SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME I

Sitka Tribal House
Sitka, Alaska
March 17, 2015
11:00 a.m.

COUNCIL MEMBERS PRESENT:

Michael Bangs, Chair
Arthur Bloom
Michael Douville
Donald Hernandez
Kenneth Jackson
Cathy Needham
Robert Schroeder
Frank Wright
John Yeager

Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Sitka, Alaska - 3/17/2015)

(On record)

VICE CHAIRMAN BANGS: Okay, welcome everyone. Happy St. Patrick's Day. We're going to get started here. I'd like to have a roll call. Mr. Wright's going to give us a roll call so we can establish a quorum.

Mr. Wright.

MR. WRIGHT: Thank you, Mr. Chair.

Arthur Bloom.

MR. BLOOM: Here.

MR. WRIGHT: Frank Wright, here.

Patty Phillips.

MR. LARSON: Mr. Chair.

MR. WRIGHT: Yes.

MR. LARSON: I've been in contact with Patty Phillips and she's at the Southeast Conference meeting today. She's doing good work with that group.

Thank you.

Mr. Wright.

MR. WRIGHT: Harvey Kitka.

(No comments)

MR. WRIGHT: Bob Schroeder.

MR. LARSON: Mr. Chair.

MR. WRIGHT: Yes.

MR. LARSON: Mr. Chair. Harvey Kitka has a medical issue that needs attention in Seattle so that is why he is not here.

Thank you.
MR. WRIGHT: Thank you. Bob Schroeder.

MR. SCHROEDER: Here.

MR. WRIGHT: Albert Howard.

(No comments)

MR. WRIGHT: Not here.

Donald Hernandez.

MR. HERNANDEZ: Here.

MR. WRIGHT: Ken Jackson.

MR. JACKSON: Here.

MR. WRIGHT: Aaron Isaacs.

(No comments)

MR. WRIGHT: John Yeager.

MR. YEAGER: Here.

MR. WRIGHT: Michael Bangs.

VICE CHAIRMAN BANGS: Here.

MR. WRIGHT: Cathy Needham.

MS. NEEDHAM: Here.

MR. WRIGHT: A quorum is present, Mr. Chair.

VICE CHAIRMAN BANGS: Thank you, Mr. Wright.

So I'd like to ask Mr. Jackson to do an invocation for us, please.

(invocation)

MR. JACKSON: Dear Lord. We thank everybody for being here. Those who have traveled a great distance and those who have traveled just a short distance. We hope that everybody will travel back home safely. And thank you, Sitka Tribes, for letting us
use your ground.

Gunalcheesh.

Amen.

VICE CHAIRMAN BANGS: Thank you, Mr. Jackson.

Okay, then I'd like to call this meeting to order and welcome everyone to Sitka. I'd like, if we could, I think -- we have Mr. Baines, from the Sitka Tribe.

MR. BAINES: Thank you, Mr. Chairman.

Council members. I just want to take a minute to welcome you to our community and thank you for all your work. I recognize most of you but I know there's -- it looks like a couple since I've attended one of your meetings. Two or three years ago I actually filled out the paperwork to apply to be on this Council but I thought, what am I thinking, I can barely sit through a three hour tribal council meeting, so I came to my senses and I never turned it in.

(Laughter)

MR. BAINES: But I want to thank you for all the work that you do sitting here and discussing all these important issues. And before I go on I want to welcome all your Staff and all the visitors. I know there's some visitors from other towns, like Saxman, and so welcome to them, too.

And I talked to our resource protection director yesterday, to see if he had any talking points and his main thoughts were that we need to thank you for all your work and kind of revamping the rural determination policy and getting that going and support on the Makhnati Island issue, the waters around there and he said just his confidence in the Federal Subsistence Board system has just skyrocketed in the last couple of years.

So, anyway, once again, I know Terry thought I would have a half hour speech but I didn't prepare anything like that, fortunately for you.

(Laughter)
MR. BAINES: But, anyway, once again thanks again. Welcome to Sitka. I hope you have a terrific meeting.

VICE CHAIRMAN BANGS: Thank you very much Mr. Baines. And on behalf of the Council I want to thank you for allowing us to have our meeting here. This is a really good meeting place.

Thank you.

Next I'd like to have Mr. Perry Edwards, District Ranger, from the Forest Service.

MR. EDWARDS: My name is Perry Edwards. I'm the District Ranger for Sitka on the Tongass National Forest. I've been the Ranger since June of last year but I've been a resident of Sitka for nearly 10 years working for the Forest Service in various capacities including fisheries and wildlife work.

I want to welcome everyone to this meeting. I appreciate greatly that you are here. I know the importance of subsistence in Southeast Alaska and specifically to places like Sitka and Saxman, how important that is.

I do intend on being at the meeting this evening about the rural determination because I'm very interested in that.

I hope that you have a productive meeting. There are lots of herring around right now and marine mammals as well, so maybe if you have a chance in between you might get a chance to get out and take a look at it because I always look at that as the harbinger of spring and it looks like we just beat the odds and make it through winter once again.

So, with that, I just want to thank you very much again for your time and being here in Sitka.

VICE CHAIRMAN BANGS: Thank you, Mr. Edwards.

Now, if we could I'd like to have introductions of the people in the audience and we'll start over here with Mr. Wallace and just give us your name and what your role is.
Thank you.

MR. WALLACE: Yeah, President Wallace from Organized Village of Saxman and we're here to make comment to the rural determination process and we'll make comments to you folks later on in this particular meeting and we'll be at the 7:00 to 9:00 p.m. meeting tonight. So thank you and glad that we're here.

MS. WALLACE: Hi, good morning everyone. My name should be Patricia because it's St. Patrick's Day and today is my birthday. I don't know why my mom didn't name me Patricia, my name is Winona Wallace and I'm Staff on the IRA Council. I work for them.

Thank you.

MS. BAMIE: My name is Sylvia Bamie. I'm from Saxman. I'm the city Mayor at this particular time and I'm also the vice president of OVS.

Thank you.

DR. MONTEITH: Good morning. My name is Daniel Monteith. I'll be speaking on behalf of Saxman.

MR. THOMAS: My name is Joe Thomas. I'll be speaking on behalf of the Saxman IRA Council.

MR. SHIELDS: Harvey Shields. Tlingit name is (In Tlingit). I'm speaking on Saxman as a land leader and I also sit on the IRA as Secretary.

Gunalcheesh.

MS. KENNER: I'm Pippa Kenner and I'm an anthropologist at the Office of Subsistence Management in Anchorage.

MS. MCKEE: I'm Chris McKee. The Wildlife Division Chief for OSM in Anchorage.

MR. PELTOLA: Mr. Chair. Council members. Gene Peltola, Jr., I'm the Assistant Regional Director for the Office of Subsistence Management.

Good morning.
MR. SUMINSKI: Good morning everyone.
I'm Terry Suminski. I'm with the Forest Service, I'm the Subsistence Program Leader for the Tongass National Forest and I live here in Sitka.

MS. LESSAR: Good morning. I'm Bree Lessar, I'm the Staff Officer on the Tongass National Forest here in Sitka.

MS. PENDLETON: Good morning. My name is Beth Pendleton. I'm the Regional Forester for the Forest Service for the Alaska Region. And I'm also a member of the Federal Subsistence Board and will be here throughout today as well as evening to represent the Federal Subsistence Board at the rural determination hearing.

And just my appreciation to the RAC and for the great work you all do.

Thank you.

MR. CHEN: Aloha, Council members.
Good to see all of you again. My name is Glenn Chen.
I'm the Subsistence Grant Chief for the Bureau of Indian Affairs.

MR. CASIPIT: I'm Cal Casipit. I'm the subsistence Staff biologist for the Forest Service in Juneau.

MR. EDWARDS: I'm still Perry Edwards,
I'm the.....

(Laughter)

MR. EDWARDS: .....Sitka Ranger District.

MR. BAINES: I guess I'm still Mike Baines.

(Laughter)

MS. SILL: I'm Lauren Sill and with the Division of Subsistence, Fish and Game.

MR. LAWSON: My name is Nels Lawson.
I'm from Sitka. From Sitka, I wear many hats but I think today I'll wear my clan leader for the Sitka
 Tribe.

MS. YUHAS: Good morning. I'm Jennifer Yuhas. I am the State's designee to the Federal Subsistence Program. And I'm glad to be back in Sitka in one of my favorite meeting halls.

MR. KOHLER: Good morning. My name is Justin Kohler. If you live in Sitka or Hoonah, I am you're Federal subsistence biologist. I work for the Forest Service here in Sitka on Sitka Ranger District.

MR. REEVES: Good morning. I'm Jeff Reeves. I'm a biologist, I cover Craig, Thorne Bay, and Ketchikan Ranger Districts.

VICE CHAIRMAN BANGS: Thank you, everyone.

Now, if I could, I'd like to ask the Council members to introduce themselves.

Mr. Jackson.

MR. JACKSON: Ken Jackson. I'm from Kake.

MR. HERNANDEZ: My name is Don Hernandez and I live in Point Baker on Prince of Wales Island.

MR. DOUVILLE: Mike Douville. I'm from Craig.

MR. BLOOM: Art Bloom from Tenakee Springs.

MR. LARSON: I'm Robert Larson. I'm the Council's coordinator.

VICE CHAIRMAN BANGS: I'm Michael Bangs from Petersburg.

MR. WRIGHT: My name is Frank Wright from Hoonah, commercial fisherman and subsistence user.

MR. SCHROEDER: Bob Schroeder from Juneau.

MS. NEEDHAM: Cathy Needham. I live in
Juneau.

MR. YEAGER: And John Yeager from Wrangell.

VICE CHAIRMAN BANGS: Thank you. And that's Tina, our great, our great recorder.

Thank you.

Okay. I'd like to go on to review -- hopefully everyone's had a chance to review the agenda and I'd entertain a motion to adopt it.

Ms. Needham.

MS. NEEDHAM: I move to adopt the agenda.

VICE CHAIRMAN BANGS: As a guideline.

MS. NEEDHAM: I move to adopt the agenda as a guideline.

MR. YEAGER; Second.

VICE CHAIRMAN BANGS: Thank you. And it's been seconded by Mr. Yeager.

Okay, there's some suggested changes by Staff that we might consider. And we're going to maybe have a discussion tomorrow after we listen to public testimony on rural determination so we'll want to keep that in mind when we listen to the oral testimony tonight from the public.

And possibly add a report -- we definitely want to add a report from Mr. Cal Casipit on the Board of Fisheries actions regarding the proposals that would affect subsistence.

And then we would -- I think it'd be important for us to discuss some possible enhancements at Kanalku and we're hoping to hear from Mr. Reifenstuhl on some potential things that we could help the people of Angoon out with in enhancing the sockeye run at Kanalku.

And then like to go over the final actions between the agency reports and we have to make
a decision for future meeting dates.

And, with that, I'd like to move down
to -- unless somebody else has any additions that
they'd like to make to the agenda.

Ms. Needham.

MS. NEEDHAM: Thank you, Mr. Chair. I
was hoping we could get a status of the TransBoundary
mining correspondence that we previously sent. And
maybe with respect to some comments that we heard
earlier from Mr. Schroeder, just a status of all of the
letters that we've recently tried to send out.

VICE CHAIRMAN BANGS: That's a very
good point. What's the Council's wish, we could do
that, we could add that in at some point where it would
fit into the agenda.

(Council nods affirmatively)

VICE CHAIRMAN BANGS: Okay. Any other
additions to the agenda.

(No comments)

VICE CHAIRMAN BANGS: Okay, then we'll
move down to the election of officers.

MR. LARSON: We need to vote.

VICE CHAIRMAN BANGS: Oh, we need to
vote on the adoption of the agenda, very good.

(Laughter)

VICE CHAIRMAN BANGS: Move to adopt the
agenda and seconded, any more discussion.

(No comments)

VICE CHAIRMAN BANGS: All those in
favor of the agenda as a guideline say aye.

IN UNISON: Aye.

VICE CHAIRMAN BANGS: Opposed.

(No opposing votes)
VICE CHAIRMAN BANGS: Okay, motion passes. Thank you.

So now we're down to the election of officers.

Mr. Larson.

MR. LARSON: So as a reminder the way we do business for election of officers is that I will take nominations for President. Once the Council votes on a new President.....

VICE CHAIRMAN BANGS: Chairman.

MR. LARSON: Not a President, a Chairman, excuse me.

(Laughter)

MR. LARSON: Then that person will do and be in charge of the rest of the elections and the rest of the meeting.

So with that said, is there any nominations for Chairman.

Mr. Douville.

MR. DOUVILLE: I will nominate Mike Bangs.

MR. LARSON: Mike Bangs has been nominated, are there other nominations.

(No comments)

MR. LARSON: Hearing none, is there any objection to unanimous consent having Mike Bangs be the Council's new Chair.

(No objections)

MR. LARSON: Then hearing no objections, Mr. New Chair, the floor is yours.

CHAIRMAN BANGS: Thank you, Mr. Larson. And, thank you, for putting the trust of our Council Chairmanship -- I'm very honored to have that position and I hope I can do justice. I have been on the
Council for many years and it's pretty hard to fill some of the shoes that have preceded me and we'll all miss Bert very much.

So, anyway -- but thank you.

So next I'd like to open the floor for nominations for Secretary, and I will add that Harvey's told me that -- or Vice Chair, I'm sorry. Open up the nominations for Vice Chair.

Mr. Douville.

MR. DOUVILLE: Mr. Chairman. I nominate Cathy Needham.

CHAIRMAN BANGS: Any other nominations.

(No comments)

CHAIRMAN BANGS: So do we have a unanimous.....

MR. LARSON: Consent.....

CHAIRMAN BANGS: .....conclusion for.....

MR. LARSON: Consent.

CHAIRMAN BANGS: .....consent.....

(Laughter)

CHAIRMAN BANGS: .....for Cathy Needham as our vice Chair.

(Council nods affirmatively)

CHAIRMAN BANGS: Any objections.

(No objections)

CHAIRMAN BANGS: So congratulations, Ms. Needham.

So on to vice Chair [sic] -- and I wanted to add -- I'm sorry I jumped ahead of myself there Harvey -- Mr. Kitka wasn't able to attend the meeting but he said that he would gladly continue on as
our Secretary. So any nominations.

Mr. Douville.

MR. DOUVILLE: Mr. Chair. I'll nominate Harvey Kitka for Secretary.

CHAIRMAN BANGS: Any other nominations.

(No comments)

CHAIRMAN BANGS: Do we have unanimous consent for Mr. Kitka to remain as our Secretary.

(Council nods affirmatively)

CHAIRMAN BANGS: Hearing no objections, Mr. Kitka will continue being our Secretary.

Thank you.

Okay. So what I'd like to do is everybody, just briefly, if you haven't already reviewed the minutes from the previous meeting that we had and then we'll try to move towards approving them. So take just a quick minute and glance over and see if there's anything that's not correct.

(Pause)

CHAIRMAN BANGS: I would entertain a motion to approve the previous meeting minutes unless there's any changes.

(Pause)

MR. YEAGER: I move the adoption of the minutes.

CHAIRMAN BANGS: Okay. It's been moved by Mr. Yeager to approve the meeting minutes from the previous meeting. Could we get a second.

MR. DOUVILLE: Second.

CHAIRMAN BANGS: Mr. Douville.

Mr. Douville: Mr. Chairman, I second Mr. Yeager's motion.
CHAIRMAN BANGS: Thank you. All those in favor of approving the previous meeting minutes say aye.

IN UNISON: Aye.

CHAIRMAN BANGS: Opposed.

(No opposing votes)

CHAIRMAN BANGS: Okay. Meeting minutes pass. Okay, now we'll move on to Council member reports. We'd like to start with Mr. Yeager.

MR. YEAGER: Thank you, Mr. Chair. It's an honor to be here in Sitka again and I really appreciate the hospitality here.

I feel like spring is right on the door step there in the Wrangell area. The Stikine is opened all the way to Shakes Glacier and we're starting to see more eagles and sea lions in the area which hopefully mean the eulachon will start running.

Two concerns that I've been getting from the community are continued concerns on the TransBoundary Mining issues and they would like to see us continue to forge ahead with that issue and concern. And also with our winter and lack of snowpack we're kind of wondering what our streams are going to -- salmon streams are going to look like this spring and throughout the summer. But we're definitely ready for spring.

Thank you.

CHAIRMAN BANGS: Ms. Needham.

MS. NEEDHAM: Thank you, Mr. Chair. Before I go into my short report I just wanted to take this opportunity to thank the rest of the Council for unanimously electing me the Vice Chair. It'll be an honor to serve in that capacity, and I appreciate your faith in me in that respect.

Over the past six months I've also been keeping track of the TransBoundary Mining work that's been going on. There's a contingent with the Central Council of Tlingit and Haida that have spent a good deal of working at the Legislative level on the issue
and I know that it's pushing forward for all of the communities that are potentially affected by TransBoundary Mining issues with mines opening up in Canada. And I think that we should, you know, stay involved in this issue as much as possible because of the implications that -- and concerns that we're hearing from people about the implications these mines might have on subsistence resources, particularly the marine resources, fish resources as well.

In addition to TransBoundary Mining another issue that I've been tracking or trying to keep tabs on is the sea otter issue, of course. And I know that the University of Alaska Southeast, Steve Langdon and Jinny Ecker have implemented a new project with the help of a graduate student who's earning her Ph.D looking at the potential monetary impacts that sea otters may be having on subsistence resources and they're working very directly with the communities of Hydaburg, Klawock on Prince of Wales Island as well as Kake, I believe. And I know that they've had a chance to get that project kick started and have gotten a lot of really good intensive feedback from the communities themselves. They're trying to mirror what the one study that was done on the impact of sea otters on commercial fisheries, they're trying to come up with some way to determine what the value of the loss of the subsistence resources are to rural users, or to subsistence users across the region. And I think maybe at some point it would be interesting because as a Council we've heard a lot on this issue to maybe invite them to give a presentation on some of the works that are coming out on that.

