

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2
3 REGIONAL ADVISORY COUNCIL MEETING
4
5 PUBLIC MEETING
6
7 VOLUME III
8
9 Juneau, Alaska
10 March 22, 2012
11 5:00 p.m.

12
13
14 COUNCIL MEMBERS PRESENT:

- 15
16 Bertrand Adams, Chairman
17 Timothy Ackerman
18 Michael Bangs
19 Michael Douville
20 Merle Hawkins
21 Donald Hernandez
22 Harvey Kitka
23 Floyd Kookesh
24 Frederick Nielsen
25 Cathy Needham
26 Patricia Phillips
27 Frank Wright
28 John Yeager
29
30
31 Regional Council Coordinator, Robert Larson

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1 P R O C E E D I N G S

2
3 (Juneau, Alaska - 3/22/2012 - EVENING SESSION)

4
5 (On record)

6
7 CHAIRMAN ADAMS: Thank you, people. The
8 Southeast Regional Advisory Council is now back in
9 session. And the purpose of it is, of course to develop
10 a recommendation that we can submit to the Board tomorrow
11 in regards to the Angoon petition for territorial
12 jurisdiction.

13
14 So before we do that, though, we'd like
15 to have legal counsel, you know, explain the Peratrovich
16 situation a little bit more. I guess there might have
17 been some confusion. So it's all yours for now. Thank
18 you.

19
20 MR. LORD: Thank you, Mr. Chair.

21
22 I was asked to provide a few comments
23 about the Peratrovich case which you heard a bit about in
24 our prior meeting. The Peratrovich case discusses the
25 issues of ownership of certain marine submerged lands in
26 the Tongass National Forest. It follows up on a case
27 called Alaska v. United States which went all the way up
28 to the U.S. Supreme Court.

29
30 In Alaska v. United States, the United
31 States disclaimed the ownership of most of the submerged
32 lands in the Tongass, marine submerged lands in the
33 Tongass. Those lands are owned by the State of Alaska.

34
35 There were certain exceptions in that
36 disclaimer, and the Peratrovich case was addressing those
37 particular exceptions.

38
39 Now, what Judge Holland ruled was that
40 there appears there could be some submerged lands beneath
41 the marine waters that are subject to those exceptions
42 and could still be owned by the Federal government. And
43 what he ordered was for the agencies to go out and try to
44 identify those particular lands.

45
46 And as a result of that order, the BLM is
47 undertaking a review of its prestatehood withdrawals.
48 Now, these exceptions all deal with what happened before
49 statehood. These are prestatehood withdrawals. And
50 their interests related to what may include withdrawals

1 for things like lighthouses, docks and military sites.

2

3 Similarly the Forest Service is
4 undergoing a review to identify lands that were filled
5 in, built up, or otherwise reclaimed by the United States
6 for its own use. And that's a quote from the disclaimer
7 in Alaska v. United States. Those events again would
8 have occurred prior to Alaska statehood. Sites like this
9 might include dock sites or log transfer facility sites.

10

11 But we expect that any such sites that
12 are identified by the BLM or the Forest Service will be
13 only small parcels, discrete sites, and it remains to be
14 seen whether any of these sites have significant
15 resources that could be used for subsistence purposes.
16 This is probably going to be a long process, because some
17 of these records are very old and have been archived, and
18 it will take a significant amount of manpower to go
19 through them all and try and identify all these small
20 sites in the historical record.

21

22 Thank you, Mr. Chair.

23

24 CHAIRMAN ADAMS: Thank you. Are there
25 any questions.

26

27 (No comments)

28

29 CHAIRMAN ADAMS: Okay. Thank you very
30 much. Appreciate it.

31

32 MR. LORD: Thank you.

33

34 CHAIRMAN ADAMS: Okay. I would like to
35 just be able to say, you know, we have a real big charge
36 here before us, and it's going to be you individuals who
37 are going to put this thing together.

38

39 And Robert has some points of discussion
40 that he has been taking down, you know, from various
41 people he's talked to. So we'll use that as a skeleton.

42

43 But what I would like to have us do right
44 not is just give you all an opportunity to make some
45 comments about what you have heard during this session
46 here, and what you think should happen, and then we'll go
47 ahead and start seriously deliberating, you know, the
48 process.

49

50 And we'll start with Mr. Kookesh, is you

1 would, please.

2

3 MR. KOOKESH: Mr. Chairman. The one
4 thing that I'm looking for here is, I'm sure you already
5 know what my position is on this issue, but what I'm
6 looking at is what kind of criteria are we going to use
7 to arrive on making the decision.

8

9 If Bob's talking to people, I'd like to
10 know who he's talking to, also, as that would be
11 something we would have put together I would hope on the
12 talking points and skeletons and stuff like that.

13

14 CHAIRMAN ADAMS: Do you have any
15 suggestions on what criteria maybe we ought to kind of
16 follow, and maybe we can start from that point right now.

17

18 MR. KOOKESH: Well, basically the way we
19 normally do is make a motion in the positive, that's for
20 sure.

21

22 CHAIRMAN ADAMS: Uh-huh. Yep.

23

24 MR. KOOKESH: Probably the first idea is
25 to craft the motion. Have us put the language together
26 for the Federal Subsistence Board, and hopefully it's the
27 same language they want to use, or they'll be using. But
28 that's what I would look for, is looking for the positive
29 motion.

30

31 CHAIRMAN ADAMS: I think you're right,
32 Mr. Kookesh. Maybe we ought to entertain that motion
33 right now. And what's going to happen after our
34 deliberations, all of these points are going to be taken
35 down and then Robert is going to draft up, you know, the
36 recommendation. And we can't leave until he's done,
37 okay. Because we don't want to make -- we want to make
38 sure that it's all right.

39

40 But why don't we go ahead and start with
41 a motion. Go ahead, Patty.

42

43 MS. PHILLIPS: You know, I apologize for
44 interfering here, but your first action was to go around
45 the table to see what the RAC has to say, and I would
46 prefer that.

47

48 MR. KOOKESH: That's what I had to say.

49

50 MS. PHILLIPS: I know. And I might have

1 something different to say.

2

3 CHAIRMAN ADAMS: Okay. It's really.....

4

5 MS. PHILLIPS: So we can all go around

6 and.....

7

8 CHAIRMAN ADAMS: Okay. What I was
9 thinking is maybe we can start with the motion, but let's
10 go ahead and -- are you done?

11

12 MR. KOOKESH: Yeah. Let's just hear what
13 everyone has to say. That sounds like the proper order
14 for this process. But, yeah, one of the things I would
15 like us to do is since Kootznoowoo is involved in this
16 process, see what they would recommend also.

17

18 CHAIRMAN ADAMS: Alrighty. So, Tim.

19

20 MR. ACKERMAN: Yeah. In regards to the
21 petition on the territorial thing there, I think it's
22 written down in ANILCA, and I believe this will be a real
23 good test of the ANILCA language itself. And as we
24 proceed further here and make our decision on this
25 particular subject, I think it will be a good test of
26 ANILCA. So it's written into and signed into law, so it
27 will be a good test of ANILCA here.

28

29 CHAIRMAN ADAMS: Thank you. Merle.

30

31 MS. HAWKINS: Yeah. After hearing all
32 the testimony, I would support the petition with the
33 knowledge that the Federal Subsistence Board would review
34 all the facts and also they would consult with the State
35 of Alaska. And if they can't come up with an agreeable
36 solution, then it's going to go to the Secretaries of
37 Agriculture and the Secretaries of Interior. But there's
38 definitely conflict, and I do see that Angoon does have
39 subsistence priority.

40

41 And as far as the other questions, I
42 think if the State would cooperate, that maybe the
43 question 2 and 3 could be answered better, but from what
44 I've heard from the tribes and the people of Southeast
45 Alaska, the subsistence needs are not being met.

46

47 Thank you.

48

49 CHAIRMAN ADAMS: Thank you, Merle.

50 Donald.

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

2

3 We kind of have three important questions
4 that we're supposed to answer in regards to this
5 petition. And through the course of these testimonies
6 I've kind of come to the opinion that, yes, there is a
7 Federal subsistence priority for Angoon residents. I
8 think there is strong evidence that the purse seine
9 interferes with the traditional fisheries on Federal
10 lands and associated waters.

11

12 However, as I say, the interference --
13 this interference -- to answer the third question, this
14 interference does result in a failure to provide the
15 subsistence priority. However, the extent to which that
16 interference occurs is a hard question to answer given
17 the information we have before us.

18

19 I don't believe that stopping, shutting
20 down seining in Chatham Straits is an equitable solution
21 to the problem. So in the course of the testimonies,
22 we've heard some good suggestions on ways to proceed
23 where there are possible measures that could be taken to
24 help mitigate the situation. And I think we ought to
25 investigate those.

