JOINT FEDERAL SUBSISTENCE BOARD

SOUTHEAST ALASKA FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING
PUBLIC MEETING

VOLUME III

Juneau, Alaska
March 23, 2012
9:00 a.m.

FEDERAL SUBSISTENCE BOARD MEMBERS:

Tim Towarak, Chairman
Anthony Christianson
Bud Cribley
Sue Masica
Beth Pendleton
LaVerne Smith
Gene Virden

Southeast Chairman - Bertrand Adams

Regional Council Coordinator, Robert Larson

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PROCEEDINGS

(Juneau, Alaska – 3/23/2012)

(On record)

CHAIRMAN TOWARAK: Good morning.

(Pause)

CHAIRMAN TOWARAK: I'm going to call our meeting back to session, we're going to wait for the long distance phones to get connected before we actually get started. But just a real quick preview of our schedule for today. I'm going to call the meeting back to session. I had said the other day that we would start every morning with the ability to bring up non-agenda topics so if there are any out there that's going to be the next item on the agenda.

Are we all set for the long distance?

MR. LARSON: Yes.

CHAIRMAN TOWARAK: Thank you. I will call this meeting back to order. We had recessed yesterday so that the Regional Advisory Council.....

(Teleconference interruption)

(Pause)

CHAIRMAN TOWARAK: Now, we're ready.

(Laughter)

CHAIRMAN TOWARAK: Okay. I will call the meeting back to order. I'm going to open the floor for any public comments on non-agenda items.

(No comments)

CHAIRMAN TOWARAK: It doesn't appear to be any non-agenda items that need to be brought up.

Is there any information.....

MR. LECORNU: Mr. Chairman.

CHAIRMAN TOWARAK: I'm sorry, go ahead.
MR. LECORNU: Good morning, Mr. Chairman.
Camai. My name's Andrew LeCornu. I'm (In Tlingit) Haida
from Ketchikan, and I represent the Ketchikan Indian
Community.

We have a situation that you may have
heard of that affects our eulachons back home, it's on
the Unuk River and it has to do with the KSM goldmine and
coppermining project in Canada that is dumping proposed
billions of tons of earth and residue into the Unuk river
and Ketchikan Indian Community is concerned enough that
we passed a resolution, entitled;

Resolution of the Tribal Council of
Ketchikan Indian Community regarding the KSM Proposed
Gold and Copper Mining Project owned by SeaBridge Gold of
Canada. And we haven't had our eulochons come back to
the local area in a long time. And the interesting thing
is that they finally showed up a little bit last year,
but they didn't go up the Unuk like they normally do, they
went into Carol Inlet which is several miles away and
that's where some lucky people were able to get some for
the community. It was a very limited amount, it's almost
as though they were avoiding the Unuk. We have a lot of
whereases and I won't go into all that but I will give a
copy of the resolution.

But we're just talking about the ability
of our tribal government to protect our citizens and our
way of life and eulochons are a huge part of who we are.
As you know eulachon grease and eulochons themselves are
an integral part of our diet and our trade and commerce.

The whereases speak to the limited number
of jobs in Canada, it speaks to the waterways on this
side of the -- American side being affected. But the be
it resolved part reads that:

We asked the State of Alaska and the
State Department to require the
Transboundary Waters Treaty of 1909 be
followed in all aspects pertaining to
mining projects along the
Alaska/Canadian border.

That proper government to government
consultation be conducted on all matters
regarding mining projects and their
impacts on maritime species and
subsistence way of life.
This was signed December 15th, 2011 by our tribal council and I certainly can give a copy to your secretary to make copies.

But this is a concern that we have that we're not being consulted by Canada. It just seems they're given carte blanche to the mining companies in Canada and they're disregarding how it affects our way of life. So I don't expect, you know, this certainly isn't on your agenda but I'm thinking that at some future point it will be and -- because it's a mining project, I guess, going to continue for years down the road. So I just wanted to let you know that we have this and I'll make copies -- or I'll ask them to make copies and distribute them for your perusal.

Thank you.

CHAIRMAN TOWARAK: Thank you. Are there any questions of the Board on this issue.

(No comments)

CHAIRMAN TOWARAK: If you would give your paperwork to the Staff we will have it distributed.

MR. LECORNU: Thank you.

CHAIRMAN TOWARAK: Thank you. Go ahead.

MS. SYKES: Good morning. I just had a quick comment, Carrie Sykes from Tlingit/Haida Central Council.

I know that, you know, the Board considered the Saxman rural determination in January and Central Council went on record in support of their rural status. I know that it has been out for comment and I'm not sure how that process is going. I know that if there were enough negative comments about keeping that rural status that there might be some consideration of change, but I just wanted to reinforce that Central Council continues to support that rural status.