And then the third thing I wanted to speak to really quickly is that I had the opportunity to attend the Board of Game meeting this past cycle to present the Council comments on the wildlife proposals that were put forward. I took the place of Mr. Douville who was going to be able to go but couldn't at the last minute. And Robert stated it would be interesting to share some of my perspective on that and what I had to say about the Board of Game process was that I found it intriguing because it's much different than the way we conduct business. And one thing that I found was really helpful that they did that our system doesn't necessarily do was before they go into proposals in a specific game unit they do this big overview of the game unit so they -- before they actually talk about the proposals they have a nice
summary of the area, of all of the different types of
wildlife that are there, kind of an overview of
populations of that and I found it really educational
actually to sit through those meetings and be there for
that piece of it. And then, of course, it's always
interesting to watch how different groups -- or how
different boards function and get their business done.
And so I would encourage other Council members, if you
have the opportunity to go to Board of Game or Board of
Fish meetings when they come to your community, that
you sit through that process, because I think it helps
lend a little bit of understanding about how all of
these different systems work together. And the Board
of Game did -- you know, they were very encouraging
after the testimony that we gave on their proposals,
that they really appreciated that we took the time to
A, go through proposals that we felt may have impacts
on subsistence users, and also to put them together in
a very concise formatted letter to them that expressed
whether we opposed or supported that. And so we got
really good feedback from the Board of Game in that
aspect. And I think they were generally pleased that
we had -- this Council had representation there.

CHAIRMAN BANGS: Thank you, Ms.

Mr. Schroeder.

MR. SCHROEDER: Well, Council members,
I'm very happy to be here and I was sitting watching
the mail every day to see if I was actually going to be
reappointed to the Council and so I was very happy to
see that I was.

I think the Council is maturing. The
Regional Councils have, of course, been in existence
since the passage of ANILCA and that's why we're here,
we're the one piece of ANILCA -- the one piece of
regulatory apparatus which is mentioned in ANILCA and
our responsibilities are laid out there.

And so that's quite awhile ago, gosh,
that's -- you know, this is in the 35th year, so
Councils are moving into a middle age.

I think we have sort of different focus
at this point than when things were just in the
beginning sage. In our agenda, for this meeting, we're
a little bit light on regulatory proposals and
attention is way more on making sure that the Federal Subsistence Program stays true to ANILCA and perhaps makes some course corrections to make sure that we are on the course that ANILCA indicated because I think it is the law that protects subsistence uses in Southeast Alaska.

I'll also point that if we don't thumping regulatory issues before us, our Council charter and ANILCA directs us to look at all manners of things that affect subsistence in our area and to work on those effectively if we can. So I think we have some other areas, which have already been mentioned by my colleagues here, which are basically environmental concerns with the TransBoundary Mines. But if you think of that in a general, more general way, paying attention to the health of the fish and wildlife populations in our region it's part of what we need to do and have done in the past, and paying attention to the environment that makes those fish and wildlife populations, if not healthy and natural, at least healthy and abundant, and they're the bedrock of subsistence. If we don't have the critters we can't do that, we can't have subsistence uses. So think that's clearly part of what our mission is and so it's okay if we don't have difficult regulatory issues to deal with in every meeting.

I'd also point out just a concern, because I did work for many years in gathering information on subsistence and presenting documentation, that we might be okay at this point, but I think that we may be getting fairly close to where significant data gathering activities need to take place, not so much because there's huge change because I think the success of the Council and ANILCA and the Federal Program is -- I think people are doing about the same amount of subsistence as they were 10 or 20 years ago, but I think that's part of the job of the Program is to keep on track and monitoring and documenting things. So I'd flag that as something that we should pay attention to.

And, gosh, in the realm of environmental concerns, since ANILCA didn't put an end point on Regional Councils, some Regional Council, either now or in the future, will need to deal with not only TransBoundary Mines and strange things that are happening in Forest management, but some Council in the future will have to be considering the affect of
climate change on subsistence uses. So maybe that's
not us today but it could be us at our next meeting or
a year or two from now.

Thank you.

CHAIRMAN BANGS: Thank you, Mr. Schroeder.

Mr. Wright.

MR. WRIGHT: Thank you, Mr. Chair.

One of the things that's going on in
Hoonah is, I guess the Federal government had okay'd
the gathering of gull eggs out of Glacier Bay, so now
they're going to be putting up regulations -- you know,
developing regulations so that we can go up in the Bay
again so that's in the making and we've been working on
that for years and years and years to get something
done, it's always been an important issue for our
people.

And in Glacier Bay, too, they're in the
process of putting a tribal house up in Bartlett Cove
so that, you know, it's an issue that's -- you know,
Hoonah people always have been in Glacier Bay, so it'll
strengthen to the world that we are Hoonah People from
Glacier Bay.

I haven't seen many sea otter up in
Port Frederick. When I was crabbing up there this
February I only saw one so that's good in a way and I'm
hoping there's a reason -- I was wondering why they
weren't there because I know in home shore you see them
all over the place, that's just about 20 -- 10, 15
miles away you see them.

And another thing that I think an issue
that we have is that there are these TV reality show
that's going up in Port Frederick, you know, where
they're at is a nice big cockle bed there and I'm
worried about the pollution that might be coming out of
the people that are staying up there, you know, that's
-- they're -- I've seen a few of their episodes and
it's kind of like you can't really think that people
from Alaska Bush can live like that, you know, it's
kind of embarrassing.

Anyway, you know, I was talking to one
of my guys as well, I think I'll hire one of them
because he tasted the water and he said the crab are
here so.....

(Laughter)

MR. WRIGHT: .....so anyway.

(Laughter)

MR. WRIGHT: Right now, you know,
there's a lot of work going on in Hoonah, they finished
that hydro electric plant but I don't know if there's
going to be enough water because right now the snowpack
-- there's no snowpack. I think we've probably had not
even a foot of snow in Hoonah this year and it used to
be we'd get snow all the way up to my window, which is
about seven or eight feet but we didn't even get a foot
this year.

So if the salmon are going to come like
they say they're going to come, there's a concern, I --
I hope it's going to rain a lot this summer. A lot of
people don't like the rain but as a fisherman I
certainly hope it rains.

Thank you.

CHAIRMAN BANGS: Thank you, Mr. Wright.

I'd like to take just a moment here, we
did -- before we move on we got our teleconference line
repaired and I think we have a couple people on line
and I would like you to recognize yourself if you're
listening.

(No comments)

CHAIRMAN BANGS: Okay, well, maybe we
don't have anybody on line.

(No comments)

CHAIRMAN BANGS: Okay. Well, it's
fixed if they want to get on line.

(Laughter)

CHAIRMAN BANGS: Okay. I'm going to
skip over, I'm going to do my report when I -- just
before I do the Chair report.

So, Mr. Bloom.

MR. BLOOM: Yes, I'd just like to make note for the rest of the Council that there was an issue this winter before the Board of Fish, a proposal to eliminate the areas that were protected, or closed to the commercial taking of dungeness crab around several communities in Southeast, one of which was Tenakee. There was a considerable letter writing campaign to the Board of Fish and that proposal was voted down. But I think everyone should -- I hope everyone was aware that that was a potential issue, even though it's not on Federal water -- or Federal jurisdiction.

CHAIRMAN BANGS: Thank you, Mr. Bloom.

Mr. Douville.

MR. DOUVILLE: Thank you, Chairman. Just a brief -- we're still overrun with otters where we live, they're -- you know, we don't have any shellfish anymore. There was a couple people studying the impact, or trying to document what we used to have because you can't see it anymore, I actually did an interview with them and several other people did just to try to show the impact of what the otters have had. Road closures are still compressing the hunters. But the road closures are also doing other things, it also eliminates -- makes the bay smaller where we go get firewood.

The other thing we're concerned about there is the wolf ESA. We're hoping that'll come out favorable because I think there's really no need for it. For the first time in my life I've been actually helping the Fish and Game with information that I gather and things that I know that they never did and hopefully that'll be positive, we've never really trusted them before but there's several of us doing that.

So that's all I have.

CHAIRMAN BANGS: Thank you, Mike.

Mr. Hernandez.
MR. HERNANDEZ: Thank you, Mr. Chairman.

We suffered a major blow to the subsistence users in my area this winter and also affects the region, other people in the region. That was due to the passage of the National Defense Appropriations Act, otherwise known as the Sealaska Lands Exchange, otherwise known as the Jobs Protection Act. In our area ownership of about 6,500 acres surrounding Calder Bay is now transferred to Sealaska Corporation, the largest timber harvesting corporation in Southeast Alaska. We see this as a major loss of the subsistence uses in our region, in our area.

Calder Bay, those drainages have always been considered a very important place for our subsistence uses. It's been referred to by people over the years as a bread basket area, an area you could always count on. I mean I've been there numerous times for deer hunting. Sometimes it's difficult to find deer in other places on the island, a lot of competition, a lot of timber harvest, a lot of activity but it was always kind of like, well, we always have Calder. Calder was just kind of the place where, I don't think I've ever gone there where I haven't been able to get a deer. And that's not going to be the case in the future, I don't believe.

The first obvious impact is going to be that it's now going to be private ownership, no longer subject to the Federal jurisdiction or priority use so we lose that, everybody loses that. The timber harvest which is bound to occur in that area, I think, will be extensive and damaging. Calder Bay drainage is an exceptional area, it's not just -- it's just not an average place in Southeast Alaska, it's exceptional, it really is. That's why it was chosen for private ownership, it is exceptional. It's got some of the best timber you'll ever see in Southeast Alaska. It's due to the geology of the place. It's limestone, it's cased, it's special, it's not found everywhere in Southeast Alaska. It's the highest volume classed timber that exists on the Tongass. Almost every acre of it, it's not muskeg, it's not poorly drained, it's just a really special place. The streams that flow into the -- flow through that area into the Calder drainages there, they're special due to that geology, that cased. They have fish runs there that just aren't found in other drainages.
So these special characteristics, I mean it will -- maybe Sealaska Corporation will do good stewardship there and help save some of the old growth forest but just due to the value of the timber in that region, or that watershed I doubt if that will be the case.

Since I've lived on Prince of Wales, about 40 years now, the communities of Pt. Baker and Port Protection have always taken special efforts to try and protect that area. When the Ketchikan Pulp Company first came to the north end of Prince of Wales Island, residents of Pt. Baker and Port Protection sued the Forest Service, it was a landmark case, Ziski versus Butts, it changed the way Forest Management has occurred. It was a successful lawsuit, helped to bring about the National Forest Management Act. The pulp company did get established and started logging in the Calder drainage and local residents had a lot of input as to how that logging occurred. We actually had some success in keeping the pulp company from logging what we consider to be a key wildlife corridor area. That's now going to be in private ownership. We expect that to be logged. We were successful in keeping the road system in Calder Bay connected to the rest of Prince of Wales Island road system so we could maybe have less competition on the hunting of that area. We were successful in doing that. Twenty years after the pulp company moved there, the pulp company was gone, out of business and there was another timber sale proposed and Pt. Baker, Port Protection residents sued again and one of the main reasons for our suit was we were trying to protect Calder Bay again. There was new logging proposed for that area and we filed suit on it and we had some success there. I was one of the lead plaintiffs in that suit and when time came to have a negotiated settlement I was designated to do the negotiations and the one thing we were not going to waiver on was the logging that was proposed for Calder Bay was not acceptable. And we didn't win the lawsuit, we negotiated but there was no logging in Calder Bay, we were successful then. We also drew a line that there would be no logging on the headlands of Port Protection and we were successful in keeping that from being logged and that is now the site of where they later found the oldest human remains in the state of Alaska in a cave on Port Protection Head. So we feel that we did the right thing there, we protected Calder, we protected Protection Head, we a preserved major archeological find that could have been buried by
logging debris. You know, these caves, they're found
in the limestone country, they could be just about
anywhere. They need to be protected. We should stay
away from areas like that.

But that's all past history now.

Our stewardship has ended.

We no longer own Calder Bay and I use
we, in the collective sense, as members of the public,
it now belongs to a private corporation.

The shareholders of that corporation
will have the stewardship of Calder Bay now, not us.

So it was kind of a sad time when that
Bill passed. I know people in the community were, you
know, they were in tears, they were crying when that
happened.

So like I said, our stewardship has
ended, it's under new ownership. I guess the only role
that we have now in what happens with Calder Bay is I
guess we're prepared to stand witness. We will always
think of Calder Bay and see what happens there and
maybe appeal to the corporation to try and do the right
ting there, protect some of it as much as possible.
But like I say all we can do now is just bear witness.

So thank you very much.

CHAIRMAN BANGS: Thank you, Don.

Mr. Jackson.

MR. JACKSON: Thank you, Mr. Chairman.

After our last meeting in Wrangell I
reported to the Organized Village of Kake what went on
at our meeting and they're aware of the TransBoundary
Mining in Canada and concerned. And we also spoke of
Saxman. And supporting them on the rural determination
and to support Sitka for their boundaries that they
want to set for herring eggs and subsistence.

I get a chance to speak to a lot of the
people in the village and our concern, like everybody
else, is sea otters. In front of town we have one of
the biggest -- well, probably about five acres of flat
land, you know, when it goes out people go down to dig
clams and just this last couple of months they've gone
down there and the shelves are all turned up and the
clams are eaten and before where they used to get two
buckets they might get a fourth of a bucket, staying
down there for an hour or two. And we've tried to thin
them out, you know, tried to get as many as we can but
those things produce all year-round. They were saying
they just have babies once a year but they're like
humans they -- I saw some just three or four days, we
went out and they had new babies. So it's not just,
you know, once a season, they reproduce fast and
there's thousands of them. And we know that -- the
oldtimers told us that they were planted below Kuiu
Island in 1968. So you can see how far they've
progressed. All the bays on Kuiu Island are filled
with sea otters.

It's just discouraging to know that we
just can't kill them, we have to process them and make
them, you know, just -- you know, you have to change
them completely to sell them but you can't just sell
the fur or, I guess you could trade to somebody.

And the moose, you know, they're still
abundant. The season was good. Everybody got their
moose. We had a lot of outsiders come in on the
ferries.

The deer are starting to rebound
because we're having some people do some wolf trapping,
and hunt, you know, on the island and they seem to be
doing really well. We've had some people come up from
Klawock, Craig area.

The sockeye around Kake is pretty much
depleted from Gut Bay to Falls Lake because of, you
know, being able to only get 10 fish a day makes it
dangerous for our people to run across on little boats.
But sportsfishermen -- and I'm not complaining about
sportsfishermen, but we need a little parody here,
they're allowed to get six fish per person for the
whole season as long as they process them on the boat.
And us in the village, you know, a lot of them can't
afford to go across Frederick Sound, you know, like I
say it's dangerous.

And Pillar Bay had a bunch of beaver
ponds but Fish and Game did go down and tear them up
but they're not allowed to exterminate the beavers and
I guess we are but we don't -- we go down once a year.

And like I say our halibut's pretty much the same.

And, you know, the herring is depleting though. We don't have the herring as much as we used to. I noticed in -- they usually come in October and November and they didn't come in this year so I don't know what that's going to do.

And seals, harbor seals we use for food and preservation of foods that we put seal grease over, they aren't as abundant. There's hardly any of them. We went out about a month ago, my son and I and I think we might have seen maybe 15, we got one. And before they used to be all over the place.

And the jobs in Kake are dwindling and a lot of that's because -- well, there's no logging, and the cold storage is probably going to have to be shut down because the corporation decided that they didn't want Sealaska to fish their nets, you know, probably at least 20 jobs that they had.

And climate change, we're kind of worried because, you know, it was thawing earlier this year and the berries were budding, and now it froze again so I don't know what that's going to do to our berry product. We hardly had any last year. And before that, the year before that, everybody made good money selling berries and that was part of the economy in Kake and we were looking forward to it.

But wolves on Kupreanof are about the same, you know, there's a few trappers, not very many.

And steelhead, they're just starting up the streams.

King salmon, they did a good job this winter of, you know, people going out that, you know, had hand troll permits, and they're selling for about over $10 a pound in Juneau and they were willing to pay the freight up there, which really helped some of our people.

And the concerns that we spoke about, even at the last meeting, which I spoke about to OVK, was the grey water, tour ships dumping. As long as
they're three miles away from existing land they can come in and dump as far as Stevens Passage. And the tour ships that go by Kake coming to Juneau or Sitka or whichever way they come, they dump there. And I've personally witnessed, you know, going in behind them, sometimes a trail five miles long of grey water just food and paper and everything and the birds just having a feast. And all the tour ships do this. We would like somebody to do a proposal -- and I'm not good at this stuff -- I've asked our Council, and a proposal to let them take out what they bring in, don't let them dump because our seaweed's, you know, it's disappearing. The seaweed on Kuiu Island is gone for some reason. We used to get it from there historically all the time, now it's not there. We're going to Admiralty Island to get seaweed. But the only thing my -- my concern with the grey water is the amount of cancer that's showing up in the villages that are affected by Chatham Straits, Frederick Sound and by Hydaburg. And I don't know if it's directly, you know, directly affected by this grey water but I'm sure it doesn't help. And -- because the foods that we eat from the oceans are getting this stuff.

And climate change, you know, we talked about.

And then seining close to the streams, like Angoon did, they tried to stop seining so close so it wouldn't affect the amount of fish going into the streams.

But I think that with this climate change thing we're going to have to discuss because the bears went in late and, you know, people couldn't hardly get any deer on Admiralty because the deer stayed up high and most of them are -- they hunt off the beach, the bears came out every time somebody shot, when they'd come right down, it was a dinner bell to them so, you know, you're helping them out in a way. But they're becoming more abundant on Admiralty, at least on our side, I don't know about the other side of it.

The bears around Kake, if they come out early there's no food for them so they'll just come into the community. And that's what we're worried about, I think spring is here and.....

