

4
5 CHAIRMAN TOWARAK: Thank you. We have an
6 agenda in front of us. I'd like to ask if there are any
7 corrections or additions to the agenda before we -- go
8 ahead.

9
10 MR. KESSLER: Thank you, Mr. Chairman.

11
12 I would like to request that the Board
13 remove Proposal FP09-05 from the consensus agenda, and
14 move it to the non-consensus agenda. I know that the
15 Sitka Tribe of Alaska is here to talk about this
16 proposal, and therefore the only way that we can talk
17 about it is to move to non-consensus, and so I'd like to
18 do that.

19
20 MR. CHRISTIANSON: Do I need to second
21 that?

22
23 CHAIRMAN TOWARAK: Yes, a second is in
24 order. There's a motion and a second on the floor. Is
25 there any discussion on the motion.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: Are there any
30 objections to the motion.

31
32 (No objections)

33
34 CHAIRMAN TOWARAK: Not hearing any, then
35 the motion passes. So FP09-05 is on the non-consensus
36 agenda.

37
38 Any other corrections on the agenda.
39 Pete.

40
41 MR. PROBASCO: Thank you, Mr. Chair. A
42 couple things as we go through the agenda, and I would
43 recommend we probably take up these items before we get
44 to the non-consensus agenda items dealing with the
45 proposals.

46
47 Before you in your brown packet is a
48 bunch of information. And under tab 4 is the discussion
49 of the regulatory cycle. If you recall, the Federal
50 Board at the request of a couple Advisory Councils

1 requested that the Board take a hard look at their
2 regulatory calendar, if you will. And there are
3 recommendations there on how to proceed, and we would
4 like to have a discussion of that at this meeting.

5
6 The other item is Mr. Bert Adams, the
7 Chair for the Southeast Regional Advisory Council, will
8 be addressing C&T. He and his Council are going to be
9 submitting a letter to all of the Councils to take a look
10 at our C&T process. And that's provided as an
11 information.

12
13 At the end, when we get to agenda 16,
14 Item 16, we need to schedule some meetings, so you might
15 to take a look at your calendar, and when we get to that,
16 we can address it. For the work session, we're going to
17 need a work session prior to our spring public meeting to
18 discuss the MOU and recommended changes from both the
19 Federal and State side. And then we need to schedule a
20 public meeting either towards the end of April or early
21 May.

22
23 And then following that, due to the
24 difficulty in getting, particularly at this time of the
25 year, a venue, we would also like to take a look
26 depending upon what we do with the regulatory cycle a
27 January meeting for 2014.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN TOWARAK: Thank you. Any other
32 -- Mr. Adams.

33
34 MR. ADAMS: Thank you, Mr. Chairman.

35
36 Just going through the agenda here, and
37 as I listen to Pete, you know, talk about, you know,
38 issues on the agenda, I was wondering when the C&T issue
39 is going to be brought up? I don't see it anywhere on
40 here. So when am I going to do that?

41
42 MR. PROBASCO: Thank you, Mr. Chair. And
43 thank you, Mr. Adams.

44
45 My intent is the regulatory cycle item
46 and the Southeast C&T we'll take up just prior to -- let
47 me look at the number here. Just prior to agenda Item
48 15.

49
50 So it will occur in there, Mr. Chair.

1 MR. ADAMS: Thank you.
2
3 CHAIRMAN TOWARAK: I'm sorry. Any
4 further discussion on the motion to accept the agenda as
5 amended.
6
7 (No objections)
8
9 CHAIRMAN TOWARAK: If not, then I think
10 procedurally I've already asked if there were any
11 objections. There were none, and the motion is passed,
12 so the agenda is approved as amended.
13
14 Item 3 on our agenda is information
15 sharing. Is there any information that people would like
16 to share at this point before we get into deliberations.
17
18 Pete.
19
20 MR. PROBASCO: Mr. Chair. When we get to
21 Proposal 19 we will have an introduction of that
22 proposal, but we'll also have a briefing on the
23 activities the Forest Service has had with the Pacific
24 Salmon Commission as it deals with this transboundary
25 river, the Stikine. And so I just want to give everybody
26 a heads up that that will be part of Proposal 19 that is
27 not in your booklet.
28
29 Thank you, Mr. Chair.
30
31 CHAIRMAN TOWARAK: Thank you. We just
32 see the Seward Peninsula Chairman here.
33
34 Please introduce yourself.
35
36 MR. GREEN: Lost Louis.
37
38 (Laughter)
39
40 MR. GREEN: I found that my meeting
41 wasn't at the Hilton this morning, and I was kind of
42 frantic, so I ended up finally finding somebody that
43 could get me on the internet and located you folks.
44
45 And I'm Louis Green from Nome. Thank
46 you.
47
48 CHAIRMAN TOWARAK: Welcome, Louis. Thank
49 you for finding your way here.
50

1 We also have Jan Straley. If you would
2 -- we had announced that you would be introducing the
3 students. If you could please come up and introduce your
4 students.

5
6 MS. STRALEY: Thanks. Well, thank you
7 for letting us speak. I'm Jan Straley. I'm faculty at
8 the University of Alaska Southeast, and last year we
9 brought a class of students here and it was such a
10 success we brought more students this year. In fact,
11 there are nine students coming from Southeast and also a
12 student from Fairbanks. And I did prepare little bios of
13 each of the students that will be sent to you. And, I'm
14 not sure, would you like each student to introduce
15 themselves, or would you like me just to give a summary
16 of who they are.

17
18 CHAIRMAN TOWARAK: The floor is open for
19 you to do anything that you would like to do.

20
21 MS. STRALEY: Okay. Well, I just give a
22 short synopsis, and then you will have the bios of each
23 of the students, so if you have more questions, you could
24 -- for each of those students.

25
26 The students from Prince of Wales are
27 three advanced high school students from Island School
28 District, from Coffman Cove, and they are very interested
29 in subsistence and for their -- the fisheries of their
30 region. We have a woman -- the other five students are
31 from the fisheries tech program out of UAS, and they're
32 very interested as well as of the fisheries issues
33 pertaining to fisheries management in Alaska as well as
34 they're for the most part all subsistence users from
35 Circle, Kake, Wrangell and those areas, and Cordova as
36 well. So I think I'll just leave it at that. And
37 they're very interested, they're excited about being here
38 and listening to the process.

39
40 UNIDENTIFIED VOICE: Could you have them
41 stand?

42
43 MS. STRALEY: Oh, yes, I will. I'll have
44 them all stand up. That's a good idea.

45
46 (Applause)

47
48 MS. STRALEY: And thank you. And, for
49 their class project, they are all responsible for a
50 proposal, and they've all selected different proposals,

1 so they may be approaching various people for more
2 information on the process and the outcome.

3

4 Thank you.

5

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

15

16 So we welcome you here.

17

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

24

25 Mr. Adams.

26

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

34

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

40

41 Do you have a question back there?

42

43 MR. WAGNER: I don't know if you guys
44 remember me or not. I'm the loud-mouthed guy that don't
45 need this thing very much. But my hearing aid didn't
46 survive my washer or my dryer, and I'm only here to --
47 I'm going to testify later, but I'm only here to request
48 that people please until -- the Fish and Game
49 representative put his voice up, but he's the only one I
50 heard. People seem to be scared of the machine, and --

1 or they're not kind of working. I don't know whether I'm
2 the only one here that has that problem, but I'd please
3 request that anything they say that can get by me, you
4 know. That's all I have to ask.

5

6 Thank you.

7

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

13

14 Go ahead.

15

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

19

20 CHAIRMAN TOWARAK: Okay. Pete.

21

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

32

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

39

40 Thank you.

41

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

44

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

48

49 MR. C. BROWER: Thank you.

50

1 MS. O'NEILL: Mr. Chairman.

2

3 CHAIRMAN TOWARAK: Go ahead.

4

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

11

12 Thank you.

13

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

18

19 Thank you very much.

20

21 CHAIRMAN TOWARAK: Welcome to our
22 process.

23

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

26

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

32

33 I think most people are aware that we
34 issued the final environmental impact statement for the
35 National Petroleum Reserve Integrated Activity Plan
36 around the first of the year. And as a part of that
37 issuance of that, the Secretary directed myself and Pat
38 Pourchot, who works for the Secretary here in Alaska, to
39 conduct some additional outreach meetings on the North
40 Slope with the governmental entities and tribal interests
41 to gain more insight on how BLM can better communicate or
42 how the Federal government can better communicate with
43 those interests on the North Slope as far as permitting
44 activities and how that may affect the local communities
45 and tribal interests. And we are in the process of
46 setting those meetings up, and it looks like that we'll
47 be up in the Barrow area around -- or the last week of
48 January. We don't have the dates and locations made
49 specific yet. We're in the process of that, and
50 hopefully we'll be able to make that -- let the public be

1 aware of that this week sometime. And from those
2 sessions that we'll have will be used in helping BLM and
3 the Secretary in formulating the record of decision for
4 management of the National Petroleum Reserve.

5
6 The other item that I'd like to bring up
7 is that Bureau of Land Management has also issued on
8 January the 11th a supplemental to the Eastern Interior
9 Resource Management Plan that we have been working on.
10 The draft has been out since last April. We've been
11 receiving comments -- or the comment period has been open
12 on that plan, and because of the need to do a supplement
13 regarding leasable minerals in the White Mountains, it's
14 been necessary for us to issue a supplement and extend
15 that comment period. So we will be continuing to receive
16 comments on that draft EIS for that resource management
17 plan for Eastern Interior until mid April. And we will
18 also -- we have had some public meetings, and we will be
19 also scheduling some additional public meetings to
20 receive comments on that supplemental to the draft EIS.

21
22 And both of those plans, the decisions
23 that come out of those do have significant implications
24 or affects on subsistence resources. And I'd strongly
25 encourage anybody who's interested or has interests in
26 those areas and those management plans to participate
27 either in those meetings or to review and provide BLM
28 comments in how those plans affect particularly
29 subsistence resources and subsistence resource harvests
30 so that we can factor that into or incorporate that into
31 our decisionmaking process.

32
33 And that's enough for right now.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Thank you, Mr.
38 Cribley.

39
40 Any further informational sharing.

41
42 (No comments)

43
44 CHAIRMAN TOWARAK: If not, then we will
45 proceed to the next item on the agenda, number 4, Board
46 discussion of Council topics with Regional Advisory
47 Council Chairs or their designees. Why don't you explain
48 what that.....

49
50 MR. PROBASCO: Thank you, Mr. Chair.

1 The purpose of this agenda item, it's
2 been our practice to provide the opportunity for a direct
3 dialogue between the Board and the Chairs or their
4 designee to share concerns or issues that are specific to
5 their area that are not on the agenda. It may be issues
6 that are up and coming or issues that have been dealt
7 with over the time. So this is just an opportunity for
8 dialogue and share.

9

10 Mr. Chair.

11

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

16

17 (No comments)

18

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

22

23 MR. ADAMS: Mr. Chairman.

24

25 CHAIRMAN TOWARAK: Mr. Adams.

26

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

33

34 MR. PROBASCO: Yes.

35

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

39

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

45

46 Go ahead.

47

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

49

50 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

1 subsistence hunt changed to allow other communities to
2 participate in the hunt. Since 2010 the community
3 subsistence hunt no longer meets the customary and
4 traditional needs for moose and caribou in the AHTNA
5 communities. The community subsistence hunt is now
6 similar to a general hunt. It is open to communities in
7 the whole State of Alaska. There are now many groups
8 being formed and too many hunters hunting in Unit 13,
9 which is where most of the AHTNA people hunt for caribou
10 and moose.

11
12 There were 969 individuals participating
13 in the 2012-2013 Copper Basin community subsistence
14 harvest hunt, and there were 19 groups for moose and
15 there were 17 caribou groups in 2012-2013 Copper Basin
16 community subsistence hunt. And the total number of
17 individuals participating was 828.

18
19 Groups that are formed and participate in
20 the community subsistence hunt travel from as far away as
21 Juneau, Alaska, Fairbanks, Anchorage to hunt in Unit 13
22 for moose and caribou.

23
24 Good intentions by the Alaska Board of
25 Game in forming community subsistence hunt patterned
26 after the AHTNA people's customary and traditional use of
27 resources is no longer a hunt that provides reasonable
28 opportunity to meet our customary and traditional needs
29 for caribou and moose. The community subsistence hunt
30 intended purpose to allow a community subsistence hunt
31 based on AHTNA C&T patterns and use is now open to every
32 community in the State of Alaska who applies for the
33 group hunt.

34
35 The 2006-170 Board of Game finding listed
36 eight criterias that are based on customary and
37 traditional patterns of use of resources. That is, long-
38 term consistent and rely on mainstay of livelihood which
39 provides subsistence -- substantial economic, cultural,
40 social and nutritional elements of the subsistence way of
41 life. These eight criterias are not being followed,
42 enforced or followed by the participants in the community
43 subsistence hunt.

44
45 Of the eight criterias, three main
46 criterias which are dependent on a wide variety of
47 resources based on long-term C&T use of the resource from
48 the community subsistence hunt areas in specific area of
49 the area, handed down knowledge of fishing and hunting
50 skills, values and lore, sharing and gift-giving are

1 being disregarded by other groups. Groups that are
2 formed from urban areas and participate in the community
3 subsistence hunt do not use all the resources, such as
4 the variety of fish, small game, berries, and plants that
5 the AHTNA people do, nor do they consistently harvest
6 them in specific seasons each year.

7
8 AHTNA people teach the younger
9 generations when they're out hunting at culture camp held
10 each summer. Culture camps are designated to teach the
11 younger generation to hunt and care for wildlife, and
12 fish and plant use. Stories are shared at this culture
13 camp to teach them culture practice.

14
15 AHTNA people share wild game, berries,
16 and fish on a wide-scale basis at community events such
17 as potlatch, church, social gathering, and other events.

18
19 Groups from urban areas who participate
20 in the community subsistence hunt share moose and caribou
21 meat with their immediate family and friends in one-time
22 occurrence. They do not share meat on a wide-scale basis
23 at community events or at customary and traditional
24 potlatch.

25
26 All the groups should have to obey
27 regulation and comply with the eight criterias and the
28 community and subsistence hunt conditions.

29
30 Thank you for listening to me.

31
32 CHAIRMAN TOWARAK: Thank you. And would
33 you please state your name for our public record?

34
35 MS. DEMENTI: My name is Eleanor Dementi.
36 I'm a tribal member of the Native Village of Cantwell,
37 and serve of the AHTNA board of directors.

38
39 CHAIRMAN TOWARAK: Thank you. The floor
40 is open for any of the Board members that would have any
41 questions.

42
43 (No comments)

44
45 CHAIRMAN TOWARAK: If not, thank you very
46 much for your presentation.

47
48 MS. DEMENTI: I would like to invite you
49 to hold a public meeting in our region if it's possible.
50 The AHTNA region is composed of eight villages. I'm from

1 Cantwell, but the other seven villages are on the Glenn
2 Highway.

3

4 Thank you.

5

6 CHAIRMAN TOWARAK: Thank you for the
7 invitation.

8

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

10

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

18

19 (No comments)

20

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

22

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

34

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

39

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

48

49 MR. ADAMS: Thank you.

50

1 MR. PROBASCO: Mr. Chair. Our next
2 person is Ms. Stickwan.

3
4 MS. STICKWAN: Good morning. My name is
5 Gloria Stickwan. I'm here to talk about the community
6 subsistence hunt. I won't go over what she said.

7
8 Just basically that our area is really
9 impacted during the community subsistence hunt in Unit
10 13. There are a lot of hunters in that area. There's
11 over 900 bull moose taken in Unit 13 each year. It's
12 getting close to 1,000.

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

19
20 So a lot of our areas are on State lands,
21 and everyone mostly hunts under the State hunt, and a few
22 people do hunt under the Federal. The Federal lands in
23 Unit 13 is very small compared to the State lands, so
24 most people hunt under the community hunt since it's been
25 opened in 2009.

26
27 On Federal lands, I understand there was
28 61 bulls taken under the Federal hunt. The 61 bulls are
29 counted against the community subsistence hunt, and
30 because the community hunt is so important to us, I just
31 wanted to say again that I hope that the Staff is working
32 again towards getting the data, antler size restriction
33 hunt on -- into their data so that they could work with
34 Fish and Game in determining what size the bulls are,
35 because that's very important to us, because these 61
36 bulls that are taken, they don't know what size it is, so
37 they count it against any bull under the community
38 subsistence hunt. Even though it may be a 50-inch bull,
39 four brow tine, it's still counted against any bull. And
40 the any bull hunt under the community subsistence hunt is
41 70 any bull. That's the quota for the State. And once
42 those 70 any bulls are taken, then it goes over to a
43 restrictive 50-inch, four brow tine. So I would like to
44 just remind the Board if they could keep on trying to get
45 that worked on so that that will be part of the data for
46 Unit 13.

47
48 Thank you.

49
50 CHAIRMAN TOWARAK: Thank you. Are you or

1 maybe I could ask this of the region in general, do you
2 have any specific proposals for the Board to consider in
3 Unit 13?

4
5 MS. STICKWAN: Not at this meeting, but
6 -- not today.

7
8 CHAIRMAN TOWARAK: Go ahead, Pete.

9
10 MR. PROBASCO: Thank you, Mr. Chair, and
11 thank you, Ms. Stickwan.

12
13 At some dialogue earlier in the year with
14 Ms. Stickwan and concerns over collecting data on the
15 Federal side of our moose hunt, we actually have to get
16 permission and clear it -- get permission and authority
17 to make changes to our permits. And as a result, this
18 coming fall season, we will have antler size on the
19 permits so that we can collect that data.

20
21 MS. STICKWAN: Thank you.

22
23 CHAIRMAN TOWARAK: Thank you for your
24 presentation.

25
26 Further comments.

27
28 MR. PROBASCO: Mr. Chair. Our next
29 person, and the last one to testify on non-agenda items,
30 is Mr. Justin Wilson.

31
32 MR. JUSTIN: Thank you. Good morning.
33 Wilson Justin, Cheesh'na Tribal Council. Mr. Larry
34 Sinyon, the council president is also here, but he will
35 be mostly observing, and possibly may have some comments
36 a little later.

37
38 I wanted to speak about a couple of
39 issues that Cheesh'na is getting highly alarmed about.
40 One of this is this mad rush to all of a sudden revise,
41 amend, and bring in new terminology under customary trade
42 activities.

43
44 Before I speak to customary trade, I want
45 to speak a little on the issue of traditions. They all
46 kind of blend together in one cultural bowl, so to speak.

47
48 But I'm going to start out by using a
49 little known term among upper AHTNA Athabaskans. It also
50 applies to the lower AHTNA region. In the headwaters

1 country where I come from, when we hunt or camp or fish,
2 even on a temporary basis, we use a term that is fairly
3 common and was in use all the way up until my late 40s,
4 and that term is (In Native language). In the white man
5 terminology, (In Native language) just simply means an
6 overnight camp. It has no other designation. It's a
7 very derogatory way of looking at something that's really
8 centrally important to how we view customary trade. (In
9 Native language) in our original terminology is part of
10 a term that when you rephrase it in English, it states,
11 painting by the hand of the Creator. So there's a sacred
12 context to that term.

13

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

23

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

31

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

39

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

48

49 Now, nowhere in your literature will you
50 ever find that, but that's what drives the AHTNA

1 definition of customary trade, all the way up until
2 statehood. Now, when Statehood Act came into being, all
3 of a sudden we have customary trade dedicated to market
4 forces, which never existed in customary trade. All of
5 a sudden tradition means value in terms of monetary and
6 economic forces, which never existed in our language or
7 in our terminology or in our everyday life.