And I was also very curious about the possible retreat. At the January meeting there was discussions of the Federal Subsistence Board having a work session to consider the rural/non-rural determination criteria and so I was just kind of curious about what the status is on that and when tribes could
possibly provide some input. My customary and
traditional work group has been looking at that criteria
and we would like to provide suggestions or some kind of
input at the proper time. So can I please get an update
on the status.

CHAIRMAN TOWARAK: Thank you. I will
derer to Mr. Probasco.

MR. PROBASCO: Thank you, Mr. Chair.

Good morning.

MS. SYKES: Good morning.

MR. PROBASCO: As far as the status as
the Board goes down the path, as required, based on the
2010 census and looking at rural determinations for
communities, any time the Board would meet to discuss
criteria, how they would develop a proposed rule, et
ce tera, would be done in public session. The Board, at
this time, has not set up any meeting, and it's still on
their plate. The next step will be, as you just
mentioned, the final rule that deals with the stay of the
decision for those five communities. We will, the Office
of Subsistence Management, will report to the Board on
any comments we have received and then it's up to the
Board to determine the next step.

MS. SYKES: Okay. Well, I'd just like to
keep informed about that and like I said, I will be
sharing that information with the tribes in Southeast and
in my customary and traditional work group so that we can
provide input and engage in the process.

Thank you.

CHAIRMAN TOWARAK: Thank you. It will
be a public process.

Any further non-agenda topics.

(No comments)

CHAIRMAN TOWARAK: If not then we will
resume -- I'm sorry.

MR. FLUETSH: Good morning. My name is
Brad Fluetsh.

And what I'd like to address is special
Forest products, specifically blueberries. There's been a lot of development in blueberries, a traditional food source. There's a lot of problems -- the reason I bring this up now is because both the Forest Service and the Park Service is here, there's a lot of problems, you know, as the blueberry commercial harvest is developed the regulations between wilderness land, Park land, Forest Service land, BLM land, State land, Native Corporation land, there's no clear management structure; there's no clear promulgation of regulations; there is no cooperative effort between these various land types, and, that anyone out there harvesting either for subsistence or commercial use would need a GPS unit on them to know exactly what land they're on. And the permit process, as I discussed with the Forest Service here a couple years ago, is based on the problems that they've had in Washington and Oregon and the harvest of wild mushrooms. And that system of regulation is absolutely useless here, and burdensome beyond any reasonable means. And I don't know if it's really appropriate for the Federal Subsistence Board to be addressing, you know, but blueberries are a subsistence food, there are many Special Forest products that are subsistence foods.

The other thing I would think about is Devil's club, a traditional medicine for the Tlingit people.

So I encourage you to look beyond fish.

I encourage the Federal agencies represented here to develop a coordinated effort for the management of Special Forest Products that encourage the development and utilization of these, both from a subsistence use as well as a commercial use. Somehow we need to get you folks on the same page working together.

When I was at my meeting with the Forest Service, they had two fully armed, you know, body protection enforcement officials there, and they said that they would go out and arrest children for harvesting blueberries in wilderness lands. And I was speaking mainly about in the Kootznoowoo Angoon area, wilderness area. So we need a much better regulatory scheme. And using your authority, hopefully you'll be able to coordinate the Federal agencies to address this issue on Special Forest Products.

Thank you.
CHAIRMAN TOWARAK: Thank you. And you're on record.

MR. SANDERSON: Good morning, Mr. Chair. The rest of the RAC -- I mean, not RAC, the Federal Subsistence Board. Yeah, my name is Rob Sanderson, Jr., I represent the Central Council. And my concern here this morning is to address the SeaBridge Gold Mining operations behind the TransAlaska Canadian Border, 76 miles behind Ketchikan.

The Unuk River, which had real strong runs of eulochons is pretty much gone. So there's plans to develop two large mines up there behind Ketchikan, and, as we all know British Columbia pretty much has been sold off to large mining companies.

So I want to keep this real short, Mr. Chair, that the Central Council looks for balance in this area of mining, we don't oppose it but we do not support large scale mining that's going to hurt our river systems that's come out of Canada. I just want to put this on record.

That's all I have.

CHAIRMAN TOWARAK: Thank you. It has been brought up.....

MR. SANDERSON: Yeah.

CHAIRMAN TOWARAK: .....by other organizations also and that will be on future agendas, I believe.

MR. SANDERSON: All right. Well, thank you.

CHAIRMAN TOWARAK: Thank you for your time.

MR. SANDERSON: You all have a good day.

CHAIRMAN TOWARAK: Anything further.