26

27 But in answer to the three questions
28 before us, I think we'd have to be affirmative in all of
29 those.

30

31 CHAIRMAN ADAMS: Thank you, Mr.
32 Hernandez.

33

34 Patty, you're next.

35

36 MS. PHILLIPS: Thank you, Mr. Chair.

37

38 I, too, answered the questions that were
39 in the Staff analysis, and is there a Federal subsistence
40 priority for Angoon residents? Angoon has positive
41 customary direct dependence upon Kanalku sockeye salmon
42 as a mainstay of livelihood and as a subsistence priority
43 for Kanalku sockeye salmon.

44

45 Does State management of commercial purse
46 seine fishery interfere with subsistence fishing on
47 Federal public lands and associated waters? The
48 commercial purse seine fishery is a mixed stock fishery.
49 Sockeye system specific harvest data is limited, but
50 based on Kanalku Lake and Kook Lake sockeye salmon

1 escapement and seine harvest diagrams, figure 4A, 4B, 5A,
2 5B, 5C, the Staff report summary states, it appears more
3 likely than not that the commercial purse seine fishery
4 is reducing the number of sockeye salmon returning to
5 Federal-managed waters.

6
7 Is there interference, does it occur to
8 such an extent as to result in a failure to provide a
9 subsistence priority to Angoon residents? Sockeye salmon
10 migrate to spawn within the exterior boundaries of the
11 Tongass National Forest. Federal nexus extends into the
12 marine waters of Southeast Alaska. The Kanalku
13 subsistence fishery has historically occurred primarily
14 in State waters, and this subsistence is managed by the
15 State. The Kanalku subsistence fishery occurs adjacent
16 to Federal public lands. Kanalku sockeye stocks spawn on
17 Federal public lands.

18
19 Also, does that mean that extra-
20 territorial jurisdiction should extend to the point -- to
21 the extreme that the Kootznoowoo, Inc. petition suggests?
22 On that, I don't think I'm ready to go that far. And I
23 heard numerous people testify to the fact that we can
24 work together to try to resolve this. So my three
25 questions are:

26
27 What would happen if we did move to
28 support the ETJ?

29
30 What would happen if we moved to support
31 the ETJ and deferred it pending mitigation measures?

32
33 What would happen if we did not support
34 the ETJ?

35
36 And what would happen if we took no
37 action.

38
39 I mean, can someone answer those four
40 questions relatively concisely?

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN ADAMS: Thank you, Patty, and
45 maybe during the course of our discussions, you know,
46 later on, we'll be able to get those questions answered
47 for you.

48
49 Let me go with Mr. Bangs next.

50

1 MR. BANGS: Thank you, Mr. Chairman.

2

3 I have to agree with Ms. Phillips. I
4 think there's some unanswered questions that would weigh
5 heavy on my decision. I'm just not sure what would happen
6 if this petition was to go through, or whether we would
7 be able to fix through numerous solution ideas that we've
8 come up, listening to the, you know, testimony, whether
9 a deferred -- deferment of the ETJ so that it would still
10 be in place pending the attempts at fixing, because it's
11 obviously a problem, and I think if we can work together,
12 I think there's a possibility of fixing it without
13 following through.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Thank you. Mr. Kitka.

18

19 MR. KITKA: Thank you, Mr. Chair.

20

21 After listening to all the testimony, I,
22 too, agree probably with Ms. Phillips, but I also have
23 some concerns. In the overall pictures of things,
24 subsistence, when they voluntarily stopped fishing it,
25 then it became conservation concerns, and I was amazed
26 that the State didn't take any action. Because it was a
27 very conservation concern for a species that might have
28 become extinct within the next fishery. And if we let it
29 go on, we don't know whether the fish that came back will
30 come back in that numbers again. It could drop again
31 just like it was before. And it could get worse. And
32 just because we had a couple of good years maybe, it's
33 something that we really need to think about.

34

35 Thank you.

36

37 CHAIRMAN ADAMS: Mr. Wright.

38

39 MR. WRIGHT: Okay. Thank you, Mr.

40 Chairman.

41

42 Well, there was -- you know, when the
43 Fish and Game was here yesterday, and they left early,
44 there was questions I wanted to ask. One of the
45 questions was where the migration of the salmon, because
46 as everyone knows, that we have salmon that are coming
47 from the north and salmon coming from the south, but we
48 don't know which ones are getting up to the area that
49 we're concerned about.

50

1 And the other question -- another was
2 that, you know, a lot of the talk was about the 15 salmon
3 per household per year, you know. And to me that -- when
4 you've got five systems, I would not wait for just the 15
5 salmon per household to go after other salmon.

6
7 There were a lot of questions that, you
8 know, didn't seem to be answered for me. You know, I'm
9 torn between being a Tlingit person and torn between
10 being a fisherman that provides subsistence to our
11 community, too. In the summer I take salmon from where
12 I fish. And the petition also states to close down Icy
13 Straits, you know, and a lot of my fish that I get is Icy
14 Straits. And when you've got something that is that
15 detrimental to the community -- and part of that petition
16 also states that north of Porpoise Island. When you've
17 got something as north of Porpoise Island and I have --
18 one of our sockeye systems in Excursion Inlet, then
19 that's another issue.

20
21 I believe that Angoon does deserve to
22 have subsistence rights, as I believe that the Community
23 of Hoonah and every Tlingit community in the Southeast
24 Alaska should have subsistence rights. Just like I said,
25 I'm torn between a rock and a hard place, because I'm a
26 Tlingit person that even in the falltime I go to
27 Excursion Inlet when the State lets me go into Excursion
28 Inlet to make some purse seine sets in Excursion Inlet to
29 take to the Community of Hoonah.

30
31 One other system that we have is
32 Hoktaheen, and that's 40 miles, 45, 40 or 50 miles out,
33 and you have to cross over the ocean to go get that.

34
35 And, you know, I have gone to get a fish
36 permit, and they ask me if I wanted to go to Basket Bay.
37 And my response to going to Basket Bay is that's Angoon
38 territory. I will not take a permit to go to Basket Bay,
39 you know. It's because of tribal rights.

40
41 So when a people's existence is being
42 threatened, you know, my heart goes out and says, what do
43 I do? But, you know, we've got -- are the systems being,
44 you know, fairly described as not providing enough fish
45 for the Community of Angoon? Well, I believe that when
46 you say 15 fish per year, and we're talking about that
47 only, and I say that, well, when you've got a customary
48 and traditional area which is described in the petition,
49 you know, this is a pretty big area. Our customary and
50 traditional area is Icy Straits out to the outer coast,

1 and Glacier Bay, which in Glacier Bay we have to get
2 special permits even to go into.

3
4 I fish for -- my boat has only Tlingit
5 people on it. We're a commercial fishing boat. My
6 cousin's boat, who is a commercial fishermen, has only
7 Tlingit people on it.

8
9 So it's like my said, my heart is being
10 a Tlingit and hardships of being shut down, you know.

11
12 When we talk about the salmon that are
13 being -- especially sockeye, like I said, in June, about
14 June 23rd, we end up in Point Augusta. But I know that
15 my father had told me that when we have big tides, the
16 sockeye that -- the fish that pass are pushed up against
17 the Home Shore line, and then they go across and then
18 they run over to Hawk Inlet shore. In small tides they
19 hit the shore on the Chichagof side and then they swim
20 down the Chichagof shore in 14C.

21
22 So when we have a fishery that opens one
23 day a week for 15 hours on Point Augusta, which is one
24 mile long and sometimes they give us a half a mile out.
25 One mile long, half a mile off shore. And fish that for
26 15 hours in June, which is the end of June. And then we
27 fish for that 15 hours and then they shut us down for
28 about 4 days, and then they give us another 15 hours, and
29 then they shut us down. And they observe what the
30 fishery is doing by what we're doing there.

31
32 I don't even -- as a fisherman, I don't
33 even go to Point Augusta the first round, because I know
34 it's a bust. I don't fish probably the second round. I
35 don't really go fish until in July, which is after fourth
36 of July. Then I really start getting ready to go.

37
38 But, you know, it's like I said, there
39 are some issues, some numbers, like the Department of
40 Fish and Game, I wanted to ask, but were not able to,
41 because they were cut off yesterday.

42
43 But I think that, like I said, Angoon
44 does deserve, you know, but at the risk of shutting down
45 a whole fisheries, I don't know. With the numbers that
46 are showing up in the other systems, and the system that
47 -- like Kanalku, is rising, I don't know. You know,
48 maybe there are fish that are getting by.