8
9 Tradition is basically a covenant between
10 a tribe and the Creator, period. Traditions also govern
11 marriages, which govern customary trade, governs
12 territory, and governs the interaction along the trade
13 trails.

14
15 Now, I submit to you that this
16 information was readily available in 1960. It was
17 available in 1970. It was available in 1980. It was
18 available in 1990. I spoke to it in the late 70s to
19 early 80s during the discussion on ANILCA. I heard a lot
20 of AHTNA elders speak about the same thing, and it never
21 appeared in record.

22
23 So I submit to you today that your job is
24 extraordinarily difficult, because you're going to be
25 dealing with an issue that's strictly in the hands of
26 what you would call the political electorate that has the
27 political power to conduct business under its regulations
28 without redress to what it meant to the people that were
29 here first. I kind of feel very sympathetic to your
30 positions. You have no place to go. But I do tip my hat
31 to your willingness to try, which is something I never
32 thought I would live long enough to see. But I'm here,
33 you're here.

34
35 And I thank you for our attention. Thank
36 you.

37
38 CHAIRMAN TOWARAK: Thank you, Mr. Justin.

39
40 Any questions of Mr. Justin. Thank you
41 for your presentation.

42
43 MS. O'NEILL: I have one question.

44
45 CHAIRMAN TOWARAK: Yes. Go ahead.

46
47 MS. O'NEILL: And I apologize for this.
48 I sometimes can't hear quite clearly.

49
50 When you said that -- did you say there

1 were three reasons for the terminology?

2

3 MR. JUSTIN: Three reasons that drive
4 customary trade as a definition.

5

6 MS. O'NEILL: Okay. And the one that I
7 heard was relief from suffering?

8

9 MR. JUSTIN: Relief suffering or the
10 collapse of food source in neighboring villages.

11

12 MS. O'NEILL: Or collapse, okay.

13

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

22

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

39

40 So those are the three components that
41 drives the AHTNA definition of customary trade. And I am
42 a little bit angry that no one ever asked the AHTNA
43 people back in the 70s and the 70s and the 80s and the
44 90s what all this meant.

45

46 Thank you.

47

48 MS. O'NEILL: Thank you.

49

50 CHAIRMAN TOWARAK: Mr. Haskett.

1 MR. HASKETT: So, good to see you again.
2
3 MR. JUSTIN: Thank you.
4
5 MR. HASKETT: And actually, as I
6 mentioned to you when I saw you last week or the week
7 before, I mean, I always am very, very impressed with the
8 comments you make here to the group, and it's very
9 helpful, and very educational.
10
11 I guess the question I would have though,
12 it makes this difficult, is, as you mentioned, this is
13 the AHTNA definition, and, of course, Alaska's huge. And
14 I guess the question I have is, is this a definition
15 that's all across Alaska or -- because we're going to
16 struggle with customary trade for everyone as opposed to
17 just one area.
18
19 MR. JUSTIN: The answer is that you do
20 have regional representation from all of the portions of
21 Alaska where indigenous societies operate. And it's very
22 -- I think would be very easy for your representatives to
23 go back and say, hey, this is what we heard about AHTNA;
24 what's it like over here?
25
26 MR. HASKETT: Okay. I think that's very
27 helpful. And I think we do need to do that, too, because
28 I think that's really -- the definitions you gave us are
29 very, very helpful, but I do think we need to go other
30 places and other groups and make sure that everyone sees
31 it that way, and then struggle with what we do to figure
32 out how to define it for everyone.
33
34 So thank you very much.
35
36 MR. JUSTIN: Well, I'm appreciative of
37 your question. And it should be always remembered that
38 I'm authorized to speak for Cheesh'na to Cheesh'na's
39 concerns. So even though I'm very much aware of the fact
40 that there are numerous other groups, tribal groups, in
41 Alaska, I never was asked to speak on their behalf.
42
43 CHAIRMAN TOWARAK: Thank you, Mr. Justin.
44
45 MR. JUSTIN: Thank you.
46
47 MR. PROBASCO: Mr. Chair, we do have one
48 other individual that's on line that would like to speak
49 on non-agenda items. And Mr. Tim Smith, please go.
50

1 MR. SMITH: Yeah. Thanks for giving me
2 a chance to speak. I just wanted to comment briefly on
3 chum salmon, the chum salmon situation in Norton Sound.
4 Things continue to get worse up here. Last summer was
5 probably the worst run that I've seen for many, many
6 years. And we haven't really come up with any relief.
7 I see there's nothing on the agenda addressing this
8 issue.

9
10 The North Pacific Fisheries Management
11 Council is considering bycatch reduction in the pollack
12 trawl fisheries. And the Federal Subsistence Board has
13 made a statement on that, but I just wanted to make sure
14 that we continue to follow the process. It doesn't look
15 very good. I've been attending those meetings, and I
16 don't expect a very significant reduction in chum salmon
17 bycatch in the trawl fisheries. And we need to do
18 something.

19
20 We're at the point where some of these
21 runs are becoming threatened. The Snake River, that's
22 the river that runs through Nome -- I'm from Nome, by the
23 way -- had 614 chum salmon in it this year. That's
24 getting pretty serious, and we really need to do
25 something.

26
27 The other issue that came up this year is
28 that the Western Alaska salmon stock identification
29 program produced -- published its results and that was a
30 big genetic study looking at where fish caught in what we
31 consider to be intercept fisheries, fisheries like Area
32 M come from. And, again, the geneticists weren't able to
33 really break down the bycatch or the interception fish to
34 individual rivers of origin. And that was a bit loss.
35 That was a big disappointment for all of us. Not really
36 unexpected, but we can't tell where -- how many fish, how
37 many chum salmon caught in Area M are headed for the
38 Snake River, which means that we can't really do anything
39 to reduce that impact.

40
41 And I just wanted to make sure that the
42 Board is aware of that. And I would like to see some
43 more proactive efforts to do something to restore chum
44 salmon harvesting opportunity in Norton Sound, and other
45 species, too. The king salmon are even in worse shape.
46 You know, our three king salmon socks in northern Norton
47 Sound are down to less than 100 individuals each. So
48 things are getting pretty bad out here. And I just hope
49 that we can get some kind of Subsistence Board
50 recognition of that problem, and try to address the cures

1 for what's happening.

2

3 And that concludes my testimony. Thanks.

4

5 CHAIRMAN TOWARAK: Thank you, Mr. Smith.

6

7

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

10

11 (No comments)

12

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

15

16 Is there any other comments.

17

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

21

22 CHAIRMAN TOWARAK: Go ahead, Mr. Firmin.

23

24 MR. FIRMIN: Thank you, Mr. Chair.

25

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

33

34 Thank you.

35

36 CHAIRMAN TOWARAK: Thank you.

37

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

42

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

45

46 Thank you.

47

48 MR. FRIED: Good morning, Mr. Chair,
49 members of the Board. My name is Steve Fried. I'm the
50 fisheries division supervisor in the Office of

1 Subsistence Management. And I'll try to provide a short
2 summary of the Fisheries Resource Monitoring Program, and
3 some information about the 2014 call for proposals.

4
5 The Fisheries Resource Monitoring Program
6 is administered by the Department of Interior, U.S. Fish
7 and Wildlife Service, Office of Subsistence Management.
8 And this program seeks technically sound projects that
9 collect information to manage and conserve subsistence
10 fisheries resources on Federal public lands. And it
11 supports meaningful involvement in fisheries management
12 by Alaska Native and rural organizations, and it promotes
13 collaboration among State, Federal, Alaska Native, and
14 rural organizations in conducting these projects. Most
15 of the projects are funded under cooperative agreements.

16
17 And the Federal assistance is provided
18 through a biennial competitive year-long process. So we
19 have a call for proposals every other year, and so 2014
20 is the call for proposals. It was put out in December
21 2012, and the details can be found on our website and
22 they're also posted in other areas on the web.

23
24 The process, as I said, is a year-long
25 process, and includes reviews by a multi-agency Technical
26 Review Committee with members from all five Federal
27 agencies directly involved in Federal subsistence
28 management, as well as the State of Alaska. Also reviews
29 by the InterAgency Staff Committee, the Regional Advisory
30 Councils, and the public. And this process ends with
31 adoption of a monitoring plan that includes all the
32 projects that have been recommended for funding, and the
33 Board adopts the management plan -- the monitoring plan,
34 and approval for funding is done by the assistant
35 regional director of Office of Subsistence Management.

36
37 Project selection is based on guidelines
38 and criteria established by the Board. All the projects
39 are evaluated on four major criteria: strategic
40 priority, technical and scientific merit, the ability of
41 the investigator and the organization to conduct that
42 particular project, and also partnership and capacity
43 building.

44
45 Some activities are not considered for
46 funding, and these are habitat protection, restoration,
47 mitigation, and enhancement; hatchery propagation,
48 enhancement, and supplementation; and contaminant
49 assessment, evaluation, and monitoring. And it was
50 decided, it was a Board decision, that these types of

1 activities are better done by the land management agency
2 in charge of these particular things, and a lot of times
3 there are specific funding programs in place already that
4 do this.

5
6 Also, projects that have a primary
7 objective of capacity building are not considered for
8 funding. In other words, if it's a project that's for a
9 summer culture camp, and that's all it would do, then
10 that would not be appropriate for the monitoring program.
11 But we do encourage projects to have a secondary
12 objective of capacity of capacity building in the
13 program. That's very important for us.

14
15 The monitoring program seeks to gather
16 new information. It tries to avoid duplication of
17 effort. It discourages agencies from shifting existing
18 projects to the monitoring program, but it will cover up
19 to 50 percent of the cost in specific cases where
20 agencies are having financial problems in conducting a
21 project that's important for Federal subsistence
22 management.

23
24 Matching funding in general is
25 encouraged. And projects having a broad overlap of State
26 and Federal responsibilities, we really try to get a
27 match for those programs.

28
29 Just to give you an idea of what funds we
30 provide, project funding has ranged for an individual
31 project for a year from about \$3,000 to as much as about
32 \$375,000. Each year a total of about \$6.5 million is
33 available for monitoring program projects. Not all of
34 this is available for the new projects, because there are
35 ongoing projects.

36
37 For 2014, there's about \$3.7 million
38 that's available for new projects, and the rest of the
39 money is going to support projects that are ongoing that
40 were funded in past years.

41
42 Projects are usually funded for a one to
43 four-year duration.

44
45 The priority issues and needs for these
46 projects have been identified and are provided as part of
47 the request for proposals. We get these priority needs
48 from either the managers, the Regional Advisory Councils.
49 In some cases we have strategic plans that provide this.
50 But we do consider all projects that are appropriate to

1 be funded. So even if it's not listed as priority
2 information need, we do consider a project as long as it
3 fulfills all the other criterias.

4
5 We do have funding guidelines for trying
6 to distribute the funds among the six geographic regions
7 in the state. And we do consider three broad categories
8 of information. Harvest monitoring, stock status and
9 trends, and also cultural knowledge and traditional
10 ecological knowledge.

11
12 And there have been some changes from the
13 past process for the 2014 call for proposals. In this
14 2014 call, investigators only have to submit a detailed
15 investigation plan. In the past we've had investigators
16 submit a very short three or four-page proposal that was
17 reviewed by the Technical Review Committee, and they
18 would then make a decision as to whether to recommend
19 that proposal for further consideration, in which case
20 the proposer would have to submit a detailed
21 investigation plan. This also entailed two meetings of
22 the Technical Review Committee, so I think -- we had a
23 long discussion and rather than having this two-part
24 proposal submission, we're only going to ask
25 investigators to submit a detailed investigation plan at
26 the beginning, which will cut down the number of meetings
27 for the Technical Review Committee, and hopefully make
28 this a better process.

29
30 We're also increasing our efforts to
31 include more social science expertise on the Technical
32 Review Committee. And this will be done, one, by having
33 two co-chairs. In the past it was only a chair from the
34 fisheries division at OSM, and now we'll have co-chairs,
35 one from fisheries division, one from the anthropology
36 division. And also the assistant regional director of
37 OSM can appoint additional members to the TRC to help get
38 more social science expertise on that panel also.

39
40 And also we're looking into some stricter
41 conflict of interest requirements for the TRC. This is
42 currently under review, and hopefully this will be
43 straightened out shortly.

44
45 So if anybody has any other questions, I
46 could certainly try to answer them now. And if anybody
47 needs some more detailed information, I'll be here for
48 the duration of the meeting, and so will my staff.

49
50 So thank you for your time.

1 CHAIRMAN TOWARAK: Mr. Reakoff.

2

3 MR. REAKOFF: Thank you, Mr. Chairman.

4

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

25

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

32

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

36

37 Thank you.

38

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

47

48 MR. REAKOFF: Well, the Western Interior
49 in our meetings when we go over fisheries monitoring,
50 we've requested that this information be sought through

1 a request. And I want the Board to be aware that this is
2 a very vital issue to managing these fisheries and
3 understanding what different sized nets do. How many are
4 we killing with these nets.

5
6 And so the Department of Fish and Game
7 has switched -- you know, the Board of Fish almost was
8 entertaining the idea to make a maximum of six-inch net
9 size on the Yukon River for Chinook and all salmon.
10 Well, there would have been a huge mortality factor with
11 using too small a net for Chinook salmon fishing.

12
13 And what we need to know is what are the
14 incidental harvest mortalities, and to take that into
15 consideration when a fishery is executed as to how many
16 human-induced mortalities we're inflicting on these
17 salmon runs. And so I feel that this is a very important
18 issue, and I wanted to bring that up during this point in
19 this harvest -- Fisheries Resource Monitoring Program
20 discussion.

21
22 Thank you.

23
24 MR. FRIED: Yeah, I did notice one of the
25 information needs on the Yukon, it's more general than
26 that, but it does say, harvest and spawning escapement
27 level changes through time in relation to changes in
28 gillnet construction and use. For example, set versus
29 driftnet fishing, mesh size changes for Chinook salmon
30 subsistence harvest in the main stem Yukon. I mean,
31 something like that would certainly fit under that.

32
33 MR. REAKOFF: That's not the question.
34 The question is, how many fish fall out of gillnets and
35 are lost incidental to harvest. So enumerating fish on
36 the spawning grounds and the effects of gear size, that
37 does not actually tell us how many fish are actually
38 falling out of nets dead. The question is, the
39 Department nor the Fish and Wildlife -- Department of
40 Fish and Game nor the Fish and Wildlife has any indices,
41 any kind of a number that they can show where there's so
42 many fish die and fall out of the nets. And so this is
43 a real question. I want your crew to think about this in
44 the future and design a request that's specifically
45 asking for that information. And I want the Board to be
46 aware this is a huge critical issue on the Yukon River at
47 this time.

48
49 Thank you.

50

1 CHAIRMAN TOWARAK: Any further questions
2 of Mr. Fried.

3

4 MR. GREEN: Mr. Chair.

5

6 CHAIRMAN TOWARAK: Go ahead, Mr. Green.

7

8 MR. GREEN: Excuse me. Yeah. I'd kind
9 of react to his comments there is that in many
10 discussions during the Board of Fish meetings back in the
11 90s that issue came up about the intercept in Area M,
12 that it was causing the same problem in that chum salmon
13 were dropping out of the gear that weren't getting
14 counted. The Department of Law defined the caught fish
15 as a fish over the rail on the vessel, because that
16 incident -- I mean, those things were taking place. And
17 I'd also seen it in the Norton Sound area when there was
18 a directed pink fishery there at one point in time, that
19 the gear was so small that the chum were getting caught
20 in there and the effect. So it's a real problem. And
21 it's strange how the departments have never done anything
22 like Jack over here has requested in the past. But it is
23 a definite problem.

24

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

27

28 (No comments)

29

30 CHAIRMAN TOWARAK: Thank you very much
31 for your presentation.

32

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

35

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

38

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

1 liaison support, as we work with the State, there may be
2 a reduction in that arena.

3
4 As we approach March, all of you with the
5 agencies know that that future's uncertain. We could be
6 looking at an additional reduction that could be as high
7 as a little over 8 percent or it could be no reduction,
8 so hopefully we will be focusing only on the \$500,000
9 reduction, but there is a possibility that we would have
10 to address more dollars. And if that's the case, then we
11 would be looking at -- based on the briefing that I
12 provided about a year ago, we'd be looking at fundings
13 for the partner's program and the State of Alaska as far
14 as the liaison support.

15
16 Thank you, Mr. Chair.

17
18 CHAIRMAN TOWARAK: Are there any
19 questions. Mr. Adams.

20
21 MR. ADAMS: I'm just curious, Mr.
22 Chairman, what are some of the programs that are going to
23 be most affected by this reduction in force?

24
25 MR. PROBASCO: Thank you, Mr. Chair.
26 Thank you, Mr. Adams.

27
28 Speaking in programs, as you know, we
29 provide approximately \$900,000 annually to our partner's
30 program. And we have various partners that have
31 biologists or anthropologists as well as focusing on the
32 youth within those communities to, pretty much like we
33 have here today, to look and assist in various monitoring
34 programs, et cetera. Initially, at the very large
35 reduction, that 2.8 million, we were looking at losing
36 that entire program. But at this point in time, based on
37 vacancies, forward funding, we're able to probably
38 safeguard 70 percent of that program. And so we will
39 continue with it.

40
41 The State provides very important liaison
42 support to the program. That fluctuates as far as the
43 money request, but it's approximately \$450,000 annually.
44 That may be impacted, depending upon the level of
45 reduction. If it's higher, then that program is in
46 jeopardy.

47
48 And then we'd start looking at the
49 fisheries monitoring program as far as prioritizing
50 research needs. The thing that's the highest priority,

1 of course, is the Regional Advisory Council process and
2 the Board process. That would be probably the last thing
3 that we would look at.

4

5 Thank you, Mr. Chair.

6

7 MR. ADAMS: Thank you.

8

9 CHAIRMAN TOWARAK: Any further questions
10 regarding the budget process.

11

12 (No comments)

13

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

17

18 MR. ADAMS: Mr. Chairman.

19

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

22

23 MR. ADAMS: Could we take a break?

24

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

27

28 MR. ADAMS: Gunalcheesh.

29

30 (Off record)

31

32 (On record)

33

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

36

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

40

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

44

45 MS. CHYTHLOOK: Good morning. My name is
46 Molly Chythlook from Dillingham. And since I've been
47 retired, I lose track of days, and I realized that I was
48 supposed to be here today, so thanks to Donald. He
49 reminded me this morning. So happy New Year. It's good
50 to be here.

1 CHAIRMAN TOWARAK: Thank you, Molly. And
2 I want to explain, too, that I attended the Bristol Bay
3 Regional Advisory Council meeting in October I think it
4 was. And Molly brought some of the best food I've ever
5 tasted to the meeting. And it was a very enjoyable
6 meeting for me.

7

8 MR. ADAMS: Mr. Chairman.

9

10 CHAIRMAN TOWARAK: Go ahead.

11

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

16

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

30

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

35

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

41

42 So thanks a lot, Mr. Chairman.

43

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

47

48 (Laughter)

49

50 CHAIRMAN TOWARAK: Thank you for your

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

10

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

13

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

16

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

23

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

38

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

47

48 And it is our hope that in the spring
49 meeting, either late April or early May that the
50 signatories could get together, review the

1 recommendations and then finalize the MOU. So, Board
2 members, we're looking at this spring to complete our
3 process.

4
5 Ms. Yuhas has been working with her
6 Advisory Committees, and there are still a few more out
7 there that have yet to meet. And they will complete and
8 then we'll go forward from there.