(No comments)

CHAIRMAN TOWARAK: Not hearing any then we will go back to our agenda that we left yesterday.
We had recessed so that the Southeast Regional Advisory Council would consider the Kootznoowoo petition and they were to make a recommendation to us and at this point I believe we are ready for that.

Mr. Chair.

MR. ADAMS: Thank you, Mr. Chairman. Members of the Board. Particularly our new Board members. I was really impressed with Mr. Christianson yesterday when he gave his short talk during the luncheon, and I know you're going to do well.

Mr. Chairman, are you going to put a time limit on me?

(Laughter)

CHAIRMAN TOWARAK: No.

(Laughter)

MR. ADAMS: Thank you. I do have, you know, a couple of statements to make before I go into the presentation. So what I'd like to do, though, first is introduce myself in my own language.

(In Tlingit)

I told you that my Tlingit name was Kadashan. I was named after my great-grandfather, John Kadashan, who hails from Wrangell. And the elder Kadashan was one of the three Tlingits who guided John Mear all up the Inside Passage into Glacier Bay as a young man. And so even though John Mear might get credit, you know, for discovering Glacier Bay, now you all know who took him there.

(Laughter)

MR. ADAMS: Anyhow, as a young man he traveled all over the country and learned, you know, as a young man did, you know, how to live in the wilderness, and as an elder he was known as a peacemaker. When I began to write columns for the Juneau Empire I went to three elders that I highly respected and I asked them if it would be okay if I could use my Tlingit name as my pen name, and they all gave me the same advice.

They said you could use your great-
grandfather's Tlingit name but we caution you not to use your editorial muscle by damaging the reputation of other people for whom you write about. And I have honored that ever since that counsel was given to me. I know I could have made a lot of money becoming a Native-American journalist as a muck-racker but I chose not to do that. And if you read any of my writings you'll find that they are always uplifting and ending with the can-do idea that we can accomplish much in our lives. I honor that and I will do so right up until the day I leave this life.

I also told you that I was a Raven from the Sockeye Clan, and that my tribal house was (In Tlingit) or Boulder House. When Raven created the two mountains in between -- well, let me see Raven, you know, was the Creator and he created (In Tlingit), Mt. St.Elias, and then he created (In Tlingit), which is Mt. Fairweather. And in between the mountains -- as the mountains grew in between them, that was their children, and so the more children they had, the further and further those mountains drifted apart until they are now 200 miles away from each other and the only time they can see each other, you know, is on a real nice clear day. After he had created this area for the Tlingit people to migrate to, he was flying in between the two mountains, you know, admiring his creations and he saw out in the ocean this object that was bobbling up and down on the waves and as he flew out closer to it he realized this was a large canoe that had a house on top of it and in further investigation he saw that inside that large canoe were all of the animals and the birds and the fish and all of the wildlife, so what he did is he flew to the mainland and he carved out a long staff that was fashioned after the arms of an octopus, it even had those little suckers on it, and then he reached out and he snapped onto that large canoe and he began to pull that large canoe to shore. And when he got it up to the mainland he let out all of these animals and the birds and the fish and all of the wildlife. And that is how that particular area was populated with the foods that the Tlingit people were going to migrate to. He also took that large house off of the top of that large canoe and he placed it about halfway up the Akwe River and that was the very first tribal house, and it was called (In Tlingit), Far Out House, because he pulled it in from far out on the ocean. And when they began to do the migrate -- when the migration started taking place he left -- and this is, you know, I'm leading up to the real important part of the story, he left them with some very important values to live by.
One of them was to always have reverence to the Creator.

The other was to show respect to everything, and we call it (In Tlingit), and it's a principle or a value that I always like to share with people in forums like this. And I've done it at the beginning of other meetings and it always has set the pace, you know, for how the meeting was conducted throughout that meeting period. To have respect for everything.

And what he meant by respect for everything is that you have to have, not only respect for yourself, or yourselves, but you should respect all of the resources around you, the animals, the birds, and the fish and all of the wildlife. You should respect the environment. You should respect everything that you benefit the land from. The Tlingit people believe that there was life in everything. There's life in this table here; there's life in this bottle; there's life in the trees; there's life in the rocks. And when you treat those things with respect, then nature will begin to provide the things that you need for yourself.

And then here is the punchline, Mr. Chairman, that if you show disrespect to these resources then bad things happen, they will be taken away. And so as a Native people we have always used those values in our lives and we taught them to our children, I teach it to my family.

And the other two issues, you know, he said that we should always do was to -- no, actually three, is:

Don't take more than what you need;

Don't waste; and

To share.

There's a whole bunch of other values that we follow but these are, you know, three or four that I wanted to share with you today, to share, and that is a real big tradition in our Native culture.