49
50 I think the Forest Service or some agency

1 was talking about putting a fish ladder. Maybe that will
2 help, you know, when fish are dying at the bottom of the
3 falls. Excuse my ignorance, but I've never been in
4 Kanalku, but, you know, when people tell me there's falls
5 there that fish can't get up, then that's probably what's
6 happening. 75 percent or 50 percent of the fish not
7 making it up. But if there's help from organizations to
8 put a fish ladder in there to make things better, I would
9 go for it.

10

11 I think there's a lot to look at before
12 we make a decision. Thank you.

13

14 CHAIRMAN ADAMS: Thank you, Mr. Wright.
15 Cathy.

16

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

18

19 In thinking about the petition, I didn't
20 go through the exercise necessarily of addressing the
21 three questions that were in the Staff analysis, because
22 I read the Staff analysis, and we had the Staff report,
23 and we asked a few questions. And I'm kind of left with
24 the feeling that we have a lot of questions that we
25 haven't been able to ask, and we also have questions that
26 we've asked, but not necessarily gotten answers to, or
27 very clear answers to. And I think that makes a
28 decisionmaking process very hard.

29

30 I'd like to support Ms. Phillips' four
31 questions. I think those things regarding what are the
32 outcomes of the potential decisions that we can make
33 regarding ETJ, I think we need to know that. I think
34 it's in the best interest of the petitioner and the
35 Community of Angoon that we do know that before we make
36 a decision on how we would recommend the Secretaries exer
37 -- whether or not they exercise it or defer it or take no
38 action in that aspect. I'm not sure how we can get those
39 questions answered.

40

41 I actually would like to say that I am
42 encouraged to hear that -- we heard it from the
43 petitioner, we heard it from industry, we heard it from
44 the State that people want to try to work together on a
45 solution. And I think that we should embrace that
46 potentially and see if we can make sure that that happens
47 and give some kind of thought to that.

48

49 And so I don't have -- I haven't come to
50 an exact decision of -- I know that we're going to go

1 through a process, and I'll probably flip-flop a number
2 of times as we go through our deliberations, but I tend
3 to right now support the idea of deferring, or
4 recommending to the Secretaries that they defer a
5 decision on extra-territorial jurisdiction until specific
6 things happen that we outline, recommendations that we
7 outline, whether they be management recommendations, or
8 certain thresholds of information that need to be given.
9 And if those things don't happen, that the -- then as a
10 secondary recommendation that they extend extra-
11 territorial jurisdiction, because those mitigation
12 measures or those negotiations didn't move forward.

13

14 So thank you.

15

16 CHAIRMAN ADAMS: Thank you, Cathy. And
17 just to kind of respond to your concern there, we will,
18 you know, entertain a motion, you know, to accept the
19 extra-territorial jurisdiction for Angoon. And then
20 during the discussion, you know, all of the things that
21 you were talking about, and everyone else had been
22 talking about will come up in the matter of discussion.

23

24 Mr. Douville, you're next.

25

26 MR. DOUVILLE: Thank you, Chairman Adams.

27

28 There's some things that are clear to me.
29 The analysis showed the Kanalku was over-fished for a
30 period of time, which created a crash, and under-
31 reported. And it's also -- I understand fishing pretty
32 well. And since 1980 the analysis also said that we've
33 had a very similar amount of fishing time for the seiners
34 since 1980. In 30 years you've seen a considerable
35 amount of improvement in gear, boats, electronics,
36 everything is faster and much more efficient. Has biology
37 kept pace with the efficiency that we have today compared
38 to 30 years ago? And I'm beginning to think perhaps not.

39

40 But also the State manages fishery for
41 maximum harvest, and sometimes I think it's a fine line
42 and does not leave you any error for escapement. I see
43 this I feel where I live. We should have had a good year
44 last year, and in reality it wasn't that good. The fish
45 milled around and the escapement part of it wasn't that
46 good.

47

48

49 The other question I have, does the Fed's
50 have the resources to take over? And I think that a

1 Federal take over is a bit heavy-handed as Title VIII
2 protects all users.

3

4 I think the solution along with what the
5 Department said, we can work on the falls, we can do an
6 enhancement. I can't remember if there's anything else,
7 but those two stuck out. But I don't remember them
8 saying anything about how could they could improve the
9 escapement, and that would be first and foremost on my
10 mind. How could you do that? How could the Department
11 do that? That is a question for you. Without going
12 through the Board process, because I see -- that happens
13 every two years, and we just went through that. This
14 problem needs to be fixed yesterday not two years from
15 now. So I would like to know what the Department has at
16 their disposal to ensure good escapement to these
17 systems. And I think that is a real problem, and that's
18 one way of fixing it.

19

20 A total shut down of the fisheries and
21 the Federal take over would not be my first choice,
22 although certainly it is perhaps an option. I don't
23 believe that it's necessary to go there if we can provide
24 better and guaranteed escapement to these systems.

25

26 There's no question that the sockeyes are
27 being caught in this area. That's completely -- we don't
28 need DNA to figure that out. They're being caught. I
29 guess you could use DNA down the road to fine-tune your
30 methods of getting escapement to these systems, but right
31 now I think you have all the information you need to
32 determine that, yes, the sockeyes are being caught in the
33 same fishery.

34

35 I guess I'd have to think it over a
36 little longer before I could make a decision, but
37 primarily I feel that better escapement is needed.

38

39 Hidden Falls catches some of these fish.
40 It's a smaller number, but it all adds up. So extending
41 the lines -- I don't know what the State has as its
42 option.

43

44 We operate under Title VIII of ANILCA.
45 We can't add to it, or take away from it. We can't water
46 it down. We can't do anything that's not in the rules.
47 And we do not.

48

49 But the State process is a little
50 different. It can be highly political and so on with the

1 Board of Fish process.
2
3 But I'm interested to hear what the
4 Department has to say to my inquiries.
5
6 CHAIRMAN ADAMS: Thank you, Mike.
7
8 MR. LARSON: Could I say one thing in
9 response to that?
10
11 CHAIRMAN ADAMS: Does it relate to this?
12
13 MR. LARSON: Yes.
14
15 CHAIRMAN ADAMS: Okay. Mr. Larson has
16 something to say to you, to respond to that.
17
18 MR. LARSON: And, Mr. Chair, thank you.
19
20 It's a thread that I think needs to be
21 explained. It's been what I feel is a question by some
22 of the Council members regarding consequences. The
23 Secretary of Interior will not manage a seine fishery.
24 The Secretary of Interior will close the State's
25 fisheries, whatever they are. Then they will re-open
26 those fisheries at some point. But they will not manage
27 a State commercial, sport or subsistence fishery.
28
29 Thank you.
30
31 MR. KOOKESH: (Indiscernible, mic not on)
32 question.
33
34 CHAIRMAN ADAMS: Mike, go ahead.
35
36 MR. DOUVILLE: Thank you, Chairman Adams.
37
38 Well, hearing that I guess then I would
39 be most interested in hearing what the Department has to
40 say as for a solution, because I am convinced that we
41 need a higher escapement into these systems. And
42 obviously the seine fleet is the biggest interceptor of
43 these sockeye.
44
45 CHAIRMAN ADAMS: Mr. Kookesh. Same
46 subject?
47
48 MR. KOOKESH: Yeah.
49
50 CHAIRMAN ADAMS: Go ahead.

1 MR. KOOKESH: Where did you get that
2 from? Because I know we have more questions. A lot of
3 questions have come up to us, and I'm just wondering
4 where did you get that?

5
6 MR. LARSON: Mr. Chair. I think in the
7 materials that's been provided that's very clear
8 regarding the powers of the Secretary.

9
10 CHAIRMAN ADAMS: Okay. We need to find
11 that. Mr. Nielsen.

12
13 MR. NIELSEN: Thank you, Mr. Chairman.
14 In all the material that's been passed here, we seem to
15 forget one thing. That they're bound by law in Title
16 VIII to accommodate our fishermen. This printed material
17 doesn't say anything about it.

18
19 I have to go with Commissioner Wright.
20 I can see his point of view, because nobody likes to tell
21 anyone else where to fish. When I fished with my father
22 in the late 40s and 50s, we never bothered with Fish and
23 Game coming over or telling us go take a hike. That's
24 just not possible.

25
26 The printed material here, will let them
27 know again their responsibilities. It doesn't go any
28 better than that. And they've got to abide by it.

29
30 Thank you.

31
32 CHAIRMAN ADAMS: Thank you, Archie.

33
34 Go ahead, sir.

35
36 MR. YEAGER: Thank you, Mr. Chair.

