

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME I

7  
8  
9 Sitka Tribal House  
10 Sitka, Alaska  
11 March 17, 2015  
12 11:00 a.m.

13  
14  
15 COUNCIL MEMBERS PRESENT:

16  
17 Michael Bangs, Chair  
18 Arthur Bloom  
19 Michael Douville  
20 Donald Hernandez  
21 Kenneth Jackson  
22 Cathy Needham  
23 Robert Schroeder  
24 Frank Wright  
25 John Yeager  
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30  
31 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: 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.

1 MR. WRIGHT: Thank you. Bob Schroeder.  
2  
3 MR. SCHROEDER: Here.  
4  
5 MR. WRIGHT: Albert Howard.  
6  
7 (No comments)  
8  
9 MR. WRIGHT: Not here.  
10  
11 Donald Hernandez.  
12  
13 MR. HERNANDEZ: Here.  
14  
15 MR. WRIGHT: Ken Jackson.  
16  
17 MR. JACKSON: Here.  
18  
19 MR. WRIGHT: Aaron Isaacs.  
20  
21 (No comments)  
22  
23 MR. WRIGHT: John Yeager.  
24  
25 MR. YEAGER: Here.  
26  
27 MR. WRIGHT: Michael Bangs.  
28  
29 VICE CHAIRMAN BANGS: Here.  
30  
31 MR. WRIGHT: Cathy Needham.  
32  
33 MS. NEEDHAM: Here.  
34  
35 MR. WRIGHT: A quorum is present, Mr.  
36 Chair.  
37  
38 VICE CHAIRMAN BANGS: Thank you, Mr.  
39 Wright.  
40  
41 So I'd like to ask Mr. Jackson to do an  
42 invocation for us, please.  
43  
44 (Invocation)  
45  
46 MR. JACKSON: Dear Lord. We thank  
47 everybody for being here. Those who have traveled a  
48 great distance and those who have traveled just a short  
49 distance. We hope that everybody will travel back home  
50 safely. And thank you, Sitka Tribes, for letting us

1 use your ground.

2

3 Gunalcheesh.

4

5 Amen.

6

7 VICE CHAIRMAN BANGS: Thank you, Mr.

8 Jackson.

9

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

14

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

25

26 (Laughter)

27

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

34

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

44

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

48

49 (Laughter)

50

1 MR. BAINES: But, anyway, once again  
2 thanks again. Welcome to Sitka. I hope you have a  
3 terrific meeting.

4  
5 VICE CHAIRMAN BANGS: Thank you very  
6 much Mr. Baines. And on behalf of the Council I want  
7 to thank you for allowing us to have our meeting here.  
8 This is a really good meeting place.

9  
10 Thank you.

11  
12 Next I'd like to have Mr. Perry  
13 Edwards, District Ranger, from the Forest Service.

14  
15 MR. EDWARDS: My name is Perry Edwards.  
16 I'm the District Ranger for Sitka on the Tongass  
17 National Forest. I've been the Ranger since June of  
18 last year but I've been a resident of Sitka for nearly  
19 10 years working for the Forest Service in various  
20 capacities including fisheries and wildlife work.

21  
22 I want to welcome everyone to this  
23 meeting. I appreciate greatly that you are here. I  
24 know the importance of subsistence in Southeast Alaska  
25 and specifically to places like Sitka and Saxman, how  
26 important that is.

27  
28 I do intend on being at the meeting  
29 this evening about the rural determination because I'm  
30 very interested in that.

31  
32 I hope that you have a productive  
33 meeting. There are lots of herring around right now  
34 and marine mammals as well, so maybe if you have a  
35 chance in between you might get a chance to get out and  
36 take a look at it because I always look at that as the  
37 harbinger of spring and it looks like we just beat the  
38 odds and make it through winter once again.

39  
40 So, with that, I just want to thank you  
41 very much again for your time and being here in Sitka.

42  
43 VICE CHAIRMAN BANGS: Thank you, Mr.  
44 Edwards.

45  
46 Now, if we could I'd like to have  
47 introductions of the people in the audience and we'll  
48 start over here with Mr. Wallace and just give us your  
49 name and what your role is.

50

1 Thank you.

2

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

9

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

16

17 Thank you.

18

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

22

23 Thank you.

24

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

28

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

31

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

35

36 Gunalcheesh.

37

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

41

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

44

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

48

49 Good morning.

50

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

5  
6 MS. LESSAR: Good morning. I'm Bree  
7 Lessar, I'm the Staff Officer on the Tongass National  
8 Forest here in Sitka.

9  
10 MS. PENDLETON: Good morning. My name  
11 is Beth Pendleton. I'm the Regional Forester for the  
12 Forest Service for the Alaska Region. And I'm also a  
13 member of the Federal Subsistence Board and will be  
14 here throughout today as well as evening to represent  
15 the Federal Subsistence Board at the rural  
16 determination hearing.

17  
18 And just my appreciation to the RAC and  
19 for the great work you all do.

20  
21 Thank you.

22  
23 MR. CHEN: Aloha, Council members.  
24 Good to see all of you again. My name is Glenn Chen.  
25 I'm the Subsistence Grant Chief for the Bureau of  
26 Indian Affairs.

27  
28 MR. CASIPIT: I'm Cal Casipit. I'm the  
29 subsistence Staff biologist for the Forest Service in  
30 Juneau.

31  
32 MR. EDWARDS: I'm still Perry Edwards,  
33 I'm the.....

34  
35 (Laughter)

36  
37 MR. EDWARDS: .....Sitka Ranger  
38 District.

39  
40 MR. BAINES: I guess I'm still Mike  
41 Baines.

42  
43 (Laughter)

44  
45 MS. SILL: I'm Lauren Sill and with the  
46 Division of Subsistence, Fish and Game.

47  
48 MR. LAWSON: My name is Nels Lawson.  
49 I'm from Sitka. From Sitka, I wear many hats but I  
50 think today I'll wear my clan leader for the Sitka

1 Tribe.

2

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

7

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

12

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

16

17 VICE CHAIRMAN BANGS: Thank you,  
18 everyone.

19

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

22

23 Mr. Jackson.

24

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

27

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

31

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

34

35 MR. BLOOM: Art Bloom from Tenakee  
36 Springs.

37

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

40

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

43

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

46

47 MR. SCHROEDER: Bob Schroeder from  
48 Juneau.

49

50 MS. NEEDHAM: Cathy Needham. I live in

1 Juneau.

2

3 MR. YEAGER: And John Yeager from

4 Wrangell.

5

6 VICE CHAIRMAN BANGS: Thank you. And

7 that's Tina, our great, our great recorder.

8

9 Thank you.

10

11 Okay. I'd like to go on to review --

12 hopefully everyone's had a chance to review the agenda

13 and I'd entertain a motion to adopt it.

14

15 Ms. Needham.

16

17 MS. NEEDHAM: I move to adopt the

18 agenda.

19

20 VICE CHAIRMAN BANGS: As a guideline.

21

22 MS. NEEDHAM: I move to adopt the

23 agenda as a guideline.

24

25 MR. YEAGER: Second.

26

27 VICE CHAIRMAN BANGS: Thank you. And

28 it's been seconded by Mr. Yeager.

29

30 Okay, there's some suggested changes by

31 Staff that we might consider. And we're going to maybe

32 have a discussion tomorrow after we listen to public

33 testimony on rural determination so we'll want to keep

34 that in mind when we listen to the oral testimony

35 tonight from the public.

36

37 And possibly add a report -- we

38 definitely want to add a report from Mr. Cal Casipit on

39 the Board of Fisheries actions regarding the proposals

40 that would affect subsistence.

41

42 And then we would -- I think it'd be

43 important for us to discuss some possible enhancements

44 at Kanalku and we're hoping to hear from Mr.

45 Reifenstuhl on some potential things that we could help

46 the people of Angoon out with in enhancing the sockeye

47 run at Kanalku.

48

49 And then like to go over the final

50 actions between the agency reports and we have to make

1 a decision for future meeting dates.

2

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

6

7 Ms. Needham.

8

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

15

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

20

21 (Council nods affirmatively)

22

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

25

26 (No comments)

27

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

30

31 MR. LARSON: We need to vote.

32

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

35

36 (Laughter)

37

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

40

41 (No comments)

42

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

45

46 IN UNISON: Aye.

47

48 VICE CHAIRMAN BANGS: Opposed.

49

50 (No opposing votes)

1 VICE CHAIRMAN BANGS: Okay, motion  
2 passes. Thank you.  
3  
4 So now we're down to the election of  
5 officers.  
6  
7 Mr. Larson.  
8  
9 MR. LARSON: So as a reminder the way  
10 we do business for election of officers is that I will  
11 take nominations for President. Once the Council votes  
12 on a new President.....  
13  
14 VICE CHAIRMAN BANGS: Chairman.  
15  
16 MR. LARSON: Not a President, a  
17 Chairman, excuse me.  
18  
19 (Laughter)  
20  
21 MR. LARSON: Then that person will do  
22 and be in charge of the rest of the elections and the  
23 rest of the meeting.  
24  
25 So with that said, is there any  
26 nominations for Chairman.  
27  
28 Mr. Douville.  
29  
30 MR. DOUVILLE: I will nominate Mike  
31 Bangs.  
32  
33 MR. LARSON: Mike Bangs has been  
34 nominated, are there other nominations.  
35  
36 (No comments)  
37  
38 MR. LARSON: Hearing none, is there any  
39 objection to unanimous consent having Mike Bangs be the  
40 Council's new Chair.  
41  
42 (No objections)  
43  
44 MR. LARSON: Then hearing no  
45 objections, Mr. New Chair, the floor is yours.  
46  
47 CHAIRMAN BANGS: Thank you, Mr. Larson.  
48 And, thank you, for putting the trust of our Council  
49 Chairmanship -- I'm very honored to have that position  
50 and I hope I can do justice. I have been on the

1 Council for many years and it's pretty hard to fill  
2 some of the shoes that have preceded me and we'll all  
3 miss Bert very much.  
4  
5 So, anyway -- but thank you.  
6  
7 So next I'd like to open the floor for  
8 nominations for Secretary, and I will add that Harvey's  
9 told me that -- or Vice Chair, I'm sorry. Open up the  
10 nominations for Vice Chair.  
11  
12 Mr. Douville.  
13  
14 MR. DOUVILLE: Mr. Chairman. I  
15 nominate Cathy Needham.  
16  
17 CHAIRMAN BANGS: Any other nominations.  
18  
19 (No comments)  
20  
21 CHAIRMAN BANGS: So do we have a  
22 unanimous.....  
23  
24 MR. LARSON: Consent.....  
25  
26 CHAIRMAN BANGS: .....conclusion  
27 for.....  
28  
29 MR. LARSON: Consent.  
30  
31 CHAIRMAN BANGS: .....consent.....  
32  
33 (Laughter)  
34  
35 CHAIRMAN BANGS: .....for Cathy Needham  
36 as our vice Chair.  
37  
38 (Council nods affirmatively)  
39  
40 CHAIRMAN BANGS: Any objections.  
41  
42 (No objections)  
43  
44 CHAIRMAN BANGS: So congratulations,  
45 Ms. Needham.  
46  
47 So on to vice Chair [sic] -- and I  
48 wanted to add -- I'm sorry I jumped ahead of myself  
49 there Harvey -- Mr. Kitka wasn't able to attend the  
50 meeting but he said that he would gladly continue on as

1 our Secretary. So any nominations.  
2  
3 Mr. Douville.  
4  
5 MR. DOUVILLE: Mr. Chair. I'll  
6 nominate Harvey Kitka for Secretary.  
7  
8 CHAIRMAN BANGS: Any other nominations.  
9  
10 (No comments)  
11  
12 CHAIRMAN BANGS: Do we have unanimous  
13 consent for Mr. Kitka to remain as our Secretary.  
14  
15 (Council nods affirmatively)  
16  
17 CHAIRMAN BANGS: Hearing no objections,  
18 Mr. Kitka will continue being our Secretary.  
19  
20 Thank you.  
21  
22 Okay. So what I'd like to do is  
23 everybody, just briefly, if you haven't already  
24 reviewed the minutes from the previous meeting that we  
25 had and then we'll try to move towards approving them.  
26 So take just a quick minute and glance over and see if  
27 there's anything that's not correct.  
28  
29 (Pause)  
30  
31 CHAIRMAN BANGS: I would entertain a  
32 motion to approve the previous meeting minutes unless  
33 there's any changes.  
34  
35 (Pause)  
36  
37 MR. YEAGER: I move the adoption of the  
38 minutes.  
39  
40 CHAIRMAN BANGS: Okay. It's been moved  
41 by Mr. Yeager to approve the meeting minutes from the  
42 previous meeting. Could we get a second.  
43  
44 MR. DOUVILLE: Second.  
45  
46 CHAIRMAN BANGS: Mr. Douville.  
47  
48 MR. DOUVILLE: Mr. Chairman, I second  
49 Mr. Yeager's motion.  
50

1 CHAIRMAN BANGS: Thank you. All those  
2 in favor of approving the previous meeting minutes say  
3 aye.

4  
5 IN UNISON: Aye.

6  
7 CHAIRMAN BANGS: Opposed.

8  
9 (No opposing votes)

10  
11 CHAIRMAN BANGS: Okay. Meeting minutes  
12 pass. Okay, now we'll move on to Council member  
13 reports. We'd like to start with Mr. Yeager.

14  
15 MR. YEAGER: Thank you, Mr. Chair.  
16 It's an honor to be here in Sitka again and I really  
17 appreciate the hospitality here.

18  
19 I feel like spring is right on the door  
20 step there in the Wrangell area. The Stikine is opened  
21 all the way to Shakes Glacier and we're starting to see  
22 more eagles and sea lions in the area which hopefully  
23 mean the eulachon will start running.

24  
25 Two concerns that I've been getting  
26 from the community are continued concerns on the  
27 TransBoundary Mining issues and they would like to see  
28 us continue to forge ahead with that issue and concern.  
29 And also with our winter and lack of snowpack we're  
30 kind of wondering what our streams are going to --  
31 salmon streams are going to look like this spring and  
32 throughout the summer. But we're definitely ready for  
33 spring.

34  
35 Thank you.

36  
37 CHAIRMAN BANGS: Ms. Needham.

38  
39 MS. NEEDHAM: Thank you, Mr. Chair.  
40 Before I go into my short report I just wanted to take  
41 this opportunity to thank the rest of the Council for  
42 unanimously electing me the Vice Chair. It'll be an  
43 honor to serve in that capacity, and I appreciate your  
44 faith in me in that respect.

45  
46 Over the past six months I've also been  
47 keeping track of the TransBoundary Mining work that's  
48 been going on. There's a contingent with the Central  
49 Council of Tlingit and Haida that have spent a good  
50 deal of working at the Legislative level on the issue

1 and I know that it's pushing forward for all of the  
2 communities that are potentially affected by  
3 TransBoundary Mining issues with mines opening up in  
4 Canada. And I think that we should, you know, stay  
5 involved in this issue as much as possible because of  
6 the implications that -- and concerns that we're  
7 hearing from people about the implications these mines  
8 might have on subsistence resources, particularly the  
9 marine resources, fish resources as well.

10  
11 In addition to TransBoundary Mining  
12 another issue that I've been tracking or trying to keep  
13 tabs on is the sea otter issue, of course. And I know  
14 that the University of Alaska Southeast, Steve Langdon  
15 and Jinny Ecker have implemented a new project with the  
16 help of a graduate student who's earning her Ph.D  
17 looking at the potential monetary impacts that sea  
18 otters may be having on subsistence resources and  
19 they're working very directly with the communities of  
20 Hydaburg, Klawock on Prince of Wales Island as well as  
21 Kake, I believe. And I know that they've had a chance  
22 to get that project kick started and have gotten a lot  
23 of really good intensive feedback from the communities  
24 themselves. They're trying to mirror what the one  
25 study that was done on the impact of sea otters on  
26 commercial fisheries, they're trying to come up with  
27 some way to determine what the value of the loss of the  
28 subsistence resources are to rural users, or to  
29 subsistence users across the region. And I think maybe  
30 at some point it would be interesting because as a  
31 Council we've heard a lot on this issue to maybe invite  
32 them to give a presentation on some of the works that  
33 are coming out on that.