You've heard testimony, you know, over the past few days how people shared with one another, and
that's a very important principle that we value. When
you share, you know, things come back to you, you know,
the good things come back to you.

And so I just wanted to share that with
you, Mr. Chairman, Members of the Board.

I'm going to go into now the
recommendation that the Southeast Regional Advisory
Council has provided for me to present to you today. As
we speak, Mr. Larson is preparing a cover letter which
will accompany the recommendation. I'd like to just
share with you a little bit about the process that we
grew through to come up with this recommendation.

It wasn't an easy task. Because after
you went into recess we went into session, I think that
was about 5:00 o'clock last night or thereabouts, and we
didn't -- I know I didn't leave here until a quarter to
11:00. So within that period of several hours, I, for
one thing, as the Chairman of the Board, had no idea, you
know, where should we start with this process, I mean it
was a difficult thing to try to get the discussion
started so that we can proceed in an intelligent manner
in how to address this issue. However, as I told you
before you adjourned, that I had a lot of confidence in
my Council and that I knew that if we started putting
things out on the table and, you know, as matters of
discussion and thought that they would come together and
they would come out with a proposal that we could all,
you know, abide by. And we went through this
recommendation paragraph by paragraph, sentence by
sentence and made changes here and there and it was done
all by consensus, I mean everyone had to agree, they all
had to have their input and I really do, you know,
appreciate those Council members for the hard work that
they put into it and the thought. And as a result of
that we do have for you a recommendation from the
Council.

I'm going to read it, I suppose you all
have a copy of it by now and as I said Mr. Larson is
preparing a cover letter to accompany it.

Let me also say that after we had heard
from the State people, and we spent most of the time, you
know, questioning them. They sat here and we sat over
there and every member of the Council had an opportunity
to ask questions and get as much information out of them
as to how they would like to, you know, be a part of this
process. And as we listened to them, you know, we
decided that we were going to do what I'm going to share
with you in a little bit. But I'd like to read the
recommendation to you at this time.

The recommendation on Kootznoowoo
Petition for the ExtraTerritorial Jurisdiction by the
Southeast Alaska Regional Advisory Council, March 22,
2012.

Introduction.

Recommendation on Kootznoowoo Petition
for Extraterritorial Jurisdiction
Southeast Alaska Subsistence Regional
Advisory Council March 22, 2012

Introduction:

The Council met in concurrent session
with the Federal Subsistence Board to hear the staff
analysis and public testimony regarding the Kootznoowoo
Inc. Petition for extraterritorial jurisdiction into
Chatham Strait. The petitioner contends that management
of commercial fisheries by the State of Alaska has
interfered with sockeye salmon escapements and
subsistence harvests in systems fished by residents of
the City of Angoon, including the Eva, Hasselborg,
Kanalku, Kook, and Sitkoh drainages, to such an extent as
to result in a failure of the subsistence priority.
The following comments are the Council's interpretation,
summary and recommendations for action by the
Secretaries.

Petition Requests:

The Kootznoowoo petition of May 10, 2010,
requests Federal assertion of extraterritorial
jurisdiction to restrict or close commercial fishing in
marine waters of:

1) reserved Federal waters within and
immediately surrounding Admiralty Island
within the boundaries of Admiralty
Island National Monument and Kootznoowoo
Wilderness Area

2) reserved Federal waters three miles
distant from the continental mainland
and islands of Admiralty, Chichagof and Baranof

3) all marine waters and lands encompassed by "Angoon Territory," the defined boundaries of which are based on past use and current ownership

The petition supplement of June 15, 2011, requests:

1) reducing the harvest area adjacent to Hidden Falls Hatchery

2) closing all fishing districts in Chatham, Icy, and Peril Straits during June, July and the first two weeks of August

3) that "Kootznoowoo's rights, interests and quiet enjoyment of Federal lands and waters within Admiralty Island" be acknowledged, maintained and protected and that any current and continued enforcement efforts contrary to these be dismissed and discontinued.

Office of Subsistence Management

Identification of Issues

Has State management of the commercial purse seine fishery interfered with subsistence fishing on Federal public lands and associated waters to such an extent as to result in a failure to provide the subsistence priority to Angoon residents. This issue can be separated into three distinct questions:

1. Is there a Federal subsistence priority for Angoon residents?

2. Does State management of the commercial purse seine fishery interfere with subsistence fishing on Federal public lands and associated waters?

3. If there is interference, does it occur to such an extent as to result in failure to provide the subsistence priority to Angoon residents?
Council Findings:

There is no doubt that some sockeye salmon bound for streams used by residents of Angoon are intercepted by the commercial seine fishery operating in Chatham Strait. That is a reasonable conclusion because commercial fishery openings occur at the same time and in the same area where sockeye salmon of local origin are expected to migrate.