But we do thank everybody for being
And I did log for 25 years around Kake. We planted as soon as we were logging for Sealaska but we planted as soon as we logged and then we thinned it and we pruned it and it's brought back more berries, if they come out, and more wildlife, because they had us cut trails in there. But that's just in our area, okay, and their stewardship with Sealaska, at least as far as I'm concerned, they took care of our area and I was happy to work for them and, you know, I never told anybody I was a logger for 25 years but, you know, that's what we did. And I understand your concern, Mr. Hernandez. And, you know, if there's anything we can do, I think that our thing is stewardship and our subsistence comes first before anything else.

Thank you.

CHAIRMAN BANGS: Thank you, Mr. Jackson.

I guess from the Petersburg area, which we could echo the same concerns that most everybody at the table here has concerns about, especially Mr. Yeager's -- we share the Stikine River outflow there and the TransBoundary River Mining explorations are of big concern to the communities in the area as well as, you know, up to the Taku and towards Juneau. So that seems to be a topic that we talk about a lot. Everywhere that I've been, Ketchikan to, you know, to Juneau it's an issue that I think more and more communities need to get involved. And I know we've pushed our assembly for -- the Borough has gotten involved and started letter writing and it's just something we can't let up on as far as the pressure that we need to put on our Congressional delegation to address this, it's very important to the future of our subsistence uses on those TransBoundary rivers as well as down stream from the rivers -- the river mouths. I mean it affects, you know, out into the saltwater, too.

Anyway, king salmon were very abundant in our area around Petersburg and earlier in the winter and so we were able to eat very well and I think we had good luck in the deer and the moose.

So I think as far as filling our freezers and cans, we had a good fall.
And so far this winter's been mild. I think someone else had alluded to, or more than one had alluded to the lack of the snowpack and that seems to be a big issue. On one hand it makes a higher survival rate for the deer but, you know, we are concerned about the summer and the salmon runs that depend on that water.

So that's in the discussions a lot too, on a daily basis you can hear somebody say, well, we really need more snow or we're going to end up hoping for it to rain all summer and nobody really wants that, but we kind of feel that it's our only option if we don't get more snow. And they got some snow here the other day, it kind of blanketed around Southeast but in a matter of a day or two it warmed up and it was gone, even in the mountains it was gone. So that's been one of the issues that I hear a lot.

We're still concerned about the growing wolf population on the Lindenberg Peninsula, on Kuiu, and all the way to Kuiu actually. We have a growing wolf population and we have problems with predation and it's harder and harder to get deer in some areas. And Fish and Game was proposing a predator control type situation where they were going to try to trap more of those wolves and so far we haven't seen a change in the population, or that has (ph) moved forward but that's still something that's on everybody's mind as to what's going to be happening in the future in our immediate area for the deer population.

So that's most of the concerns that I've heard in our immediate region and it echos a lot of the things that I hear from the rest of the Southeast area.

So with that said I was going to go into the Chair's report but I'd like to, again, ask if there's anybody on line and if they are, if they could identify themselves.

MS. HANSEN: Kathy Hansen, Southeast Alaska Fishermen's Alliance.

CHAIRMAN BANGS: Welcome Kathy. Sorry about the mess up on the -- we had a snafu with electronics here but you're coming in real clear, can you hear us?
MS. HANSEN: Yes, I can.

CHAIRMAN BANGS: Oh, good, very good.

Is there anyone else.

MR. SHARP: Yeah, Dan Sharp with BLM Anchorage. Good morning.

CHAIRMAN BANGS: Welcome. Anyone else.

(No comments)

CHAIRMAN BANGS: Okay. Very good.

So you're coming in loud and clear for us so we're going to carry on here.

I did want to reflect what happened at the Federal Board meeting that I attended this winter and it's only the third or fourth Federal Board meeting that I have been able to attend since I've been on the Council, the second one representing the Council and other meetings I have gone to was for other reasons.

But I really learn a lot every time I go. I think it's a process that I would love to see every Council member be able to go to a Federal Board meeting. And I know we've talked about trying to come up with funding to send one or two Council members to each of the Board meetings that we have. It would be nice if the Federal Board could go to remote areas, or more remote than just Anchorage and have meetings in the areas that are truly rural. So -- but we've discussed that as well in the past.

But it was enlightening to meet with the other Council Chairs and the Federal Board and their responses to the proposals that were sent by the other Boards and our Board as well.

So the outcome of our proposals that came before us, there was a few of them that were on the consent agenda and they weren't contentious like the fishhook, the definition of a fishhook and things like that. There was some other proposals that had come out of our Council and they were received well by the Board. We had good rationale and I think that the Board realized that we had done our homework and they gave us deference and things went well. They were well received by the work that you all did and I think that that was helpful that we come up and cover our criteria carefully.
The Board of Fish and the Board of Game, I was going to get into this at this point, where Cathy represented our Council at the Board of Game and they were -- it was well received as she mentioned. I think that's a very good thing that we continue to do, involve ourselves in State proposals that are possibly going to affect subsistence. I think that's something that we should do for every Board of Fish and Board of Game meeting. I think we should keep on top of that. And I know it's hard for the timing of our meetings in conjunction with making a proposal or reacting to a proposal in a time that will fit into the timeframe of their meetings. As we know other organizations are having meetings and we're missing a few Council members because of that, it's just a hard thing to do, the more you're involved in stuff, it makes it difficult. But I think that it's important that we do keep on top of the Board of Game and Board of Fish.

I attended the Board of Fish meeting on behalf of the Council. And I think it was well received. I was going to ask Mr. Casipit for a recap later on in the agenda from the decisions that were made by the Board of Fish. And I think it was enlightening to them for us to participate, and so I would encourage us to continue with that.

And with that I was going to start into public testimony but I think it's about lunchtime. So if we could break for lunch and say meet back here at 1:30, does that sound good with everybody.

(Council nods affirmatively)

CHAIRMAN BANGS: Okay, we'll recess until 1:30.

Thank you.

(Off record)

(On record)

CHAIRMAN BANGS: Okay, I'd like to call the meeting back to order, please.

Okay, we're at a point in the agenda where we'd like to hear public testimony. And I'd like to make sure everyone understands that public testimony that we're going to take right now won't reflect
anything about rural determination. Before our Council
talks about rural determination we want to hear public
testimony that's going to take place tonight. And I
know there's a few other people that may have public
testimony about non-agenda items and this would be the
time to come forward with that. I have several of them
and if you do, if you put in one of these forms and you
have something else besides rural determination to
speak to then I would welcome you to come forward.

Lee, did you have something you wanted
to say.

MR. WALLACE: Thank you, Mr. Chair.
Lee Wallace, President of the Organized Village of
Saxman. I'll make this very brief, I know you guys
have a lot of agenda items and our contingency from
Saxman are here and we'll be speaking tonight in more
detail.

But I just wanted to thank the Chair
and the full Council for their support of Saxman in our
rural status and determination throughout these years.
And I say years. It's been eight years plus that
Saxman's been at this battle about our rural status.
And from the very beginning of that the Southeast RAC
has been in full support of Saxman. I just want to
thank you and I would like your continued support of
Saxman's rural determination. So that's all I needed
to say today and I'll be speaking more tonight.

Thank you.

Gunalcheesh.

Howaa.

CHAIRMAN BANGS: Thank you, Lee. And I
appreciate you guys coming all this way to participate
in the hearings here as I'm sure you were there in
Ketchikan as well.

So is there any other testimony in
regards to non-agenda items that someone would like to
address right now.

(No comments)

CHAIRMAN BANGS: I have one request
that may be pertinent to this portion of the agenda is
a Sitka resident asked that he may speak to asking
support from the Council in lowering prohibited species
caps in the Gulf of Alaska Trawl Fisheries.

MR. LARSON: And I don't see him in the
audience.

CHAIRMAN BANGS: So he's not here right
now but we'll keep that in mind later in the agenda, we
can add that.

(Pause)

CHAIRMAN BANGS: Okay, Mr. Larson has
an announcement for us.

MR. LARSON: Thank you, Mr. Chair. One
of the things that I normally ask of the audience is to
sign in. There's a sign up sheet by the main entrance
there. It's for our recordkeeping and it's very much
appreciated if you could just sign in and do that every
day. That would be much appreciated.

So thank you very much.

CHAIRMAN BANGS: Okay. We have Ray
Nielsen, Jr., is he in the -- yeah, there you are.

MR. NIELSEN: Thank you, Mr. Chair.
Board. Everyone else here. My name is Ray Nielsen.
I'm a life long resident of Sitka. I've always
advocated for our subsistence and customary and
traditional rights.

We're always fighting for our C&T
rights, subsistence. We've gone all the way to Federal
court, that's how important it is to us.

The last three years the commercial
industry, herring, the herring boats, the managers,
Silver Bay Seafoods, they've been paying a boat and
crew quite large money to go out and do harvesting for
eggs to give away to whoever, not just in this
community but everywhere else. But to pay them like
60-grand, 30-grand, that's very commercial to me. Why
don't they direct that money to Sitka Tribe and we can
do our job. It's our right to do it. This is part of
our culture and our heritage. The grease trails.

When I did my testimony at the Board of
Fish I put all that in there and they didn't do anything about it, sweep it aside, well, that's not good enough for us. They're fishing their commercial herring in our traditional waters. We did not meddle with them, try to help them, tell them how to run their fishery, except for in the Board of Fish process. But now they're meddling with our fishery. What right do they have, commercial entity, to push us around and say they can do it. They don't have a history of it. In the big years -- big picture of how many years our people have been doing this and their little bit, that's it, not very much.

But we do not want to cause trouble with them but we're looking at every avenue we can to put a stop to that. It's not right that the commercial guys tell the subsistence users what to do. We feel we're very good at what we do. We supply for Sitka, Southeast, Mainland Alaska, Yukon, British Columbia, all the way down the West Coast. We're good at it. We have a history of it.

People that do that have a big pile of the paper you get when you go to the airfreight to show it, that's our history, our modern history.

But if they continue to do this, well, we don't like it. If the only way we can have this settled is to go to court, well, we're not afraid to do that either. The Board of Fish didn't listen to us so we had a C&T meeting, the Sitka Tribe, I brought that up and now I'm here before you saying give us -- give them direction to get away from trying to do our job, that's ours. If they want to do that, well, maybe we can help them with their commercial fishery and shut it down. They have theirs, we have ours.

That is all I have to say to you.

CHAIRMAN BANGS: Thank you, Ray. Is there any questions from the Council.

(No comments)

CHAIRMAN BANGS: Thank you very much, Ray, for your comments.

Next we have Mr. Albert Kookesh from Angoon.
MR. KOOKESH: I want everybody to know that I appreciate the time many of you spent with my brother, Floyd, when he was on this Council. He spoke a lot of times about you guys and the tough times you guys gave him. He was so gentle and kind, I don't know why you guys gave him such a bad time.

(Laughter)

MR. KOOKESH: But my brother and I spent a lot of time talking around the kitchen table about the things that you all did and the work you did and he was really appreciative of you. And I think the thing that he missed the most was these meetings, so thank you for that.

I don't -- I'm here -- I know the testimony is tonight for the rural determination, that's the one I want to be in. But I'm here for myself today because I wanted to talk to you just for a minute about subsistence.

I grew up in Angoon, Alaska. I was born and raised there. I left to go to Mt. Edgecumbe High School because we didn't have a high school and then to Alaska Methodist University where I got my undergraduate degree and then to the University of Washington where I got my law degree. Moved back to Angoon and none of the law firms in Angoon would hire me.....

(Laughter)

MR. ANGOON: .....so I decided to become a commercial fisherman.

Actually that's not true.

I put myself through high school, college and law school on the boat the Mary D out of Pawk Inlet and I fished the last year that Indian Islands were open and the year I finished seining was the year they closed it. I've also gillnetted in Bristol Bay. I've gillnetted in Lynn Canal. And I've held a hand troll permit and a halibut quota. So I'm very familiar with the commercial side of fishing. But I'm also very, very familiar with the subsistence side and that's what I want to talk to you about today.

I got hired by Governor Knowles to be a
The reason I bring this up is because the gentleman from Pt. Baker today gave me a little bit to cringe about because I felt that he thinks that maybe some of us at Sealaska don't think that subsistence is important. I was there for every vote on the subsistence issue when we were trying to make it a Constitutional amendment and I didn't see anybody there but the Native community. Nobody there but the Native community. We spent $14 million trying to change the Constitution of Alaska, and that's AFN money. So subsistence to all of us is important. And I feel that I have to bring that to your attention, that it was us, the Native community, that tried to make subsistence a permanent place in the Alaska Constitution. And it was us, the Native community, that walked away from that process because we said, well, it doesn't look like the state of Alaska is going to allow us to do this so let's take the money we have and protect our Federal protections, under the Federal Constitution that protects our subsistence way of life because Alaska's not going to do it. Which, to me, doesn't make a lot of sense. And I guess that's just my point of view because I felt that Alaska should manage all the resources within its border. But we had people in the Senate and in the House who wouldn't allow us to do that. One vote in the Cowper Administration and I think one or two votes in the Knowles Administration where it could have passed. And the thing that bothers me, and this is historical, is that the Alaska Legislature, which didn't allow this to go forward, its only job was to frame the question. The only job we had in the Legislature was to frame the question for the people of Alaska to vote on a Constitutional Amendment and we couldn't even do that.

So I want you to know how important, at least to me and I know other members of our Board, how important subsistence is. We've always made it a priority.

The legislation that passed in the
Congress gives specific direction to Sealaska on these new lands that we have to allow public access, we can't deny public access on those lands. And we know that. We accepted that as part of the language.

For those of you who don't know it, we have 300,000 acres and most of it on Prince of Wales Island, most of it is on Prince of Wales Island and we allow access on all that land. We've got accused of putting up no trespassing signs up and that's not true. We found out later it was Klawock-Heeni that put their no trespassing signs up on their lands, which they're allowed to do. Private property in Alaska is private property but for some reason the Native private property is treated different. If I came to you and all of you are probably private land holders and said I want access through your property, you wouldn't allow me to do that. But for Sealaska's lands, or Native lands, people think that it's okay, we can treat Sealaska Native lands different. But private property gentlemen, ladies, is private property. We've never posted our lands. We have a requirement by the law to allow access to the new lands we got and we were happy to do that, we negotiated that.

150,000 acres went into the Conservation Units and most of that to protect fish streams on Prince of Wales Island. 158,000 acres in our Bill whereas Sealaska got 70,000 acres of our final entitlement, which is a moral entitlement, by the way, that we felt was owed to the people of Sealaska, the shareholders of Sealaska, who, if you -- I don't think any of you were around at the time, but at time before the non-Natives came, the Tongass was a Native place, and our villages were Native villages in the Tongass. One gentleman in Angoon said, to a committee just like this one time, he was told by one of the people who was Chairing the meeting, and he was an older gentleman, he must have been about 75 at the time, he was told by that gentleman, you want subsistence so bad I'm willing to give it to you, but only if you go back to the old ways where you use a spear and a hook, no guns, no traps, the old way. The old gentleman, remember he was 75 years old, and he said, sir, I'd be willing to do that if you would all go back to where you came from and let us live on the lands like we used to. We know that's not a possibility, but I just want to remind you that there's two points of views here. Those of the Native community and those of the non-Native community and we have to try to mesh it.
The name of your committee is the Southeast Alaska Regional Advisory Committee. And I just want to remind all of you, and I know I don't have to do this, that you speak for me, and the people in my village, when you are taking issues to the Council -- the Federal Subsistence Board. I know you have personal opinions and I know those personal opinions are very strong but I hope you remember that subsistence belongs to all of us and that when you speak as of one voice in front of that Federal Subsistence Board you're speaking for me, you're speaking for my children, you're speaking for my wife and I really want to make sure that you remember that because I don't want us to be in a fight over this. We all believe in subsistence. We all do. It's a way of life. I accept that and I hope you do too because we are so enmeshed right now between the commercial world and the subsistence world.

The little lawsuit that I'm involved in, we were allowed 15 fish per family, per year, and that's why we went to court. 15 fish per family, per year. They didn't define family. There are some families with one person in Angoon and there's some families with 15 people in Angoon, they didn't define family. We had to go to court. One mile away, as the crow flies from where we were fishing, commercial fishermen were allowed to put their nets in the water and fish and catch as much of that salmon as they wanted to.

So I'm saying we need to protect the commercial as well as the subsistence lifestyle here, and sometimes we forget that because it's the commercial that brings the money in. The subsistence way of life doesn't bring any money in and we find it easier sometimes to say it's more important for the commercial way of life to survive.

That's not true. And I hope that those of you on this Council have that belief. I don't doubt that you probably do.

So that's my take on something very simple. Telling you from my heart where I am on subsistence. I have a law degree, I could work anywhere I want in Alaska but I chose to live and raise my family in Angoon, and Angoon where I have one of the few beach seines available because I could afford to have a beach seine. And my beach seine is borrowed by
10, 15, 20 families a year, they borrow my beach seine to go out and get fish because they don't have their own. To go from Angoon to Kanalku, it's a half hour run, a lot of them can't afford to buy the gas and have to have two or three people in one boat, two or three families.

So that's really important to us. And I know you all have such an important job to do, I thank you for the job you do, and I thank you for putting up with my brother and I thank you for bringing the concerns of Southeast Alaska to the Federal Subsistence Board because it's so important. This state can't survive without -- it's the only place in America that people can still survive off the land and you guys are part of the guardians of that. And so for that I just wanted to take a minute to talk to you about it, to thank you, to tell you if there's anything I can do personally, I'd be willing to do it. I'd be willing to help.

I don't want to sit on this committee because my brother did and I can't fill his shoes. He was a very, very faithful person to this committee and I know he enjoyed his time here.

So thank you very much, appreciate it.

CHAIRMAN BANGS: Thank you, Mr. Kookesh.

Any questions.