9
10 Thank you, Mr. Chair.

11
12 CHAIRMAN TOWARAK: Thank you. Are there
13 any questions from the Board regarding the MOU. We will
14 be getting more information as we go along.

15
16 Do you have any comments, Jennifer Yuhas.

17
18 MS. YUHAS: Thank you, Mr. Chair. While
19 I normally do, my counterpart, Mr. Probasco, ably covered
20 this agenda item.

21
22 CHAIRMAN TOWARAK: Thank you. If there
23 are no questions -- oh, go ahead.

24
25 MR. PROBASCO: Thank you, Mr. Chair. And
26 Mr. Harvey Kitka would like to speak to the MOU.

27
28 MR. KITKA: Thank you, Mr. Chairman.
29 Members of the Board. My name is Harvey Kitka. I'm
30 representing the Sitka Tribe of Alaska.

31
32 We as a tribal member, as a tribe, the
33 Sitka Tribe, sometimes we have some real doubts about
34 this MOU. We bring forth things and ideas before the
35 Council as well as to the Board.

36
37 The memorandum of understanding from our
38 point of view is where the communication goes both ways.
39 I understand that it seems like sometimes our -- what we
40 say only goes part way and only half understood. Now,
41 for us to come to a complete understanding of the
42 memorandum of understanding, we need to know each other
43 a little better. It seems like our ideas doesn't get
44 interpreted the right way.

45
46 One of the things that we find hard to
47 understand is where the law says that these rights were
48 given to us. These rights were always ours. They
49 weren't given to us. It seems like once we have to come
50 up and talk about them, we have already lost these

1 rights, and we're trying to get them back. And that's
2 really an uphill battle, and it seems that that is the
3 way this memorandum of understanding seems to be working,
4 because it doesn't seem like it's going both directions.
5 And I'm really sorry to have to say that, but that's the
6 way it seems to our people.

7
8 And one of the big things was when they
9 started the TEK program. It was understood that this TEK
10 was going to be used just about the same value as the
11 science of the Western world. And from what we
12 understand, it doesn't carry the same weight from what we
13 see happening.

14
15 Our people look at things from a
16 different perspective. We understand what people say,
17 but we look at their actions, and their actions speak
18 louder than words.

19
20 So when we've seen, like, for instance,
21 in Sitka Sound the herring, we say they've been -- for
22 thousands of years we've been harvesting herring. And
23 the herring spawn from -- probably all the way up to --
24 all the way up and around the coast of Alaska and all the
25 way down to Washington and Oregon. And the last year the
26 herring spawn was supposed to be so big, but when they
27 looked at it, it wasn't anywhere near that big. And
28 that's a whole different subject, but that was where we
29 seem to run into problems and where our understanding of
30 what this law means and the consultation with the tribes.
31 It doesn't seem to be working the way it should be.

32
33 Thank you.

34
35 CHAIRMAN TOWARAK: Thank you, Mr. Kitka.

36
37 Are there any questions of Mr. Kitka.

38
39 (No comments)

40
41 CHAIRMAN TOWARAK: Thank you. And I do
42 notice that in the agenda that we have a proposal from
43 the region regarding the herring, and that issue will be
44 coming up later in the day.

45
46 MR. KITKA: Thank you, Mr. Chair.

47
48 CHAIRMAN TOWARAK: Thank you for your
49 comments.

50

1 Any further discussion on the MOU.

2

3 (No comments)

4

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

9

10 MR. PROBASCO: That's Mr. Kessler.

11

12 CHAIRMAN TOWARAK: Mr. Kessler.

13

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

16

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

21

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

27

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

32

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

38

39 As you will recall, on August 23rd, 2012,
40 the Secretaries of Agriculture and the Interior conveyed
41 their decision to Kootznoowoo regarding their petition to
42 reduce or close the State of Alaska commercial purse
43 seine salmon fishery in Chatham, Icy and Peril Straits.
44 The Secretaries as recommended by the Southeast Alaska
45 Subsistence Regional Advisory Council and Board and
46 discussed just a moment ago the meeting, the joint
47 meeting we had as Bert Adams described, the Secretaries
48 deferred decision on the Kootznoowoo petition for up to
49 three years to facilitate a locally developed solution.

50

1 So what's happening? As anticipated, an
2 agreement was signed in September 2012 with the U.S.
3 Institute for Environmental Conflict Resolution to assist
4 in facilitating a local solution as a third-party
5 neutral. In the agreement, two phases of work were
6 developed with the institute: first, the situation
7 assessment, followed by the process of collaborative
8 issue resolution.

9
10 The Bureau of Indian Affairs has
11 committed \$40,000 to fund the first phase of the work.
12 BIA signed the funding agreement with the Institute,
13 although to date unfortunate technical problems exists
14 with the Institute not actually receiving any of the
15 funds yet.

16
17 Wayne Owen and I are coordinating with
18 the Institute for phase one, which is that situation
19 assessment. Although BIA provided the funding, they
20 agree that the U.S. Forest Service has the lead in
21 coordinating with the Institute.

22
23 Phase one is expected to extend from this
24 past December to the end of March. There are five main
25 components of phase one: project set up and
26 coordination, such as becoming familiar with all the
27 background material; interviewing key stakeholders;
28 assessing the readiness of stakeholders to engage in some
29 kind of collaborative issue resolution; preparing a
30 written assessment and having it reviewed; and, finally,
31 their last activity, preparing a briefing paper for the
32 Board to meet the Secretaries' reporting requirement.
33 That paper will be reviewed by the Board before the Board
34 sends it to the Secretaries, consistent with the
35 Secretaries' request for that twice yearly status update.

36
37 Once complete, the phase one assessment
38 will help determine the need and process for phase two,
39 that is, the collaborative issue resolution.

40
41 So, again, activities that have actually
42 occurred. During the first week of December, Institute
43 project managers Kaylynn (ph) McKee and Pat Lewis
44 conducted their first round of interviews and meetings in
45 Juneau and Angoon with key stakeholders including
46 Kootznoowoo, the Angoon Community Association, which is
47 the local tribe, the Alaska Department of Fish and Game,
48 the Southeast Alaska Seiners, and the U.S. Forest
49 Service. The Institute also met remotely by video
50 teleconference, or just teleconference, with the

1 InterAgency Staff Committee and the Office of Subsistence
2 Management. Based on the results of this first round of
3 interviews and meetings, and recommendations for
4 additional people or groups to talk to, the Institute is
5 now conducting phone interviews with an expanded list of
6 parties.

7
8 The Institute is also scheduling a return
9 trip to Alaska to discuss the assessment of the situation
10 with key stakeholders and ideas for collaborative issue
11 resolution process. The exact dates for this return trip
12 are somewhat in flux until the funding situation is
13 resolved. I anticipate it will be one to two weeks
14 during the month of February.

15
16 The need, cost, and source of funding for
17 phase two has not yet been established, and won't be
18 until the completion of phase one and likely additional
19 discussion among the Board. No further BIA fundings are
20 anticipated to help pay for phase two.

21
22 As you are aware, the Secretaries
23 requested an update on activities underway every six
24 months from the Board. That six-month update should be
25 this February. But I would like to let you know that an
26 informal briefing was given to USDA Deputy Undersecretary
27 Butch Blazer who was at your meeting last March. That
28 informal briefing was provided on December 5th with much
29 of the same information that I'm providing to your now.
30 It would be up to the Board to determine whether an
31 additional more formal update should be provided to the
32 Secretaries this February.

33
34 And that's all I've got, and I'm
35 wondering if you have any questions for me.

36
37 CHAIRMAN TOWARAK: The floor is open for
38 questions from the Board. Pete.

39
40 MR. PROBASCO: Thank you, Mr. Chair.

41
42 Steve, you might want to share with the
43 Board our six-month update, how would that be
44 accomplished? Would that be a written document?

45
46 MR. KESSLER: Yes, Mr. Probasco. The way
47 I see it, that would be a written brief essentially, very
48 similar to what you have in front of you right now. We
49 would like that and mail it to each of the Secretaries as
50 the update.

1 CHAIRMAN TOWARAK: Any further questions.
2 Go ahead.

3
4 MR. HEPLER: Thank you, Mr. Chairman.
5 Hearing Chairman Adams talk about that long night last
6 spring, productive night, I was rather hungry I think by
7 the end of that night, Mr. Chairman. But during that
8 time we did spend together, which was very productive,
9 with the Board and with the RAC, the State showed a very
10 strong willingness to help resolve this issue, working
11 with their partners and working with the industry.

12
13 Mr. Chairman, you know, that resolution
14 has carried through these last few months. We've done a
15 lot of things we talked about, we were committed to
16 doing, like going out and getting genetic stock
17 identification money to do a study. We've invested
18 hundreds of thousands of dollars to that end. The first
19 year has been completed. We're still working close with
20 the Forest Service to get improved passage into Kanalku
21 Lake. We're working with our subsistence division to get
22 a better understanding of the amount necessary in the
23 northern Chatham Straits. And working close with the
24 user groups.

25
26 During the last few months I also want to
27 commend the Forest Service has been an excellent partner
28 working with us. They've been open, candid. Wayne isn't
29 here, although I'd say it, you know, to his face, he's
30 been outstanding working with us that way. We appreciate
31 that. The users are fully engaged. I think there's a
32 good concourse going on between all the parties.

33
34 And so this is actually, you know,
35 thinking where we were, Chairman Adams, you know a few
36 months ago, we're much further along than I really
37 thought we would be. And I just think people recognize
38 what the concern is. But we're still committed to the
39 process to the end, and, you know, we appreciate the
40 opportunity to participate.

41
42 Mr. Chairman.

43
44 CHAIRMAN TOWARAK: Thank you for those
45 comments. I assume that the feeling is still pretty much
46 the same, that objectives are reachable.

47
48 MR. KESSLER: Yes, Mr. Chairman. I would
49 agree with that.

50

1 CHAIRMAN TOWARAK: Thank you. Mr. Adams.

2

3 MR. ADAMS: Thank you, Mr. Chairman.

4

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

14

15 Thank you.

16

17 CHAIRMAN TOWARAK: Any further questions.

18

19 (No comments)

20

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

24

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

27

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

29

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

32

33 DR. JENKINS: Good morning, Mr. Chair.

34 Board members. RAC Council Chairs.

35

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

44

45 The review is necessary in order to
46 rethink the process and categories for rural
47 determination. We published in the Federal Register on
48 December 31, 2012 a request for public input on how rural
49 determinations are made. And, of course, these are
50 central to what the Board does, because the subsistence

1 priority is granted to Federally-qualified rural
2 residents. So the question is what's rural and what is
3 not rural. So we've asked the public for comments
4 through the Federal Register notice. And we've asked for
5 five broad -- responses to five broad categories or
6 questions.

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

19
20 Let me just point out that the 2,500
21 population threshold originated in the 1910 U.S. census.
22 And so we've just continued to use this particular
23 threshold since, for the last hundred years. So part of
24 the question is, is it -- does it remain a useful
25 category.

26
27 The second question we've asked the
28 public is about rural characteristics that the Board
29 uses, other than assessing population. And the
30 characteristics include use of fish and wildlife,
31 development and diversity of the economy, community
32 infrastructure, transportation, and educational
33 institutions. And these characteristics are used to
34 think about and determine rural status. And we've asked
35 the public, are these the best or the only categories
36 that we should be using here to determine rural
37 characteristics.

38
39 We've asked about how the Board
40 aggregates communities together to provide population
41 figures. And at the moment the Board -- the aggregation
42 criteria include do 30 percent or more of the working
43 people commute from one community to another. Do they
44 share a common high school attendance area. And are the
45 communities in proximity and road accessible to one
46 another. So we've asked the public, are these useful
47 aggregation criteria.

48
49 We've asked about timelines. The Board
50 reviews rural determinations on a 10-year cycle, and out

1 of cycle in special circumstances. And again we've asked
2 the public, is this 10-year cycle a useful cycle for
3 review.

4
5 And then finally we've asked about
6 information sources. The census is changing. We don't
7 get the same kind of information out of the U.S. Census
8 as we used to. Are there other kinds of information
9 sources that we could make -- that we could access for
10 thinking about rural characteristics in this sense.

11
12 Now, the winter RAC cycle, at each of the
13 winter Regional Advisory Councils, they will get a
14 briefing on the rural determination review, including
15 these five categories that I just mentioned to you. And
16 so they'll have an opportunity to think about these
17 characteristics, and then next winter they will be able
18 -- they'll be in a position to -- or next fall rather
19 they'll be in a position to ask for public input from
20 their particular Regional Councils on this rural
21 determination review.

22
23 So the review with public input will then
24 end at the end of that fall Regional Advisory Council
25 meeting, November 1st of this year.

26
27 So that's briefly what we're doing with
28 the Regional Advisory Council -- or, pardon me, with the
29 rural review that we've been tasked with.

30
31 I should also point out that I have
32 drafted a history of rural determinations from the
33 Federal Subsistence Board starting in 1990, but
34 conditioned by a 1988 Ninth Circuit Court of Appeals
35 determination on what rural means. And I've written that
36 review in order to provide the Board a sense of why we
37 are where we are at this point, why we're still
38 contesting some of these issues, why they're still of
39 interest to the public, and how we can move through that.
40 That briefing is currently under review, pending minor
41 revisions. It will be released to the Board for its
42 edification.

43
44 So briefly that's what I have to report
45 to you. I'll be happy to entertain any questions.

46
47 CHAIRMAN TOWARAK: Are there any
48 questions of the Board. Go ahead.

49
50 MR. KESSLER: Yeah. I have just one

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

8

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

12

13 CHAIRMAN TOWARAK: Go ahead, Molly.

14

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

16

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

23

24 Thank you.

25

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

39

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

47

48 CHAIRMAN TOWARAK: Any further questions.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Thank you for your
2 presentation, update.

3
4 Item No. 11 is tribal consultation
5 implementation update.

6
7 MS. LEONETTI: Waqaa.

8
9 SEVERAL: Waqaa.

10
11 (Laughter)

12
13 MS. LEONETTI: One more time. Waqaa.

14
15 IN UNISON: Waqaa.

16
17 MS. LEONETTI: Okay. That's the Yup'ik,
18 what's up.

19
20 I'm Crystal Leonetti, Alaska Native
21 affairs specialist for U.S. Fish and Wildlife Service,
22 and co-chair, Federal co-chair, of the work group of the
23 Federal Subsistence Board for tribal consultation.

24
25 I was going to ask all the work group
26 members of this work group to come up and introduce
27 themselves, but since there's just a couple chairs and I
28 want to get through this report, I'll ask them to stand
29 and be recognized. And if you're a work group member and
30 you're on the phone, you can stand up, too.

31
32 (Laughter)

33
34 MS. LEONETTI: So the work group members
35 are Della Trumble from King Cove, John W. Andrew from
36 Kwethluk, I think he's here somewhere, Richard Peterson
37 from Kasaan, Rosemary Ahtuanguaruak from the North Slope,
38 Bobby Andrew from Ekwok, myself, Jean Gamache, National
39 Park Service, Lillian Petershoare, U.S. Forest Service,
40 Brenda Takeshorse, Bureau of Land Management, Andrea
41 Medeiros, Office of Subsistence Management, Jack
42 Lorrigan, Office of Subsistence Management. You can
43 stand. Glenn Chen, Bureau of Indian Affairs, Nancy
44 Swanton, National Park Service. And new members, as you
45 recall from our last meeting, the Board Chair, Mr.
46 Towarak, sent a letter to all tribes and all corporations
47 in the State asking for more work group members
48 representing tribes and ANCSA corporations. So the new
49 members are Charles Ekak from Wainwright, Cliff Adams
50 from Beaver, Gloria Stickwan, AHTNA, Roy Ashenfelter,

1 Bering Straits Native Corporation, Gary Harrison,
2 Chickaloon, Eddy Rexford Kaktovik, and Michael Stickman,
3 Nulato. So we welcomed all the new work group members,
4 and we've had several meetings after the work group
5 members came on board.

6
7 Also, we have a new tribal co-chair,
8 Rosemary Ahtuanguaruak was elected by her peers to be the
9 tribal co-chair of the work group, and she's done an
10 excellent job leading those meetings and helping me chair
11 this group.

12
13 In your book you should have a tab called
14 Tribal Consultation, so I've provided a couple documents
15 to you, my briefing as well as the draft implementation
16 guidelines for the Federal Subsistence Board government-
17 to-government tribal consultation policy. These are the
18 modified guidelines from January 16th, 2013. That was
19 last week I think. And then appendix B of the Federal
20 Subsistence Management Program annual regulatory process
21 at a glance.

22
23 MS. HERNANDEZ: The Chairs can find them
24 in the gray folders.

25
26 MS. LEONETTI: Okay. And the RAC chairs,
27 you can find that in your gray folders as well.

28
29 If any members of the public would like
30 copies, you can check with the front desk. I believe
31 they also have copies.

32
33 The Federal Subsistence Board
34 consultation work group has undertaken a year-long
35 process involving Federal field level and land manager,
36 Regional Advisory Councils, the InterAgency Staff
37 Committee, and numerous government-to-government
38 consultation events with Federally-recognized tribes.

39
40 At the May 2012 Federal Subsistence Board
41 meeting you adopted your new government-to-government
42 tribal consultation policy. That was an awesome day. At
43 the same meeting you approved a set of interim
44 implementation guidelines and directed this work group to
45 continue to refine the draft implementation guidelines
46 This is the result of that work.

47
48 The government-to-government tribal
49 consultation policy sets forth the Board's commitment to
50 having positive relations with tribes across the State,

1 ensuring that when an action may have an impact on a
2 tribe, that the tribe is offered consultation prior to
3 taking that action. It has also confirmed the Board's
4 commitment to ensuring that the consultations are
5 meaningful.

6
7 The implementation guideline provides
8 further guidance for Federal Staff on the policy. It
9 includes the recommendations from Federally-recognized
10 tribes in Alaska, the Regional Advisory Councils, and the
11 InterAgency Staff Committee. The guidance starts by
12 first outlining the various steps in the regulatory
13 process and how to carry out meaningful consultation with
14 tribes, offering consultations at critical times, and
15 also allowing for consultation to be initiated by tribes
16 throughout the cycle. The steps in the regulatory cycle
17 are also illustrated on the attached handout, Appendix B,
18 Federal Subsistence Management Program Annual Regulatory
19 Process at a Glance.

20
21 The major considerations are: reporting
22 a summary of any consultations to the Regional Advisory
23 Councils; offering one or more teleconferences open to
24 all tribes on all proposals prior to fall RAC meetings;
25 and providing time on the Federal Subsistence Board
26 meeting agenda for tribal consultations and summary
27 reports of prior consultations.

28
29 Other parts of the guidelines include for
30 in-season management and special actions, consultation
31 will take place when possible. Consultation on non-
32 regulatory issues will occur on a case-by-case basis.
33 Training will be developed and offered as needed.
34 Possible training topics are listed. Consultation
35 tracking and reporting is important and is outlined.
36 Review of the tribal consultation policy will occur
37 annually by this work group, and follow up on unanswered
38 questions of tribes will occur after Board meetings.

39
40 So just a couple notes there. For the
41 training portion, both the guidelines and the policy
42 encourage Board members to attend and observe subsistence
43 activity in the field in rural parts of Alaska. And so
44 I'd just like to offer to you that the Native liaisons,
45 and especially Jack Lorrigan, OSM Native liaison, are
46 willing to help you find opportunities to do that. For
47 example, going to fish camp or caribou hunting in the
48 north, whatever species you might be interested, we'd be
49 happy to help you find an opportunity so that you can
50 observe and attend some of those activities in the field.