The total number or proportional contribution of sockeye salmon from these stocks to the Chatham Straits commercial fishery harvest is unknown. While the genetic stock database is generally complete, the commercial catch is not sampled for wild stock contributions.

The sockeye salmon streams in the local area are generally small in size with limited potential to provide for subsistence needs. In recent years, escapements in each of these five streams have likely been less than required to allow for returns within the natural range of sockeye production. Low estimates of sockeye fry densities and high estimates of prey species in the lakes support additional adult escapements. It is also likely that the demand for a 250 sockeye salmon per household annual limit for subsistence users will remain unfulfilled when adequate escapements are attained.

The geographic distribution of these streams force residents of Angoon to travel long distances over open waters to access the terminal areas of the five sockeye systems in question.

Subsistence fishing at these five systems occurs primarily in marine and intertidal waters near the mouths of these streams. There is little evidence of significant harvest in streams above the high tide mark. It appears that in addition to vagaries in natural production, management of the State mixed stock commercial seine fishery has the greatest effect on the State managed subsistence fishery in the terminal areas.

Critical habitat needs to be identified and addressed. Streams should be monitored each season, prior to sockeye returns to ensure that any blockages are removed. The Council supports the planning process currently in place to modify the natural barrier at Kanalku Lake. The falls will be altered to facilitate passage of sockeye salmon into the lake. Spawning areas
need to be evaluated for quantity and quality. Some spawning areas are in need of rehabilitation.

Response to Questions Posed by the Office of Subsistence Management:

Question 1:

The Federal Subsistence Board has determined that residents of Angoon have a positive customary and direct dependence upon salmon returning to the five lakes under consideration (Eva, Hasselborg, Kanalku, Kook, and Sitkoh) as a mainstay of livelihood and have a subsistence priority.

Question 2:

The commercial purse seine fishery in Chatham Strait is a mixed-stock fishery; sockeye salmon system specific harvest data is limited, but based on Kanalku Lake and Kook Lake sockeye salmon escapements and seine harvest diagrams (Figures 4A, 4B, 5A, 5B, 5C from the staff analysis) the staff report summary states, "It appears more likely than not that the commercial purse seine fishery is reducing the number of sockeye salmon returning to Federally managed waters". The Council supports this conclusion.

Question 3:

Sockeye salmon migrate to spawn within the exterior boundaries of the Tongass National Forest. Federal nexus extends into the marine waters of Southeast Alaska. Sockeye salmon subsistence fisheries at Eva, Hasselborg, Kanalku, Kook, and Sitkoh Lakes have historically occurred primarily in State waters and these fisheries are managed by the State. Subsistence sockeye salmon fisheries occur adjacent to Federal public land and on Federal public land. Sockeye salmon rear and return to spawn on Federal public land. Although there is interference, the proportion of fish...
harvested on Federal public land and the extent of this interference to the Federal fishery has yet to be determined. Based on public testimony, subsistence needs by the residents of Angoon are not being met at Kanalku Lake and this condition has failed to provide for the subsistence priority of Angoon residents.

Conclusion:

The Council suggests that the resolution of ownership of marine waters is not a requirement to address the question of whether there is a meaningful subsistence priority for the harvest of sockeye salmon on Federal public land by the residents of Angoon. The Council feels strongly that the resolution of the questions and concerns contained within the petition is not a Secretarial responsibility alone. The ultimate solution will require cooperation between the State of Alaska, the Federal Subsistence Program and local communities.

Recommendation:

Defer extending Federal jurisdiction into waters of Chatham Straits, as recommended by the petition, for three years. Deferring action by the Secretaries to extend Federal jurisdiction into the marine waters of Chatham Strait will provide an opportunity for the State of Alaska, the Federal subsistence management program, and local residents and organizations to achieve the following milestones and management actions. The Council believes these actions will address the issues raised by Kootznoowoo Inc. and facilitate a solution developed at the local level.

Amend the Northern Southeast Alaska Seine Fishery Management Plan and the Hidden Falls Hatchery Management Plan to include accommodations for the State and Federal subsistence fisheries.

Close the commercial seine fishery areas in regulation that have been closed by State Emergency Order near Basket Bay and Kootznoowoo Inlet.

The Federal subsistence program and the Alaska Department of Fish and Game will assist the
community of Angoon in developing a regulatory proposal for the State Board of Fish at the next regular cycle to change the Amounts Necessary for Subsistence finding to a community level rather than a Juneau management area designation.

It is advantageous for evaluation of the success of the management plan if escapement goals for Kanalku, Kook, Sitkoh, Hasselborg, and Eva Lakes are developed. Genetic stock identification programs and escapement goal studies by the State of Alaska in cooperation with the Federal subsistence management program will be implemented within three years.