(No comments)

CHAIRMAN BANGS: I would like to say, on behalf of the Council, I think I can speak on behalf of although we don't all agree at any given time about anything, I think we all truly miss Floyd on the Council for giving his perspective, and I don't know of anybody that could fill those shoes.

So thank you, though, for your comments.

MR. KOOKESH: Tell you the truth he was the kind and gentle man in our family.

(Laughter)
CHAIRMAN BANGS: Okay, Mr. Bill Thomas.

MR. THOMAS: Thank you, Mr. Chairman and members of the committee. I'm Bill Thomas, born and raised in Haines, been there all of my life and a commercial fisherman. I think I'm going to start my 46th year this year and halibut fishing since '73 and shrimp fisherman. I'm really unique in this committee because we are located on State land so we don't have any issues with the Federal Subsistence Board other than two issues that I know that impact our community.

One is the halibut fishery. And my complaint is there's no enforcement up there. I gillnet. I leave Haines every Sunday and come back on Wednesday and there's no -- probably no more -- no less than four, five, six, eight buoys sitting there all year-round, and I know the people fishing, they don't need 60 halibut or 80, maybe they're just poor fishermen but it's hard to believe because of the amount of fish they get by with the IFQ systems now. And I'm just complaining because there's no -- no enforcement anywhere. Fish and Game don't have the authority. I asked them, you know, about it. They said that's not their jurisdiction and I don't know if you can do anything about it or not. But it's to the point where people in my hometown are saying, how much fish does that family need, I mean it's ridiculous. I go out with my boy in the falltime and we drop our gear out and in two days we're done. Maybe they don't know how to fish, uh, Frankie, but there's something wrong there.

But the other impact that we have is I grew up the Tlingit way of subsistence, we called it -- it was a way of life and gathering. We ate a lot of seal meat in my home town. Today you're lucky if you can find two families that eat it and, why, and this is another thing that you guys have jurisdiction over, is the seal, is because the people went out and bought all the lands in the coves that we hunted and I was telling Albert, the way we hunted there we never could afford a skiff so we hunted on a north wind and the seals would blow up on the beach and we'd go to the next cove and hunt and get two or three seal for the day and take them to the elders, they would drift up there. Now you go out there it's all posted, no trespassing, no hunting, and I told the people up there, you've done more to destroy the culture because nobody eats seal
meat anymore. When you cook it everybody leaves the room anymore because, you know, it is pretty tough to eat and I haven't had it for 50 years, probably, 45. And just something -- I don't know how you can turn around and do anything about it, probably nothing, because it's pretty much over now.

And one other point is just that on subsistence I've been an advocate, even though I'm a commercial fisherman, I believe that people should eat first. And I was with Albert every time we had those votes in Juneau on subsistence going back to Knowles and Governor Cowper, we were within one vote and it was the Wrangell Rep, and I won't tell you who he was, but who said no and we had the Alaska Loggers working him because back then the logging communities were qualified and a lot of them subsist because, you know, while they hunted they got their clams and everything else that they needed and stayed in camps year-round.

I want to thank you for your job, it's one of those, I wouldn't want -- or Board of Fish, you know, and thank you for, you know, working on this and hopefully, you know, some day -- and I'm here for the Saxman determination also so we'll speak briefly on that tonight but probably about all we have to say is that we just support their efforts.

But anyway I'll answer any questions.

And, again, I don't envy your positions. I recommended some of you guys, they called me, you know, you had me on your list.

(Laughter)

CHAIRMAN BANGS: Thank you, Mr. Thomas.

Any questions.

(No comments)

CHAIRMAN BANGS: Thanks again.

MR. THOMAS: Thank you.

CHAIRMAN BANGS: Next we have Paulette Moreno, did I say that right.

MS. MORENO: Good afternoon ladies and gentlemen and Council that are before us today and good
afternoon to those that are in the audience, especially our elders. It's very nice to see you this afternoon.

I've come before you at this time to simply share a brief story.

Last month myself and several others attended the Board of Fish meeting that took place here in Sitka. It was with a lot of passion that many people, especially many tribal people came forward and presented their three minute testimonies to the Board. And I would like to say it's really nice to see those present today that are not in suits.

(Laughter)

MS. MORENO: Everyone on the Board was in suits and today it looks like I could take any of you guys fishing out on the boat right now and you'd be ready to go.

(Laughter)

MS. MORENO: So it's really neat to see something a little bit closer to home, which is a Southeast Advisory Board.

I have a couple of recommendations to the Southeast Advisory Board.

One of the first ones would be, I am a resident of Sitka. I am an Alaska Native woman. And I would like to say that the appearance of the process, and I'm commenting on the process where the Board of Fish could use, I believe, a little bit of friendly recommendations for improvement regarding communication. When an individual comes forward to testify and they have just a little bit of time to speak that goes by so fast. One of the examples is the allowable Native subsistence harvest, I think they referred it to as ANS, it's put forward that we've met that quota. On a personal level the data that's collected from our people does not reflect that, such as the number of boats that decreased from one year to the other that went out to harvest subsistence herring eggs, that number decreased but that's because of the price of gas and the price to repair boats and things like that. That type of information needs to be reflected somewhere in these studies that come forward and also I know that there are big commercial harvests.
that have come in with herring eggs, such as last year
down at the dock, they harvested 100 trees, some of
them may be supported by the commercial industry, and
they have come into the dock and they have herring eggs
that are available for whoever would like to come and
take them. A lot of times those herring eggs are
weighed with the water on them and anybody who
processes herring eggs, by the time I bring herring
eggs to my family, the trees are cut away, the branches
are cut away, the excess water is weighed out and the
actual weight of the herring eggs is less than what is
reflected in a lot of the reports that you may be
getting from the Board of Fish. I don't believe that
our subsistence levels are being met.

Those are just a couple of the short
reasons.

And I would just encourage this
particular Board to be sensitive to the way that data
is collected, the way that data is reported, and to
make a personal friendly user system besides the
testimony process, perhaps prior to that, where we can
report these things because to me subsistence is not --
even though we appreciate the sharing, subsistence is
not walking down to the dock getting the herring eggs
from a large boat that is doing that so that they can
report the next year that our subsistence needs are
being met. Subsistence needs are a spiritual process.
Subsistence needs are going and gathering the correct
hemlock tree, working with your family, saving up all
year, going out and respecting the beginning of the
lifecycle. Is that really happening. Are our
subsistence needs being reflected. No. Because I know
several families, lots of families, that they may have
gotten enough for their family but we don't just think
of our families, we think of 50 other families that we
want to share our herring eggs with so I think it's
really important to take that into consideration
through this reporting process.

Another thing is I absolutely concur
with what Mr. Kookesh has spoken regarding Sealaska.
There is organizations here in Sitka and being a
resident here in Sitka and having the privilege and
honor of being a Tlingit woman, I've been offended by
some of the information that's being projected by some
groups that are under titles that would seem to benefit
subsistence, and overall Alaska people, and calling out
Sealaska, calling them out in a manner such as saying
that they are going to close public access, looking at
their website when there's crime scene tape put across
a picture in front of a river; it's offensive as an
individual, it's offensive as a person of Native
ancestry because that is not how we think, neither
would that be how we ever would we think. It's not
just a corporation it's a group of our relatives and
our people that represent us, and I think that it's
important that this Board understands that the type of
information going out there is something that could be
monitored.

And my third and final comment is
regarding last year's herring opening.

As an individual I went down to call
Mr. Gorman when we were very close to the threshold of
the herring quota and I got a call into him, he was out
on the boat and I told his Staff, could you get this
message to him, I believe that they should shut down
this right now, today, simply -- and it was a two hour
notice, simply because you are so close to that
threshold, sure enough they continued on, when they
continued on, they did not only reach threshold, they
went completely over that threshold.

I'm only one voice.

One of the things I said at the Board
of Fish meeting is you have an opportunity to make
history. You have an opportunity to rule on these
subsistence issues and to make a difference. Maybe you
may not have all the details when you're sitting there
with the paperwork and you have a very important
decision to make, but I would just continue to
encourage you to -- there's going to be times you just
may not have all the information but it's really what
do you stand for. When we come and see how you vote
and the recommendations that you make, and my mother
who's 81 years old, she told the Board, she said, you
know, and please do the right thing so you can sleep
good tonight, that was her basic message and I believe
that can only come from an 81 year old elder, so I'm
borrowing her words, you know, with her in mind, but I
am saying that I believe that you will do so. I feel
so much more comfortable before your Board and I would
just say that what really reflects what the Native
people of this land and all people who are
participating and gathering subsistence things, we are
not reaching that goal, we are not getting the amount
of subsistence that we need. Our families are not receiving all of those things, the data, the collection, all of these things could have some improvement and I believe that last year when they went over threshold, how does one person say, wait, hold on a second here, I don't have all these letters behind my name, and sometimes we do, and I do in other aspects, but I do want to say, how does -- when you're acting as an individual, that individual voice to come to the Board should be strong and powerful and heard also.

So I would like to thank you so much for your time.

I would like to thank each and every one of you for being here this afternoon.

And I would just say that the data coming forward perhaps from the Board of Fish may not be the data reflected if you were out on a boat with me today, or tomorrow during herring season and we were coming back and a tree was empty, you know, it's heartbreaking when you pull up a tree and it's empty. You know that those families are not going to be fed and that is not meeting our subsistence needs.

So thank you so much for your time.

Gunalcheesh.

And, again, thank you Albert and thank you Bill and all those other who have testified before me. God bless you.

CHAIRMAN BANGS: Thank you, very much.

UNIDENTIFIED VOICE: Gunalcheesh.

(NO comments)

CHAIRMAN BANGS: Thanks again for those words. Very well spoken and good message, thank you.

SEVERAL UNIDENTIFIED VOICES:

Gunalcheesh.

CHAIRMAN BANGS: Next we have John Duncan, Sr.
MR. DUNCAN: First of all I'd like to like to welcome you as a Kiks.adí as the speaker of the Clay House here in Sitka. If you followed the history the chief came from our house (In Tlingit) years ago and this is our land that our ancestors fought for. And I'd like to welcome you first before I start to be here meeting on our land.

Thank you.

(In Tlingit)

In Tlingit they call me (Tlingit). I'm the speaker of the Clay House here in Sitka.

I was born and raised in Excursion Inlet and attended school in Hoonah. I claim both places to be my home. I'll tell you a story about Excursion living off subsistence.

I was born off subsistence as far back as I can remember, my mom used to tell me that I used to really like to suck on that seal fat when I was a baby. That's just how far back we go to subsistence.

(Telephone beep)

MR. DUNCAN: I hope that's not my 20 minutes ain't up yet.

(Laughter)

MR. DUNCAN: I'm used to three minutes because that's all they give us at the subsistence Board meeting -- Federal -- or the State Board meeting. Our valuable people that had a lot to share with the Fish Board was reduced down to three minutes and if you know the way we introduce ourself and by the time we get done introducing ourself two and a half minutes are used up so a lot of our elder people couldn't really express all their knowledge to the State.

My dad was a Northwest Mounted Police in Canada and he married my mom and they lived in Excursion, that's where I was born. But I wanted to talk to you about subsistence and I'd like you to ask questions because we lived off subsistence. I said when we had hot dogs it had to be a holiday. We lived off subsistence. My dad lost his fingers when he was
Northwest Mounted Police in Canada. So we really had
to live off subsistence.

And today when I go out fishing, go
subsistence use, I had Fish and Game -- I never got
stopped by Fish and Game until -- you know, I worked
construction, it was the last three years, boy, Fish
and Game's all around me, they know my boat, I actually
asked them to put an office in my boat, you follow me,
you stop me, and I'm just an old Native trying to get
our Native food. We don't want to act like we're
stealing it, we have to. That's the way those people
make us feel.

We've always took care of the river.
We know how much fish we needed out of there. We
didn't go overboard and see those rivers drying up.
Today I've really been upset watching all this stuff
from our Native people, I talk about the Native people,
our brothers and sisters that are Eskimos, all across
the state. I had a meeting here last year -- we had a
little meeting, getting together, because we got to
start pulling our Native people together so we can
stand up for one another like -- seems like that's the
only time they'll listen. And it's a shame, I think
that you folks -- like I know that you folks are
speaking for us, that was mentioned awhile ago, we know
that but sometimes, boy, we feel like everything that's
being decided on is decided on by people that, don't
get offended, but some of the people that don't even
know our life.

Let me tell you a story about the other
-- last week -- I'm an elder. A lot of people say,
well, you don't look that old, well I am, I'll be 72 in
May. Don't tell everybody.

(Laughter)

MR. DUNCAN: But I'm even having a hard
time up and down the dock while you can only catch
fish. Back a long time it probably was okay, even
then, when we were growing up we were taught by our
father that when you buy gas and you have to go 10
miles to get fish you better watch for bear, you better
watch for seal, you might as well drop a halibut skate
because you got to get all those things to pay for that
gas. Now you're telling me, well, you only can have,
you know, so much. If I run out here on the outside --
it's a dangerous life to run out there with the skiffs,
we have a lot of people that do, these waters are rough
out there. When they run up they got to get -- you
can't get any more than 25 fish, okay, that's for your
family, too, but what about my nephew and my cousin,
and them, you got to help them, too, they got no boat.
Nowadays we can't do that because of the rules and the
gas. We lived off everything. The fish, the halibut
we caught off our beach.

I come from Duncan's Camp, Excursion
Inlet. A lot of people still call that Duncan's Camp.
But everything, deer, bear, all the stuff we lived off
of that. Maybe once a month we'd have hot dogs when
dad would run from Excursion to Hoonah, that's the only
place they had a store, that's 20 miles away with five
horse, that's all they had then.

And when I was at this last board
meeting they introduced me to one of the guys on the
Board, I grabbed him and I told him, listen to them,
listen -- it's not hard to listen to us,
we have to live by all the rules that you guys make,
but I shouldn't have to hide my stuff away when I go
after my Native food, it should be right out there in
the open, you don't even have to come and look at it or
count it, I know what I need, I know what I need to
live off of. But to make our people feel like we have
to steal our own food, and maybe some of us have to.
You guys think it should be that way, I don't know.

But I'm an elder and thanks for giving
me the time to speak because I got a lot to say that
they wouldn't let us say anyplace else, you got three
minutes.

Our oldtimers would tell us (In
Tlingit) listen, listen. And if we were kids and we
were playing with fish like they do now, they call it
catch and release, I was watching it here at the mouth
of the creek, a lot of people would like to eat that
food. I was talking to an oldtimer, some kids were
playing around catching all that fish, catch and
release, he wanted that fish really bad, he was having
a hard time to get some. He told those kids, if you
guys want to give me fish, put it in there, I need it.
They were throwing it away, running off laughing, he
had a hard time to get his fish. He just told me the
other day.

That's the kind of world we're living
in. All our Native people, the subsistence, we're the
ones that are fighting for it, paying for it, and
everybody else is enjoying it. There's a lot of White
people, there's a lot of Filipinos, there's a lot of --
every other kind of people are enjoying the subsistence
and we get punished for it because they are enjoying it
all.

Back when I remember there was only
Native people that used to eat it and use it and they
wouldn't bother us. Now, because everybody else in the
state has to use it, we're getting punished for it.
And I hope I don't have to grab anybody and say, hey
listen to me. Listen to our Native people. This is
happening. I talked to my -- our -- the tribe over
here, we've been discriminated for years, nobody likes
that word but it's true. Everybody else can set the
herring, they can sell herring, they send it to Japan,
you don't care about the Native people that are trying
to keep those herring alive. People are tired of
hear us. We talk about herring all the time. Well,
al of the animals eat that herring, all of them so
we're concerned. We're concerned because of what
happened to Ketchikan. I told the group there at that
other board meeting last month, I wish the fishermen
could fish in Ketchikan, I wish they could go out by
Juneau and fish over there, they would love that. But
I said, you tell the Fish and Game why you can't do
that now, tell the board why you can't do that now,
because it's been fished out. So we're trying to
protect -- we got an area here in Sitka that we fought
for, they call it a subsistence area, so they can't
fish in there, it's a little pot like this, we fought
for that and we are so thankful that they let us have
that. We fought for a bigger area so that if the other
places got fished out around Sitka that place
would still produce fish for -- so we could keep
continue fishing here, we don't have a problem with
that. I've been a commercial fisherman myself for
40 years. I grew up -- they pulled me off the beach and
said you're a fisherman, had to do it. Back then
that's how they told you you were growing in to be a
man. I wasn't old enough to get paid, so they had to
pay me cash under the table because I was only 13.

How important subsistence is to us and
how -- I'm trying to tell you how to see it out of my
eyes, our eyes, show you how much we enjoy it.

And I don't want to start repeating
myself but I think I was getting to the point where I
was going to tell you and I don't know if I mentioned
it on this earlier, but one week last week I felt
really down, well, I'm getting older, you know, you
start feeling different. I was really like almost in
the depressed stage, didn't want to eat, and I got all
the money, I can buy steaks any place I want to and eat
in a fancy place like other people do, but I needed
subsistence food that day. I went home and put the
seaweed in and made seaweed chop suey and took out
those strips that we enjoy so much out of the creek
that we have to feel like we're stealing our food, hide
the jar away, you know, put the jar, open it up, with
rice, that's the way our Native people are when they
want -- it's a delicacy, when they need it, they need
that, they don't need steaks or hamburger.

But I'm an oldtimer. I'm glad that you
guys gave me the time to talk so you can see and know
what the oldtimers are going through because sometimes
a lot of us feel like those people who are running it,
they don't even know what they're doing.

You know, let me tell you one more
thing, I was up in Anchorage at one of their meetings
and I was very upset because the board was making a
decision on Kasaa, I think it was, that village out of
Ketchikan, they didn't even know whether it was part of
Ketchikan or not but they made that decision. I was
listening. But they made that decision to the poor
Ketchikan Kasaa people that cannot use subsistence
because they're too close to the village. That brings
up a good point because if I was living and working
construction in Juneau I still needed my Native food.
If I'm in New York it's not going to change the color
of my skin or what I have.