34  
35 And then the third thing I wanted to  
36 speak to really quickly is that I had the opportunity  
37 to attend the Board of Game meeting this past cycle to  
38 present the Council comments on the wildlife proposals  
39 that were put forward. I took the place of Mr.  
40 Douville who was going to be able to go but couldn't at  
41 the last minute. And Robert stated it would be  
42 interesting to share some of my perspective on that and  
43 what I had to say about the Board of Game process was  
44 that I found it intriguing because it's much different  
45 than the way we conduct business. And one thing that I  
46 found was really helpful that they did that our system  
47 doesn't necessarily do was before they go into  
48 proposals in a specific game unit they do this big  
49 overview of the game unit so they -- before they  
50 actually talk about the proposals they have a nice

1 summary of the area, of all of the different types of  
2 wildlife that are there, kind of an overview of  
3 populations of that and I found it really educational  
4 actually to sit through those meetings and be there for  
5 that piece of it. And then, of course, it's always  
6 interesting to watch how different groups -- or how  
7 different boards function and get their business done.  
8 And so I would encourage other Council members, if you  
9 have the opportunity to go to Board of Game or Board of  
10 Fish meetings when they come to your community, that  
11 you sit through that process, because I think it helps  
12 lend a little bit of understanding about how all of  
13 these different systems work together. And the Board  
14 of Game did -- you know, they were very encouraging  
15 after the testimony that we gave on their proposals,  
16 that they really appreciated that we took the time to  
17 A, go through proposals that we felt may have impacts  
18 on subsistence users, and also to put them together in  
19 a very concise formatted letter to them that expressed  
20 whether we opposed or supported that. And so we got  
21 really good feedback from the Board of Game in that  
22 aspect. And I think they were generally pleased that  
23 we had -- this Council had representation there.

24

25 CHAIRMAN BANGS: Thank you, Ms.  
26 Needham.

27

28 Mr. Schroeder.

29

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

35

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

42

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

46

47 I think we have sort of different focus  
48 at this point than when things were just in the  
49 beginning stage. In our agenda, for this meeting, we're  
50 a little bit light on regulatory proposals and

1 attention is way more on making sure that the Federal  
2 Subsistence Program stays true to ANILCA and perhaps  
3 makes some course corrections to make sure that we are  
4 on the course that ANILCA indicated because I think it  
5 is the law that protects subsistence uses in Southeast  
6 Alaska.

7  
8 I'll also point that if we don't  
9 thumping regulatory issues before us, our Council  
10 charter and ANILCA directs us to look at all manners of  
11 things that affect subsistence in our area and to work  
12 on those effectively if we can. So I think we have  
13 some other areas, which have already been mentioned by  
14 my colleagues here, which are basically environmental  
15 concerns with the TransBoundary Mines. But if you  
16 think of that in a general, more general way, paying  
17 attention to the health of the fish and wildlife  
18 populations in our region it's part of what we need to  
19 do and have done in the past, and paying attention to  
20 the environment that makes those fish and wildlife  
21 populations, if not healthy and natural, at least  
22 healthy and abundant, and they're the bedrock of  
23 subsistence. If we don't have the critters we can't do  
24 that, we can't have subsistence uses. So think that's  
25 clearly part of what our mission is and so it's okay if  
26 we don't have difficult regulatory issues to deal with  
27 in every meeting.

28  
29 I'd also point out just a concern,  
30 because I did work for many years in gathering  
31 information on subsistence and presenting  
32 documentation, that we might be okay at this point, but  
33 I think that we may be getting fairly close to where  
34 significant data gathering activities need to take  
35 place, not so much because there's huge change because  
36 I think the success of the Council and ANILCA and the  
37 Federal Program is -- I think people are doing about  
38 the same amount of subsistence as they were 10 or 20  
39 years ago, but I think that's part of the job of the  
40 Program is to keep on track and monitoring and  
41 documenting things. So I'd flag that as something that  
42 we should pay attention to.

43  
44 And, gosh, in the realm of  
45 environmental concerns, since ANILCA didn't put an end  
46 point on Regional Councils, some Regional Council,  
47 either now or in the future, will need to deal with not  
48 only TransBoundary Mines and strange things that are  
49 happening in Forest management, but some Council in the  
50 future will have to be considering the affect of

1 climate change on subsistence uses. So maybe that's  
2 not us today but it could be us at our next meeting or  
3 a year or two from now.

4  
5 Thank you.

6  
7 CHAIRMAN BANGS: Thank you, Mr.  
8 Schroeder.

9  
10 Mr. Wright.

11  
12 MR. WRIGHT: Thank you, Mr. Chair.

13  
14 One of the things that's going on in  
15 Hoonah is, I guess the Federal government had okay'd  
16 the gathering of gull eggs out of Glacier Bay, so now  
17 they're going to be putting up regulations -- you know,  
18 developing regulations so that we can go up in the Bay  
19 again so that's in the making and we've been working on  
20 that for years and years and years to get something  
21 done, it's always been an important issue for our  
22 people.

23  
24 And in Glacier Bay, too, they're in the  
25 process of putting a tribal house up in Bartlett Cove  
26 so that, you know, it's an issue that's -- you know,  
27 Hoonah people always have been in Glacier Bay, so it'll  
28 strengthen to the world that we are Hoonah People from  
29 Glacier Bay.

30  
31 I haven't seen many sea otter up in  
32 Port Frederick. When I was crabbing up there this  
33 February I only saw one so that's good in a way and I'm  
34 hoping there's a reason -- I was wondering why they  
35 weren't there because I know in home shore you see them  
36 all over the place, that's just about 20 -- 10, 15  
37 miles away you see them.

38  
39 And another thing that I think an issue  
40 that we have is that there are these TV reality show  
41 that's going up in Port Frederick, you know, where  
42 they're at is a nice big cockle bed there and I'm  
43 worried about the pollution that might be coming out of  
44 the people that are staying up there, you know, that's  
45 -- they're -- I've seen a few of their episodes and  
46 it's kind of like you can't really think that people  
47 from Alaska Bush can live like that, you know, it's  
48 kind of embarrassing.

49  
50 Anyway, you know, I was talking to one

1 of my guys as well, I think I'll hire one of them  
2 because he tasted the water and he said the crab are  
3 here so.....

4  
5 (Laughter)

6  
7 MR. WRIGHT: .....so anyway.

8  
9 (Laughter)

10  
11 MR. WRIGHT: Right now, you know,  
12 there's a lot of work going on in Hoonah, they finished  
13 that hydro electric plant but I don't know if there's  
14 going to be enough water because right now the snowpack  
15 -- there's no snowpack. I think we've probably had not  
16 even a foot of snow in Hoonah this year and it used to  
17 be we'd get snow all the way up to my window, which is  
18 about seven or eight feet but we didn't even get a foot  
19 this year.

20  
21 So if the salmon are going to come like  
22 they say they're going to come, there's a concern, I --  
23 I hope it's going to rain a lot this summer. A lot of  
24 people don't like the rain but as a fisherman I  
25 certainly hope it rains.

26  
27 Thank you.

28  
29 CHAIRMAN BANGS: Thank you, Mr. Wright.

30  
31 I'd like to take just a moment here, we  
32 did -- before we move on we got our teleconference line  
33 repaired and I think we have a couple people on line  
34 and I would like you to recognize yourself if you're  
35 listening.

36  
37 (No comments)

38  
39 CHAIRMAN BANGS: Okay, well, maybe we  
40 don't have anybody on line.

41  
42 (No comments)

43  
44 CHAIRMAN BANGS: Okay. Well, it's  
45 fixed if they want to get on line.

46  
47 (Laughter)

48  
49 CHAIRMAN BANGS: Okay. I'm going to  
50 skip over, I'm going to do my report when I -- just

1 before I do the Chair report.

2

3 So, Mr. Bloom.

4

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

17

18 CHAIRMAN BANGS: Thank you, Mr. Bloom.

19

20 Mr. Douville.

21

22 MR. DOUVILLE: Thank you, Chairman.  
23 Just a brief -- we're still overrun with otters where  
24 we live, they're -- you know, we don't have any  
25 shellfish anymore. There was a couple people studying  
26 the impact, or trying to document what we used to have  
27 because you can't see it anymore, I actually did an  
28 interview with them and several other people did just  
29 to try to show the impact of what the otters have had.

30

31 Road closures are still compressing the  
32 hunters. But the road closures are also doing other  
33 things, it also eliminates -- makes the bay smaller  
34 where we go get firewood.

35

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

45

46 So that's all I have.

47

48 CHAIRMAN BANGS: Thank you, Mike.

49

50 Mr. Hernandez.

1 MR. HERNANDEZ: Thank you, Mr.  
2 Chairman.

3  
4 We suffered a major blow to the  
5 subsistence users in my area this winter and also  
6 affects the region, other people in the region. That  
7 was due to the passage of the National Defense  
8 Appropriations Act, otherwise known as the Sealaska  
9 Lands Exchange, otherwise known as the Jobs Protection  
10 Act. In our area ownership of about 6,500 acres  
11 surrounding Calder Bay is now transferred to Sealaska  
12 Corporation, the largest timber harvesting corporation  
13 in Southeast Alaska. We see this as a major loss of  
14 the subsistence uses in our region, in our area.

15  
16 Calder Bay, those drainages have always  
17 been considered a very important place for our  
18 subsistence uses. It's been referred to by people over  
19 the years as a bread basket area, an area you could  
20 always count on. I mean I've been there numerous times  
21 for deer hunting. Sometimes it's difficult to find  
22 deer in other places on the island, a lot of  
23 competition, a lot of timber harvest, a lot of activity  
24 but it was always kind of like, well, we always have  
25 Calder. Calder was just kind of the place where, I  
26 don't think I've ever gone there where I haven't been  
27 able to get a deer. And that's not going to be the  
28 case in the future, I don't believe.

29  
30 The first obvious impact is going to be  
31 that it's now going to be private ownership, no longer  
32 subject to the Federal jurisdiction or priority use so  
33 we lose that, everybody loses that. The timber harvest  
34 which is bound to occur in that area, I think, will be  
35 extensive and damaging. Calder Bay drainage is an  
36 exceptional area, it's not just -- it's just not an  
37 average place in Southeast Alaska, it's exceptional, it  
38 really is. That's why it was chosen for private  
39 ownership, it is exceptional. It's got some of the  
40 best timber you'll ever see in Southeast Alaska. It's  
41 due to the geology of the place. It's limestone, it's  
42 carsed, it's special, it's not found everywhere in  
43 Southeast Alaska. It's the highest volume classed  
44 timber that exists on the Tongass. Almost every acre  
45 of it, it's not muskeg, it's not poorly drained, it's  
46 just a really special place. The streams that flow  
47 into the -- flow through that area into the Calder  
48 drainages there, they're special due to that geology,  
49 that carsed. They have fish runs there that just  
50 aren't found in other drainages.

1                   So these special characteristics, I  
2 mean it will -- maybe Sealaska Corporation will do good  
3 stewardship there and help save some of the old growth  
4 forest but just due to the value of the timber in that  
5 region, or that watershed I doubt if that will be the  
6 case.

7  
8                   Since I've lived on Prince of Wales,  
9 about 40 years now, the communities of Pt. Baker and  
10 Port Protection have always taken special efforts to  
11 try and protect that area. When the Ketchikan Pulp  
12 Company first came to the north end of Prince of Wales  
13 Island, residents of Pt. Baker and Port Protection sued  
14 the Forest Service, it was a landmark case, Ziski  
15 versus Butts, it changed the way Forest Management has  
16 occurred. It was a successful lawsuit, helped to bring  
17 about the National Forest Management Act. The pulp  
18 company did get established and started logging in the  
19 Calder drainage and local residents had a lot of input  
20 as to how that logging occurred. We actually had some  
21 success in keeping the pulp company from logging what  
22 we consider to be a key wildlife corridor area. That's  
23 now going to be in private ownership. We expect that  
24 to be logged. We were successful in keeping the road  
25 system in Calder Bay connected to the rest of Prince of  
26 Wales Island road system so we could maybe have less  
27 competition on the hunting of that area. We were  
28 successful in doing that. Twenty years after the pulp  
29 company moved there, the pulp company was gone, out of  
30 business and there was another timber sale proposed and  
31 Pt. Baker, Port Protection residents sued again and one  
32 of the main reasons for our suit was we were trying to  
33 protect Calder Bay again. There was new logging  
34 proposed for that area and we filed suit on it and we  
35 had some success there. I was one of the lead  
36 plaintiffs in that suit and when time came to have a  
37 negotiated settlement I was designated to do the  
38 negotiations and the one thing we were not going to  
39 waiver on was the logging that was proposed for Calder  
40 Bay was not acceptable. And we didn't win the lawsuit,  
41 we negotiated but there was no logging in Calder Bay,  
42 we were successful then. We also drew a line that  
43 there would be no logging on the headlands of Port  
44 Protection and we were successful in keeping that from  
45 being logged and that is now the site of where they  
46 later found the oldest human remains in the state of  
47 Alaska in a cave on Port Protection Head. So we feel  
48 that we did the right thing there, we protected Calder,  
49 we protected Protection Head, we a preserved major  
50 archeological find that could have been buried by

1 logging debris. You know, these caves, they're found  
2 in the limestone country, they could be just about  
3 anywhere. They need to be protected. We should stay  
4 away from areas like that.

5

6 But that's all past history now.

7

8 Our stewardship has ended.

9

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

13

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

16

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

21

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

30

31 So thank you very much.

32

33 CHAIRMAN BANGS: Thank you, Don.

34

35 Mr. Jackson.

36

37 MR. JACKSON: Thank you, Mr. Chairman.

38

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

46

47 I get a chance to speak to a lot of the  
48 people in the village and our concern, like everybody  
49 else, is sea otters. In front of town we have one of  
50 the biggest -- well, probably about five acres of flat

1 land, you know, when it goes out people go down to dig  
2 clams and just this last couple of months they've gone  
3 down there and the shelves are all turned up and the  
4 clams are eaten and before where they used to get two  
5 buckets they might get a fourth of a bucket, staying  
6 down there for an hour or two. And we've tried to thin  
7 them out, you know, tried to get as many as we can but  
8 those things produce all year-round. They were saying  
9 they just have babies once a year but they're like  
10 humans they -- I saw some just three or four days, we  
11 went out and they had new babies. So it's not just,  
12 you know, once a season, they reproduce fast and  
13 there's thousands of them. And we know that -- the  
14 oldtimers told us that they were planted below Kuiu  
15 Island in 1968. So you can see how far they've  
16 progressed. All the bays on Kuiu Island are filled  
17 with sea otters.

18  
19 It's just discouraging to know that we  
20 just can't kill them, we have to process them and make  
21 them, you know, just -- you know, you have to change  
22 them completely to sell them but you can't just sell  
23 the fur or, I guess you could trade to somebody.

24  
25 And the moose, you know, they're still  
26 abundant. The season was good. Everybody got their  
27 moose. We had a lot of outsiders come in on the  
28 ferries.

29  
30 The deer are starting to rebound  
31 because we're having some people do some wolf trapping,  
32 and hunt, you know, on the island and they seem to be  
33 doing really well. We've had some people come up from  
34 Klawock, Craig area.