37
38 The first challenge I had was to try to
39 summarize this in eight words or less, but I feel I can't
40 do that.f

41
42 (Laughter)

43
44 MR. YEAGER: After listening to
45 everything today, the one common thread that I'm hearing
46 is there's no shut doors on either side. Both sides are
47 willing to work together. A problem or a situation has
48 been identified. And I've heard the willingness to work
49 together. And I'm a proponent of trying to allow that to
50 happen at the lowest level possible, to give them a

1 chance to work through this issue, see if there is a
2 common denominator where something can be fixed or
3 improved without top down management so to speak.

4

5 My overall feelings initially here, that
6 there's some very good -- there's a very good potential
7 for assistant here. NSRAA I think is a viable option.
8 And there's also some other organizations that I think
9 are willing to step in. And I feel we need to give the
10 State an opportunity to readdress and reevaluate this.
11 And using Mr. Kookesh's words, this is the first time
12 that any of those organizations have come to him for
13 help. So it's apparent the petition has sparked a new
14 identity here, so to speak, and I think it would be in
15 our best interest to allow that to go at this point.

16

17 Thank you.

18

19 CHAIRMAN ADAMS: Thank you very much.

20

21 I'll go ahead and make some of my
22 observations here, too.

23

24 You know, the only jurisdiction that the
25 Feds have at this point is, of course, in the fresh
26 water. And subsistence and commercial fishing and other
27 user groups are managed by the State in this particular
28 petition -- I mean, particular issue.

29

30 So after listening to many of the people
31 speak today, the reason why Angoon has brought forth this
32 petition is because they never have received any response
33 from the State when they began to complain to them. And
34 so that was the reason for the initiation of this
35 petition.

36

37 Our primary -- ANILCA, you know, provides
38 priority and preference, you know, to rural areas. And
39 that's one of the things I think that we really need to
40 keep in mind as we go through this process.

41

42 We need to protect the ecosystem.

43

44 And I like the idea that, you know,
45 people have come together in their testimony saying that
46 they are willing to work toward helping resolve this
47 problem. It appears to me like this never happened
48 before. And when this petition came forth, now everyone
49 is coming together and willing to help. The commercial
50 industry, as I see, you know, is really willing, has said

1 that they are really willing to lend their help in
2 resolving the problem.

3
4 So we do have the authority to extend
5 territorial jurisdiction. ANILCA allows it. But as I
6 listen to you all, you know, we need to be really careful
7 about how other areas or user groups are going to be
8 affected by this closure if it -- you know, if it does
9 happen.

10
11 So, you know, with that, you know, I
12 would like to maybe move on here, and what we'll do is
13 we'll entertain a motion, and we've got to do it in the
14 positive.

15
16 Do you have a comment, question.

17
18 MR. YEAGER: Just a comment. I guess it
19 wasn't clear to me if it closed all fishing for sport
20 otherwise, but anyway, I wanted to make the statement
21 that it's a State waters fishery. But I'd also like to
22 say that these fish originate for the most part from
23 Federal streams on Federal land. Where the Stikine is
24 involved with Canada, you know, they have claim to those
25 fish. And we abide by certain rules, treaty rules to
26 make sure that they get the proper escapements and stuff.
27 It's just something that crossed my mind.

28
29 Thanks.

30
31 CHAIRMAN ADAMS: Well, thank you.

32
33 And, you know, I'd just like to make this
34 comment. I haven't made this comment in a long time.
35 ANILCA, you know, that did provide that the State would
36 manage subsistence resources on public lands. And they
37 did come out of compliance, because there was some issue
38 about it going against their constitution, that the
39 resources belonged to everyone. And so they did not want
40 to discriminate against any user group, or any group. So
41 now they are out of compliance. And what I have always
42 been saying, you know, particularly really loud at our
43 Federal Subsistence Board meeting, that if the State
44 wants to take over subsistence management, then they
45 should come in compliance with ANILCA.

46
47 Now, in my discussion with Federal and
48 State people, you know, it doesn't appear like this is
49 going to happen, you know, real quickly if it ever does.
50 I understand that there are some lawsuits in the Federal

1 courts that need to be resolved before they make an
2 attempt to try to come in compliance. So, you know, that
3 does, you know, put a lot of pressure on both the State
4 and the Federal, you know, to try to answer issues like
5 this, and take care of the concerns that communities
6 have, like Angoon has.

7
8 So again I would just say that if the
9 State were in compliance with ANILCA, then ANILCA as we
10 know is the law of the land, and so they would have to
11 manage it under the Federal laws, under what ANILCA says.
12 So it seems to me like that would solve a lot of problems
13 if that could ever happen right away.

14
15 But now, you know, we are involved with
16 dual management and it's confusing, you know, a lot of
17 people about whether, you know, they should go out and do
18 this or do that without breaking any laws.

19
20 Anyhow, I just wanted to make that
21 comment.

22
23 But unless there's any more other
24 comments. Mr. Kookesh, go ahead.

25
26 MR. KOOKESH: Yeah, Mr. Chairman. Am I
27 starting to understand that you're trying to go for
28 motion?

29
30 CHAIRMAN ADAMS: Yes, that is correct.

31
32 MR. KOOKESH: Okay. Well, Mr. Chairman,
33 after listening to everybody, I'm of the opinion that
34 there are too many questions in front of us for us to be
35 putting a motion on the floor. I believe that a lot of
36 questions need to be answered, because we have people
37 here who are worried about the commercial fishing fleet,
38 and the unanswered question about closing a commercial
39 fishery. There apparently appears that there's some --
40 they're not clear on the real issue.

41
42 And also there seems to be a concern for
43 the commercial fishery here. I mean, it's my
44 understanding that in this public process of Title VIII
45 of ANILCA, our role is to provide for the rural user and
46 not worry about anybody else. That the highest priority
47 is subsistence and the rural user.

48
49 But I believe there's a lot of questions
50 that haven't -- that we have to still answer. And I

1 don't believe that by putting this in a motion and
2 carrying it forward is the proper thing to do until we
3 put all of our questions out there. Because we still
4 have the questions that was brought up, was a disclaimer
5 clause of the State, that was brought up by Ron Leighton.
6 And the question of the Magnuson Act, which protects
7 anadromous fish. I'm curious to see where these are
8 going.

9
10 And also like a deal is a deal on the
11 part of the Federal government to manage the fishery,
12 because Mr. Douville is right that the birth certificates
13 for salmon are in Federal waters which are located on
14 Federal land. There's a lot of truth to that.

15
16 But I believe that by putting a motion on
17 the floor is premature, because we have too many
18 questions to be asked yet. We need more answers. Maybe
19 ask our Chairman, because we had put proposals in front
20 of the Board of Fish on parts of the Alaska
21 Administrative Code asking for the State to come into
22 compliance with their own rules. And I would like to
23 have those answered if this is going to be part of that
24 solution.

25
26 Thank you.

27
28 CHAIRMAN ADAMS: Thank you. Merle.

29
30 MS. HAWKINS: Yeah. If we look at the
31 summary of Page 16, the very last sentence of the Staff's
32 report states that it appears more likely than the
33 commercial purse seine fishery is reducing the number of
34 sockeye salmon returning to the Federally-managed waters.
35 It seems like we all agree on that statement, and we
36 could work from there possibly, and work on
37 recommendations of solutions for the Federal Subsistence
38 Board and other users of the commercial fishery to avoid
39 having to go to the extra-territorial jurisdiction.

40
41 CHAIRMAN ADAMS: Patty, go ahead.

42
43 MS. PHILLIPS: Thank you. What do we
44 agree on? We do agree, and I heard numerous testimony to
45 this to the joint Board and Council meeting that there
46 is support for the mitigation measures. And, you know,
47 we could put forth recommendation to support those
48 mitigation measures as a positive step in the right
49 direction. And I could go forth and read some of those
50 mitigation measures that were suggested throughout our

1 meetings.

2

3 I'd like to know how the rest of the
4 Council feels about that.

5

6 CHAIRMAN ADAMS: Okay. Yeah. I was just
7 getting clarification here, folks. I'm going to read you
8 what the recommendation is in the petition, and then
9 maybe this will help us, you know, to move a little bit
10 further. I don't know whether it will or not.

11

12 But the petition supplement of June 15th,
13 if you have your petition with you, it's on Page 1 at the
14 very last paragraph. The petition supplement of June
15 15th, 2011 specifically recommends reducing the harvest
16 area adjacent to Hidden Falls Hatchery, and closing all
17 fishing districts in Chatham, Icy and Pearl Straits
18 during June, July and the first two weeks of August to
19 protect sockeye salmon and allow for the continuation of
20 subsistence uses on Federal public lands and waters.