The Federal subsistence program contact and cooperate with Kootznoowoo Inc. concerning the application of ANILCA.

The Council requests the Secretary provide annual progress reports to the Council and the Subsistence Board regarding these recommendations.

Mr. Chairman, that's the recommendation of the Southeast Regional Advisory Council. And I can try to answer any questions you might have although I still carry that policy that I do not answer hard questions. And if I get into a problem where I'm not familiar with, I'm going to ask Mr. Larson if he would be able to come up and assist me.

CHAIRMAN TOWARAK: The floor is open to the Board for any questions that you might have of Mr. Adams or the rest of the Staff.

Go ahead, Pete.

MR. PROBASCO: Thank you, Mr. Chair. And, Mr. Adams, if I may, I'd also like to recognize the fact that members of our Board sat throughout your meeting as well and listened and had the opportunity to hear the discussion and debate as you developed that, so we actually had Board members that stayed as long as Bert did here.

Thank you, Mr. Chair.

MR. ADAMS: And so they had an idea of what my Council can do.
CHAIRMAN TOWARAK: I might point out, too, that I did not attend your session with the idea that I would like to come in this morning to be surprised.

(Laughter)

CHAIRMAN TOWARAK: In a sense I was surprised but in other senses I was not, either. I knew that your Council and the Staff that you had with you and the public concerns, you know, would all be weighed very well by your Council. And just based on what I've seen and what you just read to me, I think, you folks put a lot of good discussions, good thoughts and have come up, I think, with a recommendation that this Board could take and make a recommendation to the Secretary.

MR. ADAMS: Thank you, Mr. Chairman. And I just need to reiterate, you know, the Council, when they -- you know, they would gather in little groups and they would talk and discuss and they would write, and after they had written all of the -- we required every member of the Council to write something down and turn it over to Mr. Larson and he would, you know, record it and it would be a basis of conservation and we began to deliberate and make change as well.

But they're an amazing group, Mr. Chairman, Members of the Board. I have never worked, you know, with a group of men and women who are really serious about what they are doing but they're also effective in what they do. And, you know, it's a pleasure to be their Chairman.

CHAIRMAN TOWARAK: Are there other questions or comments from the rest of the Board.

Go ahead, Sue, first and then Ms. Pendleton.

MS. MASICA: I won't belabor the point, Mr. Chairman, but my compliments to Chairman Adams and the entire Council, they did excellent work, I thought. Everybody was pretty tired last night but they stuck to it and were really diligent and making sure that every voice was heard and committed to keeping the solution as much as possible at the local level with all the parties engaged and I think that really came through in the finished product.
So I just wanted to extend the positive words that others have said about the process and the product because I think it was truly a collaborative effort.

MR. ADAMS: Gunalcheesh, Sue. And I did miss my basketball game last night and that's how come I don't have a sore throat this morning.

(Laughter)

CHAIRMAN TOWARAK: Ms. Pendleton.

MS. PENDLETON: Thank you, Mr. Chair. Chairman Adams, I, too, appreciate your tremendous leadership and conduct with the RAC.

I was not there last night as well, I was briefed by Mr. Kessler this morning on the proceedings and in looking at the Council findings I just have a couple of questions to help my understanding as we move forward.

One of the questions I had relative to the Council findings on the second page was regard to the baseline data, and I understand, too, and appreciate that the State was able to work quite a bit with the Council last night in providing clarification, and I just wanted so that I have a clear understanding relative to the genetic stock database that we, indeed -- because as I recall hearing from Dr. Fried, from the Office of Subsistence Management, I had understood that we did not have a good baseline dataset but it appears that we do have some baseline data, if I understand the Council's findings, and that what's really needed now is that sampling of the commercial stock so that we can get a better understanding of the fish and the interception issues.

MR. ADAMS: Thank you, Beth. Yeah, I think you answered your own question there, partly, but, yes, there is a lot of data that still needs to be gathered, you know, and the State has committed themselves to making sure that everything is done in this particular discussion here to make sure that all of that information is provided to us.

MS. PENDLETON: Okay, that's helpful.

And I just had one other question.
MR. ADAMS: That was a pretty hard question.

(Laughter)

MS. PENDLETON: I'll try not to ask too hard of question but I have no doubt that there are folks here that can help as well.

(Laughter)

MS. PENDLETON: The second question has to do with -- on the back, the final page, on Page 4, and the statement on close the commercial seine fishery areas in regulation that have been closed by State emergency order near Basket Bay and Kootznoowoo Inlet. And it may be that I will need to look at a map to understand the closure area as well as length of time that that has been closed and I wanted to have an understanding that actually that closure has actually affected the -- or potentially affected the actual area that involves the Kootznoowoo Inlet and how long that closure has been in place.