35  
36 The sockeye around Kake is pretty much  
37 depleted from Gut Bay to Falls Lake because of, you  
38 know, being able to only get 10 fish a day makes it  
39 dangerous for our people to run across on little boats.  
40 But sportsfishermen -- and I'm not complaining about  
41 sportsfishermen, but we need a little parody here,  
42 they're allowed to get six fish per person for the  
43 whole season as long as they process them on the boat.  
44 And us in the village, you know, a lot of them can't  
45 afford to go across Frederick Sound, you know, like I  
46 say it's dangerous.

47  
48 And Pillar Bay had a bunch of beaver  
49 ponds but Fish and Game did go down and tear them up  
50 but they're not allowed to exterminate the beavers and

1 I guess we are but we don't -- we go down once a year.

2

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

5

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

11

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

18

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

25

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

34

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

37

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

40

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

47

48 And the concerns that we spoke about,  
49 even at the last meeting, which I spoke about to OVK,  
50 was the grey water, tour ships dumping. As long as

1 they're three miles away from existing land they can  
2 come in and dump as far as Stevens Passage. And the  
3 tour ships that go by Kake coming to Juneau or Sitka or  
4 whichever way they come, they dump there. And I've  
5 personally witnessed, you know, going in behind them,  
6 sometimes a trail five miles long of grey water just  
7 food and paper and everything and the birds just having  
8 a feast. And all the tour ships do this. We would  
9 like somebody to do a proposal -- and I'm not good at  
10 this stuff -- I've asked our Council, and a proposal to  
11 let them take out what they bring in, don't let them  
12 dump because our seaweed's, you know, it's  
13 disappearing. The seaweed on Kuiu Island is gone for  
14 some reason. We used to get it from there historically  
15 all the time, now it's not there. We're going to  
16 Admiralty Island to get seaweed. But the only thing my  
17 -- my concern with the grey water is the amount of  
18 cancer that's showing up in the villages that are  
19 affected by Chatham Straits, Frederick Sound and by  
20 Hydaburg. And I don't know if it's directly, you know,  
21 directly affected by this grey water but I'm sure it  
22 doesn't help. And -- because the foods that we eat  
23 from the oceans are getting this stuff.

24  
25                                   And climate change, you know, we talked  
26 about.

27  
28                                   And then seining close to the streams,  
29 like Angoon did, they tried to stop seining so close so  
30 it wouldn't affect the amount of fish going into the  
31 streams.

32  
33                                   But I think that with this climate  
34 change thing we're going to have to discuss because the  
35 bears went in late and, you know, people couldn't  
36 hardly get any deer on Admiralty because the deer  
37 stayed up high and most of them are -- they hunt off  
38 the beach, the bears came out every time somebody shot,  
39 when they'd come right down, it was a dinner bell to  
40 them so, you know, you're helping them out in a way.  
41 But they're becoming more abundant on Admiralty, at  
42 least on our side, I don't know about the other side of  
43 it.

44  
45                                   The bears around Kake, if they come out  
46 early there's no food for them so they'll just come  
47 into the community. And that's what we're worried  
48 about, I think spring is here and.....

49  
50                                   But we do thank everybody for being

1 here and we'd like to do as much as we can.

2

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

17

18                   Thank you.

19

20                   CHAIRMAN BANGS: Thank you, Mr.  
21 Jackson.

22

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

42

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

47

48                   So I think as far as filling our  
49 freezers and cans, we had a good fall.

50

1                   And so far this winter's been mild. I  
2 think someone else had alluded to, or more than one had  
3 alluded to the lack of the snowpack and that seems to  
4 be a big issue. On one hand it makes a higher survival  
5 rate for the deer but, you know, we are concerned about  
6 the summer and the salmon runs that depend on that  
7 water.

8  
9                   So that's in the discussions a lot too,  
10 on a daily basis you can hear somebody say, well, we  
11 really need more snow or we're going to end up hoping  
12 for it to rain all summer and nobody really wants that,  
13 but we kind of feel that it's our only option if we  
14 don't get more snow. And they got some snow here the  
15 other day, it kind of blanketed around Southeast but in  
16 a matter of a day or two it warmed up and it was gone,  
17 even in the mountains it was gone. So that's been one  
18 of the issues that I hear a lot.

19  
20                   We're still concerned about the growing  
21 wolf population on the Lindenberg Peninsula, on Kuiu,  
22 and all the way to Kuiu actually. We have a growing  
23 wolf population and we have problems with predation and  
24 it's harder and harder to get deer in some areas. And  
25 Fish and Game was proposing a predator control type  
26 situation where they were going to try to trap more of  
27 those wolves and so far we haven't seen a change in the  
28 population, or that has (ph) moved forward but that's  
29 still something that's on everybody's mind as to what's  
30 going to be happening in the future in our immediate  
31 area for the deer population.

32  
33                   So that's most of the concerns that  
34 I've heard in our immediate region and it echos a lot  
35 of the things that I hear from the rest of the  
36 Southeast area.

37  
38                   So with that said I was going to go  
39 into the Chair's report but I'd like to, again, ask if  
40 there's anybody on line and if they are, if they could  
41 identify themselves.

42  
43                   MS. HANSEN: Kathy Hansen, Southeast  
44 Alaska Fishermen's Alliance.

45  
46                   CHAIRMAN BANGS: Welcome Kathy. Sorry  
47 about the mess up on the -- we had a snafu with  
48 electronics here but you're coming in real clear, can  
49 you hear us?

50

1 MS. HANSEN: Yes, I can.  
2  
3 CHAIRMAN BANGS: Oh, good, very good.  
4 Is there anyone else.  
5  
6 MR. SHARP: Yeah, Dan Sharp with BLM  
7 Anchorage. Good morning.  
8  
9 CHAIRMAN BANGS: Welcome. Anyone else.  
10  
11 (No comments)  
12  
13 CHAIRMAN BANGS: Okay. Very good.  
14  
15 So you're coming in loud and clear for  
16 us so we're going to carry on here.  
17  
18 I did want to reflect what happened at  
19 the Federal Board meeting that I attended this winter  
20 and it's only the third or fourth Federal Board meeting  
21 that I have been able to attend since I've been on the  
22 Council, the second one representing the Council and  
23 other meetings I have gone to was for other reasons.  
24 But I really learn a lot every time I go. I think it's  
25 a process that I would love to see every Council member  
26 be able to go to a Federal Board meeting. And I know  
27 we've talked about trying to come up with funding to  
28 send one or two Council members to each of the Board  
29 meetings that we have. It would be nice if the Federal  
30 Board could go to remote areas, or more remote than  
31 just Anchorage and have meetings in the areas that are  
32 truly rural. So -- but we've discussed that as well in  
33 the past. But it was enlightening to meet with the  
34 other Council Chairs and the Federal Board and their  
35 responses to the proposals that were sent by the other  
36 Boards and our Board as well.  
37  
38 So the outcome of our proposals that  
39 came before us, there was a few of them that were on  
40 the consent agenda and they weren't contentious like  
41 the fishhook, the definition of a fishhook and things  
42 like that. There was some other proposals that had  
43 come out of our Council and they were received well by  
44 the Board. We had good rationale and I think that the  
45 Board realized that we had done our homework and they  
46 gave us deference and things went well. They were well  
47 received by the work that you all did and I think that  
48 that was helpful that we come up and cover our criteria  
49 carefully.  
50

1                   The Board of Fish and the Board of  
2 Game, I was going to get into this at this point, where  
3 Cathy represented our Council at the Board of Game and  
4 they were -- it was well received as she mentioned. I  
5 think that's a very good thing that we continue to do,  
6 involve ourselves in State proposals that are possibly  
7 going to affect subsistence. I think that's something  
8 that we should do for every Board of Fish and Board of  
9 Game meeting. I think we should keep on top of that.  
10 And I know it's hard for the timing of our meetings in  
11 conjunction with making a proposal or reacting to a  
12 proposal in a time that will fit into the timeframe of  
13 their meetings. As we know other organizations are  
14 having meetings and we're missing a few Council members  
15 because of that, it's just a hard thing to do, the more  
16 you're involved in stuff, it makes it difficult. But I  
17 think that it's important that we do keep on top of the  
18 Board of Game and Board of Fish.

19  
20                   I attended the Board of Fish meeting on  
21 behalf of the Council. And I think it was well  
22 received. I was going to ask Mr. Casipit for a recap  
23 later on in the agenda from the decisions that were  
24 made by the Board of Fish. And I think it was  
25 enlightening to them for us to participate, and so I  
26 would encourage us to continue with that.

27  
28                   And with that I was going to start into  
29 public testimony but I think it's about lunchtime. So  
30 if we could break for lunch and say meet back here at  
31 1:30, does that sound good with everybody.

32  
33                   (Council nods affirmatively)

34  
35                   CHAIRMAN BANGS: Okay, we'll recess  
36 until 1:30.

37  
38                   Thank you.

39  
40                   (Off record)

41  
42                   (On record)

43  
44                   CHAIRMAN BANGS: Okay, I'd like to call  
45 the meeting back to order, please.

46  
47                   Okay, we're at a point in the agenda  
48 where we'd like to hear public testimony. And I'd like  
49 to make sure everyone understands that public testimony  
50 that we're going to take right now won't reflect

1 anything about rural determination. Before our Council  
2 talks about rural determination we want to hear public  
3 testimony that's going to take place tonight. And I  
4 know there's a few other people that may have public  
5 testimony about non-agenda items and this would be the  
6 time to come forward with that. I have several of them  
7 and if you do, if you put in one of these forms and you  
8 have something else besides rural determination to  
9 speak to then I would welcome you to come forward.

10

11 Lee, did you have something you wanted  
12 to say.

13

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

20

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

31

32 Thank you.

33

34 Gunalcheesh.

35

36 Howaa.

37

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

42

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

46

47 (No comments)

48

49 CHAIRMAN BANGS: I have one request  
50 that may be pertinent to this portion of the agenda is

1 a Sitka resident asked that he may speak to asking  
2 support from the Council in lowering prohibited species  
3 caps in the Gulf of Alaska Trawl Fisheries.

4  
5 MR. LARSON: And I don't see him in the  
6 audience.

7  
8 CHAIRMAN BANGS: So he's not here right  
9 now but we'll keep that in mind later in the agenda, we  
10 can add that.

11  
12 (Pause)

13  
14 CHAIRMAN BANGS: Okay, Mr. Larson has  
15 an announcement for us.

16  
17 MR. LARSON: Thank you, Mr. Chair. One  
18 of the things that I normally ask of the audience is to  
19 sign in. There's a sign up sheet by the main entrance  
20 there. It's for our recordkeeping and it's very much  
21 appreciated if you could just sign in and do that every  
22 day. That would be much appreciated.

23  
24 So thank you very much.

25  
26 CHAIRMAN BANGS: Okay. We have Ray  
27 Nielsen, Jr., is he in the -- yeah, there you are.

28  
29 MR. NIELSEN: Thank you, Mr. Chair.  
30 Board. Everyone else here. My name is Ray Nielsen.  
31 I'm a life long resident of Sitka. I've always  
32 advocated for our subsistence and customary and  
33 traditional rights.

34  
35 We're always fighting for our C&T  
36 rights, subsistence. We've gone all the way to Federal  
37 court, that's how important it is to us.

38  
39 The last three years the commercial  
40 industry, herring, the herring boats, the managers,  
41 Silver Bay Seafoods, they've been paying a boat and  
42 crew quite large money to go out and do harvesting for  
43 eggs to give away to whoever, not just in this  
44 community but everywhere else. But to pay them like  
45 60-grand, 30-grand, that's very commercial to me. Why  
46 don't they direct that money to Sitka Tribe and we can  
47 do our job. It's our right to do it. This is part of  
48 our culture and our heritage. The grease trails.

49  
50 When I did my testimony at the Board of

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

13  
14 But we do not want to cause trouble  
15 with them but we're looking at every avenue we can to  
16 put a stop to that. It's not right that the commercial  
17 guys tell the subsistence users what to do. We feel  
18 we're very good at what we do. We supply for Sitka,  
19 Southeast, Mainland Alaska, Yukon, British Columbia,  
20 all the way down the West Coast. We're good at it. We  
21 have a history of it.

22  
23 People that do that have a big pile of  
24 the paper you get when you go to the airfreight to show  
25 it, that's our history, our modern history.

26  
27 But if they continue to do this, well,  
28 we don't like it. If the only way we can have this  
29 settled is to go to court, well, we're not afraid to do  
30 that either. The Board of Fish didn't listen to us so  
31 we had a C&T meeting, the Sitka Tribe, I brought that  
32 up and now I'm here before you saying give us -- give  
33 them direction to get away from trying to do our job,  
34 that's ours. If they want to do that, well, maybe we  
35 can help them with their commercial fishery and shut it  
36 down. They have theirs, we have ours.

37  
38 That is all I have to say to you.

39  
40 CHAIRMAN BANGS: Thank you, Ray. Is  
41 there any questions from the Council.

42  
43 (No comments)

44  
45 CHAIRMAN BANGS: Thank you very much,  
46 Ray, for your comments.

47  
48 Next we have Mr. Albert Kookesh from  
49 Angoon.

50

1 MR. KOOKESH: I want everybody to know  
2 that I appreciate the time many of you spent with my  
3 brother, Floyd, when he was on this Council. He spoke  
4 a lot of times about you guys and the tough times you  
5 guys gave him. He was so gentle and kind, I don't know  
6 why you guys gave him such a bad time.

7  
8 (Laughter)

9  
10 MR. KOOKESH: But my brother and I  
11 spent a lot of time talking around the kitchen table  
12 about the things that you all did and the work you did  
13 and he was really appreciative of you. And I think the  
14 thing that he missed the most was these meetings, so  
15 thank you for that.

16  
17 I don't -- I'm here -- I know the  
18 testimony is tonight for the rural determination,  
19 that's the one I want to be in. But I'm here for  
20 myself today because I wanted to talk to you just for a  
21 minute about subsistence.

22  
23 I grew up in Angoon, Alaska. I was  
24 born and raised there. I left to go to Mt. Edgecumbe  
25 High School because we didn't have a high school and  
26 then to Alaska Methodist University where I got my  
27 undergraduate degree and then to the University of  
28 Washington where I got my law degree. Moved back to  
29 Angoon and none of the law firms in Angoon would hire  
30 me.....

31  
32 (Laughter)

33  
34 MR. ANGOON: .....so I decided to  
35 become a commercial fisherman.

36  
37 Actually that's not true.

38  
39 I put myself through high school,  
40 college and law school on the boat the Mary D out of  
41 Pawk Inlet and I fished the last year that Indian  
42 Islands were open and the year I finished seining was  
43 the year they closed it. I've also gillnetted in  
44 Bristol Bay. I've gillnetted in Lynn Canal. And I've  
45 held a hand troll permit and a halibut quota. So I'm  
46 very familiar with the commercial side of fishing. But  
47 I'm also very, very familiar with the subsistence side  
48 and that's what I want to talk to you about today.

49  
50 I got hired by Governor Knowles to be a

1 rural assist for rural affairs and the two years I was  
2 there he did two special sessions on subsistence and  
3 then I became a member of the House of Representatives  
4 and we did four more, trying to get subsistence added  
5 to the Constitution, or make Alaska's Constitution to  
6 come in compliance with the Federal Constitution so  
7 that the Federal lands could be managed by the State of  
8 Alaska. We were never able to do that.