21

22 That's what the petition is asking for.
23 And I'm going to before we, you know, if you want,
24 entertain a motion, I'm going to ask Mr. Larson what he
25 expects, you know, out of a discussion here after a
26 motion has been made. Would you please, Robert.

27

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

29

30 I would like to just address your
31 previous comments and to emphasize to everybody that we
32 understand that we're talking about closing the fisheries
33 in marine waters to protect fisheries in fresh water. So
34 that is the question, and it should be clear that that's
35 the question before us.

36

37 From my perspective, I believe that it
38 would facilitate this process if I could have comments
39 from the Council that were similar, and maybe in a
40 written format, or give me an opportunity to transcribe
41 those comments that were just made into a document, and
42 I would hopefully encourage people to write these
43 thoughts on paper and give them to me, provide me with a
44 few minutes to incorporate them into a document which I
45 could print, I could distribute, and we could deliberate
46 the details of that. And that would be the vehicle that
47 we would evolve into a recommendation for the Secretaries
48 for a -- and that would be the document that we would
49 have and entertain -- that we would entertain a motion to
50 adopt and to forward in the form of a letter to the

1 Board.

2

3 CHAIRMAN ADAMS: Is that clear as mud?

4 Cathy.

5

6 MS. NEEDHAM: Mud's pretty clear compared
7 to everything else I'm trying to wade through right now.

8

9 My question is, can we ask questions and
10 have answers from people in the audience at this time?
11 I tend to agree with Mr. Kookesh. I am reserved in
12 making any formalized or final comments that might go
13 into a recommendation until some questions have been
14 answered.

15

16 CHAIRMAN ADAMS: Sure. Do you want to
17 start off?

18

19 MS. NEEDHAM: Only if I can steal Mr.
20 Douville's important question. Otherwise, I'd defer to
21 him to ask it.

22

23 CHAIRMAN ADAMS: Mike, do you want to
24 take charge there.

25

26 MR. DOUVILLE: Thank you, Mr. Chairman.
27 Thanks, Cathy.

28

29 (Laughter)

30

31 MR. DOUVILLE: I guess I sort of asked
32 this already, but I'll try it again here.

33

34 We have a highly mixed stock out here in
35 the areas in question. Can the Department manage these
36 for subsistence priority obligations? Can you do a
37 better job on that? And how -- I mean, I need that
38 question answered. Or are you even willing to go there?

39

40 In my mind, escapement is what we need
41 here. We don't need a total shut down. We need to
42 manage it as subsistence being a priority. In my opinion
43 it is on the bottom rung. It's the last user to get a
44 chance at those fish. And not always it works that well.
45 They don't always get what they need. It's obvious in
46 all the testimonies, so we need to fix that so everybody
47 can do their customary and traditional fishing.

48

49 CHAIRMAN ADAMS: Thank you, gentlemen,
50 for staying. And we really appreciate that, so go ahead

1 and answer those questions.

2

3 MR. MONAGLE: Through the Chair. You
4 know, can.....

5

6 CHAIRMAN ADAMS: Would you just please
7 introduce -- I mean, tell your name?

8

9 MR. MONAGLE: Oh, I'm sorry. For the
10 record, Kevin Monagle, the Juneau area manager for the
11 Commercial Fisheries Division of Fish and Game.

12

13 Kanalku is a fairly complex situation,
14 because you -- in terms of whether you're talking about
15 subsistence take or escapement, two different things.
16 And as we've heard today, you could essentially get
17 plenty of fish back to the Barrier Falls, but not
18 necessarily get good escapement. And I think we've seen
19 that in recent years. So there's -- it's a little --
20 it's complex. It's not just a matter of having enough
21 fish to take. It's a matter of getting enough spawners.

22

23 So we know -- and we, the Department and
24 the Forest Service have been working on this barrier
25 project. And I think that's a good beginning.

26

27 I guess the, you know, simple, short
28 answer to your question is yes. Exactly how you do that,
29 I think there's several ways you would have to approach
30 it. Not just one way.

31

32 CHAIRMAN ADAMS: Okay. Anyone else from
33 the group want to respond.

34

35 MR. DAVIDSON: Bill Davidson. I'm
36 regional management coordinator for Commercial Fisheries.

37

38 The short answer is the same from me, is,
39 yes, we can manage and we can manage to do a better job,
40 if you're talking about fishery management actions.
41 However, I believe that a different picture has been
42 painted here about our management and the success or
43 failure of it. So, I mean, what -- if you're asking if
44 that's possible, the answer is yes. But I feel that we
45 have taken many management measures in consideration of
46 Kanalku in the existing management.

47

48 And I think it's pointed out earlier in
49 the testimony that, you know, there's different sources
50 of mortality, and we can't apportion how much mortality

1 each of those different sources, whether it be the
2 commercial seine fishery or the subsistence fishery or
3 the in-river migration problems. You have to look at it
4 from an overall standpoint, and more information will
5 help us to do a better job. So it's not a simple yes/no,
6 although, you know, I tried to provide that for you.

7

8 Thanks.

9

10 CHAIRMAN ADAMS: Okay. Go ahead, sir.

11

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

13 Kelly Hepler, Assistant Commissioner.

14

15 First of all I thank the Council members,
16 it's been a long day, and I've sat through many of these
17 myself, so I know you're getting tired, so thank you for
18 your diligence on this.

19

20 I wanted to be sure that the managers had
21 a chance to answer first. I mean, from a policy level
22 the answer -- the absolute question is, yes, we are
23 committed to deliver subsistence on the ground. And,
24 yes, we do have the authority to do. It's well within
25 Commissioner Campbell's authority to do that.
26 Conservation trumps everything else we do, including
27 allocation plans.

28

29 What I would suggest in this situation is
30 that since I don't have the answers, I'm obviously not
31 the manager, I would suggest, you know, sitting down with
32 the users, including the fleet and then working an answer
33 out and see if there's something there that we can
34 possibly do to ensure that we get more escapement back
35 into Kanalku.

36

37 But the short answer is, yes, we have the
38 authority and we're more than willing to help out.

39

40 Mr. Chairman.

41

42 CHAIRMAN ADAMS: Thank you. Maybe you
43 can answer a question for me. There have been petitions
44 from the Angoon community, you know, to the State to help
45 them address this issue, and there was no response
46 according to their testimony. So I'm curious as to the
47 reasons why maybe and we'll just let one of you, you
48 know, answer that if you would.

49

50 MR. DAVIDSON: Bill Davidson again.

1 There were many, many proposals that go
2 before the Board of Fisheries, and some are passed and
3 some are not. And, you know, I can't speak for the Board
4 of Fisheries. We just provide -- the Staff just provides
5 analysis of the different proposals. And I think the
6 Board didn't consider those proposals that they had
7 viable proposals, and so -- I guess that's about what I
8 can offer.

9
10 I think one of the -- you know, getting
11 back into what the proposals were, you know, one of them
12 was the first 4,000 fish go to the Community of Angoon,
13 and it was not a workable proposal. So the Board didn't
14 adopt it.

15
16 CHAIRMAN ADAMS: Okay. Well, thank you
17 for that. You know, the reason why we have come this
18 far, you know, is because maybe it was the Board that did
19 not respond to their petitions or their concerns. And
20 hopefully now, you guys' statement will be able to help
21 us, you know, understand that it can be fixed by the
22 State, and, you know, I thank you for being here and
23 answering these questions.

24
25 Any more questions. A whole bunch.
26 Okay. We'll start with Mike and then Cathy and -- yeah,
27 we'll just go on down the line. We all have questions.

28
29 MR. DOUVILLE: Thank you, Chairman Adams.

30
31
32 While most of the focus is on Kanalku, my
33 concern is escapement to all of these systems that we
34 have been talking about, okay, just so we don't go away
35 from that.

36
37 CHAIRMAN ADAMS: Go ahead, Cathy.

38
39 MS. NEEDHAM: I want to thank Mr.
40 Douville for clarifying that, because that was my first
41 question. So that allows me to ask my second question.

42
43 Do you think that the Board of Fish would
44 entertain an out of cycle, like bringing the proposals
45 that that Angoon has previously brought before them out
46 of cycle consideration for those proposals once again?
47 Is that something that would be possible for the next
48 cycle?

49
50 CHAIRMAN ADAMS: Go ahead, Mr. Hepler.

1 MR. HEPLER: Mr. Chairman. Actually I
2 have been thinking about that. I mean, we're sitting and
3 listening. You know, I'm trying to figure out solutions
4 in my own mind, and so I think the answer would be yes.
5 I mean, whether or not, you know, they would accept that
6 or not, I can't answer for them. They're the Board. But
7 I think if that proposal comes in as a compromised
8 package that came out of the community, came out of the
9 Council, came out of the Federal Board, came out of the
10 industry, and this is a series of things we're all going
11 to work on -- and instrumental to that is getting this
12 back into the State management, I'd hope that we'd jump
13 at the opportunity to get this thing back in front of the
14 State Board again.