1 Also, the fact that this policy, or that
2 these guidelines are reviewed annually, we'd say that
3 this is a living documents, that it can remain flexible.

4
5 So what are the next steps for these
6 guidelines. After incorporating any edits you might
7 offer today, this draft will be provided to each Regional
8 Advisory Council for review and feedback during their
9 winter cycle meetings. So we have a quick turn around to
10 get those edits incorporated and out to the RACs. And we
11 also send a letter from Chair Tim Towarak to all tribes
12 to get their feedback on these implementation guidelines.

13
14 The work group will meet after those
15 comments and feedback are received and incorporate the
16 feedback that we get, and then report to you at your next
17 Board meeting, at which time you might choose to approve
18 it as a final living document.

19
20 And that's all I have, so if there's any
21 questions, I'd be happy to answer them.

22
23 CHAIRMAN TOWARAK: Any questions. Mr.
24 Brower.

25
26 MR. C. BROWER: Good morning.

27
28 (In Native language)

29
30 I'm just joking.

31
32 (Laughter)

33
34 MR. C. BROWER: Anyway, I just have some
35 -- in your presentation, in your guidelines for the
36 Federal Subsistence Board on their government-to-
37 government consultation, it seems like there's three
38 different kind of database that each department uses.
39 Why aren't they combined to one policy? If you interject
40 with other departments, you're going to exclude some
41 tribal rights or one versus -- if you can come up with
42 one synchronized consultation policy, it would be
43 appropriate. We have DOT, you have Forest Service, and
44 so on that has their own database for tribal consultation
45 versus the Subsistence Board.

46
47 Thank you.

48
49 CHAIRMAN TOWARAK: Go ahead.

50

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

8
9 The other kind of database that we have
10 is a tribal consultation tracking and reporting database.
11 So we enter, Federal Staff enter the consultations that
12 take place, the consultation events, and which tribes
13 were present, which senior tribal officials were there,
14 et cetera, and how decisions were made beyond that
15 consultation.

16
17 So I don't -- I think that this policy is
18 doing exactly what you're suggesting, which is making one
19 policy to follow for the Federal Subsistence Board.

20
21 But I do hear your concern. I know that
22 it's hard for tribes to know and learn each of the
23 departments and their respective bureaus' separate
24 consultation policies. And as far as I'm concerned, it's
25 my job to help you understate the Fish and Wildlife
26 Service and this Federal Subsistence Board tribal
27 consultation policy.

28
29 MR. C. BROWER: Great. Thank you.

30
31 MS. LEONETTI: You're welcome.

32
33 CHAIRMAN TOWARAK: Any further questions.

34 Ms. Masica.

35
36 MS. MASICA: Crystal, thanks for the
37 report. I just want to make sure I was clear.

38
39 On the step 5, at the Federal Subsistence
40 Board meeting, it talks about consultation will occur at
41 the Board meeting in person or via telephone, and then it
42 also talks about OSM Staff or tribal representatives
43 reporting on the results of tribal consultations. And
44 that reporting on I'm presuming, and I just want to make
45 sure I'm not missing anything here, is the consultations
46 that occurred at the earlier steps before the proposals
47 got before the Board? There still will be time during
48 the Federal Subsistence Board meeting for the kind of
49 consultation that we've started doing now as part of this
50 process?

1 MS. LEONETTI: You're exactly right. And
2 we will clarify that statement so that it reads better
3 and it says that reports will be made on prior tribal
4 consultations to the Board.

5
6 Thank you.

7
8 CHAIRMAN TOWARAK: Go ahead.

9
10 MR. BERG: Thank you, Mr. Chair. Jerry
11 Berg with Fish and Wildlife Service. Geoff had to step
12 out for a phone call and should be back in this
13 afternoon.

14
15 But we did have a number of people in
16 Fish and Wildlife Service review this latest draft, and
17 I want to thank Crystal and the work group for all the
18 work they've done. They've met numerous times and done
19 a lot of work over the last year. And I think the
20 document keeps improving every draft I see, and I think
21 this one is very close.

22
23 We do have a few editorial type comments
24 that we'd like to just submit to Crystal. I just wanted
25 to let the Board know, and then let the work group kind
26 of work through some of those editorial comments for the
27 next draft that comes out that goes to the RACs.

28
29 We do have a few concerns. I did want to
30 point out to the rest of the Board members and the
31 Council members, and that being under step 1.A. on Page
32 1, at the bottom of that page, where it says, Federal
33 agencies will contact the affected tribes prior to
34 submitting a proposal. And while, you know, we
35 recognize that I think most -- at least for refuges, they
36 do work very closely with the tribes and contact tribes
37 prior to submitting proposals in most cases, but I think
38 there's some times when proposals are very simple. Maybe
39 we're lengthening a moose season or we're aligning with
40 a State regulation that's already in place. And so maybe
41 think about somehow -- we didn't come up with any wording
42 that we want to propose today, but some way to address,
43 you know, straight forward alignment type proposals that
44 wouldn't need to necessarily go out for consultation
45 prior to submitting that type of a proposal.

46
47 So with that, maybe the work group can
48 consider that, and maybe the Councils when they meet this
49 coming winter.

50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: Ms. Chythlook.

4

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

6

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

24

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

33

34 Thank you.

35

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

45

46 CHAIRMAN TOWARAK: Go ahead.

47

48 MS. CHYTHLOOK: I now that, you know, for
49 Bristol Bay, you've got Bobby Andrew, and people in our
50 region knows him pretty well. And they're comfortable in

1 talking to him, so maybe when you send this draft, you'd
2 encourage the councils to contact him if they have any
3 questions regarding this. That way they'll have
4 initiative to even look at the draft and be interested in
5 it.

6

7 Thank you.

8

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

11

12 MR. KESSLER: Thank you, Mr. Chairman.

13

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

20

21 MS. LEONETTI: Thank you.

22

23 CHAIRMAN TOWARAK: Did you have.....

24

25 MR. PROBASCO: Go ahead if you have
26 something.

27

28 CHAIRMAN TOWARAK: No, go ahead.

29

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

36

37 CHAIRMAN TOWARAK: Are there any opinions
38 from the Board.

39

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

49

50 MR. CRIBLEY: I second the motion.

1 CHAIRMAN TOWARAK: You head the motion
2 and the second. Any discussion on the motion.
3
4 (No comments)
5
6 MS. CHYTHLOOK: Question.
7
8 CHAIRMAN TOWARAK: The question's been
9 called for. Excuse me. Are there any objections to the
10 motion.
11
12 (No objections)
13
14 CHAIRMAN TOWARAK: The motion passes
15 unanimously then.
16
17 MS. LEONETTI: Can I say one more thing?
18 Piuraa, which means I'll see you around.
19
20 CHAIRMAN TOWARAK: That reminds me what
21 the Japanese say about language. If you speak three
22 languages, you're trilingual. If you speak two
23 languages, you're bilingual. If you speak one language,
24 you're American.
25
26 (Laughter)
27
28 CHAIRMAN TOWARAK: We will go on then to
29 Item No. 12, the report to the Board on fiscal year 2012
30 -- no, we just did that.
31
32 MR. PROBASCO: No.
33
34 CHAIRMAN TOWARAK: Or, no, okay.
35
36 MR. PROBASCO: Mr. Chair. This report
37 will be given by our Office of Subsistence Management
38 Native liaison, Jack Lorrigan.
39
40 MR. LORRIGAN: Good morning, Mr. Chair
41 and Board members. My name is Jack Lorrigan. I'm the
42 Native liaison for the Office of Subsistence Management.
43 I'm here to give you a summary briefing of the fiscal
44 year 2012 consultations that were undertaken by the Board
45 or the OSM.
46
47 For the purpose of background, you're
48 familiar with it already, but in May you approved your
49 own tribal consultation policy. It was all founded on
50 the Department of Interior's consultation policy and

1 Agriculture. And the idea is to meaningfully consult
2 with tribes regarding ANILCA Title VIII and subsistence
3 matters, government-to-government consultation, training
4 the tribes, and et cetera.

5
6 And the consultations that occurred for
7 2012 began in December 2011. A consultation occurred at
8 the Providers Conference, many of you were there, in
9 Anchorage on the subject of consultation guidelines,
10 other issues regarding subsistence and regulatory
11 proposals.

12
13 A second consultation was also held
14 during the combined Federal Subsistence and Southeast RAC
15 Advisory Council meeting in Juneau regarding the Angoon
16 extraterritorial jurisdiction petition.

17
18 A third was held during the spring
19 Federal meeting in May 2012 where you approved this
20 policy, the guideline policy, in considering comments on
21 the draft guidelines.

22
23 And a fourth consultation was held with
24 tribes and ANCSA corporations that were affected by the
25 2013-15 regulatory proposals on fisheries. The first day
26 was tribes would call in, and the second the corporations
27 were able to call in. There were two Board members
28 present, or at least one. Mr. Christianson was present
29 for the tribe, and Joel Hard represented the Board for
30 the ANCSA corporation consultation. And the report was
31 given to the RACs at their fall meeting.

32
33 Feedback from those tribes and
34 corporations has been favorable. And it's been noted
35 that consultations will probably be less likely to take
36 place when a regulation is liberal, and consultations
37 will be more likely to occur when they were seen to be
38 prohibitive or restrictive on take.

39
40 As Ms. Leonetti said, I stand ready to
41 help facilitate any opportunity to get the Board or the
42 OSM Staff or the ICS members out into the field to
43 observe traditional practices in action.

44
45 Mr. Chairman.

46
47 CHAIRMAN TOWARAK: Thank you. Are there
48 any questions of Mr. Lorrigan. This is your first Board
49 meeting, and perhaps if you can give us a little bit of
50 your background just for our information.

1 MR. LORRIGAN: Thank you, Mr. Chair.

2

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

12

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

18

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

22

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

26

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

29

30 (No comments)

31

32 CHAIRMAN TOWARAK: Thank you for your
33 presentation.

34

35 MR. LORRIGAN: Thank you, Mr. Chair.

36

37 CHAIRMAN TOWARAK: Go ahead.

38

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

48

49 Mr. Chair.

50

1 CHAIRMAN TOWARAK: Are there any
2 objections to making the change on the agenda.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: If not, then we will
7 go ahead and proceed and go first into the regulatory
8 cycle discussion, and then we will turn the floor to Mr.
9 Adams.

10
11 MR. PROBASCO: Thank you, Mr. Chair. And
12 I've asked Mr. Chuck Ardizzone, our division chief for
13 wildlife, to come up to assist. He actually was the lead
14 on this topic for the Board.

15
16 And we're not going to have this as an
17 action item at this meeting. We actually need to have
18 the Board, and with their Staff Committee, take a look at
19 this information and then schedule a meeting sometime
20 this winter, a work session where we would discuss, and
21 the Board would make a decision based on the Councils'
22 recommendations.

23
24 If you go to the fourth tab in your book,
25 that information is provided. It gives both a table that
26 summarizes each Council's recommendation and then there's
27 a brief narrative that follows each one.

28
29 And so with that, Mr. Ardizzone, do you
30 have anything you want to add? Chuck can also answer
31 questions.

32
33 MR. ARDIZZONE: Mr. Chair. Yes, this
34 table and the comments were obtained from the RACs at
35 this last meeting cycle. As many of you are aware, we
36 had recommendations from several Councils to move some
37 meetings around and extend the fall Council meeting
38 windows. So what we did, we went out to the Councils and
39 we asked them their opinions.

40
41 I think we asked four separate questions,
42 and I think the first one would be the first column,
43 should we move the Federal Subsistence Board wildlife
44 meeting from January to later in the year. The second
45 column would be should we extend the fall meeting window.
46 The third column was should we change the fisheries
47 meeting, because that's also in January. And the fourth
48 column would be, should we maintain the effective date of
49 the fisheries regulations.

50

1 And what they did, they gave us their
2 recommendations to either support it, take no action or
3 no comment, and then there were a few other comments.
4 But they're all summarized in the table and in the
5 following paragraphs.

6
7 And I can answer any questions if anyone
8 has them.

9
10 MR. LORD: Chuck, could you talk a little
11 bit about what problems may flow from -- if all of these
12 questions are answered in the affirmative, and they all
13 happen, you know, that compresses the amount of time
14 between the end of the RAC cycle and the winter meeting.
15 And, you know, that may cause other problems, and could
16 you speak to that a little bit?

17
18 MR. ARDIZZONE: Mr. Chair. Through the
19 Chair.

20
21 If we extend the fall meeting cycle, I
22 think we'll be okay. That's only extending it a few
23 weeks. It would crunch Staff a little but, but we would
24 still be able to get the analysis done.

25
26 If we move the wildlife meeting, which
27 has been in January lately, to later, maybe April, but
28 not any later than that, I think we would be okay. We'd
29 still be able to get regulations published.

30
31 Maintaining the fisheries meeting in
32 January would be the optimal situation, because if we
33 move it later, we start affecting the regulations,
34 getting them published, because the effective date for
35 fisheries regulations is 1 April. So if we move it later
36 as some Councils would like into April, we'd have to
37 change the effective date of the regulations. That would
38 really crunch Staff, and it would also make it difficult
39 to get the regulations published.

40
41 Does that answer your question.

42
43 MR. LORD: Yes. Thanks.

44
45 CHAIRMAN TOWARAK: Any further questions.
46 I know that, Mr. Reakoff, you had some concerns about
47 traveling in December. And I think this is the first
48 meeting that we've had with this schedule.

49
50 MR. PROBASCO: Mr. Chair. We've actually

1 met before in January. Our meetings used to be December,
2 but they were moved into January primarily due to the
3 travel around the holidays, conflicts with the Board of
4 Fish/Board of Game, and then secondarily weather
5 concerns.

6

7 Mr. Chair.

8

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

11

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

35

36 Thank you.

37

38 CHAIRMAN TOWARAK: Go ahead, Mr.
39 Ardizzone.

40

41 MR. ARDIZZONE: Mr. Chair. The Board can
42 direct us to do anything. I just wanted the Board to be
43 aware that I believe it would be a regulatory action to
44 change the fisheries cycle date since it is in I think
45 subpart (d) in the definitions. So all the other action
46 could be taken and it would be non-regulatory, you know,
47 moving meeting dates, moving the meeting window for the
48 Councils. That's all non-regulatory, but this one action
49 would be a regulatory action.

50

1 CHAIRMAN TOWARAK: Go ahead.

2

3 MR. PROBASCO: Thank you, Mr. Chair. In
4 addition to what Mr. Ardizzone, and I know a lot of the
5 agencies recognize this, but maybe some of the Council
6 and the public, a lot of our publications of our
7 regulations fall outside of what we can control. And
8 quite frankly we work with D.C. in getting these
9 regulations published. And so we need to take that into
10 consideration as we start moving dates around.

11

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

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN TOWARAK: Further questions.

26 Mr. Reakoff.

27

28 MR. REAKOFF: I do really appreciate the
29 Board reviewing this issue and, you know, at least moving
30 -- the possibility of moving the wildlife meeting back
31 away from January. Even holding these meetings later in
32 January is a big deal. The middle of January, you know,
33 60 below zero is a big deal where I live, and for a lot
34 of people. You know, travel gets -- even Bert was
35 commenting last year about leaving in January. And so I
36 do feel this is an issue for the Regional Councils that
37 do want to participate in this fisheries meetings and
38 wildlife meetings. But I also wanted to express my
39 gratitude that the Board is looking at addressing this
40 issue.

41

42 Thank you.

43

44 CHAIRMAN TOWARAK: Further questions or
45 comments.

46

47 (No comments)

48

49 MR. PROBASCO: Mr. Chair. Where we go
50 from here is that we provided this as information to the

1 Board. Excuse me. We will meet with the Staff
2 Committee. The Staff Committee will develop -- take a
3 look at this, pretty much put together a briefing
4 document if you will, and then we'll do a public
5 announced work session at some time that's acceptable to
6 the Board members. I would say we'd like to do this
7 before late winter. And what would be on the agenda item
8 would be this discussion, keeping in mind that if we do
9 move the winter cycle, that would affect our January
10 meeting date for 2014. So that's why I think we need to
11 move on this quicker than later.

12
13 So, Mr. Chair, this is an FYI if you
14 will. The information is before you. OSM and the Staff
15 Committee will meet and then we'll develop a document and
16 then we'll determine a date to have a work session.

17
18 Thank you, Mr. Chair.

19
20 CHAIRMAN TOWARAK: Thank you. Are there
21 any further discussion on this issue.

22
23 (No comments)

24
25 CHAIRMAN TOWARAK: Thank you, Mr.
26 Ardizzone for your presentation.

27
28 The next item is, Mr. Adams, you have the
29 floor.

30
31 MR. ADAMS: Mr. Chairman. Would you like
32 me to go up there, or can I just stay right here?

33
34 CHAIRMAN TOWARAK: You can present it
35 from there.

36
37 MR. ADAMS: Oh, shucks. I always wanted
38 to sit up there.

39
40 (Laughter)

41
42 CHAIRMAN TOWARAK: If you prefer that,
43 you have that option.

44
45 MR. ADAMS: Okay. Thank you, Mr. Chair.
46 I think I will go up there and then I will ask Mr.
47 Larson, Robert Larson, if he will accompany me up there.
48 I might have to rely on him for some information, but I
49 think I can handle it myself, but I will go up there, Mr.
50 Chair.

1 Thank you, Mr. Chairman. Members of the
2 Board.

3
4 The Southeast Regional Advisory Council,
5 you know, formulated a committee to set up some concerns
6 that the Council had in regards to C&T. And so because
7 we had learned that 9 of the 10 Regional Councils did not
8 have a real problem with this issue. Some of our Council
9 members, you know, were concerned that things were not
10 being properly done here.

11
12 So what I'm going to do is I'm just going
13 to read the letter. It's only about, you know, a couple
14 of pages. And then there is a policy statement that
15 follows that. But we'll go ahead with the letter first.

16
17
18 This letter in particular is addressed to
19 Mr. Harry K. Brower, Jr., the Chair of the North Slope,
20 Alaska Subsistence Regional Advisory Council. This
21 letter is going out to all of the Regional Councils. And
22 we certain do want their input on this particular issue.

23
24 And it says that, Dear Mr. Brower.
25 During the spring of 2011, pursuant to the Secretarial
26 Review of the Federal Subsistence Management Program, the
27 Federal Subsistence Board sought input from the Federal
28 Subsistence Regional Advisory Councils on the current
29 customary and traditional use determination process. The
30 Board subsequently reported to the Secretaries that 9 of
31 the 10 Councils thought the process was working. The
32 Southeast Alaska Subsistence Regional Advisory Council
33 does not agree that the process is being implemented as
34 intended in the Alaska National Interest Lands
35 Conservation Act, or as we all know it, ANILCA.

36
37 We are asking your Council to review your
38 evaluation of the current customary and traditional use
39 determination process and join with us in crafting a
40 petition to the Secretaries to address deficiencies in
41 the current regulations. The Southeast Council's
42 preferred solution is to eliminate the customary and
43 traditional use determination regulations and allocate
44 resources as directed in Section .804 of ANILCA.

45
46 The Southeast Council has formed a
47 working group to assist us in evaluating the current
48 customary and traditional use determination process. The
49 work group received the 2007 draft Customary and
50 Traditional Use Determination Policy, the public comments

1 on this policy, the 2011, transcripts from all 10 Council
2 meetings, and the 2012 Board transcripts where each of
3 the Councils' input was summarized. The 2007 draft
4 Customary and Traditional Use Determination Policy and
5 the public comments to this policy are enclosed with this
6 letter.