Thank you very much. I hope -- if you
have any questions you wanted me to answer.

CHAIRMAN BANGS: Thank you, Mr. Duncan.

Any questions.

(No comments)

CHAIRMAN BANGS: Thank you, very much
Mr. Duncan. I really appreciate it.

MR. DUNCAN: Yeah.
CHAIRMAN BANGS: I know we'll never, hopefully ever ever have to hold anyone to three minutes. You can always speak and get your point.

MR. DUNCAN: Thank you.

CHAIRMAN BANGS: Thank you. Okay, is there any other public testimony.

(No comments)

CHAIRMAN BANGS: I have no blue slips. But what I'd like to do, the next topic on our agenda is going to be a lengthy discussion, I think, so I'd like to take a real short, short break, 10 minutes. If we could come back in 10 minutes then we'll get into our C&T discussion.

Thank you.

(Off record)

(On record)

CHAIRMAN BANGS: If everyone could take their seats please and we could resume the meeting.

(Pause)

CHAIRMAN BANGS: Okay, we need to get started here. If everybody could please take your seats.

(Pause)

CHAIRMAN BANGS: I did mention earlier that we're having a change in the agenda to cover our rural determination process review for the morning after our meeting this evening with the public hearing. And I would like to say that what I'd like to do is start the meeting fairly early, 8:30 or so in the morning..

MR. LARSON: 9:00.....

CHAIRMAN BANGS: .....because we're going.....

MR. LARSON: It's already noticed for 9:00.
CHAIRMAN BANGS: Oh, it's noticed for 9:00. It's going to be tough for some of the people that are from Saxman that plan on testifying and being here for our discussion about it. So anyway we'll start off first thing in the morning with a Council discussion on rural determination.

Right now we're going to go to customary and traditional use determination the Southeast Council proposal. Ms. Pippa Kenner.

MS. KENNER: Thank you, Mr. Chair and members of the Council. My name is Pippa Kenner and I'm an anthropologist with the Anthropology Division at the Office of Subsistence Management in Anchorage.

The customary and traditional use determination briefing begins on Page 20 of your Council books and there are a few books available on the table in the back of the room. This is not an action item but the Council may want to take action at this meeting.

A little background to start, in April 2014 [sic], Mr. Bertrand Adams, Sr., the Chair of the Southeast Alaska Regional Advisory Council sent a letter to Mr. Tim Towarak, the Chair of the Federal Subsistence Board requesting an analysis of the effects statewide of possible changes to the customary and traditional use determination process. In response to the request anthropologists at the Office of Subsistence Management wrote an analysis of the proposed changes. The purpose of the briefing is to better inform the Southeast Alaska Council and other Councils of the possible effects of specific changes to the determination process. That letter is included in your materials and it's on Page 51 of your Council books, it's Appendix B. And in it the Southeast Alaska Council requested Staff to analyze the effects of:

1. Eliminating the eight factors from the customary and traditional use determination process;

2. Allowing each Regional Advisory Council to determine its own process to identify subsistence users; and

3. Requiring the Board to defer to Regional Advisory Council
recommendations on customary and
traditional use determinations.

Additionally in your materials, in
Appendix A, is a review of the Regional Advisory
Council comments in 2013 and 2014 that describe aspects
of the customary and traditional use determination
process specific to each region, and that's on Page 40
of your Council books.

I'll continue by briefly touching on
important points of the briefing.

The changes could affect the process
the Board uses to identify subsistence users. Federal
regulations shall affect only the people, resources in
lands identified through this process. The people,
resources and lands that the Board identifies, taken
together, are called a customary and traditional use
determination and the people identified in a customary
and traditional use determination are called Federally-
qualified subsistence users. The Southeast Council
describes a result of such a determination as an
unnecessary closure to other rural residents of the
state because concerns for the viability of the
population or conservation concerns of a resource do
not exist. The Southeast Alaska Council observes that
if a conservation concern for a resource exists there
is already a process in regulation to restrict who can
hunt. The process involves a determination of who is
most dependent on the resource based on the three
criteria found in Section .804 of the Alaska National
Interest Lands Conservation Act or ANILCA.

They are:

1. Customary and direct dependence
   upon the populations as a mainstay of
   livelihood;

2. Local residency; and

3. The availability of alternative
   subsistence resources.

The proposed changes would eliminate
the eight factors from regulation. The eight factors
require the Board to restrict harvesting in a Federal
season to only people who can demonstrate subsistence
uses.
I'm turning the page to Page 22 now and there identified are the eight factors that we're talking about.

I'm moving on to Page 25 under regulatory background.

The Southeast Alaska Council is concerned that the Board give deference to Regional Advisory Council recommendations on customary and traditional use determinations. In the Secretarial Review OSM received a letter from the Secretary of the Interior Salazar with recommendations for changes to the Federal Subsistence Management Program, and one of those was as a matter of policy, the Board could extend deference to appropriate Regional Advisory Council recommendations in addition to the takings decision the Board provided under another section of ANILCA, subject to the three exceptions found in that section.

So they wanted us to look at deference in terms of policy for C&T and the Board did that. Currently the Board's stated policy is to generally defer to Regional Advisory Councils on customary and traditional use determinations. The Board reported this to the Regional Advisory Councils in winter 2011 and to the Secretary of the U.S. Department of the Interior in a letter dated April 2012.

Also some Councils were interested in a customary and traditional use determination process that allows the Board to adopt determinations for large geographic areas and imbedded in the Southeast Council's proposal was a geographic component. That section of Southeast proposal was not analyzed in detail and the reason why is because currently customary and traditional use determinations may include geographic areas larger than the precise area in which a community has demonstrated customary and traditional uses of fish and wildlife. The eight factors in regulation require that determinations must be tied somehow to an area where there is a demonstrated pattern of use. But Councils have recommended and the Board has adopted determinations that include entire management units or entire management areas when residents of a community have demonstrated taking fish or wildlife in only a portion of a management unit or a management area. So currently the Board has been adopting C&T determinations for large geographic areas.
Now I'm moving to Page 38 in the summary.

If the proposed changes were adopted and later a Council recommended modifying a customary and traditional use determination to allow all rural residents to harvest fish or wildlife under normal circumstances Federal public land should be closed to the State season before the Federal season was restricted to only people most dependent on fish or wildlife.

I've hit on some of the important points in the analysis. I'm hoping you've all read it. I'm available to answer your questions. But would you like me to quickly review the actions taken by other Councils on this issue, Mr. Chair.

CHAIRMAN BANGS: Yes, for those of you who haven't read them they're pretty brief but if you could sum them up that would be great, thank you.

MS. KENNER: Okay. Briefing materials were provided by Staff to the Councils at Fall 2013 and Winter 2014 meetings of the Councils, and asked them to consider whether or not to:

1. Eliminate the customary and traditional use determinations and instead use the ANILCA Section .804 criteria when necessary;

2. Change the way such determinations are made by making area wide customary and traditional use determinations for all species;

3. Make other changes; or

4. Make no changes.

At the end of the last cycle the vote; some Councils had voted to change the customary and traditional use determination process and they were the Southeast Council, the Southcentral Council and the Yukon Kuskokwim Delta Council. Three Councils voted to keep the determination process as is, that's Kodiak/Aleutians, Western Interior and Eastern Interior Council. Four had postponed action, the Bristol Bay, Seward Peninsula, Northwest Arctic and North Slope.
Three of those Councils have met in this cycle of meetings and continue to take a no action and may not in the future, but through the process they have become much better acquainted with the C&T determination regulations and have discussed them quite a bit.

Thank you.


MS. NEEDHAM: Thank you, Mr. Chair.

Pippa, when -- so that was a summary of where the Councils stood after the last cycle, do we have any kind of information now that the Councils have had the benefit of looking at the analysis? Is the issue more convoluted and confused now or are Councils starting to move in the direction of making a decision, if they take no action, they're not going to support or unsupport [sic] any potential regulatory change?

MS. KENNER: Thank you for that question, Ms. Needham, through the Chair.

This cycle, this Council and the North Slope Council have yet to complete their meeting. The Councils who had already weighed in made a motion and voted, none of them made a change. There was sometimes a little discussion of the Southeast proposal. In the three Councils who had not made a motion and voted on it that have met, there was a lot of discussion and in at least a couple of those, it was that it was a complicated process, they weren't -- they felt like they weren't ready to decide, they wanted input from local councils, governments and communities before they did and, one, in particular, is seeking more information. Part of it is that there are Councils in parts of the state and on other Councils there are a lot of new Council members who have not -- this issue has not touched on them very much and they're not very familiar with the process. It is complicated, the changes might have wide ranging effects on them so -- as opposed to other Councils who have used the customary and traditional use determination process in the past and are very familiar with the effects. So at least in some of the four Councils who haven't weighed in, that's part of the issue, they're still learning about it.
CHAIRMAN BANGS: Yes, Cathy.

MS. NEEDHAM: Okay, and then in follow up to that, so you stated that the portion of the regulatory language that this Council put forward regarding geographic areas was not addressed in the analysis and so as this analysis went forward to the other Councils, is it the general understanding that -- we kind of felt that was an important piece because we didn't want other Councils to think that residents of -- rural residents of Southeast Alaska would be eligible or harvest in let's say Interior Alaska, so we -- since that part wasn't analyzed in this, I'm wondering if that is clear with the other Councils that we're not trying to create additional competition between geographic areas.

(Pause)

MS. KENNER: There's a wide range of understanding and opinions from the other Councils. In general I would say, yes, they do understand that.

Another thing is, is that, for the vast majority of communities in the state, rural communities in the state, if you looked at their C&T determinations they are included in customary and traditional use determinations for all species for a large geographic area, at least the subunit and often times the entire management unit. And in places where that isn't true often times it was the Council that requested that a more limited determination be adopted.

In the past there have been issues with the Board, not always, 100 percent of the time, agreeing with a Regional Advisory Council. In its modern construct the Board is -- has a spoken policy of giving deference to the Council recommendations and in general understands that the Councils are a good place for these regional differences of opinion to be worked out and are more inclined to adopt a Regional Council's recommendation.

CHAIRMAN BANGS: Any other questions.

Mr. Hernandez.

MR. HERNANDEZ: Thank you, Mr. Chairman. Pippa, I was just kind of wondering, as we go down this path towards changing the customary and
traditional use designations have there been any legal
issues arise that need answering as far as, you know,
how it might affect Title VIII of ANILCA, has that been
part of any of your research into this or can we expect
any input from legal; I was just kind of curious about
that.

MS. KENNER: Thank you for the
question, Mr. Hernandez, through the Chair.

The Solicitor, Ken Lord, has reviewed
the proposals and the analysis and has -- and any of
those issues within it have been clarified.

MR. HERNANDEZ: So you're saying that
in this analysis we have before us those issues have
been clarified through the legal counsel.

MS. KENNER: Yes.

CHAIRMAN BANGS: Mr. Schroeder.

MR. SCHROEDER: Thank you, Pippa, for
working on this and also Pippa's been in the fray for
quite awhile so she brings in like a long familiarity
with the subsistence program so I guess it's really
good that she was the Staff person assigned to this.

I appreciate also the summary on Page
40 and 41, which basically says, well, how did we get
these eight criteria in this C&T process. And I think
it's a pretty fair rendition of this long and peculiar
history of things that went on starting in the '80s and
then were adopted in the '90s by the Federal Program.
And, you know, there are statements in there that, you
know, I think we should at least be aware of, whether
we focus on it, of why the -- this statement from the
program says that a purpose of the customary and
traditional use determinations by the State is to limit
the subsistence priority by adopting negative
determinations for a specific fish and wildlife species
in specific areas.

Further down here, you know, just kind
of looking at what C&T determinations do in the Federal
Program, it's come up different times in discussions,
well, do these permit something or do they restrict
something. And the Staff in looking at this, and in
their advice to us say that Federal customary and
traditional use determination process is actually a
means of closing an area to some rural users. So this
is where it fits in.

So that's not a question yet to you
yet, Pippa. I don't know if I'm working toward a
question, Mr. Chair.

(Laughter)

MR. SCHROEDER: But then, you know, I
will observe as I'm a new Board member, you know, the
Board's on a three year cycle and some Boards, you
know, there's quite a few new people who come on over a
three year period, potentially everyone's new and
definitely over a six year period you would expect a
fair amount of turnover. The Secretary Salazar
directed the Program to really look at what it was
doing with C&T determinations and that was in 2009
according to the documentation here and I have a little
bit of a concern, I don't know if this is valid, but we
have new people coming on and if they're presented with
the idea well here is the C&T process, this is the way
this Program does it, this is part of your job as a new
Board person is to figure out, read up on this and
figure out how these eight criteria work in your
community and for your issues, well, that wouldn't be
exactly with Secretary Salazar's intent. I consider
that at this time a fair description would be that
somehow the notion of doing C&T determinations, either
the way you've done them, a new way or not doing them
at all is an issue that's very much in play and so this
-- I guess this is getting into a long comment, Mr.
Chair.

(Laughter)

MR. SCHROEDER: But I think we're
really dealing with something that is in play and may
stay exactly the way it is but the Southeast Council
does have, not exactly a proposal for action at this
moment, but definitely a strong desire to change this.

So this is kind of working back to the
idea of what Councils heard and how they would be
acting on how they would be responding to the
communication from Southeast and the Southeast
initiative. If it's presented one way it kind of
sounds like, oh, my gosh you're changing the rules of
engagement here, you're coming up with something
completely out of the blue, what are those people in
Southeast up to, we knew those Tlingits did things,
they just want to rule the state, I guess.

(Laughter)

MR. SCHROEDER: Or if you presented it
in a different way where you said, well, gosh, this is
how we got to where we're at right now and perhaps it's
time for a little bit of Program review, it's time to
see if we're doing things in the spirit of and intent
of ANILCA. Perhaps it's time for a transition. Well,
gosh someone might come to a real different approach if
that was what was going on.

But I'll probably have some other
questions if we can keep Pippa on the hot seat.

CHAIRMAN BANGS: Thank you, Mr.
Schroeder. I think it's important that we -- if Ms.
Kenner will bear with us, it's such a complex issue
that I think we need to discuss it amongst the Council
as well as utilize Pippa's expertise in being able to
answer questions, if that's okay with the Council.

Because I know that some of the Council
members don't understand as well as others how involved
this process is. And there is questions from reading
the analysis and the questions that other Councils came
up with and I think that maybe we lack the direction or
didn't have the direction at the time, because I think
it's a work in progress, and when I saw some comments
and questions from other Councils regarding, well, are
we going to lose all of our C&T findings from the past,
and I think that was not our intent. Our intent was
always to protect the C&T findings that have already
been made but to move forward and as far as this
Council's way of looking at it was more in the --
regarding the future C&T designations. And correct me
if I'm wrong but I just got the feeling that there was
some misunderstanding by the other Councils and so I
felt that it was important that maybe we need to bring
this discussion forward more and come up with some more
directed intentions for how we are going to move
forward.

Ms. Kenner.

MS. KENNER: Thank you, Mr. Chair.

And it's important to note that what
the Councils were responding to is a different question than what is posed in your more recent letter.

In the first question it did have to do with why do we need these C&T determinations, there might be a better way. In the recent letter that we received and the analysis that we've given you it's quite clear that the Southeast Council's intent was that all C&T determinations currently in regulation would be maintained.


MS. NEEDHAM: Thank you for that clarification because that was one of the workgroup's questions.

And another question we had was whether or not it was conveyed to the other Councils that the proposed regulation that we drafted, was it clear to the other Councils that we put in a provision that each Regional Advisory Council would be able to maintain autonomy in the process that they wanted to use for their region so that they would -- if those Councils that wanted to stay with the current eight factor analysis could, for their region, but then Councils that felt that their -- maybe this Section .804 analysis was better served within their region that they would have that method of being able to do so under that part of the proposed regulatory language that they came up with.

MS. KENNER: Thank you, Ms. Needham, through the Chair.

I was not at every Council meeting but I have listened to the discussion at many of the Council meetings during this cycle during Winter 2015. Now, one issue you should be aware of that the analysis that we're presenting to you, the information you requested was put in the books or in the supplemental material for the other Councils but it was not an action item. So I think for some of the Councils it's a matter of time. That they had action items that they needed to work on. Other times people just -- the Council appeared to feel comfortable in what they had already decided and found the supplemental information interesting but had very little to say about it.
CHAIRMAN BANGS: Mr. Douville.

MR. DOUVILLE: So could you say with confidence that the other Councils fully understand the -- like the summary on Page 38, if the proposed changes were submitted and adopted there would be no changes to the existing customary and traditional use determinations until a proposal was submitted and a recommendation made by a Regional Council. I think what I'm seeing is a lot of misunderstanding where things would be put in a hat, shook up and dumped on a table and that's not what we were trying to say.

The other comment I have is that, you know, eight criteria have been used in the past to determine who gets C&T and where, however, when you're making a -- the Board can restrict who can harvest a resource by applying ANILCA Section .0804 criteria it lists three.

CHAIRMAN BANGS: Thank you, Mr. Douville.

Any other discussion.

Questions.

CHAIRMAN BANGS: Ms. -- Pippa.

MS. KENNER: Before I forget, I just want to point out, too, that we really appreciate getting the proposal from the Southeast Council and it elicited a lot of conversation in the office, a lot of Staff weren't clear exactly what the possible effects would be and it's been a really good process for our office and I think for the other Councils, so we understand you were seeking information.

So, thank you, Mr. Chair.

CHAIRMAN BANGS: Thank you, Pippa.

Mr. Hernandez and then Mr. Bloom.

MR. HERNANDEZ: Thank you, Mr. Chairman.

I just have kind of one more background question and something that's been kind of bugging me over the years and maybe you have the answer to it.
In the existing regulation dealing with the customary and traditional use determination process, that's the CFR that we have been working with all this time, it says that these determinations shall identify the specific communities or areas use of specific fish stocks and wildlife populations. I guess I've always kind of wondered where in ANILCA do they ask for determinations to be made for specific communities and specific stocks.