MR. ADAMS: Yeah, you know, I'm not really familiar with that area at all. But, you know, I think maybe Mr. Larson could come up and maybe answer that question better than I can.....

MS. PENDLETON: Okay.

MR. ADAMS: .....if it's okay, Mr. Chairman.

CHAIRMAN TOWARAK: That's fine.

MR. ADAMS: Uh-huh.

MS. PENDLETON: The other piece of that, maybe as Bob is coming up, is to, if there was any discussion or a better understanding of how that relates to the subsistence fishing on the part of the community, relative to the closures and where they're actually fishing.

MR. ADAMS: Okay.

CHAIRMAN TOWARAK: While we're waiting for Bob to come up, it might have been just a slip of your reading of the conclusion, but you skipped the
The Council feels strongly that the resolution of the questions and concerns containing within the petition is not a Secretarial responsibility alone. The ultimate solution will require cooperation between the State of Alaska, the Federal Subsistence Program and local communities.

MR. ADAMS: Yeah, I apologize for that.

I was trying to hurry up.

(Laughter)

MR. ADAMS: But, anyhow, yeah, I apologize for that.

One of the things that we found out last night, too, was that if territorial jurisdiction was granted, you know, that we're only talking about freshwater right now, where Feds have jurisdiction, and what the petition is asking is that we take over management of those waters in question. And one of the things that I learned, and I haven't been able to confirm it, but the Secretary does not have the authority to manage, you know, and, so, they can only close so, you know, that was one of the cautions that the Council was really struggling with too, is, you know, is that what we really want to have happen. So I just wanted to show that.

Mr. Larson, thank you.

Would you remind repeating your question again, I think he was occupied over here.

MS. PENDLETON: I will, thank you, Mr. Adams, and, through the Chair.

My question has to do with the State emergency order closure near Kootznoowoo Inlet and, indeed, if that closure actually is a closure around that inlet, and how is that closure situated in relationship to where the subsistence users are fishing for the sockeye.

CHAIRMAN TOWARAK: Go ahead.
There is a closure and it has been in effect for a number of years, I believe it was first initiated in the mid'90s, possibly '94/95. It is designed to restrict the seine fisheries to provide for -- to minimize interceptions of sockeyes. In the Staff analysis there's a map, but I don't know what page it is, that describes the actual physical boundaries. Those boundaries have not changed appreciably since the areas were first identified as having a positive impact on the interception of those sockeyes, but the actual details, whether -- it's a little unclear to me about the history, but they are -- that's the, at least in the last 10 years or so they have not changed but it's been every year by emergency order, those things, the Council felt should not be left up to an emergency action every year but instead should be put into regulations because that's the expectation.

Mr. Larson, would be the closure in proximity to where the subsistence users are fishing.

Yes, they are centered around the Basket Bay area, which the Basket Bay, Kook Lake and stream enters into Basket Bay. Basket Bay is the terminal area where the State subsistence fishery occurs. The area around Kootznoowoo is centered on the Kanalku sockeye system, the Kanalku sockeye system enters into the headwaters there of Kootznoowoo Inlet and that would be the sockeye stock of concern for that closure. The sockeye stock of concern for the closure on the west side of Chatham Straits is Kook Lake.

Thank you.

Any further discussions or questions of the RAC.

Go ahead, Mr. Cribley.

Thank you, Mr. Chairman.

Chairman Adams, I guess I would also like to get in line and compliment you and the RAC for the work that they did last night.

And also in that showing of appreciation I'd also like to thank the State and Mr. Hepler and his
folks staying here through the thick and thin of it last night to have an open and honest dialogue with the Resource Advisory Council [sic], answering questions for them and also more importantly the Council listening to them as far as their explanations of the management of the salmon fisheries in this area.

I think that we created an opportunity yesterday and I think the RAC created an opportunity for furthering that dialogue in the future and it's not just for this particular situation but hopefully creating opportunities in other areas in the state where there are these similar subsistence issues, and the conflicts, or perceived conflicts that are occurring between the commercial fisheries and subsistence use. And I think it was significant what happened last night. And I think through that dialogue and the recommendation that you provided to this Advisory Council [sic] has given us a very good package to move forward with recommendations to the Secretaries and put them in a very good position to come up with a solution that won't create problems, it'll solve problems for everyone in the future, not only for this situation but for all subsistence users in Alaska and look forward to furthering that working relationship.