9

10                   The reason I bring this up is because  
11 the gentleman from Pt. Baker today gave me a little bit  
12 to cringe about because I felt that he thinks that  
13 maybe some of us at Sealaska don't think that  
14 subsistence is important. I was there for every vote  
15 on the subsistence issue when we were trying to make it  
16 a Constitutional amendment and I didn't see anybody  
17 there but the Native community. Nobody there but the  
18 Native community. We spent \$14 million trying to  
19 change the Constitution of Alaska, and that's AFN  
20 money. So subsistence to all of us is important. And  
21 I feel that I have to bring that to your attention,  
22 that it was us, the Native community, that tried to  
23 make subsistence a permanent place in the Alaska  
24 Constitution. And it was us, the Native community,  
25 that walked away from that process because we said,  
26 well, it doesn't look like the state of Alaska is going  
27 to allow us to do this so let's take the money we have  
28 and protect our Federal protections, under the Federal  
29 Constitution that protects our subsistence way of life  
30 because Alaska's not going to do it. Which, to me,  
31 doesn't make a lot of sense. And I guess that's just  
32 my point of view because I felt that Alaska should  
33 manage all the resources within its border. But we had  
34 people in the Senate and in the House who wouldn't  
35 allow us to do that. One vote in the Cowper  
36 Administration and I think one or two votes in the  
37 Knowles Administration where it could have passed. And  
38 the thing that bothers me, and this is historical, is  
39 that the Alaska Legislature, which didn't allow this to  
40 go forward, its only job was to frame the question.  
41 The only job we had in the Legislature was to frame the  
42 question for the people of Alaska to vote on a  
43 Constitutional Amendment and we couldn't even do that.

44

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

49

50                   The legislation that passed in the

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

5  
6 For those of you who don't know it, we  
7 have 300,000 acres and most of it on Prince of Wales  
8 Island, most of it is on Prince of Wales Island and we  
9 allow access on all that land. We've got accused of  
10 putting up no trespassing signs up and that's not true.  
11 We found out later it was Klawock-Heeni that put their  
12 no trespassing signs up on their lands, which they're  
13 allowed to do. Private property in Alaska is private  
14 property but for some reason the Native private  
15 property is treated different. If I came to you and  
16 all of you are probably private land holders and said I  
17 want access through your property, you wouldn't allow  
18 me to do that. But for Sealaska's lands, or Native  
19 lands, people think that it's okay, we can treat  
20 Sealaska Native lands different. But private property  
21 gentlemen, ladies, is private property. We've never  
22 posted our lands. We have a requirement by the law to  
23 allow access to the new lands we got and we were happy  
24 to do that, we negotiated that.

25  
26 150,000 acres went into the  
27 Conservation Units and most of that to protect fish  
28 streams on Prince of Wales Island. 158,000 acres in  
29 our Bill whereas Sealaska got 70,000 acres of our final  
30 entitlement, which is a moral entitlement, by the way,  
31 that we felt was owed to the people of Sealaska, the  
32 shareholders of Sealaska, who, if you -- I don't think  
33 any of you were around at the time, but at time before  
34 the non-Natives came, the Tongass was a Native place,  
35 and our villages were Native villages in the Tongass.  
36 One gentleman in Angoon said, to a committee just like  
37 this one time, he was told by one of the people who was  
38 Chairing the meeting, and he was an older gentleman, he  
39 must have been about 75 at the time, he was told by  
40 that gentleman, you want subsistence so bad I'm willing  
41 to give it to you, but only if you go back to the old  
42 ways where you use a spear and a hook, no guns, no  
43 traps, the old way. The old gentleman, remember he was  
44 75 years old, and he said, sir, I'd be willing to do  
45 that if you would all go back to where you came from  
46 and let us live on the lands like we used to. We know  
47 that's not a possibility, but I just want to remind you  
48 that there's two points of views here. Those of the  
49 Native community and those of the non-Native community  
50 and we have to try to mesh it.

1                   The name of your committee is the  
2 Southeast Alaska Regional Advisory Committee. And I  
3 just want to remind all of you, and I know I don't have  
4 to do this, that you speak for me, and the people in my  
5 village, when you are taking issues to the Council --  
6 the Federal Subsistence Board. I know you have  
7 personal opinions and I know those personal opinions  
8 are very strong but I hope you remember that  
9 subsistence belongs to all of us and that when you  
10 speak as of one voice in front of that Federal  
11 Subsistence Board you're speaking for me, you're  
12 speaking for my children, you're speaking for my wife  
13 and I really want to make sure that you remember that  
14 because I don't want us to be in a fight over this. We  
15 all believe in subsistence. We all do. It's a way of  
16 life. I accept that and I hope you do too because we  
17 are so enmeshed right now between the commercial world  
18 and the subsistence world.

19  
20                   The little lawsuit that I'm involved  
21 in, we were allowed 15 fish per family, per year, and  
22 that's why we went to court. 15 fish per family, per  
23 year. They didn't define family. There are some  
24 families with one person in Angoon and there's some  
25 families with 15 people in Angoon, they didn't define  
26 family. We had to go to court. One mile away, as the  
27 crow flies from where we were fishing, commercial  
28 fishermen were allowed to put their nets in the water  
29 and fish and catch as much of that salmon as they  
30 wanted to.

31  
32                   So I'm saying we need to protect the  
33 commercial as well as the subsistence lifestyle here,  
34 and sometimes we forget that because it's the  
35 commercial that brings the money in. The subsistence  
36 way of life doesn't bring any money in and we find it  
37 easier sometimes to say it's more important for the  
38 commercial way of life to survive.

39  
40                   That's not true. And I hope that those  
41 of you on this Council have that belief. I don't doubt  
42 that you probably do.

43  
44                   So that's my take on something very  
45 simple. Telling you from my heart where I am on  
46 subsistence. I have a law degree, I could work  
47 anywhere I want in Alaska but I chose to live and raise  
48 my family in Angoon, and Angoon where I have one of the  
49 few beach seines available because I could afford to  
50 have a beach seine. And my beach seine is borrowed by

1 10, 15, 20 families a year, they borrow my beach seine  
2 to go out and get fish because they don't have their  
3 own. To go from Angoon to Kanalku, it's a half hour  
4 run, a lot of them can't afford to buy the gas and have  
5 to have two or three people in one boat, two or three  
6 families.

7

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

21

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

26

27 So thank you very much, appreciate it.

28

29 CHAIRMAN BANGS: Thank you, Mr.

30 Kookesh.

31

32 Any questions.

33

34 (No comments)

35

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

42

43 So thank you, though, for your  
44 comments.

45

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

48

49 (Laughter)

50

1 CHAIRMAN BANGS: Okay. Mr. Bill  
2 Thomas.

3  
4 MR. THOMAS: Thank you, Mr. Chairman  
5 and members of the committee. I'm Bill Thomas, born and  
6 raised in Haines, been there all of my life and a  
7 commercial fisherman. I think I'm going to start my  
8 46th year this year and halibut fishing since '73 and  
9 shrimp fisherman. I'm really unique in this committee  
10 because we are located on State land so we don't have  
11 any issues with the Federal Subsistence Board other  
12 than two issues that I know that impact our community.

13  
14 One is the halibut fishery. And my  
15 complaint is there's no enforcement up there. I  
16 gillnet. I leave Haines every Sunday and come back on  
17 Wednesday and there's no -- probably no more -- no less  
18 than four, five, six, eight buoys sitting there all  
19 year-round, and I know the people fishing, they don't  
20 need 60 halibut or 80, maybe they're just poor  
21 fishermen but it's hard to believe because of the  
22 amount of fish they get by with the IFQ systems now.  
23 And I'm just complaining because there's no -- no  
24 enforcement anywhere. Fish and Game don't have the  
25 authority. I asked them, you know, about it. They  
26 said that's not their jurisdiction and I don't know if  
27 you can do anything about it or not. But it's to the  
28 point where people in my hometown are saying, how much  
29 fish does that family need, I mean it's ridiculous. I  
30 go out with my boy in the falltime and we drop our gear  
31 out and in two days we're done. Maybe they don't know  
32 how to fish, uh, Frankie, but there's something wrong  
33 there.

34  
35 But the other impact that we have is I  
36 grew up the Tlingit way of subsistence, we called it --  
37 it was a way of life and gathering. We ate a lot of  
38 seal meat in my home town. Today you're lucky if you  
39 can find two families that eat it and, why, and this is  
40 another thing that you guys have jurisdiction over, is  
41 the seal, is because the people went out and bought all  
42 the lands in the coves that we hunted and I was telling  
43 Albert, the way we hunted there we never could afford a  
44 skiff so we hunted on a north wind and the seals would  
45 blow up on the beach and we'd go to the next cove and  
46 hunt and get two or three seal for the day and take  
47 them to the elders, they would drift up there. Now you  
48 go out there it's all posted, no trespassing, no  
49 hunting, and I told the people up there, you've done  
50 more to destroy the culture because nobody eats seal

1 meat anymore. When you cook it everybody leaves the  
2 room anymore because, you know, it is pretty tough to  
3 eat and I haven't had it for 50 years, probably, 45.  
4 And just something -- I don't know how you can turn  
5 around and do anything about it, probably nothing,  
6 because it's pretty much over now.

7  
8 And one other point is just that on  
9 subsistence I've been an advocate, even though I'm a  
10 commercial fisherman, I believe that people should eat  
11 first. And I was with Albert every time we had those  
12 votes in Juneau on subsistence going back to Knowles  
13 and Governor Cowper, we were within one vote and it was  
14 the Wrangell Rep, and I won't tell you who he was, but  
15 who said no and we had the Alaska Loggers working him  
16 because back then the logging communities were  
17 qualified and a lot of them subsist because, you know,  
18 while they hunted they got their clams and everything  
19 else that they needed and stayed in camps year-round.

20  
21 I want to thank you for your job, it's  
22 one of those, I wouldn't want -- or Board of Fish, you  
23 know, and thank you for, you know, working on this and  
24 hopefully, you know, some day -- and I'm here for the  
25 Saxman determination also so we'll speak briefly on  
26 that tonight but probably about all we have to say is  
27 that we just support their efforts.

28  
29 But anyway I'll answer any questions.

30  
31 And, again, I don't envy your  
32 positions. I recommended some of you guys, they called  
33 me, you know, you had me on your list.

34  
35 (Laughter)

36  
37 CHAIRMAN BANGS: Thank you, Mr. Thomas.  
38 Any questions.

39  
40 (No comments)

41  
42 CHAIRMAN BANGS: Thanks again.

43  
44 MR. THOMAS: Thank you.

45  
46 CHAIRMAN BANGS: Next we have Paulette  
47 Moreno, did I say that right.

48  
49 MS. MORENO: Good afternoon ladies and  
50 gentlemen and Council that are before us today and good

1 afternoon to those that are in the audience, especially  
2 our elders. It's very nice to see you this afternoon.

3

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

6

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

14

15 (Laughter)

16

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

21

22 (Laughter)

23

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

27

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

30

31 One of the first ones would be, I am a  
32 resident of Sitka. I am an Alaska Native woman. And I  
33 would like to say that the appearance of the process,  
34 and I'm commenting on the process where the Board of  
35 Fish could use, I believe, a little bit of friendly  
36 recommendations for improvement regarding  
37 communication. When an individual comes forward to  
38 testify and they have just a little bit of time to  
39 speak that goes by so fast. One of the examples is the  
40 allowable Native subsistence harvest, I think they  
41 referred it to as ANS, it's put forward that we've met  
42 that quota. On a personal level the data that's  
43 collected from our people does not reflect that, such  
44 as the number of boats that decreased from one year to  
45 the other that went out to harvest subsistence herring  
46 eggs, that number decreased but that's because of the  
47 price of gas and the price to repair boats and things  
48 like that. That type of information needs to be  
49 reflected somewhere in theses studies that come forward  
50 and also I know that there are big commercial harvests

1 that have come in with herring eggs, such as last year  
2 down at the dock, they harvested 100 trees, some of  
3 them may be supported by the commercial industry, and  
4 they have come into the dock and they have herring eggs  
5 that are available for whoever would like to come and  
6 take them. A lot of times those herring eggs are  
7 weighed with the water on them and anybody who  
8 processes herring eggs, by the time I bring herring  
9 eggs to my family, the trees are cut away, the branches  
10 are cut away, the excess water is weighed out and the  
11 actual weight of the herring eggs is less than what is  
12 reflected in a lot of the reports that you may be  
13 getting from the Board of Fish. I don't believe that  
14 our subsistence levels are being met.

15

16 Those are just a couple of the short  
17 reasons.

18

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

41

42 Another thing is I absolutely concur  
43 with what Mr. Kookesh has spoken regarding Sealaska.  
44 There is organizations here in Sitka and being a  
45 resident here in Sitka and having the privilege and  
46 honor of being a Tlingit woman, I've been offended by  
47 some of the information that's being projected by some  
48 groups that are under titles that would seem to benefit  
49 subsistence, and overall Alaska people, and calling out  
50 Sealaska, calling them out in a manner such as saying

1 that they are going to close public access, looking at  
2 their website when there's crime scene tape put across  
3 a picture in front of a river; it's offensive as an  
4 individual, it's offensive as a person of Native  
5 ancestry because that is not how we think, neither  
6 would that be how we ever would we think. It's not  
7 just a corporation it's a group of our relatives and  
8 our people that represent us, and I think that it's  
9 important that this Board understands that the type of  
10 information going out there is something that could be  
11 monitored.

12

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

15

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

26

27                   I'm only one voice.

28

29                   One of the things I said at the Board  
30 of Fish meeting is you have an opportunity to make  
31 history. You have an opportunity to rule on these  
32 subsistence issues and to make a difference. Maybe you  
33 may not have all the details when you're sitting there  
34 with the paperwork and you have a very important  
35 decision to make, but I would just continue to  
36 encourage you to -- there's going to be times you just  
37 may not have all the information but it's really what  
38 do you stand for. When we come and see how you vote  
39 and the recommendations that you make, and my mother  
40 who's 81 years old, she told the Board, she said, you  
41 know, and please do the right thing so you can sleep  
42 good tonight, that was her basic message and I believe  
43 that can only come from an 81 year old elder, so I'm  
44 borrowing her words, you know, with her in mind, but I  
45 am saying that I believe that you will do so. I feel  
46 so much more comfortable before your Board and I would  
47 just say that what really reflects what the Native  
48 people of this land and all people who are  
49 participating and gathering subsistence things, we are  
50 not reaching that goal, we are not getting the amount

1 of subsistence that we need. Our families are not  
2 receiving all of those things, the data, the  
3 collection, all of these things could have some  
4 improvement and I believe that last year when they went  
5 over threshold, how does one person say, wait, hold on  
6 a second here, I don't have all these letters behind my  
7 name, and sometimes we do, and I do in other aspects,  
8 but I do want to say, how does -- when you're acting as  
9 an individual, that individual voice to come to the  
10 Board should be strong and powerful and heard also.

11  
12 So I would like to thank you so much  
13 for your time.

14  
15 I would like to thank each and every  
16 one of you for being here this afternoon.

17  
18 And I would just say that the data  
19 coming forward perhaps from the Board of Fish may not  
20 be the data reflected if you were out on a boat with me  
21 today, or tomorrow during herring season and we were  
22 coming back and a tree was empty, you know, it's  
23 heartbreaking when you pull up a tree and it's empty.  
24 You know that those families are not going to be fed  
25 and that is not meeting our subsistence needs.

26  
27 So thank you so much for your time.

28  
29 Gunalcheesh.

30  
31 And, again, thank you Albert and thank  
32 you Bill and all those other who have testified before  
33 me. God bless you.

34  
35 CHAIRMAN BANGS: Thank you, very much.

36  
37 UNIDENTIFIED VOICE: Gunalcheesh.

38  
39 (No comments)

40  
41 CHAIRMAN BANGS: Thanks again for those  
42 words. Very well spoken and good message, thank you.

43  
44 SEVERAL UNIDENTIFIED VOICES:

45  
46 Gunalcheesh.

47  
48 CHAIRMAN BANGS: Next we have John  
49 Duncan, Sr.

50

1 MR. DUNCAN: First of all I'd like to  
2 like to welcome you as a Kiks.adi as the speaker of the  
3 Clay House here in Sitka. If you followed the history  
4 the chief came from our house (In Tlingit) years ago  
5 and this is our land that our ancestors fought for.  
6 And I'd like to welcome you first before I start to be  
7 here meeting on our land.