And I guess I'm going to go back to Title VIII of ANILCA -- no, excuse me, in your analysis, I have to find it here.

MS. KENNER: Take your time.

MR. HERNANDEZ: Excuse me for a second.

Okay.

Under your discussion on Page 20 where you start out your report, it says, the changes could affect the process the Board uses to identify subsistence users.

So it's kind of a two part question.

You know, as far as I know subsistence users are identified by their rural status and so I don't know how changes could affect that. And then that kind of relates to the CFR which goes on to talk about specific communities use of specific fish stocks. I don't know if you could shed some light on how those two relate would be interesting to me.

MS. KENNER: About that first question.....

MR. HERNANDEZ: I'm looking at Page 20 the start of your report under the discussion heading, first sentence under discussion it says:

The changes could affect the process the Board uses to identify subsistence users. And as I say, I guess I don't see how this is going to change that process necessarily, you know, subsistence uses are determined by rural status and not necessarily by specific communities uses of specific resources, in my mind, yet, that's kind of written in as part of the regulations, so those two -- those two ideas just don't
make sense to my mind. So if you could shed any light on that on how those conclusions are drawn I'd be interested.

(Pause)

MS. KENNER: Thank you for that question, Mr. Hernandez, through the Chair.

I'm going to ask you to clarify something. I think what you were asking is how do we get from ANILCA to that statement.

MR. HERNANDEZ: Yes. That is the crux of it, yes.

MS. KENNER: Okay.

MR. HERNANDEZ: How do we get from wording in ANILCA to what that says?

(Pause)

MS. KENNER: It's in the definition of subsistence uses in ANILCA, which unfortunately I didn't include in here. So the -- the -- so in ANILCA there's a definition of subsistence uses, it's a long definition, it includes many things that you're already familiar with and so those subsistence uses need to be identified so that we know what to give the priority to. And the -- the Secretary of the Interior created the Federal Subsistence Board and delegated to that Board the responsibility to define those uses or to administer the Program.

MR. HERNANDEZ: Excuse me, did you have a follow up Don.

MR. HERNANDEZ: This may just end up being a topic of discussion, you know, as we move forward with what we want to do with this proposal but we may have to get back to it, but that'd be fine.

CHAIRMAN BANGS: Okay, Mr. Bloom was next, but Cathy had a quick question regarding this.

MS. NEEDHAM: Well, I had a clarification. Pippa, that first sentence, is it merely maybe a typo what Mr. Hernandez was getting at and it says -- it should say, the changes could affect
the process the Board uses to identify subsistence uses rather than subsistence users, or was subsistence users really meant there.

MS. KENNER: It was specifically meant there. Thank you for the question, through the Chair, it was specifically meant to be users because if we -- just a minute.

(Pause)

MS. KENNER: In the proposed Federal regulation on Page 22 at the bottom of the page it says, the Board shall determine which fish stocks and wildlife populations have been customary and traditionally used for subsistence. That denotes a geographic area.

The eight factors really restrict who can participate in that hunt, fishery or trapping opportunity.

CHAIRMAN BANGS: Thank you, Ms. Kenner.

Mr. Bloom.

MR. BLOOM: Thank you. I'm in a way glad to see there's confusion in other people's minds because as the newest member of the Council it's been kind of a struggle to understand all of this and I can't say that I've actually gotten to the point of understanding at all yet but I can see that a lot of other people have it as well.

One thing that's not clear to me and I know we had a subcommittee, there's been a subcommittee that's worked on this for many years, but I've never seen a report or something like that that really summarized the findings or the reasons for that subcommittee making certain proposals. So I still -- one of my main misunderstandings or lack of understanding is, on Page 21, the sentences that you pointed out: The proposed changes will not eliminate the customary and traditional use determination process from regulation, they can only eliminate the eight factors from regulation; the eight factors require the Board to restrict harvesting in a Federal season to only people who can demonstrate subsistence uses.
Now, I would think that if there's some problem with that process somebody could succinctly summarize what those problems are, why we want to change it from what it is. I don't necessarily see, it's not really clear to me what the problem with the eight factors is.

CHAIRMAN BANGS: Thank you, Art. Did you want to respond to that Cathy or Pippa.

MS. NEEDHAM: If it's a question of why this Council moved forward with saying that the current determination process was not working I can answer to that, which would include -- our recommendation was to get rid of the eight factor analysis.

Three and a half years ago, I think, or four years ago when we started this process, it was generally recognized amongst the Council members that had been here even longer than I have been, that the eight factors can be -- proving the eight factors can be difficult, providing subsistence users undergoing through the eight factors is difficult and sometimes those eight factors are interpreted differently when an analysis is done and so it limits or takes away subsistence users uses when it doesn't need to.

And another negative, I guess, the Council felt was, with respect to the eight factors, was that sometimes when a determination is made it actually gives grounds for other entities such as the state of Alaska to sue because if not enough information is presented to support every single one of the eight factors, then they use that as leverage.

And then the final reason why the Council -- why the workgroup/Council wanted to look at eliminating the eight factors is because they really aren't necessary. Being able to do what ANILCA requires actually is encompassed in the three factors of ANILCA Section .804. And the eight factor analysis was a carryover from when the state of Alaska actually implemented the C&T determination process. When the State gave over the administrating of Federal subsistence to the Federal government, the Federal government just kept it because they didn't think they were going to have it for very long but now they've been administering subsistence for many years and it's just now being recognized that it may not have been the most appropriate thing in order to adhere to ANILCA,
which is what the Federal system has to abide by.

So we don't necessarily -- this Council didn't feel we needed the former State process to actually adhere to ANILCA because ANILCA itself creates those opportunities.

CHAIRMAN BANGS: Thank you for that clarification, Cathy.

Mr. Schroeder.

MR. SCHROEDER: Just through the Chair.

Art, I just dialed up -- isn't internet great, I could dial up ANILCA on my little box here.

(Laughter)

MR. SCHROEDER: But, really, I think a lot of the reason for the rationale for looking real closely at this eight criteria process and C&T process is going back to ANILCA and understanding of ANILCA.

So ANILCA is basically permissive legislation. It wants to guarantee the opportunity for subsistence uses by rural Alaskans in Alaska including both Natives and non-Natives on the public lands and by Alaska Natives on Native lands, that it's essential to Native physical, economic, traditional and cultural existence, and non-Native physical, economic, traditional and social existence so it's basically a protective and permissive law, it's not a restrictive law. So it isn't giving something that wasn't there already. It is recognizing patterns of use of natural resources that existed and wants to protect them.

But then in the administration, as nicely summarized on Page 40 and 41, out of the gate a process was set up to essentially restrict subsistence uses, in the write up so it's not my words, it's to limit the subsistence priority, to sort of kind of encapsulate it and to have it not be very wide-ranging. And the clear reading of ANILCA is that it's permissive legislation and that the restrictions come in when there just -- boy, there just isn't enough to go around and if there isn't enough to go around then you go through these certain steps and you have to do some work on that.
So that's kind of my understanding of kind of why we're here although I wasn't here for the initial discussions when the Council raised this at the Board level.

CHAIRMAN BANGS: Thank you, Bob.

Mr. Bloom.

MR. BLOOM: Through the Chair.

I don't necessarily understand those as clarifications. So it might be good if all that could be written out with background material or things that actually prove those points.

And I tend to think that the State had adopted those eight requirements at the time to try and comply with ANILCA, that to characterize them as something leftover from the State is being a little harsh. I think people who thought up those eight criteria had good reasons for thinking them up and so I'm not convinced that we just toss them away and say we've got these other three that cover those eight.

I'd like to be convinced.

CHAIRMAN BANGS: Thank you, Art.

Any other discussion.

Cathy.

MS. NEEDHAM: I think in response to Mr. Bloom -- I sit on the work committee and even sometimes I get extremely confused about what we're even trying to do or why we're trying to do it so I appreciate that you are bringing that back to the forefront to think about as a Council.

I think, it wasn't included necessarily in this packet, but our original intention -- this Council's original intention is written in background materials that we received previously it's just that we don't have the entire history because we're talking about four years worth of -- or three and a half years worth of review work, and so that I know that those communications exist and so it might be good to have newer members revisit that that haven't had the luxury of having that piece, if that's helpful, and maybe
Robert can provide that for us, if we decide to move forward with any recommendations.

CHAIRMAN BANGS: Mr. Hernandez.

MR. HERNANDEZ: Well, just a comment. I mean, you know, some of the questions Art raises are probably some of the very same questions that other Regional Councils are also raising so I think it is kind of important for us that we do try and address some of these, you know, as we -- assuming we do want to move forward, which we'll have to vote on yet, but I think we should consider that.

CHAIRMAN BANGS: Yes. I would agree that -- I'm getting the sense that we need to do more work on this and maybe bring up some of the past work so that we can bring everybody up to speed as far as what we've accomplished so far and think about where we want to go with this intention.

In my mind it is very confusing but when I read through ANILCA it just made it so much simpler in my mind, the eight criteria was more confusing in itself than just following ANILCA law and that's one of the things that, I think, you know, if you read through that it clarifies a lot -- it did a lot for me that I think we can over think things, I think that's where some of the eight criteria was maybe unnecessary for sure.

What's the Council's wish on moving forward.

Cathy.

MS. NEEDHAM: Mr. Chair. Would you at some point like a report from the workgroup, we've had a chance to meet earlier this morning and at lunchtime regarding the analysis and then we also had, you know, options for how to potentially move forward with this. And then the other question I would have a report from the workgroup. If it's possible that we table the discussion until after some of the background materials could be provided, I'm not sure if that can happen within a Council meeting or not.

CHAIRMAN BANGS: Thank you, Cathy.

Pippa, you had comment.
MS. KENNER: Thank you, Mr. Chair. I was just thinking there is a plethora of background information but there is a -- there is a, you know, there's information that's been repeatedly provided at Council meetings and I was wondering if any of you would be interested in having a shortened version of some of that from a statewide perspective, it might not be appropriate now but I can certainly do it if you're interested.

CHAIRMAN BANGS: Well, personally my opinion would be that any information we could have for clarifying things would be a good thing to bring to the Council.

I was hoping that we could get a brief report from the workgroup as far as what you have accomplished this morning and at lunch, would that be something that you could do now, Cathy.

MS. NEEDHAM: Okay, thank you, Mr. Chair.

The workgroup met this morning before the Council meeting and also again at lunch and the members of that workgroup, at this session, comprised of Don Hernandez, Bob Schroeder, Mike Bangs and myself. And in addition we previously -- Patty Phillips has been a member of the workgroup and we knew we were going to have a workgroup meeting so we asked if she had input and so she did have input and her input is provided in these comments as well.

The workgroup wanted to remind the Council that -- or not, the Council, sorry, the Office of Subsistence Management, that we recognize that the regulatory language that we put forward in the proposal was not perfect, and we tried to make it clear that the Council -- the Council tried to make it clear that we had this intent and we asked for the benefit that we understood that the regulatory language might change a little to reflect that intent because there may be loopholes that we didn't get when we put that regulatory language forward to be analyzed. And in our workgroup meetings we actually even identified a couple of things that we had questions on ourselves even though we developed that language for the regulatory proposal.

And so we just -- as the workgroup, we
1 wanted to clarify to the Council that this Council did
2 recognize that we were trying to get something off of
3 the table from the Council moving forward to get
4 feedback from Staff in order to analyze and that maybe
5 not all of our intent was clear by that proposal. And
6 you may remember during that meeting that even while we
7 were trying to develop that regulatory language that
8 Forest Service Staff member Steve Kessler had had
9 recommendations to make it clearer but we ended up
10 going with our body of work hoping that during the time
11 that the analysis was performed that the Office of
12 Subsistence Management would work with the working
13 group as a representative of the Council to make sure
14 that the intent was clear.
15
16 So with that being said, we have this
17 analysis that was provided by the Office of Subsistence
18 Management on our regulatory proposal and it covers a
19 number of different facets but the workgroup felt that
20 there were a few things that weren't, either addressed
21 or clarified enough in the analysis and those questions
22 -- there's five of them, and some of them I asked
23 during our question period.
24
25 The first one had to deal with the
26 geographic area, the analysis of that terminology,
27 geographic area and to make sure that that was included
28 in the analysis and how that relates back to our
29 regulatory proposal, what that means.
30
31 Also to make sure that our draft
32 regulatory language that we put the provision in there
33 that the Regional Advisory Councils have autonomy to
34 maintain the C&T determination process for their
35 region, and we were wondering if that particular
36 provision that we put in there actually stands. And
37 that's' why Mr. Hernandez asked the question regarding
38 like legal counsel, if legal counsel feels that that
39 sentence actually incorporates or allows for that.
40
41 The analysis stated that the Board uses
42 the policy of giving deference to Regional Advisory
43 Councils, but when we drafted the regulatory language
44 we wanted to make sure that that was actually put into
45 regulation because sometimes policy and regulation are
46 different things. Like policy is more flexible whereas
47 regulation is not. And so we were hoping that
48 deference could actually be added into the regulatory
49 language. And, again, that would be -- is it -- would
50 legal counsel allow for deference to actually be
included. That was our -- deference was our intent but
we weren't sure if it was allowable at that level.

And then the last one was the --
basically getting some kind of legal advice or analysis
advice on whether or not the eight factors are
necessary. Like we use them, or we have been using
them but are they actually necessary to adhere to
ANILCA.

So given those pieces that we
identified as being -- after the analysis as being
points that maybe weren't covered succinctly in the
analysis the workgroup came up with basically three
scenarios. We said, well, what can we do from this
point forward. And those three points were, basically:

The Southeast Council can say forget
it. We didn't mean to stir the pot and not chase the
C&T determination process changes any longer.

That's one option.

Another option was to say, okay, well,
we put together a regulatory proposal, an analysis was
given, and now let's just move forward and push it to
rulemaking -- the rulemaking process so let's go to
rulemaking process now, let's ask the proposal to go
directly to there. So that was the second option.

The third option was something in
between, which means, not dropping the ball and not
pushing it fast forward, that was the third option.

And the workgroup's recommendation is
to go with the third option. We don't feel that it is
-- we've invested a lot of time and money thinking
about our region and how the C&T determination process
works within our region and over the past three and a
half years it's been clear that we don't feel the eight
factors analysis represents our region. And that we
don't need it in order to implement ANILCA. And so
that's why we don't recommend dropping, trying to keep
things moving forward. We want to keep moving -- the
workgroup felt that the Council should consider keep
moving forward.

We also didn't feel that after this
analysis, that the proposed regulatory language was
ready for rulemaking because we recognize that we had
this intent and maybe there are even parts of that
regulatory language that don't express that intent
because it wasn't covered in the analysis so that
didn't cover our intent so we didn't like those two
options. So the third option was something in between
and what we came up with to recommend was that maybe
the Council consider asking the Office of Subsistence
Management to basically do an addendum of analysis that
covers those points that we felt were a portion of our
intent when we put the regulatory proposal forward,
actually do the analysis on those things and that would
have been the geographic area, the autonomy, whether or
not eight factor analysis is needed in order to adhere
to ANILCA, and the deference piece.

And so that was the recommendation that
the workgroup would have that this Council consider.

CHAIRMAN BANGS: Thank you, Cathy.

MS. NEEDHAM: Sorry, can I add that we
wanted that additional analysis by the next Council
meeting as well. The workgroup thought it was good to
keep that timeline going.

CHAIRMAN BANGS: Thank you. Mr.

Hernandez.

MR. HERNANDEZ: Also one of the things
we discussed was during this further analysis if the
Staff could still continue to work with the people on
the working group to maybe help, you know, focus in on
what these key issues are.

CHAIRMAN BANGS: Thank you, Don.

So, Mr. Bloom.

MR. BLOOM: I have one further point.

You raised the question about why this
particular Council was pushing this subject so hard and
that's occurred to me as well. Because if you look at
60 CFR 100-24 that has all the C&T determinations for
Southeast, there's several pages of them. It seems
like most everything has been covered and the
regulatory changes that are being possibly suggested
say that we won't change any of those C&T
determinations that are already made, so for Southeast
it appears that almost -- you know, all the species in
all the areas it's been covered and none of those are
going to be changed by the regulatory changes we're
proposing.

So that brings me back to the question,
why is this Council spending so much time on proposing
these regulatory changes that really don't appear to
affect Southeast very much.

CHAIRMAN BANGS: Pippa, do you have a
response.

MS. KENNER: Mr. Chair. I have a
couple of responses that I think would help clarify,
even if the Council chooses not to take action at this
point, there are a couple of things I would like to
inform the Council of.

CHAIRMAN BANGS: Okay.

MS. KENNER: Okay, thank you.

Okay, in the letter, the first letter
that the Southeast Council sent out, which starts on
Page 22 -- excuse me, starts on Page 42 of your Council
books, one of the things that the Southeast Council
pointed out that in its original review as part of the
recent Secretarial Review that started in 2009, when
the Councils were first asked about the C&T process, we
were going through really big Staff changes at OSM and
we started the Secretarial Review and there wasn't
consistent information given to every Council.
Sometimes the Staff that were at those Council meetings
couldn't answer the questions that the Council posed
and the Southeast Council recognized this and asked us
to go back and do it again. And, in fact, they said it
might be helpful if you actually asked the Councils
these questions so that they can organize their
thoughts and questions around specific questions and we
thought that was a good idea and we went ahead and did
it and that's how we began this process again.

In terms of the analysis I really want
to point out that if people have read the effects
section of the analysis, something that needs to be
pointed out, is that, the C&T determination through the
eight factors allows a closure to some rural residents.
If you went to strictly an .804 process or if you went
to a broader C&T process with an .804, one of the steps
in the .804 is to close Federal public lands to the
State season. There's no argument or debate about the temporary way -- the temporary nature of the regulations in the first 10 or so years of the Program. In fact we were expecting at any minute for the State Legislature to come up with a Constitutional Amendment that would essentially dissolve the Federal Program. And the intent was not to make life so difficult for rural residents who were hunting, fishing and trapping, by having regulations in the Federal system that were so different from the State system that it became virtually un-understandable [sic] or manageable [sic]. In addition to that we actually had Councils who would say on the record over and over again, that we do not want to move too far away from State regulations, even if ANILCA says we can. We want to keep the two systems as closely aligned as possible.