7

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

10

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

19

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

24

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

33

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

43

44 The decision whether there is or is not
45 a subsistence priority is not necessary under Federal
46 rules, because ANILCA already provides rural residence
47 preference for a subsistence use on Federal public lands.
48 The current customary and traditional use determination
49 process is being used to allocate resources between rural
50 residents, often in times of abundance. This is an

1 inappropriate method of deciding which residents can
2 harvest fish or wildlife in an area, and may result in
3 unnecessarily restricting subsistence users. The
4 Southeast Council has a history of generally
5 recommending a broad geographic scale when reviewing
6 proposals for customary and traditional use
7 determinations. Subsistence users primarily harvest
8 resources near their community of residence and there is
9 normally no management reason to restrict use of rural
10 residents from distant communities. If there is a
11 shortage of resources, Section .804 of ANILCA provides
12 direction in the correct method of allocating resources.
13

14 The Southeast Council has determined that
15 the Office of Subsistence Management did not give the
16 directive from the Secretaries the due diligence it
17 deserves and the programs would benefit from additional
18 evaluation and dialogue. We request your Council
19 consider its recommendations to the Board on how well the
20 current customary and traditional use process is serving
21 the needs of residents in your region. The Southeast
22 Council is interested in either eliminating or improving
23 the process, but, since this is a statewide issue, we do
24 not want to propose a solution that is not supported by
25 the other Councils. We encourage your Council to read
26 the briefing paper provided to you by the Southeast
27 Council in its winter 2013 Council meeting, and review
28 the enclosed background information. We would like your
29 Council to consider what you would be most -- what would
30 be most beneficial to your region: eliminate customary
31 and traditional use determinations, change the way
32 customary and traditional use determinations are made, or
33 make no change.
34

35 After reviewing these materials, we
36 encourage your Council to include this subject as an
37 agenda action at its fall 2013 meeting. The Office of
38 Subsistence Management has committed personnel to help in
39 your further consideration of the customary and
40 traditional use process at your fall 2013 meeting.
41

42 Please address any questions and report
43 any actions taken regarding this request either directly
44 to me or through Mr. Robert Larson, Council Coordinator,
45 U.S. Forest Service, and it gives the box number and
46 address and all that.
47

48 And it says Gunalcheesh, meaning thank
49 you. And it's signed by myself.
50

1 So, Mr. Chairman, that is the position
2 that the Southeast Regional Advisory Council would like
3 to take in regards to this particular issue. Questions.
4 Don't make them hard.

5
6 CHAIRMAN TOWARAK: Go ahead.

7
8 MR. PROBASCO: Thank you, Mr. Chair.

9
10 And, Mr. Adams, if I may, a very well
11 written letter. And our intent is to present this at the
12 Councils as Bert said, but then in the fall is when we
13 would roll up our sleeves in conjunction with each
14 respective RAC and go through the questions that this
15 letter asks, so the action when we really get down to
16 working hard would be in the fall 2013.

17
18 MR. ADAMS: That is true, Mr. Chairman.
19 And we do want all of the regions, you know, to consider
20 this, but take enough time to be able to reconsider their
21 positions and see if there is a need, you know, in their
22 regions to make any changes in the C&T.

23
24 Thank you.

25
26 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
27 Are there any questions.

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: I've got a question
32 for Mr. Lord. Is there anything you see that would
33 prevent us from asking the Regional Councils for their
34 recommendations on this letter.

35
36 MR. LORD: If by recommendations you mean
37 a recommendation that would be binding on the Board, that
38 would require more process than simply a letter from the
39 Southeast RAC. I mean, I think the intent here is to
40 just get the conversation started. But as we go through
41 the process, it will undoubtedly be a long discussion.
42 If we start to go down the path that Mr. Adams is
43 recommending, then we would need a more formal process to
44 get a recommendation from the RAC that would go to the
45 Council -- or go to the Board and be considered as a
46 basis for a change in the rulemaking.

47
48 MR. ADAMS: So, Mr. Lord, what are you
49 saying there? That we would have to start another
50 process to make this, you know, come forth from the RAC?

1 MR. LORD: Well, I'm sorry if I wasn't
2 clear. When the Chair asked me about recommendations
3 from the Councils, I wasn't sure if he was referring to
4 regulatory recommendations, the kind, you know, for
5 rulemaking, or if he was just referring to
6 recommendations moving forward in this discussion about
7 how -- that you're starting about what to do with C&Ts,
8 if anything. I wasn't sure what he meant with the use
9 of the word recommendation, what was intended.

10

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

12

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

23

24 Mr. Chair.

25

26 CHAIRMAN TOWARAK: Mr. Adams.

27

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

36

37 CHAIRMAN TOWARAK: Go ahead, Pete.

38

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

41

42 The process, because you're addressing
43 the letter to the Regional Advisory Councils and
44 requesting their input, there's 10 Councils, you could
45 conceivably have 10 identical recommendations, but based
46 on the last go around, we'd probably have differences of
47 opinion. That information would be developed,
48 summarized, the Chairs would be here, and present that
49 information to the Board. Based on that information
50 presented to the Board, the Board could elect or direct

1 a proposal if you will be developed, and/or the Councils
2 could do that. But we can't go to that process until we
3 get the information from each respective Council.

4

5 Mr. Chair.

6

7 MR. ADAMS: Thank you.

8

9 CHAIRMAN TOWARAK: Molly, go ahead.

10

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

12 Chair.

13

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

23

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

27

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

34

35 Thank you.

36

37 CHAIRMAN TOWARAK: Yeah, Pete.

38

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

40 Thank you, Ms.

41 Chythlook.

42

43 The whole intent of Mr. Adams' letter is
44 to get input from each of the Councils. I think the key
45 in Mr. Adams' letter is that the process of determining
46 C&T currently affects all 10 Councils. So to introduce
47 this letter as the areas of concern outlined by the
48 Southeast Council, this letter will be presented at your
49 February meeting. It will not be at the February meeting
50 where you would take action and make recommendations. It

1 would be the fall meeting in 2013.

2

3 CHAIRMAN TOWARAK: Any further confusing
4 questions.

5

6 (Laughter)

7

8 CHAIRMAN TOWARAK: Go ahead.

9

10 MR. KESSLER: Thank you, Mr. Chairman.

11

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

32

33 Does that make sense?

34

35 UNIDENTIFIED VOICE: The letter's already
36 gone.

37

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

43

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

48

49 But often our process has been that the
50 Board takes up a proposed change, considers it as it

1 would any other proposal, does an analysis of it, takes
2 a vote, but the Board's vote is simply a recommendation
3 to the Secretaries to then change or not change those
4 recommendations. So if I understood Mr. Kessler
5 correctly, that's the process we could follow.

6

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

9

10 MS. MASICA: Just more for my
11 edification. The letter sort of raises some concerns
12 about the way and the consistency in the presentations of
13 C&T at the RAC meetings that occurred in, what, 2011 I
14 guess. And I'm wondering if there's a game plan to
15 address that in terms of consistency given that this
16 letter is going to go before 10 different RACs now during
17 2013, and how that is going to be dealt with. I don't
18 know that we need to have an answer today, but I would
19 just encourage that we have some attention to that aspect
20 so that at least the Southeast RAC can be satisfied and
21 we can be satisfied that there was some consistency both
22 in the information and the presentation and the
23 discussion occurs at each of the RACs, because at least
24 how I read the letter, it suggests that there was
25 considerable amounts of different levels of information
26 that were provided. So that might be something we want
27 to be mindful for.

28

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

31

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

39

40 Thank you.

41

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

46

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

49

50 CHAIRMAN TOWARAK: Any further discussion

1 or any more comments, Mr. Adams.
2
3 MR. ADAMS: No, thank you, Mr. Chairman.
4 Appreciate it.
5
6 CHAIRMAN TOWARAK: Thank you. Sealaska
7 keeps us busy.
8
9 (Laughter)
10
11 CHAIRMAN TOWARAK: It's noon right now.
12 I'd like to break for lunch before we get into the
13 proposals this afternoon. We will reconvene at 1:15.
14
15 (Off record)
16
17 (On record)
18
19 CHAIRMAN TOWARAK: Come back to order if
20 we could. There was another request for us to -- that
21 are up on this table to speak a little bit closer to the
22 mic. There's some people in the back that cannot hear
23 the conversation. So whenever you speak into the mic,
24 please get as close to it as possible. Could we get a
25 little bit more volume in this.
26
27 UNIDENTIFIED VOICE: Mr. Chair. There
28 was people on line that couldn't hear very well, so they
29 were wondering about the volume of the mics.
30
31 CHAIRMAN TOWARAK: Okay. I will call the
32 meeting back to order. We were on Item 14, right?
33
34 MR. PROBASCO: That's correct. Just 13,
35 I've got a question.
36
37 CHAIRMAN TOWARAK: Okay. We're on Item
38 No. 13, tribal consultation. Well, we did that. We're
39 on 14.
40
41 MR. PROBASCO: No.
42
43 CHAIRMAN TOWARAK: Oh, no, no. We're on
44 15, right?
45
46 MR. PROBASCO: No, we're on 13.
47
48 CHAIRMAN TOWARAK: On 13?
49
50 MR. PROBASCO: Yes.

1 CHAIRMAN TOWARAK: Okay. We'll start off
2 with 13. Pete.

3
4 MR. PROBASCO: Mr. Chair. Before we move
5 to item 13, which is the opportunity for tribes and
6 corporations to consult with the Board on the fishery
7 regulatory proposals before them, you'll recall this
8 morning Mr. Kessler took off the consensus agenda
9 Proposal 09-05, which is a Southeast proposal. I had a
10 couple people in the audience asked when that would be
11 taken up. And what I replied is that we would take it up
12 during the Southeast proposals which are first on your
13 agenda, but I did not know in what order the Forest
14 Service would recommend that we take that up.

15
16 So we'll get back to you -- it definitely
17 won't be the first one, but after Steve and Wayne can
18 take a look at where they want to insert it, we'll get
19 back to the Board. I just didn't want to lose sight of
20 that.

21
22 So our next agenda item is the tribal
23 consultation. And I have -- and tribal consultation are
24 the gold cards. And the first person I have is Tom Lang,
25 Sr. Tom.

26
27 MR. LANG: Thank you. Mr. Chair.

28
29 Even though you say it's about
30 consultation, I also see that it has other matters, too.

31
32
33 MR. PROBASCO: That's correct.

34
35 MR. LANG: I wanted to bring up something
36 new that wasn't on your agenda, a non-agenda item. It's
37 something I wanted to speak about. I thought we were
38 going to speak with that earlier with the comments, but
39 we weren't called upon.

40
41 One of the issues that I'm talking about
42 involves mining on the British Columbia side all the way
43 from above Juneau down to the Canadian border, affecting
44 all the main rivers, starting with up in Juneau area, the
45 Taku River, in the middle area Petersburg/Wrangell, the
46 Stikine River, Ketchikan area, the Unuk River, and then
47 the British Columbia border area, the Skeena and the Nass
48 Rivers. Every one of them on the Canadian side are under
49 attack by mining.

50

1 We didn't find this out until after our
2 last meeting when we had an issue over eulachons. The
3 State Fish and Game presented to the Board that we were
4 over-fishing the eulachons, there was no fishing. So
5 you've got to stop fishing the Unuk. And the Board went
6 along with that, because that's the only information they
7 had.

8
9 Since then we've learned quite a bit
10 about why there are no eulachons in the Unuk, and it had
11 a lot to do with mining. And I have actual maps, data,
12 facts and figures and my own deals that I want to present
13 to the Board for your viewing purposes, because it
14 affects all the rivers. And what is happening is that we
15 don't know whether the Forest Service who closed down the
16 river, say they're running the river. The State wants to
17 close from the river out to the bay, say they're
18 controlling it. The Park Service says they run it. And
19 BLM is in there somewhere. And all they're fighting
20 about is management and they're not worried about the
21 health of the river.

22
23 We didn't know about this mining issue
24 until now. And now we do, and we're getting together
25 with -- it took an outfit in Canada, an outfit named
26 Rivers without Borders, and they patrol all the mining in
27 Canada that are above rivers that go through different
28 countries, America and Alaska. And they're the ones that
29 brought it to our attention, and they're the ones that
30 we're working with right now to find out why.

31
32 It turns out our eulachons didn't
33 disappear. We didn't over-fish them. They moved. They
34 moved to different rivers. The eulachon is an glacier
35 river fish. When the ice goes out in the spring, the
36 eulachons move in. They're the first ones to go.
37 They've moved out to islands. The island that Ketchikan
38 is on, Ravilagigedo, the fish actually moved out there
39 where there is no ice, but they're in different rivers
40 now. The same fish.

41
42 But the Unuk River is barren. Also what
43 is barren there is that the king salmon, the coho, and
44 the humpy and the sockeye that also spawn in there are
45 all gone. And we believe that it's because the SK (ph)
46 mine was mining for 10 years right above the corner
47 there, right on the BC side that feeds the glacier that
48 feeds the river that feeds the Unuk. We believe that the
49 chemicals drove them out and killed the river. They
50 stopped mining five years ago and the eulachons are

1 starting to come back. We don't know whether the salmon
2 will or not.

3

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

13

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

24

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

30

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

46

47 Now, I wanted to know that if it would be
48 okay for me to produce these issues to you. I don't have
49 complete copies of everything, but you can make copies
50 and spread them out. Would that be okay?

1 MR. PROBASCO: Mr. Chair. Yes, provide
2 them out front to the ladies at the desk there and
3 they'll make copies for the Board members.

4
5 MR. LANG: There is a chart there. It's
6 the latest chart of all the minings that are active now.
7 The minings that are produced, that have been shut down,
8 and technically the minings that they're working on now.
9 The mine that's going to be built above the Unuk River is
10 bigger than the Pebble Mine that they're fighting over at
11 the Bristol Bay area. It's bigger. Huger. And they're
12 talking 50 to 100 years and stuff like that. And people
13 on this side of the border don't know about it, and those
14 are our rivers. It's our fish.

15
16 That's what I wanted to bring to your
17 attention. It's not that we're over-fishing. We can't
18 eat all the eulachons. We didn't them all up. It's just
19 like telling the people in Sitka that eating herring eggs
20 on branches, you're killing all the herring. That's
21 insane. We've been doing that for 10,000 years. And we
22 never ever hurt that thing. But mining can kill a river,
23 and it has. It has. And I want to bring that to your
24 attention. That is what I wanted to bring up earlier.
25 And I was going to bring it up, because it wasn't on your
26 agenda.

27
28 But I see you added a number 19, which
29 had to do with I think the Stikine boundary issue. Does
30 that have to do with mining or is that a different issue?
31 I didn't get that. I'd like to know.

32
33 MR. PROBASCO: Mr. Chairman. Proposal
34 FP13-19 deals with the guideline harvest level for
35 sockeye salmon on the Stikine.

36
37 MR. LANG: Oh, that's a different issue.

38
39 MR. PROBASCO: Correct.

40
41 MR. LANG: Yeah. Okay. And I'll bring
42 it up then. We are going to deal with FP11-18, 13-20,
43 and 13-21 which deals with eulachons. I can bring it up
44 then, the mining issue. But I just wanted to know if I
45 had permission to give you the printout deals so that you
46 can each get copies and actually know and see what we're
47 talking about.

48
49 Okay. Consultation. I couldn't quite
50 hear. I told you I'm having a hard time hearing, and I

1 think, Mr. Kessler, you made a statement about something
2 that's in the mail. You're looking for reaction to it.
3 To me consultation means that anything that's going to
4 deal with my tribe, anything, from the smallest thing to
5 the biggest thing, we should be in on it at the start.
6 That's what consultation means to me. When they keep
7 saying they're trying to make it more and more strong so
8 that when we're in with in the start, by the time you get
9 it to this Board, you have our input, the memorandum of
10 understanding is taken care of, and we're not up here in
11 a confrontation issue like we are now. I told you that
12 the first time I came here. Every time we meet with you,
13 we don't consult, we confront, because someone is trying
14 to cut us off from our his history and our fishing. And
15 we'd rather be consulted with than have to come and fight
16 and have a confrontation over an issue that a lot of
17 people have no business trying to change. And that is
18 what's happening with our consultation issue. You see,
19 you shouldn't have to ask us to write a comment about
20 something that you're trying to do. We should be
21 involved in that thing you're trying to do. That is
22 consultation to me, that's what it means to me. My
23 tribe, my council should be involved in everything that
24 has to do with these issues, instead of coming up here
25 and reacting to something that somebody else is trying to
26 change for us.

27

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

36

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

42

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

47

48 CHAIRMAN TOWARAK: Okay. Since we're
49 under tribal consultation, I missed the tribe that you
50 said you were representing.

1 MR. LANG: Tsimshian. Tsimshian Tribal.
2 I'm the Tsimshian tribal chairman. I'm the elder.
3 Metlakatla Indian Community.

4
5 CHAIRMAN TOWARAK: Thank you.

6
7 MR. LANG: Is that it? Any questions.

8
9 (No comments)

10
11 MR. LANG: All right. Thank you.

12
13 MR. PROBASCO: Mr. Chair. We have one
14 more individual who would like to speak on behalf of the
15 tribe, and that's Mr. Louie Wagner.

16
17 MR. WAGNER: Thank you, Mr. Chair and
18 Board. My name is Louie Wagner. I'm from Metlakatla.
19 I'm a councilman in our community.

20
21 One of the concerns I have is when the
22 Board and the RACs starts putting numbers on the amount
23 we -- on our seafood that we can take, or even our --
24 well, not so much hunting, but our seafood and our salmon
25 mainly, a lot of us -- when I grew up as a young boy, I
26 was in the fish camps with the elders, and everybody
27 worked together. You helped each other. You shared in
28 whatever was harvested that day. And today it's done a
29 little bit differently where we don't have the fish
30 camps, but as individuals like myself, I get a lot of
31 extra salmon, halibut when I go out, because I have
32 elders to take care of. My in-laws and my older
33 relatives. So it gets worrisome when you're sitting in
34 the back and you start hearing about numbers being put on
35 your limits. So it would be nice not to have to worry
36 about things like that, because when I was growing up,
37 you were taught never to waste, so we only take what we
38 know we're going to be able to use and share with family
39 members and other elders in the community. So that's
40 just -- that seems to come up a lot.

41
42 And it seems like when people submit
43 proposals, they don't -- they're not coming from the
44 people in the villages. They come from people who really
45 don't have the ties in our way of life. And they could
46 make huge changes if we're not here to oppose the
47 proposals or whatever you have to do when they show up.
48 And there's been times when we hear about them too late.
49 So I think when a person submits a proposal, there should
50 be good reasoning behind it, and it wouldn't have to take

1 up so much of everyone's time.

2

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

7

8 Thank you.

9

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

12

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

14

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

22

23 MR. WAGNER: Thank you.

24

25 CHAIRMAN TOWARAK: Go ahead.

26

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

41

42 CHAIRMAN TOWARAK: Thank you. Mr. Adams.

43

44 MR. ADAMS: Yeah. I like what Anthony
45 Christianson said. You know, when we deal with
46 proposals, we receive a lot of them that come from
47 individuals, and to me it doesn't hold any weight unless
48 it is submitted by maybe an Advisory Council or Regional
49 Advisory Council. Or if an individual does submit a
50 proposal, you know, as an individual, I always look at

1 the fact if they were able to have community hearings,
2 you know, and got the word out so that the community
3 could be behind it. But this is an issue that, you know,
4 I think is really an important one, and we need to
5 address it somehow.