8

9 Thank you.

10

11 (In Tlingit)

12

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

15

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

20

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

25

26 (Telephone beep)

27

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

30

31 (Laughter)

32

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

43

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

1 Northwest Mounted Police in Canada. So we really had  
2 to live off subsistence.

3

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

14

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

32

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

37

38                   (Laughter)

39

40                   MR. DUNCAN: But I'm even having a hard  
41 time up and down the dock while you can only catch  
42 fish. Back a long time it probably was okay, even  
43 then, when we were growing up we were taught by our  
44 father that when you buy gas and you have to go 10  
45 miles to get fish you better watch for bear, you better  
46 watch for seal, you might as well drop a halibut skate  
47 because you got to get all those things to pay for that  
48 gas. Now you're telling me, well, you only can have,  
49 you know, so much. If I run out here on the outside --  
50 it's a dangerous life to run out there with the skiffs,

1 we have a lot of people that do, these waters are rough  
2 out there. When they run up they got to get -- you  
3 can't get any more than 25 fish, okay, that's for your  
4 family, too, but what about my nephew and my cousin,  
5 and them, you got to help them, too, they got no boat.  
6 Nowadays we can't do that because of the rules and the  
7 gas. We lived off everything. The fish, the halibut  
8 we caught off our beach.

9  
10 I come from Duncan's Camp, Excursion  
11 Inlet. A lot of people still call that Duncan's Camp.  
12 But everything, deer, bear, all the stuff we lived off  
13 of that. Maybe once a month we'd have hot dogs when  
14 dad would run from Excursion to Hoonah, that's the only  
15 place they had a store, that's 20 miles away with five  
16 horse, that's all they had then.

17  
18 And when I was at this last board  
19 meeting they introduced me to one of the guys on the  
20 Board, I grabbed him and I told him, listen to them,  
21 listen to us, listen -- it's not hard to listen to us,  
22 we have to live by all the rules that you guys make,  
23 but I shouldn't have to hide my stuff away when I go  
24 after my Native food, it should be right out there in  
25 the open, you don't even have to come and look at it or  
26 count it, I know what I need, I know what I need to  
27 live off of. But to make our people feel like we have  
28 to steal our own food, and maybe some of us have to.  
29 You guys think it should be that way, I don't know.

30  
31 But I'm an elder and thanks for giving  
32 me the time to speak because I got a lot to say that  
33 they wouldn't let us say anyplace else, you got three  
34 minutes.

35  
36 Our oldtimers would tell us (In  
37 Tlingit) listen, listen. And if we were kids and we  
38 were playing with fish like they do now, they call it  
39 catch and release, I was watching it here at the mouth  
40 of the creek, a lot of people would like to eat that  
41 food. I was talking to an oldtimer, some kids were  
42 playing around catching all that fish, catch and  
43 release, he wanted that fish really bad, he was having  
44 a hard time to get some. He told those kids, if you  
45 guys want to give me fish, put it in there, I need it.  
46 They were throwing it away, running off laughing, he  
47 had a hard time to get his fish. He just told me the  
48 other day.

49  
50 That's the kind of world we're living

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

8

9  
10 Back when I remember there was only  
11 Native people that used to eat it and use it and they  
12 wouldn't bother us. Now, because everybody else in the  
13 state has to use it, we're getting punished for it.  
14 And I hope I don't have to grab anybody and say, hey  
15 listen to me. Listen to our Native people. This is  
16 happening. I talked to my -- our -- the tribe over  
17 here, we've been discriminated for years, nobody likes  
18 that word but it's true. Everybody else can set the  
19 herring, they can sell herring, they send it to Japan,  
20 they don't care about the Native people that are trying  
21 to keep those herring alive. People are tired of  
22 hearing us. We talk about herring all the time. Well,  
23 all of the animals eat that herring, all of them so  
24 we're concerned. We're concerned because of what  
25 happened to Ketchikan. I told the group there at that  
26 other board meeting last month, I wish the fishermen  
27 could fish in Ketchikan, I wish they could go out by  
28 Juneau and fish over there, they would love that. But  
29 I said, you tell the Fish and Game why you can't do  
30 that now, tell the board why you can't do that now,  
31 because it's been fished out. So we're trying to  
32 protect -- we got an area here in Sitka that we fought  
33 for, they call it a subsistence area, so they can't  
34 fish in there, it's a little pot like this, we fought  
35 for that and we are so thankful that they let us have  
36 that. We fought for a bigger area so that if the other  
37 places got fished out around Sitka that that place  
38 would still produce fish for -- so we could keep  
39 continue fishing here, we don't have a problem with  
40 that. I've been a commercial fisherman myself for  
41 years. I grew up -- they pulled me off the beach and  
42 said you're a fisherman, had to do it. Back then  
43 that's how they told you you were growing in to be a  
44 man. I wasn't old enough to get paid, so they had to  
45 pay me cash under the table because I was only 13.

46

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

50

And I don't want to start repeating

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

17  
18 But I'm an oldtimer. I'm glad that you  
19 guys gave me the time to talk so you can see and know  
20 what the oldtimers are going through because sometimes  
21 a lot of us feel like those people who are running it,  
22 they don't even know what they're doing.

23  
24 You know, let me tell you one more  
25 thing, I was up in Anchorage at one of their meetings  
26 and I was very upset because the board was making a  
27 decision on Kasaan, I think it was, that village out of  
28 Ketchikan, they didn't even know whether it was part of  
29 Ketchikan or not but they made that decision. I was  
30 listening. But they made that decision to the poor  
31 Ketchikan Kasaan people that cannot use subsistence  
32 because they're too close to the village. That brings  
33 up a good point because if I was living and working  
34 construction in Juneau I still needed my Native food.  
35 If I'm in New York it's not going to change the color  
36 of my skin or what I have.

37  
38 Thank you very much. I hope -- if you  
39 have any questions you wanted me to answer.

40  
41 CHAIRMAN BANGS: Thank you, Mr. Duncan.  
42 Any questions.

43  
44 (No comments)

45  
46 CHAIRMAN BANGS: Thank you, very much  
47 Mr. Duncan. I really appreciate it.

48  
49 MR. DUNCAN: Yeah.

50

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

4  
5 MR. DUNCAN: Thank you.

6  
7 CHAIRMAN BANGS: Thank you. Okay, is  
8 there any other public testimony.

9  
10 (No comments)

11  
12 CHAIRMAN BANGS: I have no blue slips.  
13 But what I'd like to do, the next topic on our agenda  
14 is going to be a lengthy discussion, I think, so I'd  
15 like to take a real short, short break, 10 minutes. If  
16 we could come back in 10 minutes then we'll get into  
17 our C&T discussion.

18  
19 Thank you.

20  
21 (Off record)

22  
23 (On record)

24  
25 CHAIRMAN BANGS: If everyone could take  
26 their seats please and we could resume the meeting.

27  
28 (Pause)

29  
30 CHAIRMAN BANGS: Okay, we need to get  
31 started here. If everybody could please take your  
32 seats.

33  
34 (Pause)

35  
36 CHAIRMAN BANGS: I did mention earlier  
37 that we're having a change in the agenda to cover our  
38 rural determination process review for the morning  
39 after our meeting this evening with the public hearing.  
40 And I would like to say that what I'd like to do is  
41 start the meeting fairly early, 8:30 or so in the  
42 morning.....

43  
44 MR. LARSON: 9:00.....

45  
46 CHAIRMAN BANGS: .....because we're  
47 going.....

48  
49 MR. LARSON: It's already noticed for  
50 9:00.

1 CHAIRMAN BANGS: Oh, it's noticed for  
2 9:00. It's going to be tough for some of the people  
3 that are from Saxman that plan on testifying and being  
4 here for our discussion about it. So anyway we'll  
5 start off first thing in the morning with a Council  
6 discussion on rural determination.

7  
8 Right now we're going to go to  
9 customary and traditional use determination the  
10 Southeast Council proposal. Ms. Pippa Kenner.

11  
12 MS. KENNER: Thank you, Mr. Chair and  
13 members of the Council. My name is Pippa Kenner and  
14 I'm an anthropologist with the Anthropology Division at  
15 the Office of Subsistence Management in Anchorage.

16  
17 The customary and traditional use  
18 determination briefing begins on Page 20 of your  
19 Council books and there are a few books available on  
20 the table in the back of the room. This is not an  
21 action item but the Council may want to take action at  
22 this meeting.

23  
24 A little background to start, in April  
25 2014 [sic], Mr. Bertrand Adams, Sr., the Chair of the  
26 Southeast Alaska Regional Advisory Council sent a  
27 letter to Mr. Tim Towarak, the Chair of the Federal  
28 Subsistence Board requesting an analysis of the effects  
29 statewide of possible changes to the customary and  
30 traditional use determination process. In response to  
31 the request anthropologists at the Office of  
32 Subsistence Management wrote an analysis of the  
33 proposed changes. The purpose of the briefing is to  
34 better inform the Southeast Alaska Council and other  
35 Councils of the possible effects of specific changes to  
36 the determination process. That letter is included in  
37 your materials and it's on Page 51 of your Council  
38 books, it's Appendix B. And in it the Southeast Alaska  
39 Council requested Staff to analyze the effects of:

- 40  
41 1. Eliminating the eight factors from  
42 the customary and traditional use  
43 determination process;  
44  
45 2. Allowing each Regional Advisory  
46 Council to determine its own process to  
47 identify subsistence users; and  
48  
49 3. Requiring the Board to defer to  
50 Regional Advisory Council

1 recommendations on customary and  
2 traditional use determinations.

3  
4 Additionally in your materials, in  
5 Appendix A, is a review of the Regional Advisory  
6 Council comments in 2013 and 2014 that describe aspects  
7 of the customary and traditional use determination  
8 process specific to each region, and that's on Page 40  
9 of your Council books.

10  
11 I'll continue by briefly touching on  
12 important points of the briefing.

13  
14 The changes could affect the process  
15 the Board uses to identify subsistence users. Federal  
16 regulations shall affect only the people, resources in  
17 lands identified through this process. The people,  
18 resources and lands that the Board identifies, taken  
19 together, are called a customary and traditional use  
20 determination and the people identified in a customary  
21 and traditional use determination are called Federally-  
22 qualified subsistence users. The Southeast Council  
23 describes a result of such a determination as an  
24 unnecessary closure to other rural residents of the  
25 state because concerns for the viability of the  
26 population or conservation concerns of a resource do  
27 not exist. The Southeast Alaska Council observes that  
28 if a conservation concern for a resource exists there  
29 is already a process in regulation to restrict who can  
30 hunt. The process involves a determination of who is  
31 most dependent on the resource based on the three  
32 criteria found in Section .804 of the Alaska National  
33 Interest Lands Conservation Act or ANILCA.

34  
35 They are:

- 36  
37 1. Customary and direct dependence  
38 upon the populations as a mainstay of  
39 livelihood;  
40  
41 2. Local residency; and  
42  
43 3. The availability of alternative  
44 subsistence resources.

45  
46 The proposed changes would eliminate  
47 the eight factors from regulation. The eight factors  
48 require the Board to restrict harvesting in a Federal  
49 season to only people who can demonstrate subsistence  
50 uses.

1 I'm turning the page to Page 22 now and  
2 there identified are the eight factors that we're  
3 talking about.

4  
5 I'm moving on to Page 25 under  
6 regulatory background.

7  
8 The Southeast Alaska Council is  
9 concerned that the Board give deference to Regional  
10 Advisory Council recommendations on customary and  
11 traditional use determinations. In the Secretarial  
12 Review OSM received a letter from the Secretary of the  
13 Interior Salazar with recommendations for changes to  
14 the Federal Subsistence Management Program, and one of  
15 those was as a matter of policy, the Board could extend  
16 deference to appropriate Regional Advisory Council  
17 recommendations in addition to the takings decision the  
18 Board provided under another section of ANILCA, subject  
19 to the three exceptions found in that section.

20  
21 So they wanted us to look at deference  
22 in terms of policy for C&T and the Board did that.  
23 Currently the Board's stated policy is to generally  
24 defer to Regional Advisory Councils on customary and  
25 traditional use determinations. The Board reported  
26 this to the Regional Advisory Councils in winter 2011  
27 and to the Secretary of the U.S. Department of the  
28 Interior in a letter dated April 2012.

29  
30 Also some Councils were interested in a  
31 customary and traditional use determination process  
32 that allows the Board to adopt determinations for large  
33 geographic areas and imbedded in the Southeast  
34 Council's proposal was a geographic component. That  
35 section of Southeast proposal was not analyzed in  
36 detail and the reason why is because currently  
37 customary and traditional use determinations may  
38 include geographic areas larger than the precise area  
39 in which a community has demonstrated customary and  
40 traditional uses of fish and wildlife. The eight  
41 factors in regulation require that determinations must  
42 be tied somehow to an area where there is a  
43 demonstrated pattern of use. But Councils have  
44 recommended and the Board has adopted determinations  
45 that include entire management units or entire  
46 management areas when residents of a community have  
47 demonstrated taking fish or wildlife in only a portion  
48 of a management unit or a management area. So  
49 currently the Board has been adopting C&T  
50 determinations for large geographic areas.

1 Now I'm moving to Page 38 in the  
2 summary.

3  
4 If the proposed changes were adopted  
5 and later a Council recommended modifying a customary  
6 and traditional use determination to allow all rural  
7 residents to harvest fish or wildlife under normal  
8 circumstances Federal public land should be closed to  
9 the State season before the Federal season was  
10 restricted to only people most dependent on fish or  
11 wildlife.

12  
13 I've hit on some of the important  
14 points in the analysis. I'm hoping you've all read it.  
15 I'm available to answer your questions. But would you  
16 like me to quickly review the actions taken by other  
17 Councils on this issue, Mr. Chair.

18  
19 CHAIRMAN BANGS: Yes, for those of you  
20 who haven't read them they're pretty brief but if you  
21 could sum them up that would be great, thank you.

22  
23 MS. KENNER: Okay. Briefing materials  
24 were provided by Staff to the Councils at Fall 2013 and  
25 Winter 2014 meetings of the Councils, and asked them to  
26 consider whether or not to:

- 27  
28 1. Eliminate the customary and  
29 traditional use determinations and  
30 instead use the ANILCA Section .804  
31 criteria when necessary;  
32  
33 2. Change the way such determinations  
34 are made by making area wide customary  
35 and traditional use determinations for  
36 all species;  
37  
38 3. Make other changes; or  
39  
40 4. Make no changes.

41  
42 At the end of the last cycle the vote;  
43 some Councils had voted to change the customary and  
44 traditional use determination process and they were the  
45 Southeast Council, the Southcentral Council and the  
46 Yukon Kuskokwim Delta Council. Three Councils voted to  
47 keep the determination process as is, that's  
48 Kodiak/Aleutians, Western Interior and Eastern Interior  
49 Council. Four had postponed action, the Bristol Bay,  
50 Seward Peninsula, Northwest Arctic and North Slope.

1 Three of those Councils have met in this cycle of  
2 meetings and continue to take a no action and may not  
3 in the future, but through the process they have become  
4 much better acquainted with the C&T determination  
5 regulations and have discussed them quite a bit.

6

7 Thank you.

8

9 CHAIRMAN BANGS: Thank you, Pippa. Any  
10 questions. Ms. Needham.

11

12 MS. NEEDHAM: Thank you, Mr. Chair.

13

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

22

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

25

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

50

1 CHAIRMAN BANGS: Yes, Cathy.

2

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

17

18 (Pause)

19

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

23

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

33

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

43

44 CHAIRMAN BANGS: Any other questions.

45

46 Mr. Hernandez.

47

48 MR. HERNANDEZ: Thank you, Mr.  
49 Chairman. Pippa, I was just kind of wondering, as we  
50 go down this path towards changing the customary and

1 traditional use designations have there been any legal  
2 issues arise that need answering as far as, you know,  
3 how it might affect Title VIII of ANILCA, has that been  
4 part of any of your research into this or can we expect  
5 any input from legal; I was just kind of curious about  
6 that.