15
16 And I can tell you at least in my -- and
17 I wasn't around for those other proposals, but one of the
18 duties I do have in the Commissioner's Office is sitting
19 and working with the Board Chairman and the Board. And
20 I'll just give you my commitment if that's what comes out
21 of this process, I will do everything in my power, work
22 on the Commissioner, to make sure it gets a fair hearing
23 from the Board.

24
25 Mr. Chairman.

26
27 CHAIRMAN ADAMS: Mike. Then we're going
28 to go down this way. Okay.

29
30 MR. DOUVILLE: Okay. Thanks, Chairman
31 Adams. I'm not trying to dominate things here, just need
32 to get a couple more things here. One more.

33
34 It's obvious that Kanalku itself can't
35 supply Angoon with all of its subsistence needs, although
36 it is their preference for sockeye. But from what I'm
37 seeing, I don't see any other opportunity for them as
38 their commercial fishing fleet is not there any more.

39
40 What could be possible is to give them a
41 subsistence gillnet fishery in their C&T area or
42 something like this could give them added opportunity and
43 perhaps relieve some pressure from these sockeye streams.
44 And while it may be the most -- not the most desirable
45 fish, they could fish in a mixed stock area without
46 putting pressure on, but it just -- this something that
47 the people of Angoon could look at and perhaps submit a
48 proposal or whatever it takes to get there, but they do
49 need added opportunity.

50

1 CHAIRMAN ADAMS: Okay. Mr. Bangs -- oh,
2 we're going down the line. Okay. Go ahead, Frank.

3

4 MR. WRIGHT: Thank you, Mr. Chairman.

5

6 When the season starts, you know, the
7 sockeyes come in June, July and August, so when you're
8 making your decisions on openings and stuff like that, do
9 you guys monitor, you know, like look at streams or
10 anything like that to decide, you know, like this is such
11 an issue there, do you know the number of sockeye that
12 are going to be coming back to a system is -- may
13 determine whether you're going to open up past Parker
14 Point or Fishery Point or issues like that. I'm just
15 curious, because, you know, like I said earlier, we have
16 -- there are systems down south that fish that are coming
17 from south going up in this direction, but we don't even
18 start fishing until probably the middle of July on the
19 Hawk Inlet shore, or even down toward Tenakee. So I was
20 just curious you have any answers to that.

21

22 MR. MONAGLE: Through the Chair, Mr.
23 Wright. So the question is are we looking at these
24 sockeye stocks early in the season; is that what I'm
25 getting?

26

27 MR. WRIGHT: Yes.

28

29 MR. MONAGLE: So the answer then, yes, we
30 do. One of the things about the seine fishery
31 management, and in the management sense, the mid to late
32 1980s, that's when the Indian Islands, which you fish,
33 and during the change, there was a period of time in the
34 70s and 80s that a lot of Icy Strait, most of it, and
35 Chatham was closed largely. And slowly the Department
36 built up a tagging program, figured out where these fish
37 were going. The goal was really to get more --
38 ultimately to get more dispersion of all fish.

39

40 The seine fishery is a directed pink
41 salmon fishery mainly, and to some degree chum salmon in
42 northern Chatham. Sockeye, kings and coho are caught
43 incidently. They're not targeted. My life would be a
44 lot easier if the seiners didn't catch a single sockeye,
45 but they do. These fish co-migrate together.

46

47 So what the Department's strategy has
48 been is to open areas very slowly and very
49 conservatively. You've referred to this last week in
50 June. We have, as you said, a 15-hour, usually the third

1 Sunday in June, a 15-hour opening the next Sunday, and
2 so on and so forth. If the pink salmon runs are
3 developing strongly, then we slowly expand that to a 15-
4 hour mid week opening as well as the Sunday opening.

5
6 In those early openings, Kanalku and Cook
7 Lake sockeye are for sockeye salmon what we consider
8 early run stocks compared to say a Chilkat/Chilkoot, or
9 Taku River stock. So we know that they're around early.
10 Yes, we do fly the Basket Bay and Kanalku. We have --
11 even when we didn't have research projects there.

12
13 But I will stop in, I do regularly, at
14 Cook Lake and I will check with the crew there to see if
15 they've passed any fish, what the numbers are. We'll fly
16 the bay, look for fish nearing the mouth of the stream,
17 jumpers or sometimes you can see fish in the shallows,
18 especially schools of fish. So we are looking for
19 them.

20
21 We are also paying attention with the
22 parent year escapements. What was the parent year
23 leading to this adult return? Was it weak, was it
24 strong? That helps us to form -- to have some
25 expectation. And we've looked at the numbers over the
26 years inside out, upside down.

27
28 Of course, you know, we have these area
29 closures around from the entrance to Mitchell Bay up to
30 Parker Points about 9 miles. We don't -- for 25 years or
31 better, we've not opened that shoreline as extra
32 protection for Kanalku sockeye. We have a similar
33 closure on the Basket Bay shoreline. It's about four or
34 five miles total, a couple miles north, a couple miles
35 south.

36
37 So we do, yes, we're looking for these
38 sockeye, we're checking with the research crew. We know
39 that -- and we've known for some time, that -- we have 25
40 years or better of subsistence harvest reports. And
41 we've analyzed those thoroughly. In the case of Kanalku,
42 what we've seen is that the peak harvest there occurs
43 between the 14th and the 16th. The first couple weeks of
44 July there's good harvest going on, but the peak
45 typically is between the 14th and 16th.

46
47 We also know that the average opening
48 day, we open north -- and this is the Point Marsden area,
49 the Hawk Inlet area that we talked about earlier. The
50 average opening date, and I say average, because every

1 year is different. These runs, these pink salmon runs
2 strong, weak, you know, it varies. But on average July
3 18th is the opening date of that Hawk Inlet area. On
4 July 18th, the subsistence harvest in Kanalku is about 80
5 percent complete. And we've looked at this for many
6 years. Those fish have a similar timing as Cook Lake,
7 and they're -- what I'm trying to tell you is it's a very
8 early run timing. So the exploitation rate in late June
9 and early July when those fish are passing through is
10 extremely low.

11
12 The only places open in late June and
13 early July are the Point Augusta area you spoke of,
14 that's about a one-mile stretch of beach, maybe a half
15 mile off shore. That's an index area. We open that to
16 gauge pink salmon run strength. That is not a -- early
17 in the season, that is not an area we treat as a common
18 property opening. It's an area to gauge run strength.

19
20 The other two areas that are open in
21 Chatham that time of year are Tenakee Inlet. Tenekee has
22 a pretty -- some years a very strong chum salmon return.
23 The early openings there are for the same reason, to
24 gauge the strength of those fish coming in. And then, of
25 course, Hidden Falls.

26
27 So we look at that information. We look
28 at the catch, the species composition. We compare the
29 catches against historical catch rates, and if the
30 catches are low, we stay conservative. There are some
31 years that a 15-hour -- 15 hours a day maybe twice a week
32 is all the seine fishery gets. There are other years,
33 very strong pink salmon years that, of course, we will
34 step up to a two-day on, two-day fishery. In the past
35 there's been four-day on, one-day off fisheries. That
36 typically happens -- that doesn't happen until August,
37 late July or August. By late July or August most of
38 those sockeye stocks in Chatham, or the bulk of them are
39 home. Not the entirety of them, but the bulk of them are
40 home. And we know that from looking at the run timing.

41
42 And, of course, we've got a good history
43 of data from Sitkoh Lake. We are getting more
44 information on Cook Lake now with the Forest Service in
45 there, and Kanalku. We're getting a very good time
46 series of information. And that's been helpful in terms
47 of management.

48
49 So I might be getting a little long
50 winded. Maybe I'll stop, unless there's further

1 questions.

2

3 CHAIRMAN ADAMS: Mr. Bang. Did Harvey
4 have something? We'll just go on down the line. Go
5 ahead, Harvey.

6

7 MR. KITKA: Thank you, Mr. Chair.

8

9 Here is everything I've heard so far. I
10 just was curious as to whether the State and Federal
11 branches can come together on the fisheries and can come
12 to some sort of agreement to improve the escapement not
13 only for subsistence, but for conservation. Maybe on the
14 Feds' part if we can get them to do some work on the
15 habitat so that where they spawn would be in better
16 prepared for the fish. This would help increase the run
17 capability. On the State part, if they could get their
18 closures and maybe expand some of the areas, because
19 they're knowing the times when they pass and when the
20 peaks are. You should be able to manage an area if you
21 know the peaks are coming, not to open that area, or to
22 expand it, if need be to improve the fishery. I just was
23 wondering if this could happen.