As time has gone by, fewer and fewer of those Council members speak up. There was more of a recognition that the systems were different and that ANILCA did offer advantages through the Federal Program that the State couldn't offer, even if the State wanted to. These complaints made it up to the Secretarial level and in 2010 the Secretary sent a letter to the Board that said, you will review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes. We encourage and -- we encourage the Southeast Council to bring proposals to us, make recommendations, but it is ultimately the Board's review and the Board has been told to come up with recommendations for changes.

I have been told that it is unlikely that the Board would give complete deference for any process. And one of the reasons why is because, you know, deference is not a legal term, and that the Board always has the responsibility to make sure that there's evidence on the record, that there's justification that's not arbitrary for the Board making a decision.

So to give a dramatic example, a C&T determination could not be made on a person's family members or people that they like, or people that -- only people they have a cultural affiliation for. The Board is there to make sure that there's evidence that's justifiable and not arbitrary. And so in that sense it's unlikely that the Board would ever give complete deference to another body.

And the last thing is that if you go
through the analysis, the thing that's pointed out in each of these examples isn't so much that the determination could be made that includes all rural residents, it's that the State season would not occur on Federal public lands, and that's one of the biggest effects that these kind of changes would have. That the C&T determination process allows those State regulations to apply on Federal public lands, while not allowing all rural residents to hunt.

Now, there are many exceptions to that but that's one of the big changes.

For instance, when we floated State regulations and C&T determinations into the Federal Programs, there were many areas of the state where the State -- the Board of Game had determined that there would be no -- there would be a negative customary and traditional use determination for game species so all the sheep and all the goats and sometimes bears in some areas of the state were given a negative determination. And so Councils have had to step up to the plate and propose regulations that would open those harvesting opportunities for Federally-qualified users in a Federal hunt. Also I -- in order to create brevity in the analysis, we couldn't include everything, but I now realize it's important for you to know that there was a Federal process in the beginning of the program that -- there was going to be a process for customary and traditional use determination that ran separate from the regulatory cycle and Staff would get together and determine what these C&Ts would look like by region and it was -- the Board clearly stated on the record that there would be a look primarily at where people were hunting ungulates and that there would be a possibility of creating an area-wide C&T for all resources. But as that program got started, there were Councils, and eventually all of the Councils said that it was too much to take on all at once -- remember it was a new program, and it was going to change a lot of these C&Ts that came over from the State, and it had the potential of interfering with those sport hunts, and the Federal Program then decided -- the Board decided to pull back, and this is all on the record in the Federal Register, and announced that it would instead change C&T's, customary and traditional use determinations on a proposal basis that would be integrated into the regulatory cycle.

And so even though the analysis was
done based on the fairest reach of the ability to open seasons to all Federal residents, within your proposal and within the Federal system, there is the possibility of creating a process that allows for C&T determinations to be made on a regional or geographic level with or without the eight factors.

CHAIRMAN BANGS: Thank you, Pippa.

Okay, we're at a point where we need to move forward with this but there is one thing -- I hate to digress, it's a C&T public testimony that I'd like to cover -- I think Paulette needs to get going here, if I could have her just give her testimony and then we'll decide how we're going to move forward as a Council, whether we want to continue on and someone will have to make a proposal that we could do an action on.

Paulette Moreno.

MS. MORENO: Thank you so much and I will just take a moment of your time.

Looking at this letter and reviewing this letter, I just think that it's very -- a few things. I agree with the third potential option of tabling this and waiting for a little bit more comment. Since this was taken to different areas, but not so much Southeast, the area that you represent, the Sitka Tribe of Alaska has a customary and traditional department and they've not weighed in yet on this so that the tribal citizens are aware of what this type of language would change. It seems as though there's a lot of discussion.

And first of all I want to commend the Board on the excellent questions, through the Chair, that were asked. It's very -- I think it's very reassuring to the public to know that many of the questions that we had on our mind in looking at this, you guys have brought up today, and I think that that's very responsible and that the questions were questions that I had and that I would have asked, and it would have taken me a lot longer, but it sounds like you guys have answered those. Some of the things that I would say, in looking back at the -- there seems to be a lot of different type of language that's taking place. And even though the intention of the lady that was previously occupying this chair before me, I'm sure she
has good intention, however, this letter, it's very clear and very direct, every line, what would be omitted and what would be taken out. One of the things regarding omission of the eight traditional things, there was discussion taking place about ANILCA being the example, well, then why isn't that in the letter. If that is something that would be really clear, I think it needs to be considered and highlighted in the letter that that's the spirit of what's going forward. Taking out those eight traditional things that are -- that there's been so much work on, I like the Council person who brought that up, I think it's very important to consider that because again, the message that this Board gives out to the community that you're representing in Southeast may -- even though you may have good intentions, it may be publicly viewed as a step backwards to see that those things would be taken out. I think that this letter needs to be rewritten and I think the workgroup perhaps could receive -- whatever workgroup that is, could receive a little bit more support and guidance from the Board. The dialogue that's taking place, it's being recorded here, I think that the answer to those questions could reflect in this. The gentleman that had just left previously about a half an hour ago, his name is Nels Lawson, and Nels Lawson is a person of Tlingit ancestry and he is on the Sitka Tribe of Alaska traditional and customary board and so I would just encourage this Board to perhaps take a step, because if this letter was passed or this proposal was passed, what is being said in this letter is a little different and the verbal information that's given to you, it's not really reflected totally in this and I would just hesitate to go forward with it as is.

So my main message is to commend the Board on their intelligent discussion, their courageous dialogue and their desire to have something more inclusive and not to minimize what has been done, and to be careful of the message, again, that this Board puts forward to the Southeast communities before this was really even asked of several different entities here, at least in Sitka.

Thank you so much.

CHAIRMAN BANGS: Thank you for your comments, Paulette.

MS. MORENO: You're welcome.
CHAIRMAN BANGS: Is there any comments or questions for Paulette.

(No comments)

CHAIRMAN BANGS: Thank you for staying here this long.

MS. MORENO: You are so welcome. And I do have one final comment.

And, as Mike Baines said, through the Chair, I believe it was you that had inquired about is there a lunch fundraiser tomorrow.

CHAIRMAN BANGS: Yes.

MS. MORENO: I am also the Alaska Native Sisterhood President of Camp 4 and I can share with you that there is and that's at the ANB Hall, which is right across from us and it's clam chowder and fry bread. That is from 12:00 to 2:00. You are all invited to come and have lunch and it's to support the One Canoe Society gathering that will happen here June 4th, 5th and 6th.

Thank you so much and have a really good evening. I'll see you later tonight at 7:00, I believe.

CHAIRMAN BANGS: Thank you. Okay, what is the will of the Council here for moving forward here. Do we want to make a proposal. And before we go to that, I want to thank Pippa for all of her work and for her clarification, and questions that you answered for us, thank you.

So the workgroup, Cathy, do you have any comments as far as to how you would propose to move forward.

MS. NEEDHAM: Mr. Chair. The workgroup recommended the Council consider the three options that I reviewed, and the workgroup's recommendation on those three options was to ask for, in addition to this analysis, to address the parts of our regulatory proposal intent that we didn't feel were addressed in the analysis and have that done by the next Council meeting with workgroup input on that. That Staff do that.
So that was the workgroup's recommendation and I think the Council could make a motion if they want to move forward in that way or a motion could also be entertained that maybe they want to take no action, or any of the options.

CHAIRMAN BANGS: Thank you, Cathy.

What's the will of the Council.

Mr. Hernandez.

MR. HERNANDEZ: Thank you, Mr. Chairman.

Well, I think I'd be prepared to make a motion and put it on the table, if it's appropriate at this time.

CHAIRMAN BANGS: Go ahead.

MR. HERNANDEZ: I think the motion would be that the Council would proceed with the development of a proposal to go to a full analysis, but in order to do that we need a little further investigation on some of our questions that have arisen from the existing analysis and then also that we could request that Staff work together with the working group to help develop that further analysis.

CHAIRMAN BANGS: Okay. There's a motion on the floor. Do we have a second.

Mr. Douville.

MR. DOUVILLE: Thank you, Chairman, I'll second the motion.

CHAIRMAN BANGS: Okay. Is there any more discussion.

MR. WRIGHT: Mr. Chair.

CHAIRMAN BANGS: Mr. Wright.

MR. WRIGHT: Thank you, Mr. Chair. I think it'd be -- if we're going to table something and we want to move on with it, we should put a date when that next discussion will be, for the next meeting?
CHAIRMAN BANGS: Thank you, Mr. Wright.

Mr. Hernandez.

MR. HERNANDEZ: Yes, thank you, Mr. Chairman. Mr. Wright, that's probably a good suggestion to add to the motion that hopefully we'll have this further analysis completed by our fall meeting, if that's possible.

CHAIRMAN BANGS: So that would be an amendment to the motion.

MR. HERNANDEZ: Yes.

CHAIRMAN BANGS: Is there a second to the amendment.

MR. DOUVILLE: Thank you, Chairman, I'll second the amendment.

CHAIRMAN BANGS: Thank you. Okay. So any more discussion.

MR. LARSON: No.

(Laughter)

CHAIRMAN BANGS: We have to vote on the amendment, I guess, pardon me.

(Laughter)

CHAIRMAN BANGS: So there is an amendment to the motion and it has a second. So is there any discussion about the amendment.

MR. LARSON: Mr. Chair.

CHAIRMAN BANGS: Clarify.

MR. LARSON: I have a point of clarification. So is it your intention, Don, to have a proposal prepared at the next Council meeting, was that part of the motion.

MR. HERNANDEZ: I would say no. Our intention is to have more information before us by the next meeting so that possibly we could develop a proposal if we so desire.
MR. LARSON: Okay.

CHAIRMAN BANGS: Okay. So now we're back to Robert's Rules.

(Laughter)

MR. SCHROEDER: I'll call the question on the amendment.

CHAIRMAN BANGS: Okay, the question has been called on the amendment to put time specific as to when we want this intention, clarification for developing a proposal by the time that our next meeting comes around.

All those in favor.

IN UNISON: Aye.

CHAIRMAN BANGS: Opposed.

(No opposing votes)

CHAIRMAN BANGS: Okay. So now back to the main motion as amended. Is there any more discussion.

Mr. Schroeder.

MR. SCHROEDER: Yeah, Mr. Chair, I'd speak in favor of the motion.

This issue has been before the Council for a really long time, namely whether a modification should be done to the C&T process. I would also point out that over the many years that the Council has been working a huge amount of energy has been put into doing C&T determinations and discussing this issue so I think the Council, as an organic whole, or a tradition, has a pretty good understanding of what's involved in making C&T determinations, whether they should be made and possible improvements therein.

Just one other thing I'd add to that is that this process as instituted has taken a tremendous amount of energy of the Council and perhaps the Council would benefit from a process that was not quite as laborious so it could allow the Council to do some of its other responsibilities as well.
Thank you.

CHAIRMAN BANGS: Thank you, Mr. Schroeder.

Any other discussion.

(No comments)

CHAIRMAN BANGS: I'd like to say maybe one thing, maybe the workgroup -- we did teleconferences last time, I would encourage the Chairman of the workgroup, maybe we should make everybody aware of when that teleconference is so that some of the other Council members could at least participate and get as many of the Council involved as far as listening and that way maybe we could all be better informed of the process and then create a document that could be transferred to the rest of the Council members. Would that be something that we could do.

Mr. Bloom, did you have a -- I thought I saw your hand up a little bit ago and I wasn't able to get you.

MR. BLOOM: (Shakes head negatively)

CHAIRMAN BANGS: Okay, thank you.

So the motion as amended is.....

MR. LARSON: Mr. Chair.

CHAIRMAN BANGS: Mr. Larson.

MR. LARSON: With the understanding that a teleconference of workgroup members may have participants that may be Council members but they can't -- they can't participate. So this is that -- you know, they could be informed but they can't talk. So that's one of the caveats we have with this process.

CHAIRMAN BANGS: Yeah. That's why I added listen. Because I think -- maybe I didn't explain it well enough but I think that would be the only way that they could participate, is as far as listening. And the workgroup could meet and then maybe a better way would be to create a document from that and make the minutes available to the other Council
members that aren't able to participate so that they
can stay up to speed. Because I know the last few
teleconferences maybe we weren't good at putting the
information out there to the other Council members and
I think it's important because I know we need to make
that clear.

So, okay, there's a motion on the
floor, an amended motion, to move forward with this and
allow the workgroup to continue to investigate more
information and answer more questions that we have come
before us today.

I'd entertain a motion -- or call for
the question.

MR. SCHROEDER: Call for the question.

CHAIRMAN BANGS: Okay. The question's
been called for. All those in favor of moving forward
with this motion say aye.

IN UNISON: Aye.

CHAIRMAN BANGS: Opposed.

(No opposing votes)

CHAIRMAN BANGS: Motion carries. Thank
you. We got through the C&T.

So we don't have too much time left but
I'd like to get Mr. Casipit down here to go over the
Board of Fish information.

MR. CASIPIT: Thank you, Mr. Chair.
For the record my name is Cal Casipit, the Subsistence
Staff Biologist for the Forest Service in Juneau.

At the break I distributed three
packets of information to you and I'm going to be going
over those. The first one I'll be talking about is
this one here, it's entitled actions on proposals taken
by the Board of Fisheries that relate to Kootznoowoo,
Incorporated Petition for extended jurisdiction. It's
-- well, your copy should be one page, front and back.
So I'll just start going through that for you here and
then we'll go to these other -- I'll talk about these
other packets as we go.
So, as you know there were several proposals submitted to the Alaska Board of Fisheries dealing with Kootznoowoo, Incorporated petitions for the extended jurisdiction. In fact, you know, your Council here put in a couple of them and so I'll be talking about those as well.

The first set of proposals that I wanted to talk about briefly was the amounts necessary for subsistence or amounts reasonably necessary for subsistence, or ANS. There were two proposals submitted, one by the Department of Fish and Game and one by this body. They were very similar and the Board of Fish considered both of them together and the analysis was combined for the both of them as well. The Board of Fisheries had RC3 from the Alaska Department of Fish and Game, in that was a special publication titled customary and traditional uses of salmon and options for revising amounts reasonably necessary for subsistence uses of salmon in District 12 and 14, Southeast Alaska. They provided seven options for the Board to consider. The Board got to Option B, which based the revised ANS amounts on the five year -- the most recent five year average harvest of all salmon species combined as estimated from the permit returns -- the State subsistence fishing permit returns. And that was corrected using a plus or minus, a standard deviation for those years. So basically what happened there is the Board adopted Proposal 146 and it was carried unanimously and so the result of that was for District 14. The ANS amounts was going to be -- is going to be 600 to 1,500 salmon and the ANS amounts for District 12 is going to be 1,100 to 1,700 salmon. And to come to that decision the Department presented household survey information, which indicated the residents of Angoon also obtained additional salmon through the use of rod and reel as fish return from commercial fishing vessels and the Board of Fish considered that during their deliberations. So the result of that was they refine ANS, the amounts necessary for subsistence for District 12 and 14 as requested by this Council, although they used the Fish and Game's proposal to move that forward.

This Regional Advisory Council submitted a proposal to the Board regarding subsistence gear for portions of Districts 12 and 13 near Angoon. The Board of Fish took no action on that proposal. This was to allow purse seine gear and gillnet gear in those areas for residents of Angoon.
took no action on that proposal. Since the gillnet gear is already currently allowed on the subsistence permit and the ADF&G local manager reported that he has the authority to add purse seine as an allowable gear on subsistence permits if somebody requests it. So the Board of Fish took no action on that based on that advice from Fish and Game and their Staff. So basically what he said is if somebody from Angoon wanted to go use a purse seine to harvest salmon for the community that, you know, he could add that on to the permit for that person if it was appropriate.

There were a whole bunch of proposals dealing with operation of the commercial salmon fishery in Districts 12 and 14. There were seven proposals that were submitted by various organizations. Proposal 173, which was submitted by Kootznoowoo, Incorporated who was the petitioner on this petition for extended jurisdiction would require the Board of Fish to address habitat conservation and subsistence priority when considering regulations and policies. This was proposal 173, again. The Board of Fish took no action on that proposal since the provisions that require that the Board of Fish address all those issues is already required in policies and regulations.

Also the Board of Fish took no action on Proposal 192, again, submitted by Kootznoowoo, Incorporated since those similar recording requirements that were asked for in the proposal are currently required by existing Statewide regulations. This was the proposal from Kootznoowoo that commercial fishing permitholders report the amount of sockeye taken home for personal use and it was reported that there already is a statewide regulation requiring that.

Proposals 193, 199 and 200 were deliberated as a group. They were submitted by Kootznoowoo, Incorporated and Angoon Community Association. At the Board of Fish meeting Kootznoowoo, Incorporated submitted RC97 and 113. You'll be able to read those in this attachment. It's a five or six pager, it's got all the RCs that I'm talking about that you can look at. But basically RC97 and 113 basically constituted an agreement that Kootznoowoo came to with the Southeast Alaska Purse Seiners Association. It basically would seasonably close certain areas in Chatham Straits to commercial purse seine fishing. The timing of these two -- of these new seasonally closed areas, according to Staff, would allow greater than 80
1 percent of the Kanalku sockeye salmon stock to pass
through the area prior to commercial fishing. New
information collected through genetics sampling of the
commercial fisheries in the area was also used as part
of the justification and information that the Board
came to.