7

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

10

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

14

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

18

19 MS. KENNER: Yes.

20

21 CHAIRMAN BANGS: Mr. Schroeder.

22

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

28

29 I appreciate also the summary on Page  
30 40 and 41, which basically says, well, how did we get  
31 these eight criteria in this C&T process. And I think  
32 it's a pretty fair rendition of this long and peculiar  
33 history of things that went on starting in the '80s and  
34 then were adopted in the '90s by the Federal Program.  
35 And, you know, there are statements in there that, you  
36 know, I think we should at least be aware of, whether  
37 we focus on it, of why the -- this statement from the  
38 program says that a purpose of the customary and  
39 traditional use determinations by the State is to limit  
40 the subsistence priority by adopting negative  
41 determinations for a specific fish and wildlife species  
42 in specific areas.

43

44 Further down here, you know, just kind  
45 of looking at what C&T determinations do in the Federal  
46 Program, it's come up different times in discussions,  
47 well, do these permit something or do they restrict  
48 something. And the Staff in looking at this, and in  
49 their advice to us say that Federal customary and  
50 traditional use determination process is actually a

1 means of closing an area to some rural users. So this  
2 is where it fits in.

3

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

7

8                               (Laughter)

9

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

34

35                              (Laughter)

36

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

42

43                              So this is kind of working back to the  
44 idea of what Councils heard and how they would be  
45 acting on how they would be responding to the  
46 communication from Southeast and the Southeast  
47 initiative. If it's presented one way it kind of  
48 sounds like, oh, my gosh you're changing the rules of  
49 engagement here, you're coming up with something  
50 completely out of the blue, what are those people in

1 Southeast up to, we knew those Tlingits did things,  
2 they just want to rule the state, I guess.

3

4 (Laughter)

5

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

14

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

17

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

24

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

45

46 Ms. Kenner.

47

48 MS. KENNER: Thank you, Mr. Chair.

49

50 And it's important to note that what

1 the Councils were responding to is a different question  
2 than what is posed in your more recent letter.

3

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

11

12 CHAIRMAN BANGS: Thank you. Ms.

13 Needham.

14

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

18

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

33

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

36

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

50

1 CHAIRMAN BANGS: Mr. Douville.

2

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

13

14 The other comment I have is that, you  
15 know, eight criteria have been used in the past to  
16 determine who gets C&T and where, however, when you're  
17 making a -- the Board can restrict who can harvest a  
18 resource by applying ANILCA Section .804 criteria it  
19 lists three.

20

21 CHAIRMAN BANGS: Thank you, Mr.  
22 Douville.

23

24 Any other discussion.

25

26 Questions.

27

28 CHAIRMAN BANGS: Ms. -- Pippa.

29

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

38

39 So, thank you, Mr. Chair.

40

41 CHAIRMAN BANGS: Thank you, Pippa.

42

43 Mr. Hernandez and then Mr. Bloom.

44

45 MR. HERNANDEZ: Thank you, Mr.

46 Chairman.

47

48 I just have kind of one more background  
49 question and something that's been kind of bugging me  
50 over the years and maybe you have the answer to it.

1                   In the existing regulation dealing with  
2 the customary and traditional use determination  
3 process, that's the CFR that we have been working with  
4 all this time, it says that these determinations shall  
5 identify the specific communities or areas use of  
6 specific fish stocks and wildlife populations. I guess  
7 I've always kind of wondered where in ANILCA do they  
8 ask for determinations to be made for specific  
9 communities and specific stocks.

10

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

14

15                   MS. KENNER: Take your time.

16

17                   MR. HERNANDEZ: Excuse me for a second.

18

19                   Okay.

20

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

25

26                   So it's kind of a two part question.

27

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

35

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

38

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

42

43                   The changes could affect the process  
44 the Board uses to identify subsistence users. And as I  
45 say, I guess I don't see how this is going to change  
46 that process necessarily, you know, subsistence uses  
47 are determined by rural status and not necessarily by  
48 specific communities uses of specific resources, in my  
49 mind, yet, that's kind of written in as part of the  
50 regulations, so those two -- those two ideas just don't

1 make sense to my mind. So if you could shed any light  
2 on that on how those conclusions are drawn I'd be  
3 interested.

4

5 (Pause)

6

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

9

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

13

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

16

17 MS. KENNER: Okay.

18

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

21

22 (Pause)

23

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

35

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

38

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

43

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

46

47 MS. NEEDHAM: Well, I had a  
48 clarification. Pippa, that first sentence, is it  
49 merely maybe a typo what Mr. Hernandez was getting at  
50 and it says -- it should say, the changes could affect

1 the process the Board uses to identify subsistence uses  
2 rather than subsistence users, or was subsistence users  
3 really meant there.

4

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

9

10 (Pause)

11

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

18

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

22

23 CHAIRMAN BANGS: Thank you, Ms. Kenner.

24

25 Mr. Bloom.

26

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

34

35 One thing that's not clear to me and I  
36 know we had a subcommittee, there's been a subcommittee  
37 that's worked on this for many years, but I've never  
38 seen a report or something like that that really  
39 summarized the findings or the reasons for that  
40 subcommittee making certain proposals. So I still --  
41 one of my main misunder -- or lack of understandings  
42 and maybe a question is, on Page 21, the sentences that  
43 you pointed out: The proposed changes will not  
44 eliminate the customary and traditional use  
45 determination process from regulation, they can only  
46 eliminate the eight factors from regulation; the eight  
47 factors require the Board to restrict harvesting in a  
48 Federal season to only people who can demonstrate  
49 subsistence uses.

50

1                   Now, I would think that if there's some  
2 problem with that process somebody could succinctly  
3 summarize what those problems are, why we want to  
4 change it from what it is. I don't necessarily see,  
5 it's not really clear to me what the problem with the  
6 eight factors is.

7  
8                   CHAIRMAN BANGS: Thank you, Art. Did  
9 you want to respond to that Cathy or Pippa.

10  
11                   MS. NEEDHAM: If it's a question of why  
12 this Council moved forward with saying that the current  
13 determination process was not working I can answer to  
14 that, which would include -- our recommendation was to  
15 get rid of the eight factor analysis.

16  
17                   Three and a half years ago, I think, or  
18 four years ago when we started this process, it was  
19 generally recognized amongst the Council members that  
20 had been here even longer than I have been, that the  
21 eight factors can be -- proving the eight factors can  
22 be difficult, providing subsistence users undergoing  
23 through the eight factors is difficult and sometimes  
24 those eight factors are interpreted differently when an  
25 analysis is done and so it limits or takes away  
26 subsistence users uses when it doesn't need to.

27  
28                   And another negative, I guess, the  
29 Council felt was, with respect to the eight factors,  
30 was that sometimes when a determination is made it  
31 actually gives grounds for other entities such as the  
32 state of Alaska to sue because if not enough  
33 information is presented to support every single one of  
34 the eight factors, then they use that as leverage.

35  
36                   And then the final reason why the  
37 Council -- why the workgroup/Council wanted to look at  
38 eliminating the eight factors is because they really  
39 aren't necessary. Being able to do what ANILCA  
40 requires actually is encompassed in the three factors  
41 of ANILCA Section .804. And the eight factor analysis  
42 was a carryover from when the state of Alaska actually  
43 implemented the C&T determination process. When the  
44 State gave over the administrating of Federal  
45 subsistence to the Federal government, the Federal  
46 government just kept it because they didn't think they  
47 were going to have it for very long but now they've  
48 been administering subsistence for many years and it's  
49 just now being recognized that it may not have been the  
50 most appropriate thing in order to adhere to ANILCA,

1 which is what the Federal system has to abide by.

2

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

7

8                   CHAIRMAN BANGS: Thank you for that  
9 clarification, Cathy.

10

11                   Mr. Schroeder.

12

13                   MR. SCHROEDER: Just through the Chair.

14

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

17

18                   (Laughter)

19

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

24

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

37

38                   But then in the administration, as  
39 nicely summarized on Page 40 and 41, out of the gate a  
40 process was set up to essentially restrict subsistence  
41 uses, in the write up so it's not my words, it's to  
42 limit the subsistence priority, to sort of kind of  
43 encapsulate it and to have it not be very wide-ranging.  
44 And the clear reading of ANILCA is that it's permissive  
45 legislation and that the restrictions come in when  
46 there just -- boy, there just isn't enough to go around  
47 and if there isn't enough to go around then you go  
48 through these certain steps and you have to do some  
49 work on that.

50

1                   So that's kind of my understanding of  
2 kind of why we're here although I wasn't here for the  
3 initial discussions when the Council raised this at the  
4 Board level.

5  
6                   CHAIRMAN BANGS: Thank you, Bob.

7  
8                   Mr. Bloom.

9  
10                  MR. BLOOM: Through the Chair.

11  
12                  I don't necessarily understand those as  
13 clarifications. So it might be good if all that could  
14 be written out with background material or things that  
15 actually prove those points.

16  
17                  And I tend to think that the State had  
18 adopted those eight requirements at the time to try and  
19 comply with ANILCA, that to characterize them as  
20 something leftover from the State is being a little  
21 harsh. I think people who thought up those eight  
22 criteria had good reasons for thinking them up and so  
23 I'm not convinced that we just toss them away and say  
24 we've got these other three that cover those eight.

25  
26                  I'd like to be convinced.

27  
28                  CHAIRMAN BANGS: Thank you, Art.

29  
30                  Any other discussion.

31  
32                  Cathy.

33  
34                  MS. NEEDHAM: I think in response to  
35 Mr. Bloom -- I sit on the work committee and even  
36 sometimes I get extremely confused about what we're  
37 even trying to do or why we're trying to do it so I  
38 appreciate that you are bringing that back to the  
39 forefront to think about as a Council.

40  
41                  I think, it wasn't included necessarily  
42 in this packet, but our original intention -- this  
43 Council's original intention is written in background  
44 materials that we received previously it's just that we  
45 don't have the entire history because we're talking  
46 about four years worth of -- or three and a half years  
47 worth of review work, and so that I know that those  
48 communications exist and so it might be good to have  
49 newer members revisit that that haven't had the luxury  
50 of having that piece, if that's helpful, and maybe

1 Robert can provide that for us, if we decide to move  
2 forward with any recommendations.

3

4 CHAIRMAN BANGS: Mr. Hernandez.

5

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

14

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

21

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

31

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

34

35 Cathy.

36

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

47

48 CHAIRMAN BANGS: Thank you, Cathy.

49

50 Pippa, you had comment.

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

10  
11 CHAIRMAN BANGS: Well, personally my  
12 opinion would be that any information we could have for  
13 clarifying things would be a good thing to bring to the  
14 Council.

15  
16 I was hoping that we could get a brief  
17 report from the workgroup as far as what you have  
18 accomplished this morning and at lunch, would that be  
19 something that you could do now, Cathy.

20  
21 MS. NEEDHAM: Okay, thank you, Mr.  
22 Chair.

23  
24 The workgroup met this morning before  
25 the Council meeting and also again at lunch and the  
26 members of that workgroup, at this session, comprised  
27 of Don Hernandez, Bob Schroeder, Mike Bangs and myself.  
28 And in addition we previously -- Patty Phillips has  
29 been a member of the workgroup and we knew we were  
30 going to have a workgroup meeting so we asked if she  
31 had input and so she did have input and her input is  
32 provided in these comments as well.

33  
34 The workgroup wanted to remind the  
35 Council that -- or not, the Council, sorry, the Office  
36 of Subsistence Management, that we recognize that the  
37 regulatory language that we put forward in the proposal  
38 was not perfect, and we tried to make it clear that the  
39 Council -- the Council tried to make it clear that we  
40 had this intent and we asked for the benefit that we  
41 understood that the regulatory language might change a  
42 little to reflect that intent because there may be  
43 loopholes that we didn't get when we put that  
44 regulatory language forward to be analyzed. And in our  
45 workgroup meetings we actually even identified a couple  
46 of things that we had questions on ourselves even  
47 though we developed that language for the regulatory  
48 proposal.

49  
50 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

1 included. That was our -- deference was our intent but  
2 we weren't sure if it was allowable at that level.

3

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

10

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

17

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

21

22                   That's one option.

23

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

30

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

34

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

47

48                   We also didn't feel that after this  
49 analysis, that the proposed regulatory language was  
50 ready for rulemaking because we recognize that we had

1 this intent and maybe there are even parts of that  
2 regulatory language that don't express that intent  
3 because it wasn't covered in the analysis so that  
4 didn't cover our intent so we didn't like those two  
5 options. So the third option was something in between  
6 and what we came up with to recommend was that maybe  
7 the Council consider asking the Office of Subsistence  
8 Management to basically do an addendum of analysis that  
9 covers those points that we felt were a portion of our  
10 intent when we put the regulatory proposal forward,  
11 actually do the analysis on those things and that would  
12 have been the geographic area, the autonomy, whether or  
13 not eight factor analysis is needed in order to adhere  
14 to ANILCA, and the deference piece.

15

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

18

19 CHAIRMAN BANGS: Thank you, Cathy.

20

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

25

26 CHAIRMAN BANGS: Thank you. Mr.  
27 Hernandez.

28

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

34

35 CHAIRMAN BANGS: Thank you, Don.

36

37 So, Mr. Bloom.

38

39 MR. BLOOM: I have one further point.

40

41 You raised the question about why this  
42 particular Council was pushing this subject so hard and  
43 that's occurred to me as well. Because if you look at  
44 60 CFR 100-24 that has all the C&T determinations for  
45 Southeast, there's several pages of them. It seems  
46 like most everything has been covered and the  
47 regulatory changes that are being possibly suggested  
48 say that we won't change any of those C&T  
49 determinations that are already made, so for Southeast  
50 it appears that almost -- you know, all the species in

1 all the areas it's been covered and none of those are  
2 going to be changed by the regulatory changes we're  
3 proposing.

4  
5 So that brings me back to the question,  
6 why is this Council spending so much time on proposing  
7 these regulatory changes that really don't appear to  
8 affect Southeast very much.

9  
10 CHAIRMAN BANGS: Pippa, do you have a  
11 response.

12  
13 MS. KENNER: Mr. Chair. I have a  
14 couple of responses that I think would help clarify,  
15 even if the Council chooses not to take action at this  
16 point, there are a couple of things I would like to  
17 inform the Council of.

18  
19 CHAIRMAN BANGS: Okay.

20  
21 MS. KENNER: Okay, thank you.

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

42  
43 In terms of the analysis I really want  
44 to point out that if people have read the effects  
45 section of the analysis, something that needs to be  
46 pointed out, is that, the C&T determination through the  
47 eight factors allows a closure to some rural residents.  
48 If you went to strictly an .804 process or if you went  
49 to a broader C&T process with an .804, one of the steps  
50 in the .804 is to close Federal public lands to the

1 State season. There's no argument or debate about the  
2 temporary way -- the temporary nature of the  
3 regulations in the first 10 or so years of the Program.  
4 In fact we were expecting at any minute for the State  
5 Legislature to come up with a Constitutional Amendment  
6 that would essentially dissolve the Federal Program.  
7 And the intent was not to make life so difficult for  
8 rural residents who were hunting, fishing and trapping,  
9 by having regulations in the Federal system that were  
10 so different from the State system that it became  
11 virtually un-understandable [sic] or manageable [sic].  
12 In addition to that we actually had Councils who would  
13 say on the record over and over again, that we do not  
14 want to move too far away from State regulations, even  
15 if ANILCA says we can. We want to keep the two systems  
16 as closely aligned as possible.