6

7 Thank you.

8

9 CHAIRMAN TOWARAK: Thank you. Any other
10 comments.

11

12 (No comments)

13

14 CHAIRMAN TOWARAK: Not hearing any.

15 Pete.

16

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

20

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

25

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

30

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

46

47 But we as tribes have unique one-on-one
48 consultation relationships with the Department of
49 Interior and the various Federal agencies that are
50 represented here. We need to be at the table together

1 and make those policy statements and discuss them opening
2 with our affected communities.

3

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

12

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

26

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

41

42 Thank you.

43

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

46

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

49

50 CHAIRMAN TOWARAK: Are there any

1 questions of Mr. Rexford.
2
3 (No comments)
4
5 CHAIRMAN TOWARAK: Thank you very much
6 for your statements.
7
8 MR. REXFORD: Thank you, Mr. Chairman.
9
10 MR. PROBASCO: Mr. Chair. I neglected to
11 check on line. Mr. Lee Wallace would like to speak on
12 the tribal consultation portion of our agenda. Mr.
13 Wallace, please.
14
15 MR. WALLACE: Hello?
16
17 MR. PROBASCO: Go ahead, Mr. Wallace.
18
19 MR. WALLACE: Yeah. Mr. Chair and Board,
20 do you hear me okay?
21
22 MR. PROBASCO: You're pretty muffled.
23 Try to speak closer.
24
25 MR. WALLACE: Must have got the phone on
26 there? Disconnect me. Yeah. I'll pick up the phone here
27 instead of conference. Can you hear me okay, Mr. Chair?
28
29 MR. PROBASCO: Much better.
30
31 MR. WALLACE: Okay. Mr. Chair. Board.
32 President Lee Wallace with the Organized Village of
33 Saxman, Saxman IRA Council. I'd just like to give some
34 comments.
35
36 The first thing, I pulled up on line the
37 meeting information. One thing I'd like to see that is
38 added is your updates be included with the agenda items.
39 All other agenda items are included on line at your
40 website, but you don't have the items for updates on
41 there. And that would be appreciated, and it also would
42 be vital to have on hand also. When you're not there in
43 person, you definitely don't hear well with the
44 communication issues that happen.
45
46 And I'd like to give a comment on FP13-
47 16. I support the proposal that was submitted by Mike
48 Jackson from Kake. And the reason why I do support it is
49 that I am a user, whether it be on State or Federal lands
50 and waters. Especially when you're engaged in customary

1 and traditional fishery, the last thing we're thinking
2 about is finning the fish that we just caught. In a lot
3 of cases, those of us that are fishing, we're fishing for
4 a number of our citizens. That would be uncles, aunts,
5 elders and others that can't participate in the fishery
6 for various reasons.

7
8 So again with that stated, you're out
9 there fishing for a number of individuals and so you need
10 a good catch. And when you're in that situation, you're
11 not looking at finning your fish immediately. You're
12 looking at the next fish or school of fish to catch.
13 It's uncalled for.

14
15 You know, the past thought and the
16 current thought may be because there's fear that the fish
17 will enter into the commercial market. And I would say
18 probably 99 percent of us that are involved in that type
19 of a fishery, that's kind of the last thing we're
20 thinking about is selling the fish. For us that are
21 participating in a way of life, C&T, or some may call it
22 subsistence, there's really no value you could put on it
23 like that. It's a real high value that we put on it when
24 we're out there fishing for our way of life. And, yes,
25 that can happen. A small percentage of the individuals
26 may enter their fish into the commercial market, but it
27 would be a small, small amount that would enter into the
28 commercial area.

29
30 I do thank OSM for supporting the
31 proposal, and I thank Southeast RAC for supporting with
32 their modifications. I can understand their
33 modifications, but my real gut review of it was to --
34 that's the last thing we want to do is fin the fish right
35 away.

36
37 So that's my comments on that. I'd like
38 to make some comments on rural/nonrural.

39
40 Basically I did receive the announcement
41 January 14th, and I appreciate that. And I do appreciate
42 FSB opening this up for review as it drastically affects
43 communities like Saxman and others. I would that FSB
44 members to review the 2003 ISER and Wolf report.

45
46 Back in 2006/2007 members of the Board
47 didn't support the ISER Wolf report. And what they ended
48 up doing was adding more criteria than what was in the
49 report, and that was uncalled for. Adding criteria onto
50 the list would diminish a village rural status. I

1 believe what happened during the 2006/ 2007 period was
2 beginning to aggregate communities. And by aggregating
3 communities, it led to a wrong decision of Saxman,
4 aggregating us with a larger community like Ketchikan.

5
6 I don't think I have to remind you guys
7 of ANILCA was for. It was to protect our rural rights.
8 And who is rural? Alaska Native villages.

9
10 We come from a small community of about
11 413 people. 413. That's a far cry from the threshold of
12 2500 to 7,000 for rural determination.

13
14 I also support testimony and data given
15 by Rosita Worl of SEAlaska and from AFN back in March
16 2012.

17
18 And I do request tribal consultation,
19 one-on-one with FSB or the Southeast RAC when they're in
20 our area. I see there are some meetings scheduled in
21 Ketchikan coming up this spring, and I would really
22 request a one-on-one. And usually one of the small
23 tribes, they may send one person up to a meeting like
24 what's happening right now, may two. But it would be a
25 lot more advantageous is there was one-on-one with OVS
26 and/or Cape Fox Corporation to meet with you folks one-
27 on-one versus open in a public meeting.

28
29 I say that only because I was involved in
30 a USDA tribal consultation last year here in Ketchikan.
31 And what they ended up doing was they did a public
32 announcement. And what happened is you got the general
33 public, and, yes, a lot of the general public input is
34 useful at times. A lot of times it isn't. And what I
35 seen there was tribal consultation that was set up for
36 Federally-recognized leaders to consult with Staff, and
37 what we
38 ended up getting was a lot of public comments of unneeded
39 information. It ended up being a laundry list of
40 comments and questions, and it deterred from the real
41 consultation process that should happen between nation-
42 to-nation or government-to-government.

43
44 That's my comments. Thank you. I will
45 be adding more written comment to the rural/nonrural
46 review period before the November 1st deadline.

47
48 Thank you.

49
50 CHAIRMAN TOWARAK: Thank you, Mr.

1 Wallace. Go ahead.

2

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

5

6

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

9

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

14

15 MR. PROBASCO: Go ahead.

16

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

25

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

31

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

44

45 We would like for you to -- I don't know
46 what your powers, but recommendations from us, from the
47 Akiak Native Community, that you ask the U.S. Fish and
48 Wildlife Service based out of Bethel to consult with this
49 tribe before anything of that nature occurs. That left
50 a lot of our elders without dried fish, king salmon dried

1 fish, for this winter. And when they're very unhappy and
2 feel lonely, we understand that, and it's just a bad
3 impact when there's no tribal consultation occurring. If
4 you would continue with this type of opportunity.

5
6 We thank you very much for executing the
7 policy of the United States Government, and that's
8 recognition of tribes and tribal consultation. We dearly
9 need that.

10
11 And I consider myself the ward of the
12 government through BIA in all aspects of health,
13 education, and welfare for so many years. And please
14 don't have them walk away from us. Please consult with
15 us.

16
17 And thank you for this opportunity. And
18 may the good Lord bless us all, and you, too.

19
20 And I'd like to recognize Sam Jackson,
21 the vice chief. He's more astute, but we've instructed
22 him to make a few comments.

23
24 Thank you, Mr. Chairman, and please
25 continue this tribal consultation.

26
27 CHAIRMAN TOWARAK: Thank you, Mr. Ivan.

28
29 MR. JACKSON: Yeah. Thank you, Mr.
30 Chairman. Like I stated earlier, this is Sam Jackson.
31 I'm the Vice Chief of the Akiak Native Community. And I
32 may be bouncing off the subject here, but excuse me if I
33 do.

34
35 We've been watching the decline of our
36 Chinook salmon within Western Alaska for some years now.
37 Up into Norton Sound, on the Yukon, on the Kuskokwim and
38 tributaries within these rivers.

39
40 Now, there's been some tools that have
41 come out since the management styles, previous management
42 styles have -- there's been some information come out,
43 such as the Western Alaska salmon stock identification
44 program which identifies which stocks are where in the
45 Bering Sea. And also within rivers.

46
47 Now, as you all know, we had a pretty bad
48 summer last summer, like Ivan explained. And did not
49 get to dry our fish traditionally.

50

1 We've watched the managers' styled
2 previously on the Yukon where mesh sizes were reduced and
3 windows were created. Yet, let's look at the Yukon
4 today. They still have smaller fish. They still have --
5 the Chinook is still a stock of concern.

6
7 Now, what we'd like here is for the U.S.
8 Fish and Wildlife biologists to consider using a
9 different management style tool which involves our elders
10 and our fishermen, the end users of the Chinook. As Ivan
11 stated earlier, these fish, they're like spiritual to us.
12 We've been doing it for so long, tens of thousands of
13 years and we have not once, there is no evidence of once
14 mismanaging our fisheries, and our fish and game.

15
16 I think a step can be taken in a right
17 and large step, large direction if, you know,
18 consultation with our elders and our fishermen and our
19 tribes is done correctly.

20
21 I'd like to thank you for your time and
22 what the Federal Subsistence Board is trying to do to
23 increase consultation within -- with the tribes in
24 Alaska. Thank you.

25
26 CHAIRMAN TOWARAK: Thank you, Mr.
27 Jackson.

28
29 Any questions from the Board.

30
31 (No comments)

32
33 CHAIRMAN TOWARAK: I'm not hearing any.
34 Do we have more comments.

35
36 MR. PROBASCO: Mr. Chair. Rosemary, our
37 co-chair for the Tribal Consultation Work Group had asked
38 to speak, but she's been disconnected. So if she comes
39 back on, I think at the Board's pleasure, we would ask
40 Rosemary to testify.

41
42 Thank you, Mr. Chair. That's all I have
43 for tribal consultation.

44
45 CHAIRMAN TOWARAK: Okay. We will leave
46 the option of listening to Rosemary whenever she gets
47 back on.

48
49 That concludes Item No. 13. We will go
50 on to No. 14, which is public comment period on consensus

1 agenda items.

2

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

7

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

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN TOWARAK: Okay. We will insert
19 that then.

20

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

23

24 We will move on to Item No 15 then,
25 2012-2014 Subparts C and D proposals, fisheries
26 regulations.

27

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

33

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

43

44 Mr. Chair.

45

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

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: We will continue then
2 with Board deliberations and actions on non-consensus
3 agenda items.

4
5 MR. PROBASCO: And, Mr. Chair, our agenda
6 for the proposals under the non-consensus agenda is found
7 on Page 2. And our first proposal will be FP13-16. Mr.
8 Casipit, would you lead us.

9
10 MR. CASIPIT: Thank you, Mr. Chair. For
11 the record, my name is Cal Casipit. I'm the subsistence
12 staff biologist for the Forest Service, Alaska Region,
13 stationed in Juneau.

14
15 The executive summary for this proposal
16 is on Page 4 of your book. And the Staff analysis itself
17 begins on Page 5.

18
19 Proposal FP13-16 was submitted by Mr.
20 Mike Jackson of the Organized Village of Kake. He
21 requests the elimination of requirements to remove fins
22 to identify subsistence-caught salmon in the Southeastern
23 and Yakutat areas.

24
25 He states that removing fins from
26 subsistence-caught salmon interferes with traditional
27 means of handling, processing, and preserving fish. It
28 is an unnecessary burden on subsistence users, imposes a
29 burden on subsistence users that is not imposed on sport
30 and commercial fishermen, and that Federally-qualified
31 subsistence users are burdened with a non-traditional and
32 disrespectful mutilation of their food.

33
34 He also states that residents of Kake
35 have limited access to commercial buyers, and that
36 subsistence limits are so low it is not economically
37 viable to sell a catch that has cost someone gas and
38 personal time to process.

39
40 The existing proposed Federal -- the
41 existing and proposal Federal regulations and pertinent
42 State regulations can be found on the bottom of Page 5 in
43 your book. And the customary and traditional use
44 determinations for Southeast and Yakutat appears in
45 Appendix A on Page 8 and 9 of your books. Excuse me.

46
47 For a regulatory history, fin clipping
48 regulations were modified from the dorsal to the pelvic
49 fins by the Board from State subsistence regulations for
50 the Southeast and Yakutat areas when the Federal

1 subsistence fisheries regulations were first published in
2 2000.

3

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

14

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

21

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

29

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

35

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

45

46 Forest Service law enforcement had
47 received a complaint in the past from the public that
48 subsistence-caught fish that were not properly marked
49 were entering the commercial markets in the Yakutat area.
50 It was unclear whether this complaint stemmed from

1 activities undertaken under Federal or State
2 jurisdiction.

3
4 Our OSM conclusion is to support Proposal
5 FP13-16. Federal subsistence salmon fisheries in the
6 Southeastern and Yakutat management areas are temporally
7 and geographically separated from State-managed
8 commercial and subsistence fisheries, and the marking
9 requirement does seem burdensome and disrespectful to
10 cultural ways of life, and that the Federal subsistence
11 sockeye harvest limits in the Southeastern area are so
12 low that it is not economically viable to sell a
13 household limit of sockeye after the time and cost of
14 harvesting is considered as the proponent contends.

15
16 In addition, salmon caught in Federal
17 jurisdiction generally are of low or no value when
18 compared to salmon caught in State jurisdiction.

19
20 That concludes my presentation. I'll be
21 happy to answer any questions.

22
23 Mr. Chair.

24
25 CHAIRMAN TOWARAK: Any questions of the
26 Board.

27
28 (No comments)

29
30 CHAIRMAN TOWARAK: Thank you for your
31 analysis.

32
33 We'll move on to the summary of public
34 comments. Regional Council coordinators.

35
36 MR. LARSON: Thank you, Mr. Chair. My
37 name is Robert Larson. I am the Southeast Council's
38 coordinator.

39
40 If you look on Page 4 of the executive
41 summary, you will see there's reference to one written
42 public comment in support of the proposal. That is from
43 the Wrangell-St. Elias Subsistence Resource Commission.
44 They're actually not in favor of the proposal as written.
45 They're in favor of the proposal as modified by the
46 Southeast Regional Advisory Council. And they are in
47 agreement because of the concurrent nature and
48 overlapping jurisdictions in Yakutat, that it would be
49 advisable to keep the marking requirements in Yakutat and
50 remove it for Southeast.

1 Thank you.

2

3 CHAIRMAN TOWARAK: Any questions of the
4 coordinator.

5

6 (No comments)

7

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

10

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

13

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

17

18 MR. ADAMS: Thank you, Mr. Chairman.
19 Excuse me.

20

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

25

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

30

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

34

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

42

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

45

46 Number 1. The salmon caught by a
47 subsistence fisher has much more value to that person as
48 food rather than the value it would have in the
49 commercial market because of the time and effort expended
50 to capture the fish.

1 Number 2. Because these fish are taken
2 in freshwater, there's little or no commercial value in
3 the fish. Because of their condition, there would not be
4 a problem with the fish entering the commercial market
5 even if there was a provision that allowed a person to
6 sell the fish commercially.

7
8 Number 3. Anyone selling fish to a
9 commercial buyer must have a CFEC commercial fishing
10 permit. Failure to properly document the sale of a
11 salmon has significant criminal and administrative
12 consequences to both the seller and the buyer.

13
14 There is no provision to mark
15 subsistence-taken halibut and no requirement to mark
16 sport-taken salmon or halibut.

17
18 The Federal subsistence fishery is the
19 smallest component of the total harvest and the one with
20 the least opportunity to sell a fish commercially.

21
22 And, lastly, it is not customary to cut
23 fins from a subsistence fish taken.

24
25 Let me just maybe elaborate a little bit
26 about the reasons why Yakutat is unique. We are -- in
27 the Yakutat area the lakes or the rivers, like the Situk
28 River I'll use, is under State jurisdiction. Okay. And
29 then this, you know, proposal more so addresses Federal
30 jurisdiction, or freshwater.

31
32 However, I'll use the State as an
33 example, and it could apply in Federal waters as well.
34 When the escapement of say the sockeye, you know, reach
35 their goal, normally the subsistence fishing takes place,
36 you know, on the weekends. But there are times when the
37 escapement has been enough that satisfies the managers,
38 that they will open it up for both commercial and
39 subsistence fishing. And that's when those two, you
40 know, user groups, you know, partake of the salmon at
41 the same time. And so there is a problem, you know, with
42 identifying, you know, which is which. And so that's the
43 reason why we feel, you know, that removing of that one
44 little fin in the back, and it isn't hard to snip off,
45 you know, that that be taken care of.

46
47 And then if an enforcement officer comes,
48 all he needs to do is look at it and say, okay, this is
49 subsistence and commercial. You know, he's able to
50 determine which is which just by that simple little act.

1 Thank you.
2
3 CHAIRMAN TOWARAK: Any questions of the
4 Board.
5
6 MR. GREEN: Mr. Chair. Right here. This
7 big guy with the red shirt on.
8
9 (Laughter)
10
11 CHAIRMAN TOWARAK: Oh, I'm sorry. Go
12 ahead, Mr. Green.
13
14 MR. GREEN: Mr. Adams, through the Chair.
15 You said that the subsistence and commercial fishery are
16 taking part -- they're taking part, and is that at the
17 same time or are they alternate times?
18
19 MR. ADAMS: At the beginning -- through
20 the Chair. At the beginning of the fishing season, you
21 know, they are alternating. Commercial fishing takes
22 part during the first part of the week, and then the
23 latter, toward the weekend, is when subsistence takes
24 place. However, as explained a little while ago, it
25 sometimes happens, you know, when the escapement meets
26 management goals, then the fisheries are opened up for
27 both. And that's where the problem is, you know, how do
28 you know which is subsistence-caught fish and which is
29 commercial. And that's the reason why we support the
30 removal of that little fin in the back.
31
32 MR. GREEN: Thank you.
33
34 CHAIRMAN TOWARAK: Any further questions.
35
36 (No comments)
37
38 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
39
40 We will move on to the Department of Fish
41 and Game comments.
42
43 MS. YUHAS: Thank you, Mr. Chairman.
44 Jennifer Yuhas, State of Alaska, Federal subsistence
45 liaison team leader.
46
47 The Department is opposed to this
48 proposal for reasons that you've heard many times on very
49 similar proposals. As the Staff noted on Page 5, you can
50 see our State requirements. And enforcement supports the

1 Department and the idea that divergent requirements for
2 marking the fish creates confusion both for users and for
3 enforcement.

4

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

13

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

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: Not hearing any, thank
20 you.

21

22 We will proceed then to InterAgency Staff
23 Committee comments.

24

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

29

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

35

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

40

41 CHAIRMAN TOWARAK: Any questions of the
42 Staff.

43

44 (No comments)

45

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

49

50 MR. HASKETT: I just want to make sure I

1 understand this one. So the main reason for proposing
2 this is that it's not traditional practice? I'm not sure
3 who I'm presenting that to.

4

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

10

11 MR. HASKETT: Okay. Thank you.

12

13 CHAIRMAN TOWARAK: Further questions.

14

15 (No comments)

16

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

19

20 MR. OWEN: Motion?

21

22 CHAIRMAN TOWARAK: Go ahead.

23

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

30

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

35

36 MR. C. BROWER: Second.

37

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

40

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

46

47 I recognize that this increases the
48 complexity for this area, having marked fish and unmarked
49 fish at different times, different places. However, I
50 believe that there are sufficient regulatory controls in

1 other areas to prevent abuse. And I feel obligated to
2 support our RAC and their discussions.