In addition, Board of Fish Chairman
Kluberton, requested ADF&G provide regulatory language,
that's shown in RC117, and he also requested a map and
that's shown in RC123. In fact, the map -- RC123 shows
a really good summary of what the actions of the Board
of Fish was on those issues. So that shows the
seasonal closed areas as well as what I'll talk about
here in a second.

I also wanted to point out that RC113
signed by the general manager and Chairman of the Board
Kootznoowoo, Incorporated was submitted and it states:

We believe that the Chairman of the
Fisheries Board set the tone for a
local solution of the Angoon ETJ
Petition to the Secretary of Interior
and Agriculture is greatly advanced by
the subsistence proposal. Over time we
believe that this proposal will advance
the conservation escapement of sockeye
salmon returning to the streams on
Admiralty Island and will, in time,
increase the availability of these fish
for the community residents of Angoon.

The Board of Fish moved and seconded
the regulatory language in RC117 and it was carried
unanimously 5-0. The Board of Fish was very
appreciative of the collaboration of the involved
parties to come up with a broadly supported local
solution.

The last two proposals 198 from the
Department of Fish and Game and 201 from this body, if
you remember these proposals requested the areas near
Kanalku and Basket Bay that are closed by emergency
order every year by the Department would be -- those
closures would be put in regulation, and the Board of
Fish went along with that and they carried unanimously
Proposal 198 and because of that they didn't need to
take action on 201, this Council's proposal.
So basically like I said, that map in RC123 shows all those actions. It shows the areas that are closed by -- currently closed by emergency action by the Department being closed in regulation, shows the regulatory changes to the timing of the fishery in those other two areas, and that kind of puts it all in perspective for you on one map so hopefully that's useful to you.

So I'd like to take a -- just pause here for a second and ask for any questions or any clarification that the Council would like on the actions regarding the petition for extended jurisdiction.

(No comments)

MR. CASIPIT: Seeing none, I'll move on.

(Laughter)

MR. CASIPIT: The next thing I wanted to go over with you was this real brief summary of all the proposals that I thought that the Council might be interested in regarding Board of Fish actions. I kind of did this based on notes that I took at the meeting so if I mess something up or any error or omission, that's my fault, not anybody else's and you can take it out on me, but I tried to keep notes on everything as it happened.

The first two proposals on the first page, this is a five page document, it's the longest one in your packet, I already discussed the subsistence ANS proposals there so I'm not going to talk about that anymore. I did want to mention the community harvest. There was one proposal, it was Proposal 148 from the Hoonah Indian Association and it was allow for designation of community subsistence harvesters for Hoonah residents, that proposal failed because there's already the ability for the local ADF&G manager to issue community harvest permits already. So if, you know, folks in various communities want to do something similar like community harvest then the local ADF&G managers have the ability to do that and will so if it's appropriate.

Subsistence closed waters, four proposals. These deal with some of what you guys did
last fall and what the Federal Subsistence Board passed 
in January, but it deals with the fishing at Klawock 
River and Lake and estuary.

149 modified the weekly subsistence 
salmon fishing schedule for the Klawock Inlet, Klawock 
River and Klawock Lake by the Craig Advisory Committee. 
The Board took no action based on a request from the 
proponent to withdraw.

This Council submitted Proposal 150 to 
close certain portions of the Klawock River drainage to 
subsistence salmon fishing with seines and gillnets in 
July and August. That proposal -- the action by the 
Board of Fish on that proposal was to take no action 
based on their action they took on Proposal 151. And 
if you guys remember you guys commented on 151 as well 
at your meeting last fall. But 151 closes the Klawock 
River to subsistence salmon fishing upstream of the 
Klawock River bridge. That was proposed by Craig AC, 
and that motion was carried by the Board 6-0. They had 
conservation concerns and they felt they needed to 
close subsistence -- all State subsistence fishing 
above the bridge. So that motion passed.

The last proposal that dealt with 
Klawock was repeal the outboard motor horsepower 
restriction for the Klawock River. Again, that was 
submitted by the Craig Advisory Committee and that was 
modified by RC 89 to lift the horsepower motor 
restriction on September 1 of each year and that was 
carried 6-0. That basically -- what that was meant to 
do was to protect the sockeye from large horsepower 
skiffs and what have you and allow them for coho 
fishing in the Klawock estuary, Klawock River -- or the 
Klawock Bay.

I already talked about Proposal 153 
already in the discussion of ETJ. There was another 
proposal that was more housekeeping that was submitted 
by the Department to move gear specifications for 
harvesting salmon in Shipley Bay from personal use to 
subsistence regulations and that was sort of like 
housekeeping. That was carried 6-0.

The next set of proposals, the 
commercial salmon, I already talked about quite a bit 
in the ETJ presentation I just gave you.

I did want to briefly touch on sports
salmon because I know this Council submitted two
proposals to the Board of Fisheries for non-resident
annual limits for coho, sockeye, chum, and pink salmon
in saltwaters of the Southeast Alaska area. That was
159. 160 was essentially the same except for it was
freshwaters of the Southeast Alaska area.

I guess I'll talk mostly about what
happened with 159. The Board of Fish determined that
there is no conservation concern at the regionwide
level for these species and the Department can use
evergy order authority to address concerns on a site
specific basis. Department Staff was also concerned
about complex enforcement and administration. Ms.
Phillips did submit an RC, RC105, to apply those -- to
apply non-resident annual limits to sockeye salmon,
excluding Yakutat and there was some discussion of a 12
sockeye salmon annual limit for non-residents, but in
the end the motion failed 1-5.

160 had a similar -- similarly failed
2-4 for much the same rationale as was -- that was
there for 159.

I've got some other stuff that dealt
with Yakutat and all but I'm not going to really go
over that in any detail. You can read what happened
with those on your own.

And then as far as herring, I kept a
bunch of notes and tried to keep track of everything
that was going on with the herring proposals in Sitka
and I did my best to capture all those actions but I
guess the best way to characterize the action on all
those proposals regarding Sitka herring, whether it was
establishing management plans or changing the closed
core area and all, I guess the best way to put it was
status quo. I mean the Board of Fish just kind of
wanted to keep things the way they are and that's kind
of how they voted on most of this stuff.

So, anyway, I'll be happy to go over
those in any more detail if you want. But like I said
I was trying to take notes on all that stuff and I
might not have caught everything that was discussed
there. So if I missed something our State agency
partner, I'm sure, could correct me if I'm wrong on
anything.

So, anyway, that's what I have to
present to you and if you have any questions or any
additional comments I'd be happy to address them.

CHAIRMAN BANGS: Thank you, Cal. Mr.

Douville.

MR. DOUVILLE: Thank you, Mr. Chair.

At least they got some of it okay in Klawock. But does
the Council need to take any action as far as --
there's a Federal permit that you can get, too, which
allows access to a portion of that river, do we need to
do anything or is this State one taking care of all of
it.

MR. CASIPIT: Thank you, Mr. Chair.

Through the Chair, Mike.

I guess on whether or not the Council
wants to take action is kind of up to you guys but this
is the way I see it, you know, everything above the
bridge is closed under State regulation to subsistence
use. We do have that opportunity for a subsistence --
a Federal subsistence permit for Federally-qualified
users, like you said in that small area at the mouth,
but your action under the Federal Program to close that
to seines and gillnets still stands.

MR. DOUVILLE: Okay.

MR. CASIPIT: And that is still going
to be the Federal regulation for that area if somebody
chooses to fish with a Federal permit.

CHAIRMAN BANGS: Mr. Hernandez.

MR. HERNANDEZ: Yeah, thank you, Mr.

Chairman.

Cal, I'm going to make you go back to
Kootznoowoo proposals for just a minute here, I did
have a couple of questions I was still looking over
when you went through them.

On the amounts necessary for
subsistence you gave us the new amounts, how do those
compare to what it was before the adoption of this
proposal.

MR. CASIPIT: Mr. Chair. Through the
Chair, Mr. Hernandez.
I'm not really an expert on the amounts reasonably necessary for subsistence, that's completely a State function and a State issue. For the Federal Program we don't use that, so I'm not -- you know I don't want to sound like I'm endorsing them or endorsing ANS or saying that that should be the way we do things, I'm just saying this is what the Board of Fish did. Now, to compare it to what was in the ANS amounts before is, again, pretty difficult to do. Before the ANS amounts were set on the permit area and, for instance, before this action, the Juneau permit area included Angoon, Tenakee, Hoonah, Gustavus, Excursion, Haines, Skagway and there was a whole -- a much larger geographic area that was that ANS area, and there were -- you know, I think the upper end of the range was -- for that whole -- again, that whole permit area was I think 10,000 fish or something like that but that was a huge geographic area. This is defined down to the specific areas that were requested, which is an area around Angoon and an area around Hoonah.

CHAIRMAN BANGS: Ms. Needham. Oh, follow up, go ahead, Don.

MR. HERNANDEZ: I had one other question, yeah.

And I might, if we have an opportunity to ask the State about that I might do that later. The other one was on the gear proposal that we put in, it said that they took no action on that to allow seines and gillnets in portions of District 12 and 14. Do you happen to know, on our proposal we had part of that proposal as being how much gear you were allowed to use and I think we allowed up to like, you know, 50 fathom net, do you happen to know in the State regulations what net -- what gear requirements are allowed in that fishery. The reason I'm asking, if their regulations are essentially geared toward fishing in the -- what is the estuary area, you know, that type of gear applied out in the waters of Chatham Strait, which is where we intended it to be used might not necessarily be adequate, you know, to do the job. So I don't know if that's relevant but.....

MR. CASIPIT: Thank you, Mr. Hernandez, through the Chair.

There was quite a bit of discussion about gear and -- but a lot of the discussion was, gee,
should we allow purse seine gear in these terminal areas near the mouths of streams. That was -- I remember that coming up during public testimony. But I think what happened was, you know, the Department came in and said, look, we already -- to the Board of Fish, they said, we already have the -- well, the gillnet is already on the permit, we can -- it's already on the permit, it can already be done and as far as purse seines go he basically said he can allow that as a gear type on the permit if somebody requests it. So I don't -- you know, if somebody wanted to use a 50 fathom gillnet I would suppose they could just ask the local manager if that would be good and he could write that in on the permit. Again, this is all State jurisdiction and State management.

MR. HERNANDEZ: All right, thank you, Cal. There might also be questions for the State at a -- which I see we have the State here.....
(Laughter)

MR. HERNANDEZ: .....so maybe that question will get answered.

CHAIRMAN BANGS: Ms. Yuhas, would you like to comment.

MS. YUHAS: With the leave of the Chair if it's more expedient for me to just jump in here. That was discussed as Mr. Casipit just reported and that was the answer from the local manager.

CHAIRMAN BANGS: Thank you.

REPORTER: Mike, could you ask the people on line to mute their lines please, they can mute of star-6.

CHAIRMAN BANGS: Yeah, there's some feedback on the online teleconference, could you please mute it. There's a lot of feedback -- okay, I think you fixed it. Yeah, star-6, thank you. I think that fixed it.

Cathy.

MS. NEEDHAM: Thank you, Mr. Chair.

This agenda item is the update on the
Kootznoowoo Petition and I was wondering now that the Board of Fish process has been complete, whether or not the Federal Subsistence Board or the Secretaries are going to review where things have gone over the past three years, and where that petition now stands. Is it done? Are we done? Are they done?

(Laughter)

MS. NEEDHAM: Do you have any status on that.

MR. CASIPIT: Through the Chair. Ms. Needham.

I will be giving a similar presentation to the Federal Subsistence Board at some point here in the near future. Hopefully we will also have, you know, if the Council chooses to provide some input to the Federal Subsistence Board on the issue we'll include that as well, but I think the letter that's in the RC, the letter from Kootznoowoo, it would be, what, RC.....

MS. YUHAS: Seven.

MR. CASIPIT: .....113 signed by the general manager, Sharon Love, and the Chairman of the Board Ella Bennett of Kootznoowoo saying that -- well, I read you the quote, indicates to me that they're satisfied with the local solution that they developed with the seiners and, you know, if the petitioner is satisfied with the outcome of that local solution, that the Secretaries were asking for, I'm not sure that I could say anything different. That the party who petitioned us seems to be satisfied. You know, anything could happen from here but that's what I see.

Thank you.

CHAIRMAN BANGS: Mr. Bloom.

MR. BLOOM: Cal, in regards to that how about this letter at the very end from the Angoon Community Association, would that have any affect on it.

MR. CASIPIT: Thank you, Mr. Bloom, through the Chair. You know I really hesitate to try to say what somebody was thinking when they wrote a
letter or what, I -- I don't know, let me finish and then I'll pass it off to Jennifer, but, you know, in this case the petitioner is Kootznoowoo, and we have to be responsive to the petitioner and in this case, although Angoon Community Association probably had a stake in all this, they weren't the petitioner. And if -- I hate to make work for ourselves but if Angoon Community Association is still unhappy with this local solution, I mean they're free to go to the Board of Fish or even make their own petition to the Secretaries. I hate to suggest that but, you know, it's -- the community association or the tribe, it's kind of up to them where they want to go from here and, you know, our issue is the petition that Kootznoowoo submitted and that's what we have to deal with. Anyway, I'll pass it on to Jennifer.

CHAIRMAN BANGS: Did you have something Ms. Yuhas.

MS. YUHAS: Thank you, Mr. Chairman. And, Mr. Bloom, just on the subject matter of who's speaking for whom and how do we interpret. I did think that it was important, either under this report or under the Department's general report to let this body know that there was a great deal of care taken at that meeting to make sure that Staff were not speaking on behalf of other entities. There's a lot of moving parts happening, there was a lot of rumor from hour to hour on whether things were happening positively or negatively or everyone was satisfied or no one was satisfied, and we really had to take the approach, like Mr. Casipit said, of letting the entities speak for themselves. There were attempts to get ahold of some of the entities and let them know that a letter had been written by one entity that mentioned them and make sure that people were aware of what was happening, but we really refrained from having any of the Staff make those quotes to the Board on behalf of the entities and the -- the final RC references a previous RC where one entity seems to have spoken for someone on particular proposals and so it was noted at the Board meeting that one -- one entity can't speak for the proposer on their proposals. So the final RC discusses proposals that were brought by the person who submitted the RC.

If Mr. Casipit put something before you, I can't tell you, oh, we're okay with you repealing that, he has to say he's okay with repealing
that and so we really just tried to let them speak for themselves. The final RC speaks to two of the proposals rather than the general issue.

But we really made extra accommodations, the Chair reorganized the meeting when we heard that the entities from Angoon needed to go back to town, we didn't want to lose the opportunity to speak directly with Albert Howard or Mayor Matt, we wanted them to be able to speak for themselves and not have to call in on teleconference. So -- I don't want to be redundant, like Mr. Casipit said, we tried to refrain from speaking for them and interpreting.

CHAIRMAN BANGS: Thank you. Any other questions.

Cathy.

MS. NEEDHAM: Thank you, Mr. Chair. I don't have a question, I have a comment.

So three years ago this petition came to this Council for recommendations and I think that we worked hard into the middle of the night to come up with a set of recommendations and over the past three years we've heard a lot of progress that has been made towards that and whether it be a letter or maybe included in our annual report, I think it might be a good idea for us to maybe give some unsolicited feedback to the Federal Subsistence Board about how we feel this process worked. That we got these entities working together to come up with a local solution. And, you know, we've gotten these reports every meeting and I just appreciate all of the Staff time that's gone into making sure that we've been kept informed, even if we're not necessarily a part of the process anymore. It's a petition to the Secretaries. But I think our Council, I, personally, feel like a lot of progress was made in a very positive direction and maybe we should give some kudos in that respect.

CHAIRMAN BANGS: Thank you for that, Cathy. Any other questions for Cal, or anything that Jennifer might be able to help with. Jennifer.

MS. YUHAS: Thank you, Mr. Chairman. I was hoping to simply wrap the report up with the idea that most of the discussion has centered around a petition and that the Department has maintained for the
last three years, you heard me say it before, that we're concerned with more than just a petition. That there is relationships that need to be continued to be developed in the community. Aside from a petition, the Department's maintained for the last three years that the Board of Fish process was the appropriate process and we recognize the Secretaries wisdom in allowing that to play out, but that doesn't mean that the efforts that the Department put forth, that we committed to before a petition was submitted, were dependent on a petition or because of the petition and we intend to continue to followup on those commitments, some of which were made before the submission with the genetic stock identification and all of the other moving parts to that. We certainly continue to be committed to be developing those relationships with Angoon. I hope to get to go back there this spring sometime. Part of that's dependent on whether or not I'm wanted and we understand that, but we have ongoing subsistence household survey projects in the area and other things. And so we don't consider the petition the end of anything more than a petition process.

CHAIRMAN BANGS: Thank you. I know we all appreciate getting updates and we've always been inquiring about that so it's well appreciated that we can get information that we know something's moving forward and there's been a lot of things happen. So it's been a good process, I think.

Is there any other questions or comments about the presentation.

(No comments)

CHAIRMAN BANGS: If not I'd like to mention a couple of things. We need to -- this evening there's that meeting about rural determination at 7:00 o'clock here. And I think that it would be real important if we show up and I want to really get the meeting started at 9:00 o'clock tomorrow because there's some people from Saxman that need to travel and they really were hoping to listen to our discussion about it after we hear public comments. So I'd like to start the meeting at 9:00 o'clock if we could.

So, with that, I think we'll take a recess until 7:00 o'clock where we have to come back and listen and pay attention to the public testimony.
MR. LARSON: We'll be in recess until 9:00 o'clock tomorrow morning, we're not coming back in session tonight.

CHAIRMAN BANGS: Oh, yeah, we're in recess until tomorrow, I'm sorry, but we should be here for the public hearing to listen.

(Off record)

(PROCEEDINGS TO BE CONTINUED)
CERTIFICATE

UNITED STATES OF AMERICA

STATE OF ALASKA

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 98 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I taken electronically on the 17th day of March in Sitka, Alaska;

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

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

DATED at Anchorage, Alaska, this 26th day of March 2015.

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Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18