17  
18 As time has gone by, fewer and fewer of  
19 those Council members speak up. There was more of a  
20 recognition that the systems were different and that  
21 ANILCA did offer advantages through the Federal Program  
22 that the State couldn't offer, even if the State wanted  
23 to. These complaints made it up to the Secretarial  
24 level and in 2010 the Secretary sent a letter to the  
25 Board that said, you will review, with RAC input, the  
26 customary and traditional use determination process and  
27 present recommendations for regulatory changes. We  
28 encourage and -- we encourage the Southeast Council to  
29 bring proposals to us, make recommendations, but it is  
30 ultimately the Board's review and the Board has been  
31 told to come up with recommendations for changes.

32  
33 I have been told that it is unlikely  
34 that the Board would give complete deference for any  
35 process. And one of the reasons why is because, you  
36 know, deference is not a legal term, and that the Board  
37 always has the responsibility to make sure that there's  
38 evidence on the record, that there's justification  
39 that's not arbitrary for the Board making a decision.

40  
41 So to give a dramatic example, a C&T  
42 determination could not be made on a person's family  
43 members or people that they like, or people that --  
44 only people they have a cultural affiliation for. The  
45 Board is there to make sure that there's evidence  
46 that's justifiable and not arbitrary. And so in that  
47 sense it's unlikely that the Board would ever give  
48 complete deference to another body.

49  
50 And the last thing is that if you go

1 through the analysis, the thing that's pointed out in  
2 each of these examples isn't so much that the  
3 determination could be made that includes all rural  
4 residents, it's that the State season would not occur  
5 on Federal public lands, and that's one of the biggest  
6 effects that these kind of changes would have. That  
7 the C&T determination process allows those State  
8 regulations to apply on Federal public lands, while not  
9 allowing all rural residents to hunt.

10

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

13

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

49

50 And so even though the analysis was

1 done based on the fairest reach of the ability to open  
2 seasons to all Federal residents, within your proposal  
3 and within the Federal system, there is the possibility  
4 of creating a process that allows for C&T  
5 determinations to be made on a regional or geographic  
6 level with or without the eight factors.

7

8 CHAIRMAN BANGS: Thank you, Pippa.

9

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

19

20 Paulette Moreno.

21

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

24

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

36

37 And first of all I want to commend the  
38 Board on the excellent questions, through the Chair,  
39 that were asked. It's very -- I think it's very  
40 reassuring to the public to know that many of the  
41 questions that we had on our mind in looking at this,  
42 you guys have brought up today, and I think that that's  
43 very responsible and that the questions were questions  
44 that I had and that I would have asked, and it would  
45 have taken me a lot longer, but it sounds like you guys  
46 have answered those. Some of the things that I would  
47 say, in looking back at the -- there seems to be a lot  
48 of different type of language that's taking place. And  
49 even though the intention of the lady that was  
50 previously occupying this chair before me, I'm sure she

1 has good intention, however, this letter, it's very  
2 clear and very direct, every line, what would be  
3 omitted and what would be taken out. One of the things  
4 regarding omission of the eight traditional things,  
5 there was discussion taking place about ANILCA being  
6 the example, well, then why isn't that in the letter.  
7 If that is something that would be really clear, I  
8 think it needs to be considered and highlighted in the  
9 letter that that's the spirit of what's going forward.  
10 Taking out those eight traditional things that are --  
11 that there's been so much work on, I like the Council  
12 person who brought that up, I think it's very important  
13 to consider that because again, the message that this  
14 Board gives out to the community that you're  
15 representing in Southeast may -- even though you may  
16 have good intentions, it may be publicly viewed as a  
17 step backwards to see that those things would be taken  
18 out. I think that this letter needs to be rewritten  
19 and I think the workgroup perhaps could receive --  
20 whatever workgroup that is, could receive a little bit  
21 more support and guidance from the Board. The dialogue  
22 that's taking place, it's being recorded here, I think  
23 that the answer to those questions could reflect in  
24 this. The gentleman that had just left previously  
25 about a half an hour ago, his name is Nels Lawson, and  
26 Nels Lawson is a person of Tlingit ancestry and he is  
27 on the Sitka Tribe of Alaska traditional and customary  
28 board and so I would just encourage this Board to  
29 perhaps take a step, because if this letter was passed  
30 or this proposal was passed, what is being said in this  
31 letter is a little different and the verbal information  
32 that's given to you, it's not really reflected totally  
33 in this and I would just hesitate to go forward with it  
34 as is.

35

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

44

45                               Thank you so much.

46

47                               CHAIRMAN BANGS: Thank you for your  
48 comments, Paulette.

49

50                               MS. MORENO: You're welcome.

1 CHAIRMAN BANGS: Is there any comments  
2 or questions for Paulette.

3  
4 (No comments)

5  
6 CHAIRMAN BANGS: Thank you for staying  
7 here this long.

8  
9 MS. MORENO: You are so welcome. And I  
10 do have one final comment.

11  
12 And, as Mike Baines said, through the  
13 Chair, I believe it was you that had inquired about is  
14 there a lunch fundraiser tomorrow.

15  
16 CHAIRMAN BANGS: Yes.

17  
18 MS. MORENO: I am also the Alaska  
19 Native Sisterhood President of Camp 4 and I can share  
20 with you that there is and that's at the ANB Hall,  
21 which is right across from us and it's clam chowder and  
22 fry bread. That is from 12:00 to 2:00. You are all  
23 invited to come and have lunch and it's to support the  
24 One Canoe Society gathering that will happen here June  
25 4th, 5th and 6th.

26  
27 Thank you so much and have a really  
28 good evening. I'll see you later tonight at 7:00, I  
29 believe.

30  
31 CHAIRMAN BANGS: Thank you. Okay, what  
32 is the will of the Council here for moving forward  
33 here. Do we want to make a proposal. And before we go  
34 to that, I want to thank Pippa for all of her work and  
35 for her clarification, and questions that you answered  
36 for us, thank you.

37  
38 So the workgroup, Cathy, do you have  
39 any comments as far as to how you would propose to move  
40 forward.

41  
42 MS. NEEDHAM: Mr. Chair. The workgroup  
43 recommended the Council consider the three options that  
44 I reviewed, and the workgroup's recommendation on those  
45 three options was to ask for, in addition to this  
46 analysis, to address the parts of our regulatory  
47 proposal intent that we didn't feel were addressed in  
48 the analysis and have that done by the next Council  
49 meeting with workgroup input on that. That Staff do  
50 that.

1                   So that was the workgroup's  
2 recommendation and I think the Council could make a  
3 motion if they want to move forward in that way or a  
4 motion could also be entertained that maybe they want  
5 to take no action, or any of the options.

6  
7                   CHAIRMAN BANGS: Thank you, Cathy.

8  
9                   What's the will of the Council.

10  
11                  Mr. Hernandez.

12  
13                  MR. HERNANDEZ: Thank you, Mr.  
14 Chairman.

15  
16                  Well, I think I'd be prepared to make a  
17 motion and put it on the table, if it's appropriate at  
18 this time.

19  
20                  CHAIRMAN BANGS: Go ahead.

21  
22                  MR. HERNANDEZ: I think the motion  
23 would be that the Council would proceed with the  
24 development of a proposal to go to a full analysis, but  
25 in order to do that we need a little further  
26 investigation on some of our questions that have arisen  
27 from the existing analysis and then also that we could  
28 request that Staff work together with the working group  
29 to help develop that further analysis.

30  
31                  CHAIRMAN BANGS: Okay. There's a  
32 motion on the floor. Do we have a second.

33  
34                  Mr. Douville.

35  
36                  MR. DOUVILLE: Thank you, Chairman,  
37 I'll second the motion.

38  
39                  CHAIRMAN BANGS: Okay. Is there any  
40 more discussion.

41  
42                  MR. WRIGHT: Mr. Chair.

43  
44                  CHAIRMAN BANGS: Mr. Wright.

45  
46                  MR. WRIGHT: Thank you, Mr. Chair. I  
47 think it'd be -- if we're going to table something and  
48 we want to move on with it, we should put a date when  
49 that next discussion will be, for the next meeting?

50

1 CHAIRMAN BANGS: Thank you, Mr. Wright.  
2  
3 Mr. Hernandez.  
4  
5 MR. HERNANDEZ: Yes, thank you, Mr.  
6 Chairman. Mr. Wright, that's probably a good  
7 suggestion to add to the motion that hopefully we'll  
8 have this further analysis completed by our fall  
9 meeting, if that's possible.  
10  
11 CHAIRMAN BANGS: So that would be an  
12 amendment to the motion.  
13  
14 MR. HERNANDEZ: Yes.  
15  
16 CHAIRMAN BANGS: Is there a second to  
17 the amendment.  
18  
19 MR. DOUVILLE: Thank you, Chairman,  
20 I'll second the amendment.  
21  
22 CHAIRMAN BANGS: Thank you. Okay. So  
23 any more discussion.  
24  
25 MR. LARSON: No.  
26  
27 (Laughter)  
28  
29 CHAIRMAN BANGS: We have to vote on the  
30 amendment, I guess, pardon me.  
31  
32 (Laughter)  
33  
34 CHAIRMAN BANGS: So there is an  
35 amendment to the motion and it has a second. So is  
36 there any discussion about the amendment.  
37  
38 MR. LARSON: Mr. Chair.  
39  
40 CHAIRMAN BANGS: Clarify.  
41  
42 MR. LARSON: I have a point of  
43 clarification. So is it your intention, Don, to have a  
44 proposal prepared at the next Council meeting, was that  
45 part of the motion.  
46  
47 MR. HERNANDEZ: I would say no. Our  
48 intention is to have more information before us by the  
49 next meeting so that possibly we could develop a  
50 proposal if we so desire.

1 MR. LARSON: Okay.  
2  
3 CHAIRMAN BANGS: Okay. So now we're  
4 back to Robert's Rules.  
5  
6 (Laughter)  
7  
8 MR. SCHROEDER: I'll call the question  
9 on the amendment.  
10  
11 CHAIRMAN BANGS: Okay, the question has  
12 been called on the amendment to put time specific as to  
13 when we want this intention, clarification for  
14 developing a proposal by the time that our next meeting  
15 comes around.  
16  
17 All those in favor.  
18  
19 IN UNISON: Aye.  
20  
21 CHAIRMAN BANGS: Opposed.  
22  
23 (No opposing votes)  
24  
25 CHAIRMAN BANGS: Okay. So now back to  
26 the main motion as amended. Is there any more  
27 discussion.  
28  
29 Mr. Schroeder.  
30  
31 MR. SCHROEDER: Yeah, Mr. Chair, I'd  
32 speak in favor of the motion.  
33  
34 This issue has been before the Council  
35 for a really long time, namely whether a modification  
36 should be done to the C&T process. I would also point  
37 out that over the many years that the Council has been  
38 working a huge amount of energy has been put into doing  
39 C&T determinations and discussing this issue so I think  
40 the Council, as an organic whole, or a tradition, has a  
41 pretty good understanding of what's involved in making  
42 C&T determinations, whether they should be made and  
43 possible improvements therein.  
44  
45 Just one other thing I'd add to that is  
46 that this process as instituted has taken a tremendous  
47 amount of energy of the Council and perhaps the Council  
48 would benefit from a process that was not quite as  
49 laborious so it could allow the Council to do some of  
50 its other responsibilities as well.

1 Thank you.  
2  
3 CHAIRMAN BANGS: Thank you, Mr.  
4 Schroeder.  
5  
6 Any other discussion.  
7  
8 (No comments)  
9  
10 CHAIRMAN BANGS: I'd like to say maybe  
11 one thing, maybe the workgroup -- we did  
12 teleconferences last time, I would encourage the  
13 Chairman of the workgroup, maybe we should make  
14 everybody aware of when that teleconference is so that  
15 some of the other Council members could at least  
16 participate and get as many of the Council involved as  
17 far as listening and that way maybe we could all be  
18 better informed of the process and then create a  
19 document that could be transferred to the rest of the  
20 Council members. Would that be something that we could  
21 do.  
22  
23 Mr. Bloom, did you have a -- I thought  
24 I saw your hand up a little bit ago and I wasn't able  
25 to get you.  
26  
27 MR. BLOOM: (Shakes head negatively)  
28  
29 CHAIRMAN BANGS: Okay, thank you.  
30  
31 So the motion as amended is.....  
32  
33 MR. LARSON: Mr. Chair.  
34  
35 CHAIRMAN BANGS: Mr. Larson.  
36  
37 MR. LARSON: With the understanding  
38 that a teleconference of workgroup members may have  
39 participants that may be Council members but they can't  
40 -- they can't participate. So this is that -- you  
41 know, they could be informed but they can't talk. So  
42 that's one of the caveats we have with this process.  
43  
44 CHAIRMAN BANGS: Yeah. That's why I  
45 added listen. Because I think -- maybe I didn't  
46 explain it well enough but I think that would be the  
47 only way that they could participate, is as far as  
48 listening. And the workgroup could meet and then maybe  
49 a better way would be to create a document from that  
50 and make the minutes available to the other Council

1 members that aren't able to participate so that they  
2 can stay up to speed. Because I know the last few  
3 teleconferences maybe we weren't good at putting the  
4 information out there to the other Council members and  
5 I think it's important because I know we need to make  
6 that clear.

7  
8 So, okay, there's a motion on the  
9 floor, an amended motion, to move forward with this and  
10 allow the workgroup to continue to investigate more  
11 information and answer more questions that we have come  
12 before us today.

13  
14 I'd entertain a motion -- or call for  
15 the question.

16  
17 MR. SCHROEDER: Call for the question.

18  
19 CHAIRMAN BANGS: Okay. The question's  
20 been called for. All those in favor of moving forward  
21 with this motion say aye.

22  
23 IN UNISON: Aye.

24  
25 CHAIRMAN BANGS: Opposed.

26  
27 (No opposing votes)

28  
29 CHAIRMAN BANGS: Motion carries. Thank  
30 you. We got through the C&T.

31  
32 So we don't have too much time left but  
33 I'd like to get Mr. Casipit down here to go over the  
34 Board of Fish information.

35  
36 MR. CASIPIT: Thank you, Mr. Chair.  
37 For the record my name is Cal Casipit, the Subsistence  
38 Staff Biologist for the Forest Service in Juneau.

39  
40 At the break I distributed three  
41 packets of information to you and I'm going to be going  
42 over those. The first one I'll be talking about is  
43 this one here, it's entitled actions on proposals taken  
44 by the Board of Fisheries that relate to Kootznoowoo,  
45 Incorporated Petition for extended jurisdiction. It's  
46 -- well, your copy should be one page, front and back.  
47 So I'll just start going through that for you here and  
48 then we'll go to these other -- I'll talk about these  
49 other packets as we go.

50

1                   So, as you know there were several  
2 proposals submitted to the Alaska Board of Fisheries  
3 dealing with Kootznookoo, Incorporated petitions for  
4 the extended jurisdiction. In fact, you know, your  
5 Council here put in a couple of them and so I'll be  
6 talking about those as well.

7  
8                   The first set of proposals that I  
9 wanted to talk about briefly was the amounts necessary  
10 for subsistence or amounts reasonably necessary for  
11 subsistence, or ANS. There were two proposals  
12 submitted, one by the Department of Fish and Game and  
13 one by this body. They were very similar and the Board  
14 of Fish considered both of them together and the  
15 analysis was combined for the both of them as well.  
16 The Board of Fisheries had RC3 from the Alaska  
17 Department of Fish and Game, in that was a special  
18 publication titled customary and traditional uses of  
19 salmon and options for revising amounts reasonably  
20 necessary for subsistence uses of salmon in District 12  
21 and 14, Southeast Alaska. They provided seven options  
22 for the Board to consider. The Board got to Option B,  
23 which based the revised ANS amounts on the five year --  
24 the most recent five year average harvest of all salmon  
25 species combined as estimated from the permit returns  
26 -- the State subsistence fishing permit returns. And  
27 that was corrected using a plus or minus, a standard  
28 deviation for those years. So basically what happened  
29 there is the Board adopted Proposal 146 and it was  
30 carried unanimously and so the result of that was for  
31 District 14. The ANS amounts was going to be -- is  
32 going to be 600 to 1,500 salmon and the ANS amounts for  
33 District 12 is going to be 1,100 to 1,700 salmon. And  
34 to come to that decision the Department presented  
35 household survey information, which indicated the  
36 residents of Angoon also obtained additional salmon  
37 through the use of rod and reel as fish return from  
38 commercial fishing vessels and the Board of Fish  
39 considered that during their deliberations. So the  
40 result of that was they refine ANS, the amounts  
41 necessary for subsistence for District 12 and 14 as  
42 requested by this Council, although they used the Fish  
43 and Game's proposal to move that forward.