3

4 Thank you.

5

6 CHAIRMAN TOWARAK: Further discussion.

7 Bert.

8

9 MR. ADAMS: Thank you, Mr. Chair.

10

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

23

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

30

31 CHAIRMAN TOWARAK: Thank you, Mr. Adams.

32

33

34 Any further discussion.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: Would someone call for
39 the question.

40

41 MR. C. BROWER: Question.

42

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

45

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

49

50 MR. CHRISTIANSON: Yes.

1 MR. PROBASCO: Mr. Cribley.
2
3 MR. CRIBLEY: Yes.
4
5 MR. PROBASCO: Mr. Towarak.
6
7 CHAIRMAN TOWARAK: Yes.
8
9 MR. PROBASCO: Mr. Owen.
10
11 MR. OWEN: Yes.
12
13 MR. PROBASCO: Mr. Brower.
14
15 MR. C. BROWER: Yes.
16
17 MR. PROBASCO: Mr. Haskett.
18
19 MR. HASKETT: Yes.
20
21 MR. PROBASCO: Ms. Masica.
22
23 MS. MASICA: Yes.
24
25 MR. PROBASCO: Ms. O'Neill.
26
27 MS. O'NEILL: Yes.
28
29 MR. PROBASCO: Mr. Chairman. Motion
30 carries, 8/0.
31
32 CHAIRMAN TOWARAK: Thank you. Our next
33 proposal is FP13-18 and 23. Have the lead author.
34
35 Go ahead, Mr. Reeves.
36
37 MR. REEVES: Thank you, Mr. Chairman.
38 Good afternoon, Board members.
39
40 I'll be presenting the analysis of
41 Proposal FP13-18, and it's also combined with Proposal
42 FP13-23. If you look on Page 14 of your materials,
43 you'll find the executive summary, and the analysis
44 begins on Page 16.
45
46 Proposal FP13-18, which was submitted by
47 the Southeast Alaska Subsistence Regional Advisory
48 Council. It requests that household harvest limits be
49 placed on individual streams within the Prince of Wales
50 and Kosciusko Islands subsistence steelhead fisheries,

1 along with removing the overall harvest quota from the
2 fisheries.

3

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

7

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

16

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

21

22

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

38

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

46

47 Although the harvesting up to two
48 household possession limits within the same day is legal
49 under Federal regulations, the potential to easily over-
50 harvest steelhead from the drainage before Federal

1 managers can act was dramatically increased.

2

3 The winter 2011 situation was discovered
4 at the end of the fishery and resulted in the Federal in-
5 season manager reducing harvest limit and instituting
6 prohibitions on the Klawock River to allow for continue
7 subsistence opportunity during the spring fishery.

8

9 This Board approved subsistence harvest
10 of steelhead on Prince of Wales Islands in 2002, and it
11 furthered opportunity onto Kosciusko Island that
12 following year. The spring season fisheries began in
13 2003.

14

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

21

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

25

26 The winter fishery also began in 2003
27 with typically harvest and effort in this fishery being
28 low. From 2003 to 2008, Federal steelhead harvests have
29 ranged from 0 to 5 per season with the number of permits
30 ranging from 10 to 20. Since 2009 effort in this fishery
31 has also increased as the number of permits issued has
32 ranged from 36 to 38, and a reported harvest ranging from
33 1 to 13. This fishery, it should be noted, that it can
34 be greatly affected by weather, where in 2006, 2007, and
35 2010 effort was very minimal due to winter conditions;
36 however, in 2007 similar type winter weather conditions
37 actually increased effort down to -- basically the effort
38 was concentrated to Klawock River.

39

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

43

44 Both of these proposals could be
45 addressed as special restrictions within the permit
46 conditions of the subsistence fishing permit. The
47 Federal in-season managers are both delegated to
48 implement special restrictions within these fisheries.
49 Every year since the inception of the fishery there have
50 been special restrictions implemented on the small road-

1 accessible systems, and you can find them listed as terms
2 and conditions of the permit.

3
4 The concerns expressed in Proposal 23
5 could easily be addressed in that manner; however, with
6 the scope of Proposal 13-18 encompassing all 74 drainages
7 on Prince of Wales Island and about three to five other
8 drainages on Kosciusko, addressing that issue via permit
9 conditions is going to be more problematic.

10
11 If these proposals were adopted, they
12 will add additional restrictions to the Federal
13 subsistence harvest of steelhead. Although the proposals
14 will reduce the amount of steelhead a household may
15 harvest from a specific drainage, the proposals do not
16 affect the annual harvest limit that the household can
17 take during the fishery. While reduced harvest limits by
18 drainage may provide for a more equitable distribution of
19 harvest opportunity among Federally-qualified users,
20 there could be a reduction in the numbers of fish
21 received by recipients from the designated fishing
22 program.

23
24 The proposals do not affect the State
25 managed sport fishery.

26
27 Adoption of Proposal 13-18 will remove
28 the harvest quota that is currently defined under the
29 Federal subsistence fishing regulations.

30
31 The OSM conclusion is to support Proposal
32 FP13-18 and to oppose Proposal 13-23.

33
34 Implementation of annual household
35 harvest limits by specific drainage will provide for
36 conservation of the individual steelhead stocks while
37 providing for subsistence fishing opportunity. Adoption
38 of Proposal 13-18 is supported since this will set annual
39 household harvest limits by specific drainages to all
40 streams within the Prince of Wales and Kosciusko
41 fisheries, and will include the Klawock River which is
42 the focus of Proposal FP13-23.

43
44 This action will provide for conservation
45 by preventing a person or designated fisher from taking
46 entire harvest limits from any one stream, which could
47 easily push the stream beyond its desired harvest levels.
48 Although the harvest limit by individual streams is
49 reduced, action does not reduce the overall household
50 harvest limit for the fishery. An opportunity may still

1 exist to harvest any additional steelhead from other
2 streams on the island. The overall harvest quota for the
3 Prince of Wales/Kosciusko fishery is not as important as
4 the overall steelhead harvest from the individual
5 drainage. Conservation of individual streams will be
6 provided for by implementing annual household harvest
7 limits by drainage, thus removing the need for an overall
8 quota. Additionally, both the Federal in-season managers
9 on the island are the delegated authorities to implement
10 special restrictions within these fisheries should any
11 unforeseen conservation concern arise.

12

13 Thank you.

14

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

17

18 (No comments)

19

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

23

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

26

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

29

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

32

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

35

36 MR. ADAMS: Thank you, Mr. Chairman.

37

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

41

42 And the justification reads: The Council
43 noted that although adopting this proposal may have a
44 negative impact on some residents of Prince of Wales
45 Island, it was necessary to address a conservation
46 concern with steelhead due to the potential of exceeding
47 the minimum [sic] harvest for any one stream. Current
48 rules do not provide for adequate conservation of these
49 stocks. There is limited access to streams on Prince of
50 Wales Island during the winter fishery and harvests are

1 concentrated on a few steams. The total fishing
2 mortality would not exceed 10 percent of the total
3 return, and if a relatively large portion of the total
4 allowable harvest is taken in the winter, there is a
5 potential for over-harvest in the larger, more popular
6 spring fishery. In addition to addressing an emerging
7 conservation issue, adopting the proposal would be
8 beneficial to the majority of subsistence users, because
9 it allows the maximum number of households to participate
10 in the subsistence steelhead fishery. The most
11 accessible streams are the most popular and have the
12 greatest potential for requiring in-season special
13 actions to close the fishery once the annual allowable
14 harvest is taken. Unless the Federal program adds a
15 provision to prevent a small number of households from
16 concentrating harvest on these streams, there is an
17 increasing likelihood for unknowingly exceeding the
18 allowable harvest under regulation that is now in place.
19 The harvest cap of 100 fish in the winter fishery with a
20 total fishery cap of 600 fish is unnecessary and provides
21 no benefit to either subsistence users or managers. The
22 current harvest is much less than these caps and
23 management and conservation issues are identified on a
24 stream-by-stream basis, not on a fishery basis.

25
26 So that is the justification for
27 supporting 13-08 [sic].

28
29 AP13-23 [sic], the Council recommendation
30 is to take no action, and the reason for that is because
31 of the action it took PF13-18 [sic].

32
33 Thank you, Mr. Chairman.

34
35 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
36 Any questions. Go ahead.

37
38 MR. CHRISTIANSON: Well, again I guess I
39 come back -- Anthony Christianson, through the Chair
40 here.

41
42 I do got some issues with the proposal
43 only because it affects the entire Prince of Wales area,
44 and it seems like the concern was for the Klawock and
45 conservation of that stock. And this seems like it might
46 impose some restrictions on subsistence activity to other
47 users on Prince of Wales Island. And I just say that
48 because I'm a resident of Prince of Wales Island.

49
50 And I see some issue arising with this

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

9
10 And I've always been contentious about
11 where the 10 percent threshold is come from. I've never
12 received an answer on that. I've questioned it several
13 times it's come up and I've never found out why there's
14 a 10 percent threshold on any given system when we've
15 harvested out of the Hydaburg River for 100 years. It's
16 a small system, and it still has one
17 of the largest subsistence stock of steelhead on Prince
18 of Wales.

19
20 So, you know, I understand there's a
21 conservation issue for steelhead on the Klawock and some
22 of the surrounding rivers, but my local knowledge tells
23 me they could sustain a higher harvest, and this may
24 impact, you know, some of the rural communities on the
25 island, not only because it limits what they could take
26 out of their close in proximity to their home, but again
27 it will also put, like the thing says, spreading other
28 users out to those other systems that local rural
29 residents are using outside of Klawock. So that's just
30 my concern and comment.

31
32 I think I was supposed to direct that to
33 Staff, not to Bert. Sorry, Bert.

34
35 MR. ADAMS: I wasn't going to answer you
36 anyhow.

37
38 MR. CHRISTIANSON: Yeah.

39
40 (Laughter)

41
42 CHAIRMAN TOWARAK: Is there any reaction
43 from the Staff.

44
45 MR. REEVES: Mr. Chairman. Mr.
46 Christianson.

47
48 I guess to elaborate in the history. The
49 10 percent was the best decision that come up amongst
50 both State and Federal managers at the time, because of

1 an overall lack of actually accurate escapement data on
2 all 74 plus systems on Prince of Wales. So in order for
3 the fishery to go forth, it was, you could I guess say,
4 just a verbal agreement amongst managers, this is the
5 escapement we're going to take. And it eased a lot of
6 concerns amongst management agencies.

7
8 Under the Federal permit, one of the
9 things is like when you do look at the graphs -- or,
10 excuse me, the tables of the harvest history, what we
11 have found is that very few people have been taking the
12 full household limit. So when you see a reduction, what
13 it is, is it means that out of five fish that a household
14 could take under the terms of a spring permit, what the
15 proposal is asking for is that only two of the five could
16 be taken from a particular drainage. So if they took two
17 from, say, the Klawock River, then they would have to
18 move elsewhere to harvest the remaining three. It's not
19 affecting your harvest limit.

20
21 What a review of the data did show is
22 that, if you look on Page 24, you'll see that over
23 history, like in the spring fishery, the most of a permit
24 ever reporting a full household limit was there was three
25 in 2004 and also three in 2011.
26 So taking a full five is not happening very often. When
27 you look at the actual average number of fish being
28 harvested per permit, it's averaging right around two
29 fish. So that went into where the recommendation also
30 came from as to what the proponent was asking for.

31
32 So the data didn't seem to show that
33 there was a hardship in two fish coming out of a
34 drainage, because of what the permit returns were
35 showing. But it is definitely understandable that a
36 household could need more fish.

37
38 CHAIRMAN TOWARAK: Go ahead, Mr.
39 Christianson.

40
41 MR. CHRISTIANSON: Yeah. And I guess I
42 just -- my history comes from being in the area where a
43 Federal closure happened on the subsistence stock due to
44 conservation concern in a system similar to this size
45 that we're discussing. There's large and small systems.
46 And I witnessed a closed subsistence stock fishery to a
47 couple of communities.

48
49 And as I look at the, you know, two per
50 household from any particular drainage, and the threshold

1 being 10 percent, and them saying that most of the
2 systems are less than 100, that means five homes in
3 Hydaburg would harvest out of the Hydaburg River, and it
4 would constitute a Federal closure if they were being
5 honest o their permit. And I just don't know if there's
6 justification, or even -- I mean, I called it speculative
7 science, and he just answered my question there that they
8 thought it was a good number to start with, and they both
9 agreed on it, the State and the Feds. And I've always
10 contended, no, it's an arbitrary number, and I don't
11 think the science is sound enough to start putting
12 conservation methods or conservation concerns on stocks
13 that we don't have the data yet on, and impede
14 subsistence activities.

15

16 I mean, this is going to change user
17 group patterns and a subsistence activity. It might not
18 be that critical but at the same time it's restrictive
19 without any solid information.

20

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

26

27 CHAIRMAN TOWARAK: Further questions.

28

(No comments)

29

30
31 CHAIRMAN TOWARAK: If not, then we will
32 continue on. Summary of public comments from the
33 regional coordinator.

34

(No comments)

35

36
37 CHAIRMAN TOWARAK: Okay. I'm on the
38 wrong finger. We're on number 5, the Department of Fish
39 and Game comments.

40

41 MS. YUHAS: Thank you, Mr. Chairman.
42 Jennifer Yuhas, Alaska Department of Fish and Game,
43 State/Federal subsistence liaison team leader.

44

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

49

50 On Page 36, I'd like to direct the Board

1 to conditions that we've written up that would allow the
2 Department to support this proposal; otherwise we would
3 be neutral. And I've heard Member Christianson's
4 comments. What we have noted is a 10 percent cap for the
5 Klawock and then only five on each of the smaller
6 drainages. We have some concerns that the proposal as
7 written could shift some of the pressure to the smaller
8 drainages.

9

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

13

14 CHAIRMAN TOWARAK: Any questions. Mr.
15 Haskett.

16

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

20

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

25

26 MR. HASKETT: Thank you.

27

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

31

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

38

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

44

45 CHAIRMAN TOWARAK: That's fine.

46

47 MS. O'REILLY-DOYLE: Thank you.

48

49 CHAIRMAN TOWARAK: Any questions from the
50 Staff. Sorry, wrong button.

1 (No comments)

2

3 CHAIRMAN TOWARAK: If not, then we will
4 proceed onto the Board discussion with Council Chairs and
5 the State liaison.

6

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

10

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

13

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

22

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

30

31 CHAIRMAN TOWARAK: Pete, do you have a
32 comment.

33

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

38

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

41

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

45

46 MR. CHRISTIANSON: Well, my concerns is
47 that they're just doing a blanket conservation measure
48 for an entire island without substantial data to evaluate
49 what it is that they want to do. That's my concern. I
50 mean, they just said it, that they came up with an

1 arbitrary figure for conservation measures that they
2 agreed on. And I could agree with that to some degree.
3 You have to set a threshold, and you have to know, you
4 know, being a manager myself on some subsistence stocks,
5 that you want a certain amount of escapement so you can
6 have a return. But also having traditional knowledge
7 that we've harvested a considerable amount more than that
8 out of the adjacent systems in our community and still
9 have healthy stocks. My concern is that we're going to
10 start to reduce subsistence activities without really
11 having a justification to do so.

12

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

23

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

33

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

40

41 MR. CHRISTIANSON: Sure.

42

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

47

48 (Off record)

49

50 (On record)

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

5
6 MR. REEVES: Mr. Chairman. I think Mr.
7 Christianson's a little bit more enlightened on the
8 situation, although he may still -- I mean, you know, in
9 his opinion disagree on some of the aspects though, but
10 I think I can kind of hand it back over for deliberation
11 and for you guys' recommendation.

12
13 MR. CHRISTIANSON: Anthony Christianson,
14 through the Chair. Again I think, you know, our little
15 side discussion there was good. And I will look to
16 support the Southeast Board's recommendation, and then
17 work with these guys in the future to alleviate the local
18 concern.

19
20 Thank you.

21
22 CHAIRMAN TOWARAK: Thank you. If I
23 remember right, we were on number 7, the Board discussion
24 with Council Chairs and State liaison. Is there anything
25 further to discuss after that explanation.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: If not, we will go to
30 Item No. 8, Federal Subsistence Board action.

31
32 MR. OWEN: Motion?

33
34 CHAIRMAN TOWARAK: The floor is open for
35 a motion.

36
37 MR. OWEN: Thank you, Mr. Chairman.

38
39 First of all, before my motion, thank you
40 for the opportunity to get together to have that
41 discussion.

42
43 And with respect to Mr. Christianson, I
44 request unanimous consent to take the actions recommended
45 by the Regional Advisory Committee. The Office of
46 Subsistence Management conclusion and the Regional
47 Advisory Council are in agreement in the action to be
48 taken, while the State of
49 Alaska is neutral. Normally this type of agreement would
50 result in proposals on the consensus agenda. Therefore,

1 without controversy, I ask for unanimous consent to adopt
2 Proposal FP13-18 and reject Proposal FP13-23.

3

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

7

8 (No objections)

9

10 CHAIRMAN TOWARAK: Motion passes
11 unanimously. Thank you.

12

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

17

18 (Laughter)

19

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

23

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

28

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

31

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

38

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

48

49 And that's the end of my presentation.

50 Thank you.

1 CHAIRMAN TOWARAK: Are there any
2 questions.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you for your
7 presentation.

8
9 Summary of public comments from the
10 Regional coordinator.

11
12 MR. LARSON: Mr. Chairman. There are no
13 written public comments regarding this proposal.

14
15 CHAIRMAN TOWARAK: Thank you. We'll open
16 the floor then to public testimony.

17
18 MR. PROBASCO: Mr. Chair. I have no one
19 signed up for public testimony on this proposal.

20
21 CHAIRMAN TOWARAK: Thank you. Regional
22 Council recommendations. Mr. Adams.

23
24 MR. ADAMS: Thank you, Mr. Chairman.

25
26 The Southeast Regional Advisory Council
27 recommendation is to oppose this proposal. And the
28 justification for it would be that it would be an
29 unnecessary restriction to subsistence uses. The
30 preferred alternative to address the subsistence
31 steelhead fishery on the Klawock River and the remainder
32 of streams on Prince of Wales Island is captured in the
33 Council's recommendation to support Proposal 13-18.

34
35 Thank you, Mr. Chairman.

36
37 CHAIRMAN TOWARAK: Any questions.

38
39 (No comments)

40
41 CHAIRMAN TOWARAK: Not hearing any, then
42 we'll go to the Department of Fish and Game.

43
44 MS. YUHAS: Thank you, Mr. Chairman.
45 Jennifer Yuhas, Alaska State/Federal subsistence liaison
46 team leader.

47
48 This has been a perennial discussion over
49 the last few years, whether it's been designated hunter
50 or designated fisher depending on the area. And you're

1 well familiar with the Department's comments. We are
2 bound to support the same criteria the State has, and
3 that's outlined for you on Page 39.

4
5 For our comments, it's less to do with
6 the conservation concern for the criteria for
7 designation, but consistency. And the Board has
8 typically not adopted these proposals, but if you do, we
9 would like you to use the State's criteria to eliminate
10 confusion.

11
12 CHAIRMAN TOWARAK: Thank you. Any
13 questions of the State.

14
15 (No comments)

16
17 CHAIRMAN TOWARAK: Thank you. We will go
18 on then to InterAgency Staff Committee comments.

19
20 MS. O'REILLY-DOYLE: So, Mr. Chair, the
21 InterAgency Staff Committee submits its standard comment.

22
23 CHAIRMAN TOWARAK: Thank you. The Board
24 discussion with Council Chairs and State liaison. Any
25 discussion needed.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: If not, then the floor
30 is open for action.