24

25 MR. HEPLER: I'll try to answer the
26 overall question, and then, Kevin, if I don't answer it
27 in detail, you can jump in.

28

29 Through the Chairman. The State is
30 committed to work with our Federal partners. Certainly
31 as we are with any of the people here at the table and
32 the people behind me, so to answer your question, is that
33 we'll do everything we can to resolve this issue.

34

35 I can speak personally as an Alaskan,
36 it's troubling to me to see a village like Angoon have to
37 come through the process and get to this point. You
38 know, it doesn't -- and I'm not pointing fingers. I
39 don't care what anybody said up to this point. We are
40 where we are now. And I just think we need to resolve
41 it. And I've talked to the Commissioner enough, and she
42 feels the same way. And so we will do what we can to
43 resolve this.

44

45 Mr. Chairman.

46

47 CHAIRMAN ADAMS: Thank you, Kelly.

48

49 Mr. Bangs, you have a question.

50

1 MR. BANGS: Yeah. Thank you, Mr.
2 Chairman.

3
4 After dealing with the Board of Fish
5 process for several -- quite a few years actually, I
6 found that it was always helpful when crafting a proposal
7 that you get the support of the Department before you,
8 you know, admit the proposal. And what I'm wondering, if
9 the people of Angoon were interested in expanding their
10 subsistence fishery out in to Chatham Straits, could or
11 would the Department be in support of that? Or could
12 they be?

13
14 MR. MONAGLE: Through the Chair, Mr.
15 Bangs. I'm sure that the Department would support that.
16 I think probably we would have to get maybe Department of
17 Law involved just to make sure that everything's legal,
18 but I'll tell you right now that as far as I'm concerned
19 as a manager, we have in regulation defined customary and
20 traditional areas for Angoon, for Hoonah, for Kake, et
21 cetera. And in these customary and traditional areas, I
22 don't know, in my opinion it wouldn't be illegal right
23 now for somebody from Angoon to, if they wanted to go out
24 somewhere else, which I think is what you're saying, out
25 in Chatham somewhere and string their net for subsistence
26 I believe is what you were referring, I don't believe,
27 but Department of Law might want to weigh in on this. I
28 don't believe it would be illegal right now, and I would
29 support doing that.

30
31 MR. DAVIDSON: And, Mr. Chairman, I'll
32 just add to that in that we've done that in Sitka Sound.
33 We've provide for fisheries five to six miles distance
34 from Nakwasina, the Dog Point Camp. And I think it's
35 something that we've already done.

36
37 MR. MONAGLE: One last thing. I think,
38 of course, the fishing's, if you're targeting sockeye
39 salmon, the fishing's going to be better in a terminal
40 area where they're concentrating. As you go out to the
41 marine waters of Chatham, then you're probably likely
42 looking at getting a heck of a lot of pink salmon and/or
43 some chums and a few sockeye. It may be more of a mix.
44 But you're probably not going to be as effective out
45 there in getting the sockeye that you want.

46
47 Mr. Chair.

48
49 CHAIRMAN ADAMS: Thank you. I don't have
50 any questions right now. And so we'll just on down the

1 line.

2

3 But right now I need to turn the gavel
4 over to Mr. Bangs. You know, when you see me squirming
5 in my chair, that means I have to do something, so,
6 excuse me. And, Mr. Bangs, I think we need to turn some
7 time over to Mr. Larson. He has some information to
8 share with.....

9

10 MR. BANGS: Mr. Larson.

11

12 MR. LARSON: Thank you, Mr. Chair.

13

14 There is some confusion over exactly what
15 I meant previously when I said that the Secretaries'
16 responsibilities and authorities are to close and to re-
17 open, but it's not to manage. So what I meant, and I
18 want to be clear on this, that the Secretaries are not
19 managing a commercial fishery. They don't issue permits,
20 they're not authorized for the nuances of controlling
21 things.

22

23 They are charged with opening and closing
24 the waters under State jurisdiction, but they could do
25 that on a time-specific or an area-specific basis. It is
26 not all or nothing. So although the petition says, you
27 know, and what we've looked was a fairly large area, they
28 could in fact carve out a piece of that or not use that
29 particular time. You know, they're not tied to that.

30

31 So I just want to make sure that what I'm
32 talking about for management is the sort of things that
33 the Council does, that the State does. That's the
34 management. That's not what the Secretaries are charged
35 with. That's not their authority. But they can in fact
36 close waters under State jurisdiction. And it's for the
37 protection of fisheries, primarily Federal subsistence
38 fisheries in fresh water.

39

40 Thank you.

41

42 MR. BANGS: Thank you for clarifying for
43 us, Mr. Larson.

44

45 Patty, did you have some questions.

46

47 MS. PHILLIPS: Thank you, Mr. Chair.

48

49 Yesterday I heard a commitment from the
50 Department, you know, to follow the future activities in

1 their handout they gave. and thank you for that
2 commitment.

3

4 We heard considerable duress about the
5 5,000 sockeye overage in the Hawk Inlet seine fishery.
6 So what can you do to prevent that or what do you do to
7 prevent, try to prevent that?

8

9 MR. MONAGLE: Through the Chair. Ms.
10 Phillips. Hawk Inlet as was discussed yesterday is --
11 has been and probably always will be a highly
12 controversial fishery. There are -- primarily because of
13 the sockeye take there. And, of course, you have what we
14 call three major driver stocks. The Chilkat, the
15 Chilkoot and Taku River, and actually now there's a
16 fourth, and that's Snettisham Hatchery, which averages
17 about 200,000 sockeye return. So you've really got four
18 driver stocks, and it's a highly allocative issue opening
19 that shoreline. So consequently the Board of Fish had
20 come up in 1989 with a management plan for Hawk Inlet.

21

22 The way the Department handles Hawk Inlet
23 is we contract a purse seiner every year, and we conduct
24 a test fishery. the purpose of that test fishery is to
25 show us when the abundance -- show the department when
26 the abundance of pink salmon is high enough to prosecute
27 a fishery on that shoreline. So we now have 25 years or
28 better of data on the shoreline. there are four set
29 locations that the test fishery occurs, two are north of
30 Funter Bay and two are south, between Funter Bay and Hawk
31 Inlet.

32

33 We have learned from the data over the
34 years that as we move north up that shoreline, the
35 sockeye harvest increases significantly. And so purse
36 seine harvest in that area occur between Marsden and just
37 south of Funter Bay. We could open it as far up as Point
38 Retreat. We could go all the way up that shoreline. We
39 don't do that, because we know that the sockeye numbers
40 become higher and higher as you go north.

41

42 So if the test fishery shows us that
43 we're experiencing well above average catches, and we are
44 also thinking about other stocks at the time.
45 Chilkat/Chilkoot, how are those escapements developing?
46 What are the forecast for the systems. The same with
47 Taku. And Chatham for that matter.

48

49 So what we do, because there are a fair
50 number of sockeye along that shoreline, the openings are

1 extremely conservative. We have a 15,000 cap on that
2 shoreline. And you're correct, this last season with
3 this enormous pink salmon return, this was the first time
4 the Department had exceeded that cap.

5
6 Now, the cap is defined in wild fish.
7 There is a Snettisham Hatchery component in there that is
8 very significant some years, less so others, but it
9 probably averages around 25 or 30 percent of the makeup
10 of those sockeye are Snettisham Hatchery sockeye. So we
11 don't have to count those towards the cap.

12
13 So the challenge there is to get samples
14 from the fishery, get them into town, and all those fish,
15 of course, dye pack marks, they're otolith marks. So we
16 can read them and by the next, oh, the turn around can
17 happen fairly quickly, three or four days. Three or four
18 days is usually before we're entertaining another
19 fishery, and we can make a decision whether or not to
20 have another fishery.

21
22 And the fisheries are very short in
23 duration. Some years they're six hours in a very small
24 area, or maybe a little bit larger area. It depends on
25 whether we have other sockeye concerns. The longest
26 fishery would be 15 hours. It's not I would say very
27 normal to see a 15-hour opening in Hawk Inlet, although
28 we have had some. And this last year we had one.

29
30 So typically that fishery in July will in
31 the long run it probably averages three or four openings.
32 A couple years ago, I believe it was 2009, I think we had
33 six or seven openings. We went with a much smaller area
34 to the most southern part of that Hawk Inlet area to stay
35 off the sockeye, and try to really get more pinks per
36 sockeye in the catch. And I think we were successful in
37 doing that. There was a lot of pink salmon caught that
38 year. Once we are approaching the 15,000 fish, and it
39 could be again -- it may be 20,000 sockeye, and we know,
40 we average 3 to 5,000 enhanced sockeye. So in any case,
41 once we get to the 15,000, then that shoreline is closed
42 for the entirety of the month, for the rest of the month.