44  
45                   This Regional Advisory Council  
46 submitted a proposal to the Board regarding subsistence  
47 gear for portions of Districts 12 and 13 near Angoon.  
48 The Board of Fish took no action on that proposal.  
49 This was to allow purse seine gear and gillnet gear in  
50 those areas for residents of Angoon. The Board of Fish

1 took no action on that proposal. Since the gillnet  
2 gear is already currently allowed on the subsistence  
3 permit and the ADF&G local manager reported that he has  
4 the authority to add purse seine as an allowable gear  
5 on subsistence permits if somebody requests it. So the  
6 Board of Fish took no action on that based on that  
7 advice from Fish and Game and their Staff. So  
8 basically what he said is if somebody from Angoon  
9 wanted to go use a purse seine to harvest salmon for  
10 the community that, you know, he could add that on to  
11 the permit for that person if it was appropriate.

12  
13 There were a whole bunch of proposals  
14 dealing with operation of the commercial salmon fishery  
15 in Districts 12 and 14. There were seven proposals  
16 that were submitted by various organizations. Proposal  
17 173, which was submitted by Kootznoowoo, Incorporated  
18 who was the petitioner on this petition for extended  
19 jurisdiction would require the Board of Fish to address  
20 habitat conservation and subsistence priority when  
21 considering regulations and policies. This was  
22 proposal 173, again. The Board of Fish took no action  
23 on that proposal since the provisions that require that  
24 the Board of Fish address all those issues is already  
25 required in policies and regulations.

26  
27 Also the Board of Fish took no action  
28 on Proposal 192, again, submitted by Kootznoowoo,  
29 Incorporated since those similar recording requirements  
30 that were asked for in the proposal are currently  
31 required by existing Statewide regulations. This was  
32 the proposal from Kootznoowoo that commercial fishing  
33 permit holders report the amount of sockeye taken home  
34 for personal use and it was reported that there already  
35 is a statewide regulation requiring that.

36  
37 Proposals 193, 199 and 200 were  
38 deliberated as a group. They were submitted by  
39 Kootznoowoo, Incorporated and Angoon Community  
40 Association. At the Board of Fish meeting Kootznoowoo,  
41 Incorporated submitted RC97 and 113. You'll be able to  
42 read those in this attachment. It's a five or six  
43 pager, it's got all the RCs that I'm talking about that  
44 you can look at. But basically RC97 and 113 basically  
45 constituted an agreement that Kootznoowoo came to with  
46 the Southeast Alaska Purse Seiners Association. It  
47 basically would seasonally close certain areas in  
48 Chatham Straits to commercial purse seine fishing. The  
49 timing of these two -- of these new seasonally closed  
50 areas, according to Staff, would allow greater than 80

1 percent of the Kanalku sockeye salmon stock to pass  
2 through the area prior to commercial fishing. New  
3 information collected through genetics sampling of the  
4 commercial fisheries in the area was also used as part  
5 of the justification and information that the Board  
6 came to.

7  
8 In addition, Board of Fish Chairman  
9 Kluberton, requested ADF&G provide regulatory language,  
10 that's shown in RC117, and he also requested a map and  
11 that's shown in RC123. In fact, the map -- RC123 shows  
12 a really good summary of what the actions of the Board  
13 of Fish was on those issues. So that shows the  
14 seasonal closed areas as well as what I'll talk about  
15 here in a second.

16  
17 I also wanted to point out that RC113  
18 signed by the general manager and Chairman of the Board  
19 Kootznoowoo, Incorporated was submitted and it states:

20  
21 We believe that the Chairman of the  
22 Fisheries Board set the tone for a  
23 local solution of the Angoon ETJ  
24 Petition to the Secretary of Interior  
25 and Agriculture is greatly advanced by  
26 the subsistence proposal. Over time we  
27 believe that this proposal will advance  
28 the conservation escapement of sockeye  
29 salmon returning to the streams on  
30 Admiralty Island and will, in time,  
31 increase the availability of these fish  
32 for the community residents of Angoon.

33  
34 The Board of Fish moved and seconded  
35 the regulatory language in RC117 and it was carried  
36 unanimously 5-0. The Board of Fish was very  
37 appreciative of the collaboration of the involved  
38 parties to come up with a broadly supported local  
39 solution.

40  
41 The last two proposals 198 from the  
42 Department of Fish and Game and 201 from this body, if  
43 you remember these proposals requested the areas near  
44 Kanalku and Basket Bay that are closed by emergency  
45 order every year by the Department would be -- those  
46 closures would be put in regulation, and the Board of  
47 Fish went along with that and they carried unanimously  
48 Proposal 198 and because of that they didn't need to  
49 take action on 201, this Council's proposal.

50

1                   So basically like I said, that map in  
2 RC123 shows all those actions. It shows the areas that  
3 are closed by -- currently closed by emergency action  
4 by the Department being closed in regulation, shows the  
5 regulatory changes to the timing of the fishery in  
6 those other two areas, and that kind of puts it all in  
7 perspective for you on one map so hopefully that's  
8 useful to you.

9

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

15

16                   (No comments)

17

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

20

21                   (Laughter)

22

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

32

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

48

49                   Subsistence closed waters, four  
50 proposals. These deal with some of what you guys did

1 last fall and what the Federal Subsistence Board passed  
2 in January, but it deals with the fishing at Klawock  
3 River and Lake and estuary.

4

5                   149 modified the weekly subsistence  
6 salmon fishing schedule for the Klawock Inlet, Klawock  
7 River and Klawock Lake by the Craig Advisory Committee.  
8 The Board took no action based on a request from the  
9 proponent to withdraw.

10

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

25

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

37

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

45

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

49

50                   I did want to briefly touch on sports

1 salmon because I know this Council submitted two  
2 proposals to the Board of Fisheries for non-resident  
3 annual limits for coho, sockeye, chum, and pink salmon  
4 in saltwaters of the Southeast Alaska area. That was  
5 159. 160 was essentially the same except for it was  
6 freshwaters of the Southeast Alaska area.

7  
8 I guess I'll talk mostly about what  
9 happened with 159. The Board of Fish determined that  
10 there is no conservation concern at the regionwide  
11 level for these species and the Department can use  
12 emergency order authority to address concerns on a site  
13 specific basis. Department Staff was also concerned  
14 about complex enforcement and administration. Ms.  
15 Phillips did submit an RC, RC105, to apply those -- to  
16 apply non-resident annual limits to sockeye salmon,  
17 excluding Yakutat and there was some discussion of a 12  
18 sockeye salmon annual limit for non-residents, but in  
19 the end the motion failed 1-5.

20  
21 160 had a similar -- similarly failed  
22 2-4 for much the same rationale as was -- that was  
23 there for 159.

24  
25 I've got some other stuff that dealt  
26 with Yakutat and all but I'm not going to really go  
27 over that in any detail. You can read what happened  
28 with those on your own.

29  
30 And then as far as herring, I kept a  
31 bunch of notes and tried to keep track of everything  
32 that was going on with the herring proposals in Sitka  
33 and I did my best to capture all those actions but I  
34 guess the best way to characterize the action on all  
35 those proposals regarding Sitka herring, whether it was  
36 establishing management plans or changing the closed  
37 core area and all, I guess the best way to put it was  
38 status quo. I mean the Board of Fish just kind of  
39 wanted to keep things the way they are and that's kind  
40 of how they voted on most of this stuff.

41  
42 So, anyway, I'll be happy to go over  
43 those in any more detail if you want. But like I said  
44 I was trying to take notes on all that stuff and I  
45 might not have caught everything that was discussed  
46 there. So if I missed something our State agency  
47 partner, I'm sure, could correct me if I'm wrong on  
48 anything.

49  
50 So, anyway, that's what I have to

1 present to you and if you have any questions or any  
2 additional comments I'd be happy to address them.

3

4 CHAIRMAN BANGS: Thank you, Cal. Mr.  
5 Douville.

6

7 MR. DOUVILLE: Thank you, Mr. Chair.  
8 At least they got some of it okay in Klawock. But does  
9 the Council need to take any action as far as --  
10 there's a Federal permit that you can get, too, which  
11 allows access to a portion of that river, do we need to  
12 do anything or is this State one taking care of all of  
13 it.

14

15 MR. CASIPIT: Thank you, Mr. Chair.  
16 Through the Chair, Mike.

17

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

27

28 MR. DOUVILLE: Okay.

29

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

33

34 CHAIRMAN BANGS: Mr. Hernandez.

35

36 MR. HERNANDEZ: Yeah, thank you, Mr.  
37 Chairman.

38

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

43

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

48

49 MR. CASIPIT: Mr. Chair. Through the  
50 Chair, Mr. Hernandez.

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

21

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

24

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

27

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

45

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

48

49 There was quite a bit of discussion  
50 about gear and -- but a lot of the discussion was, gee,

1 should we allow purse seine gear in these terminal  
2 areas near the mouths of streams. That was -- I  
3 remember that coming up during public testimony. But I  
4 think what happened was, you know, the Department came  
5 in and said, look, we already -- to the Board of Fish,  
6 they said, we already have the -- well, the gillnet is  
7 already on the permit, we can -- it's already on the  
8 permit, it can already be done and as far as purse  
9 seines go he basically said he can allow that as a gear  
10 type on the permit if somebody requests it. So I don't  
11 -- you know, if somebody wanted to use a 50 fathom  
12 gillnet I would suppose they could just ask the local  
13 manager if that would be good and he could write that  
14 in on the permit. Again, this is all State  
15 jurisdiction and State management.

16

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

20

21 (Laughter)

22

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

25

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

28

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

33

34 CHAIRMAN BANGS: Thank you.

35

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

39

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

45

46 Cathy.

47

48 MS. NEEDHAM: Thank you, Mr. Chair.

49

50 This agenda item is the update on the

1 Kootznoowoo Petition and I was wondering now that the  
2 Board of Fish process has been complete, whether or not  
3 the Federal Subsistence Board or the Secretaries are  
4 going to review where things have gone over the past  
5 three years, and where that petition now stands. Is it  
6 done? Are we done? Are they done?

7

8 (Laughter)

9

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

12

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

15

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

24

25 MS. YUHAS: Seven.

26

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

38

39 Thank you.

40

41 CHAIRMAN BANGS: Mr. Bloom.

42

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

47

48 MR. CASIPIT: Thank you, Mr. Bloom,  
49 through the Chair. You know I really hesitate to try  
50 to say what somebody was thinking when they wrote a

1 letter or what, I -- I don't know, let me finish and  
2 then I'll pass it off to Jennifer, but, you know, in  
3 this case the petitioner is Kootznoowoo, and we have to  
4 be responsive to the petitioner and in this case,  
5 although Angoon Community Association probably had a  
6 stake in all this, they weren't the petitioner. And if  
7 -- I hate to make work for ourselves but if Angoon  
8 Community Association is still unhappy with this local  
9 solution, I mean they're free to go to the Board of  
10 Fish or even make their own petition to the  
11 Secretaries. I hate to suggest that but, you know,  
12 it's -- the community association or the tribe, it's  
13 kind of up to them where they want to go from here and,  
14 you know, our issue is the petition that Kootznoowoo  
15 submitted and that's what we have to deal with.

16

17                                    Anyway, I'll pass it on to Jennifer.

18

19                                    CHAIRMAN BANGS: Did you have something  
20 Ms. Yuhas.

21

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

47

48                                    If Mr. Casipit put something before  
49 you, I can't tell you, oh, we're okay with you  
50 repealing that, he has to say he's okay with repealing

1 that and so we really just tried to let them speak for  
2 themselves. The final RC speaks to two of the  
3 proposals rather than the general issue.

4  
5 But we really made extra  
6 accommodations, the Chair reorganized the meeting when  
7 we heard that the entities from Angoon needed to go  
8 back to town, we didn't want to lose the opportunity to  
9 speak directly with Albert Howard or Mayor Matt, we  
10 wanted them to be able to speak for themselves and not  
11 have to call in on teleconference. So -- I don't want  
12 to be redundant, like Mr. Casipit said, we tried to  
13 refrain from speaking for them and interpreting.

14  
15 CHAIRMAN BANGS: Thank you. Any other  
16 questions.

17  
18 Cathy.

19  
20 MS. NEEDHAM: Thank you, Mr. Chair. I  
21 don't have a question, I have a comment.

22  
23 So three years ago this petition came  
24 to this Council for recommendations and I think that we  
25 worked hard into the middle of the night to come up  
26 with a set of recommendations and over the past three  
27 years we've heard a lot of progress that has been made  
28 towards that and whether it be a letter or maybe  
29 included in our annual report, I think it might be a  
30 good idea for us to maybe give some unsolicited  
31 feedback to the Federal Subsistence Board about how we  
32 feel this process worked. That we got these entities  
33 working together to come up with a local solution.  
34 And, you know, we've gotten these reports every meeting  
35 and I just appreciate all of the Staff time that's gone  
36 into making sure that we've been kept informed, even if  
37 we're not necessarily a part of the process anymore.  
38 It's a petition to the Secretaries. But I think our  
39 Council, I, personally, feel like a lot of progress was  
40 made in a very positive direction and maybe we should  
41 give some kudos in that respect.

42  
43 CHAIRMAN BANGS: Thank you for that,  
44 Cathy. Any other questions for Cal, or anything that  
45 Jennifer might be able to help with. Jennifer.

46  
47 MS. YUHAS: Thank you, Mr. Chairman. I  
48 was hoping to simply wrap the report up with the idea  
49 that most of the discussion has centered around a  
50 petition and that the Department has maintained for the

1 last three years, you heard me say it before, that  
2 we're concerned with more than just a petition. That  
3 there is relationships that need to be continued to be  
4 developed in the community. Aside from a petition, the  
5 Department's maintained for the last three years that  
6 the Board of Fish process was the appropriate process  
7 and we recognize the Secretaries wisdom in allowing  
8 that to play out, but that doesn't mean that the  
9 efforts that the Department put forth, that we  
10 committed to before a petition was submitted, were  
11 dependent on a petition or because of the petition and  
12 we intend to continue to followup on those commitments,  
13 some of which were made before the submission with the  
14 genetic stock identification and all of the other  
15 moving parts to that. We certainly continue to be  
16 committed to be developing those relationships with  
17 Angoon. I hope to get to go back there this spring  
18 sometime. Part of that's dependent on whether or not  
19 I'm wanted and we understand that, but we have ongoing  
20 subsistence household survey projects in the area and  
21 other things. And so we don't consider the petition  
22 the end of anything more than a petition process.

23

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

30

31 Is there any other questions or  
32 comments about the presentation.

33

34 (No comments)

35

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

46

47 So, with that, I think we'll take a  
48 recess until 7:00 o'clock where we have to come back  
49 and listen and pay attention to the public testimony.

50

1                           MR. LARSON: We'll be in recess until  
2 9:00 o'clock tomorrow morning, we're not coming back in  
3 session tonight.

4  
5                           CHAIRMAN BANGS: Oh, yeah, we're in  
6 recess until tomorrow, I'm sorry, but we should be here  
7 for the public hearing to listen.

8  
9                           (Off record)

10  
11                           (PROCEEDINGS TO BE CONTINUED)