31
32 MR. OWEN: Motion?

33
34 CHAIRMAN TOWARAK: Motion's available.
35 The floor's open for motion.

36
37 MR. OWEN: Mr. Chairman. I move to adopt
38 Proposal FP13-24. And although I'm making this motion in
39 the affirmative, I would like to let you know that I plan
40 to support the Southeast Alaska Subsistence RAC's
41 recommendation and vote no on my motion. After a second,
42 I'll provide my rationale.

43
44 UNIDENTIFIED VOICE: Second.

45
46 CHAIRMAN TOWARAK: There's a motion and
47 a second on the floor, and the floor's open for
48 discussion or the rationale.

49
50 MR. OWEN: Thank you, Mr. Chair.

1 My rationale for opposing this
2 recommendation can be found on Page 54 of the briefing
3 book.

4
5 Furthermore, there are already existing
6 in regulations, both at the State and Federal level,
7 definitions for designated hunters and fishes. I could
8 point out that designated harvesting provisions recognize
9 that some households, often referred to as super
10 households, produce a surplus of wild foods, and that is
11 customary and traditional, and is meant to share and
12 redistribute harvest to others. This proposal would
13 practically eliminate the ability for designated
14 harvesters and fishers for others.

15
16 Further, this proposal regulation applies
17 -- this proposed regulation, I'm sorry, applies to all
18 fish, and there's no merit to restricting the harvest of
19 all fish when a conservation concern does not exist. It
20 would be an unnecessary restriction on subsistence users.

21
22 Finally, if a conservation concern does
23 arise, then the in-season manager has the delegated
24 authority to take immediate action.

25
26 Thank you, Mr. Chairman.

27
28 CHAIRMAN TOWARAK: Any questions. Any
29 further discussion.

30
31 (No comments)

32
33 UNIDENTIFIED VOICE: Question.

34
35 CHAIRMAN TOWARAK: The question's been
36 called for. Roll call, please.

37
38 MR. PROBASCO: Thank you, Mr. Chair.

39
40 And just to remind the Board, to support
41 the Southeast Council's recommendation, a no would be in
42 order.

43
44 Mr. Cribley.

45
46 MR. CRIBLEY: No.

47
48 MR. PROBASCO: Mr. Towarak.

49
50 CHAIRMAN TOWARAK: No.

1 MR. PROBASCO: Mr. Owen.
2
3 MR. OWEN: No.
4
5 MR. PROBASCO: Mr. Brower.
6
7 MR. C. BROWER: No.
8
9 MR. PROBASCO: Mr. Haskett.
10
11 MR. HASKETT: No.
12
13 MR. PROBASCO: Ms. Masica.
14
15 MS. MASICA: No.
16
17 MR. PROBASCO: Ms. O'Neill.
18
19 MS. O'NEILL: No
20
21 MR. PROBASCO: And Mr. Christianson.
22
23 MR. CHRISTIANSON: No.
24
25 MR. PROBASCO: The motion fails.
26
27 CHAIRMAN TOWARAK: The next proposal is
28 FP13-19. Have the Staff analysis, please.
29
30 MR. LARSON: Yes, Mr. Chair. My name is
31 Robert Larson. I work for the Forest Service. I am the
32 analyst for FP13-19.
33
34 The proposal is to increase the annual
35 Stikine River subsistence sockeye salmon guideline
36 harvest level from 600 fish, the same number that's in
37 both Federal regulations and in the treaty annex
38 language. The treating meaning the U.S./Canada Pacific
39 Salmon Treaty. From 600 fish to 2,000 fish.
40
41 The executive summary begins on Page 57.
42 The Staff analysis begins on Page 59.
43
44 There is additional information that is
45 included in your board book. That is a Stikine River
46 subsistence fishery annual report. That was not
47 available to the Regional Advisory Council when they met,
48 but subsequent to that meeting and prior to this meeting
49 I prepared that report. And that is a requirement of the
50 Pacific Salmon Commission, and we've included it as an

1 appendix in your Board book.

2

3 So let me talk about process for a minute
4 and then I'm going to address the meeting that Mr.
5 Probasco and I attended last week, which was the
6 Transboundary Panel of the Pacific Salmon Commission.

7

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

17

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

23

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

32

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

41

42 I think it's safe to say that the U.S.
43 section reacted favorably to either increasing or
44 eliminating the guideline harvest level. There were
45 concerns over our overall management of the fishery.
46 There was concerns over management of Chinook salmon.
47 There was concerns over in-season management regarding
48 net tending, accurate reporting of harvest or bycatch,
49 lost fish. There was a number of questions that they
50 had.

1 The Canadian section was not positioned
2 to provide us with a recommendation whether or not they
3 should support, or if they would support -- what action
4 they would support, whether elimination or increasing the
5 guideline harvest. Their understanding of the guideline
6 harvest in their management processes is very much like
7 a management cap or a quota.
8

9 And it was clear that our definitions
10 were different than theirs in our system, and in this
11 case specifically a guideline harvest was provided and
12 adopted a means to provide the U.S. section an
13 anticipated scope of this fishery. It wasn't going to be
14 100 fish, it wasn't going to be 10,000 fish. It was
15 going to be something more modest. And the number that
16 was used at that time was 600. But it was not designed
17 to be a harvest quota or a cap. It was strictly a
18 guideline to enable the U.S. managers of the sport and
19 commercial fisheries to stay within the U.S. allocation.
20

21 The Panel requested that a Federal
22 representative or contingent return to their annual
23 meeting. Their annual meeting is the 12th through the
24 14th of February. And at that time they would like to
25 have a more detailed discussion of exactly what our
26 management processes are, who does what when, why, under
27 what circumstances. And we have not assigned personnel
28 to participate further, but it's my understanding that we
29 would in fact provide that information to the
30 Transboundary Panel.
31

32 I think that the concerns of the Panel
33 are rally threefold. One is that there's a lack of net
34 tending regulations on the Federal side. We don't have
35 a regulation that requires closely attending or checking
36 a net under some time schedule. They were concerned that
37 that lack of regulatory oversight would result in under-
38 counting fish or maybe wasting fish. There was some
39 concerns and testimony that they've had regarding
40 predation by seals and that kind of thing.
41

42 They were also concerned over our
43 management of Chinook salmon. They really didn't want to
44 talk about sockeyes independent of the fishery concerns
45 with Chinook salmon.
46

47 The were also concerned that they didn't
48 understand how we were managing our fisheries versus the
49 normal U.S. contingent which is made up of entirely state
50 fisheries managers. We've said that we would address

1 those issues and get back to them.

2

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

11

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

18

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

23

24 So the 600 fish is contained within Annex
25 4 of the U.S./Canada Pacific Salmon Treaty originally
26 signed 1985. It was amended in January of 2009.

27

28 The subsistence salmon fishery on the
29 Stikine River is the only salmon fishery in Southeast
30 Alaska that is exclusively a Federal subsistence fishery.
31 It was started in 2004 for sockeyes. It was expanded in
32 2005 to include a Chinook and a coho component.

33

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

44

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

48

49 The entire Stikine River watershed is
50 part of the Stikine-Le Conte Wilderness area, but it's

1 all under Federal jurisdiction.

2

3 In 2004 we had 40 permits that harvested
4 243 sockeyes. If you looked on Table 2 of our appendix,
5 that's Page 72 of your Board book, you'll see an
6 increasing trend of both participation and harvest. 2012
7 is the fourth consecutive year when we've exceeded the
8 600 fish guideline harvest.

9

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

19

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

29

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

42

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

50

1 Thank you.

2

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

5

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

13

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

16

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

25

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

35

36 CHAIRMAN TOWARAK: Any other questions.

37

38 (No comments)

39

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

43

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

49

50 There is an additional written public

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

9

10 Thank you.

11

12 CHAIRMAN TOWARAK: Any questions of the
13 Board.

14

15 (No comments)

16

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

19

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

22

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

26

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

33

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

44

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

48

49 Excuse me. B. You may take sockeye
50 salmon from June 21st through July 31st. The annual

1 limit is 40 sockeye salmon per household.

2

3 C. You may take coho salmon from August
4 1 through October 1st. The annual limit is 20 coho
5 salmon per household.

6

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

11

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

17

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

36

37 Thank you, Mr. Chairman.

38

39 CHAIRMAN TOWARAK: Any question of the
40 Chairman -- or the Regional Council Chair.

41

42 (No comments)

43

44 CHAIRMAN TOWARAK: Thank you. We'll hear
45 next from the Department of Fish and Game.

46

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

50

1 In this arena the State participates as
2 a non-voting member and in the Panel on the Commission,
3 the State participates as a voting member. And, in fact,
4 Mr. David Bedford, our assistant commissioner, attended
5 the Southeast RAC meeting and explained some of the
6 details and collected some information so he could best
7 represent the wishes of the users at these meeting.
8

9 But because of this divergence, the State
10 must defer a recommendation until there is an outcome
11 from the Commission and the Panel.
12

13 CHAIRMAN TOWARAK: Thank you. Any
14 questions of the Department of Fish and Game.
15

16 (No comments)
17

18 CHAIRMAN TOWARAK: We will move on then
19 to the InterAgency Staff Committee comments.
20

21 MS. O'REILLY-DOYLE: The InterAgency
22 Staff Committee provides a standard comment.
23

24 CHAIRMAN TOWARAK: Board discussion with
25 Council Chairs and State liaison. Pete.
26

27 MR. PROBASCO: Thank you, Mr. Chair.
28

29 I just think it's important to put on the
30 record the unique situation we have here working on
31 Federal waters of the Stikine River under our
32 jurisdiction, which also falls under the jurisdiction of
33 the Pacific Salmon Commission.
34

35 It really came to light to me when we
36 started working with both Don Collingsworth and Ken Lord
37 on this issue, and then Jim Yu, in that the view that one
38 would trump the other is not a view that we can hold.
39 That has not been tested. In fact, it is recommended
40 that within both of our legal mandates that we try to
41 work cooperatively and to provide the opportunities that
42 each respective mandate provides for. So in other words,
43 we should look at working through the Pacific Salmon
44 Commission, still working within our mandates to try to
45 establish the regulations within Federal regs that
46 provide for this fishery.
47

48 So with that said, Mr. Larson's summary
49 indicates the importance of allowing that side of the
50 Pacific Salmon Commission Treaty process to continue to

1 see what recommendations they would provide for us.

2

3 You've got to keep in mind that it is a
4 process that there's negotiations that take place to
5 establish the treaty language, and that will be
6 renegotiated starting in 2014 with a completion date of
7 2016. So it's very important that we listen to the U.S.
8 side on how to proceed in dealing with the various
9 fisheries that we also have jurisdiction on. And so in
10 my opinion, it's very important that we work
11 collaboratively.

12

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

19

20 Mr. Chair.

21

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

24

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

33

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

37

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

40

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

1 this jurisdictional issue.

2

3 CHAIRMAN TOWARAK: Mr. Larson.

4

5 MR. LARSON: Mr. Chair. There's actually
6 two related issues here at play.

7

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

22

23 CHAIRMAN TOWARAK: Go ahead, Pete. Go
24 ahead, Mr. Haskett.

25

26 MR. HASKETT: Sorry, I didn't understand
27 what you just told me at all.

28

29 (Laughter)

30

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

37

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

43

44 MR. LARSON: And if that's my question,
45 it's yes.

46

47 CHAIRMAN TOWARAK: Okay. Pete.

48

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

50

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

8

9 CHAIRMAN TOWARAK: Mr. Haskett.

10

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

22

23 CHAIRMAN TOWARAK: Ms. Masica.

24

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

35

36 CHAIRMAN TOWARAK: Pete.

37

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

50

1 Mr. Chair.

2

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

9

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

16

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

26

27 CHAIRMAN TOWARAK: Go ahead, Mr. Cribley.

28

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

33

34 (Laughter)

35

36 MR. CRIBLEY: Just a clarification. I
37 think I understand what the situation is from the
38 standpoint of we don't want to get the cart in front of
39 the horse, and we don't want to do anything that would
40 jeopardize those negotiations with Canada on this treaty.
41 But I guess the -- and I guess what I'm trying to do is
42 to position ourselves or our folks who are in those
43 negotiations the best position that they need. And I
44 guess if -- I'm just wondering should it be that we defer
45 the decision and then have them take that recommendation
46 -- take it as a recommendation, or would it be better for
47 us to take a position that we support it contingent on
48 the negotiations. And I guess what I want to do is make
49 this successful, and to do something that would make the
50 negotiators -- or put them in the best position. And I

1 don't want to over -- I wouldn't want to make a
2 recommendation to overstate our position, to make it
3 appear that we're trying to assert our authority or to
4 essentially drive the bus, but rather to facilitate the
5 negotiations so that they understand this is what we
6 would like to do, but we also recognize the necessity of
7 the treaty negotiations and to follow that. And I don't
8 know who knows -- if anybody knows that answer or anybody
9 who is involved with that to give us advice on it, but I
10 guess that -- my feeling is we should follow -- or that
11 would be the best thing for us to do is to follow that
12 intent or try to achieve that objective or goal.

13

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

16

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

31

32 CHAIRMAN TOWARAK: Pete.

33

34 MR. PROBASCOS: Thank you, Mr. Chair.

35

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

48

49 So that's the only risk I see, Mr.
50 Cribley and Mr. Haskett, in selecting one of those versus

1 just deferring action. Because if they come back and say
2 we want a cap of -- a GHL of 3,000, and you recommended
3 and passed a proposal with eliminating GHL, then we'd
4 have to come back and have another dialogue with the
5 Council and take further action.

6

7 Mr. Chair.

8

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

12

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

18

19 Mr. Chair.

20

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

23

24 MR. HEPLER: Thank you, Mr. Chairman.

25

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

33

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

50

1 Mr. Chairman.

2

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

5

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

8

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

20

21 CHAIRMAN TOWARAK: Go ahead, Pete.

22

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

25

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

37

38 Mr. Chair.

39

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

43

44 Mr. Larson, you had a question.

45

46 MR. LARSON: Mr. Chair.

47

48 To get back to Tony's question, and he's
49 absolutely correct, that there is a pre-season abundance
50 estimate that results in a harvestable quota, the total

1 allowable catch that's divided equally between the
2 Canadian fisheries and the U.S. fisheries. We do have
3 this number specific to the subsistence fishery, this
4 600. What we've told both the Canadians and the U.S.
5 managers is that we'll manage our fishery based on being
6 a component of the total allowable catch. When the total
7 allowable catch is taken, then all fisheries are
8 restricted.

9

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

15

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

19

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

22

23 MR. OWEN: Motion?

24

25 CHAIRMAN TOWARAK: Motion.

26

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

28

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

32

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

35

36 MR. C. BROWER: Second.

37

38 CHAIRMAN TOWARAK: The motion's been
39 seconded.

40

41 MR. OWEN: Thank you, Mr. Chair.

42

43 CHAIRMAN TOWARAK: Discussion.

44

45 MR. OWEN: Before I start, I'd like to
46 say for the record how much I personally appreciate Mr.
47 Probasco's personal involvement in this issue and helping
48 us get to the place that we've been, and Mr. Bedford's
49 support for the work that we've been doing, sincerely
50 both as my position here today and with the Forest

1 Service. So thank you both.

2

3 I'd like to make it clear that I fully
4 support the Southeast RAC's recommendation to the Board
5 on this proposal. It's the right thing to do. However,
6 as Mr. Probasco pointed out, this is not solely within
7 our control to make these changes. And we have to
8 balance our action against the Pacific Salmon Commission.
9 Without them, we can't really implement the proposal as
10 it is right now.

11

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

21

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

31

32 And I will remind us all that this Board
33 has taken action to defer action on regulations before,
34 and recently, specifically in the rural determination
35 case. So I do not anticipate that the Federal
36 subsistence fishery for sockeye salmon on the Stikine in
37 2013 will be negatively affected by deferring this
38 proposal.

39

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

46

47 Thank you, Mr. Chairman.

48

49 CHAIRMAN TOWARAK: Thank you. Is there
50 other discussion. Mr. Haskett.

1 MR. HASKETT: So just a question, kind of
2 a point of order thing. So if we vote to defer, are we
3 still able to have a follow-up discussion about whether
4 this Board wants to send some message about what we think
5 the position ought to be somehow, some discussion that
6 way? Some letter from us?

7
8 CHAIRMAN TOWARAK: I don't know how
9 it could prevent us from doing it.

10
11 MR. HASKETT: Okay, thank you. I'll
12 probably have another proposal after we vote on this,
13 then.

14
15 CHAIRMAN TOWARAK: Further discussion.

16
17 (No comments)

18
19 CHAIRMAN TOWARAK: Is there a call for
20 the question.

21
22 MR. HASKETT: I'll call for the question.

23
24 CHAIRMAN TOWARAK: The question has been
25 called for. Roll call, please.

26
27 MR. PROBASCO: Thank you, Mr. Chairman.
28 Action on Proposal FP13-19, to defer.

29
30 Mr. Towarak.

31
32 CHAIRMAN TOWARAK: Yes.

33
34 MR. PROBASCO: Mr. Owen

35
36 MR. OWEN: Yes.

37
38 MR. PROBASCO: Mr. Brower.

39
40 MR. C. BROWER: Yes.

41
42 MR. PROBASCO: Mr. Haskett.

43
44 MR. HASKETT: Yes.

45
46 MR. PROBASCO: Ms. Masica.

47
48 MS. MASICA: Yes.

49
50 MR. PROBASCO: Ms. O'Neill.

1 MS. O'NEILL: Yes.
2
3 MR. PROBASCO: Mr. Christianson.
4
5 MR. CHRISTIANSON: Yes.
6
7 MR. PROBASCO: And Mr. Cribley.
8
9 MR. CRIBLEY: Yes.
10
11 MR. PROBASCO: Motion carries.
12
13 CHAIRMAN TOWARAK: Is there -- okay.
14 We're going to recess the meeting until 8:30 in the
15 morning, but we had a special arrangement made through
16 Jack Lorrigan for a presentation that comes in the form
17 of Native dancing.
18
19 Jack, would you please introduce our new
20 guests.
21
22 MR. LORRIGAN: Thank you, Mr. Chairman.
23 We're going to change the tempo of the day a little bit.
24
25
26 When I took this position as the Native
27 liaison, I observed a lack of cultural exposure if you
28 will on the Board. And, if allowed, I'd like to start a
29 tradition of having a cultural dance group come and
30 perform for the Board from now on. I think it's
31 appropriate that we spend all this time talking about our
32 culture in terms of food and harvest and regulations
33 about where and when we can take certain things, but when
34 it comes down to it, these cultures survived on the very
35 thing we're regulating. And a lot of it is told through
36 song and stories. And there's another half of our
37 culture that is expressed through our dance and our
38 songs.
39
40 And the Tlingit and Haida Dancers of
41 Anchorage have agreed to come and perform for you today.
42 They're going to preform over here to my left. It's a
43 group of it looks like half children, which is
44 appropriate, because this is who we're handing all this
45 stuff down to is them. So they learn it. They'll bring
46 up -- hopefully this will keep on in perpetuity.
47
48 Are you ready?
49
50 (Nods affirmatively)

1 MR. LORRIGAN: So without further ado,
2 I'd like to introduce the Tlingit and Haida Dancers of
3 Anchorage.

4
5 (Tlingit and Haida Dancers of Anchorage)

6
7 (Applause)

8
9 CHAIRMAN TOWARAK: We'll see you at 8:30
10 in the morning.

11
12 (Off record)

13
14 (PROCEEDINGS TO BE CONTINUED)