And like I say the compliment goes to your leadership, your keeping your cool through the entire ordeal of making sausage. It's one of those things that everybody enjoys eating the sausage but not everybody wants to make it or see how it's being made, but the results of it are very beneficial to everybody and you guys took the task on and made it very successful for all of us and look forward and have created opportunities for the future for everybody. I just want to compliment everyone involved for that.

Thank you.

MR. ADAMS: Well, thank you, but let me say again, you know, I can't say enough about the Council, they are the ones who have made me what I am now and it's taken many, many years to develop the leadership that I have demonstrated here and I really appreciate them. Mr. Kookesh and I are always, you know, butting heads with one another but I really appreciate him because he has made me a better Chairman as well.

So, thank you for that.

And, you know, I just need to reiterate
again the fact that what Kootznoowoo did, what Angoon did -- made it possible for all of the people who are interested, the State, the Feds, various user groups and organizations to actually come together and start working together, which has been lacking before, and it'll be interesting to see, you know, how this develops in the future, and, you know, the State has three years to prove themselves.

MR. CRIBLEY: Well, I think it's also -- the onus is on us and the subsistence users to be diligent in working with the State on this and following through. And on your other comment, I just thought you and Mr. Kookesh were making spicy sausage.

(Laughter)

MR. ADAMS: That's a normal procedure between he and I but we love each other.

(Laughter)

CHAIRMAN TOWARAK: Any further questions.

Go ahead, LaVerne.

MS. SMITH: Mr. Chairman. I would just like to add my thanks. I think that during the dialogue we heard lots of people offering to be part of the solution and I think the RAC was very wise in hearing those offers and I think you came up with a very creative approach and so I just would like to add my thanks on the part of the Fish and Wildlife Service.

MR. ADAMS: Well, thank you. And then I'll add this, you know, when we first started the deliberation process I had no idea how to start it, you know, it was difficult, you know, to get the discussion going and then I gave all of the Council members an opportunity to talk, you know, and express their views on this and what came out, more, than anything else, was that they had questions for the State, and it was a good thing that, you know, Mr. Hepler and his Staff were here and so as a result of that we allowed them to come here and it just, you know, blossomed after that, it came out very well. Although I missed my basketball game and I didn't get to bed until midnight but it was all worth it.

CHAIRMAN TOWARAK: Any further -- go ahead, Gene.
MR. VIRDEN: Mr. Chair. I would also like to extend my thanks for just being involved in this meeting down here and all the work that the RAC did and the testimony from the elders that clarified what's been going on here over the years.

And I'd also like to add if, budget permitting, maybe not next year, but certainly the year after, if we can go, as a Board, to a RAC meeting, somewhere else and not run the meeting but just to be there. I think it's -- I've been to some RAC meetings and the testimony that you get outside of Anchorage is from the users, more of the users, and I think it's really helpful to hear what they have to say.

Thank you.

MR. ADAMS: Mr. Chairman. I'd just like to put my stamp of approval on that. I think we set a precedent here and the result, you know, has been great, and I think, you know, that's a very good idea if your budget -- you know, I know you have to do more with less, but if that's possible that would be a great idea.

Thank you.

CHAIRMAN TOWARAK: Thank you. And for your information we had a discussion regarding this during our retreat and one of the things we're at least going to take a look at is having Board members attend RAC meetings throughout the state so that we have firsthand knowledge of what the discussions taking place, just like we did here today, I think it's very helpful.

Further discussions.

(No comments)

CHAIRMAN TOWARAK: Just procedurally we are going to adjourn this meeting and immediately after the adjournment the Board is going to get together to look at our recommendation to the Secretary of the Interior and we -- I want to make it clear that our recommendation is just that, a recommendation, to the Secretary, the Secretary will make the decision after listening to our recommendations. So we have no idea what that decision will be made until he makes it himself.

So do we have a motion to adjourn this
meeting.

MS. MASICA: Motion made to adjourn, please.

MS. PENDLETON: Second.

CHAIRMAN TOWARAK: A motion has been made and seconded to adjourn this meeting. Is there any objection to the motion. (No objections)

CHAIRMAN TOWARAK: Motion passes unanimously. And I appreciate all the work that everyone did here in Juneau, the public, the RAC and the Staff. Go ahead.

MR. PROBASCO: Thank you, Mr. Chair. I would recommend that we take a short recess because we develop the recommendation in executive session and thank the public and we move forward.

CHAIRMAN TOWARAK: Okay.

(Off record)

(END OF PROCEEDINGS)
CERTIFICATE

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

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

THAT the foregoing pages numbered 218 through 244 contain a full, true and correct Transcript of the JOINT FEDERAL SUBSISTENCE BOARD AND SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL, VOLUME III, taken electronically by our firm on the 23rd day of March 2012 in Juneau, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 2nd day of April 2012.

______________________________
Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/2014