43
44 Does that.....

45
46 CHAIRMAN ADAMS: Sure. Follow up.

47
48 MS. PHILLIPS: Thank you, Mr. Chair.

49
50 Bringing back Mr. Douville's concern

1 about the efficiency of the seine fleet, that the -- with
2 the efficiency of the seine fleet, you're getting a more
3 rapid catch rate. Have you factored that into your
4 formula?

5
6 MR. MONAGLE: Through the Chair, Ms.
7 Phillips. That is a good question. I think there is an
8 increased efficiency in the gear. The Department's
9 authorities in time and area, and what drives management
10 of all our fisheries is not maximizing the harvest. It's
11 maximizing or meeting escapement goals I should say.

12
13 So when we start a salmon season, there
14 are managers like myself in all the larger communities of
15 Southeast Alaska. And we probably spend 2 to 350 hours
16 in a Super Cub airplane flying the majority of, not all
17 the streams, but the majority of the streams in our
18 management areas. We have index counts that go back to
19 statehood, to 1960, so these managers have learned that
20 at certain times of the year that they should be seeing
21 so many fish in these certain areas, and if they're not
22 seeing that, in combination with maybe an early seine
23 opening or two, if they're not seeing the fish, and the
24 catches are below average, we know we need to be very
25 conservative.

26
27 The seine gear can be more efficient,
28 because it really to some degree -- I won't say it
29 doesn't matter, but it's not that instrumental or that
30 important, because if we're not seeing the escapement
31 where we need to be seeing escapement, the opportunity
32 will not be provided. We'll be much more conservative in
33 both time and area. And that's pretty much how it works.

34
35 CHAIRMAN ADAMS: Donald, do you have a
36 question?

37
38 MR. HERNANDEZ: Oh, most of my questions
39 I think have been answered along the way here. It's been
40 pretty informative.

41
42 I think something I was thinking about
43 yesterday when you were before me there is just how
44 certain you are of this Kanalku sockeye migration. I
45 don't know if there's other -- you seem to be focusing on
46 the Hawk Inlet shoreline, and I don't know if that's
47 where all of -- you know, is that the potential for the
48 greatest catch of Kanalku sockeye? You know, there's
49 earlier fisheries in other parts of Chatham. You
50 mentioned Hidden Falls fishery, and then even in southern

1 Chatham I think there's fisheries that take place down
2 there in District 9.

3

4 Is there an assumption that fish don't
5 come from the south to go to some of these local systems
6 or can you comment on that?

7

8 MR. MONAGLE: Through the Chair, Mr.
9 Hernandez. I don't think -- obviously these fish come
10 from several directions. Peril Straits. Some probably
11 come up around south Baranof. I agree with what was said
12 earlier. The majority of these fish probably come
13 through Icy Straits. Most likely they do. That's where
14 we really see the fish when we're flying.

15

16 But certainly there's some incidental
17 catch of sockeye at Hidden Falls. Are those north or
18 southbound fish? I couldn't tell you without sampling.

19

20 But, you know, the pink studies that were
21 done in the late 70s and early 80s had shown that there
22 entries from all three, primarily from Icy Straits.
23 That's where the majority of probably all the fish come
24 into northern Southeast waters.

25

26 MR. HERNANDEZ: But I know back when I
27 was seining 30 years ago, I was actually in on one of
28 these tagging projects. The boat I was working on
29 contracted to do tagging. And we were tagging pink
30 salmon only. If we had sockeyes in the net, we turned
31 them loose. They weren't tracking sockeyes at all. And
32 it might have been a good opportunity to be doing some
33 sockeye tracking, seeing as how we were tagging fish.

34

35 The only complication was that I did
36 notice that when we would wrap up a bag of fish, if we
37 didn't get the sockeyes out of the bag really soon, they
38 died. For some reason you could hold a bag of humpies
39 alongside the boat for an hour or more, and they'd be
40 fine, but sockeyes would start turning up, sinking after
41 15 minutes.

42

43 MR. DOUVILLE: stress

44

45 MR. HERNANDEZ: Yeah, it just seems like
46 they're -- you know, there is a lack of information.
47 Tagging studies are great, but I don't know of any
48 tagging studies that were done on sockeyes, unless you
49 can inform me of that.

50

1 MR. DAVIDSON: I would just say that, you
2 know, you mentioned District 9, and as is done in
3 northern Chatham, there is consideration for Cook and
4 Kanalku, in District 9 there's consideration for Falls
5 Lake, which Mike Jackson referred to in his testimony.
6 Those are midrange timing pink salmon stocks that are
7 going back to Red Bluff Bay and Falls Lake is right next
8 to those fish. And we do take those into account and
9 consider them in the management and fly the lake and try
10 to wait to open pink salmon fisheries until we're seeing
11 sockeye in the terminal area there. So those could be
12 migrating from lower Chatham. It seems more likely that
13 they would be coming from a different direction, being so
14 far distant from Icy Strait.

15
16 MR. HERNANDEZ: All right. But sockeyes
17 were never included in a tagging study, that's correct?

18
19 MR. MONAGLE: I believe that's correct.
20 The tagging studies I was referring to that occurred in
21 the late 70s and early 80s were in pierce and disk tags
22 and it was entirely pink salmon, maybe some chums, but it
23 was really directed at pink salmon.

24
25 MR. HERNANDEZ: Yeah. Well, I was doing
26 it. It was strictly pink salmon.

27
28 CHAIRMAN ADAMS: Thank you. Ms. Hawkins.

29
30 MS. HAWKINS: Oh, yeah. I'm glad that
31 we're having this discussion with the State. And I still
32 would have some concerns with verbal promises after going
33 through the Board of Fisheries promises. I certainly
34 wouldn't want to subject the people of Angoon to that
35 process since they've gone through it twice and it didn't
36 work for them. So I was hoping that there would be
37 easier ways for them to present their cases, especially
38 after hearing the one gal talk and other comments from
39 the people of Angoon feeling like when they have to come
40 to testify, it's like they're begging. I heard the word
41 welfare used. And so I would hope that the State and the
42 Federal Subsistence Board could come up with a written
43 agreement, and honor the traditions and the dignity of
44 the people of Angoon, and go into their community for
45 meetings, and work out how these practices are going to
46 come about.

47
48 Thank you.

49
50 CHAIRMAN ADAMS: I guess that wasn't a

1 question.

2

3 Mr. Ackerman.

4

5 MR. ACKERMAN: Did my eyes give me away,

6 Chairman.

7

8 Yeah. In going this far with this Kootznoowoo petition,
9 and it took them quite a while to probably get your
10 attention to this lack of fish coming down to their part
11 of the country there, possibly it would be more
12 beneficial to respond more quickly in any area of
13 Southeast that is all of a sudden having a shortage of
14 fish or they're getting intercepted. But I would find
15 it, you know, to be more beneficial, because if they went
16 this far and ANILCA became involved, it would be
17 basically, if I could state my opinion, another non-
18 compliance issue for them to go this far in this petition
19 here.

20

21 We're talking about a shortage of fish is
22 what it comes down, to, and that's pretty serious. The
23 (In Tlingit), my relatives up in the Yukon for 1,200
24 people they have a 49-fish limit. And all I hear from up
25 there on the Yukon River in the Whitehorse and the (In
26 Tlingit), in that area, is that the U.S. people are
27 intercepting our fish. So for 1200 people we have a
28 limit of 49 salmon that are taken out of the Yukon River
29 for these folks.

30

31 Now, it's too bad that it went that far,
32 and they came up that short, you know. And I don't know
33 if those stocks are going to ever be historically record
34 highs in the Yukon River as they were before when these
35 people were able to get more than 49 fish per 1200
36 people. So it's a sign of a time that has come to think
37 about conservation and salmon enhancement on this part.
38 And this is just probably the beginning of the
39 conservation.

40

41 So, yeah, very interesting to see it go
42 this far and for them to do this to get your attention.

43

44 Thank you, Chairman.

45

46 CHAIRMAN ADAMS: Thank you, Tim.

47

48 Mr. Kookesh.

49

50 MR. KOOKESH: Yeah. I had a few

1 questions. I believe one of the questions that came up
2 during our discussion over the last two days was how did
3 you arrive at 15 fish. That was one of the questions.
4 Maybe I should let you answer them one at a time as we go
5 through them.

6
7 MR. MONAGLE: Through the Chair, Mr.
8 Kookesh. Okay. Yes, that did come up. Unfortunately we
9 weren't up at the table yesterday when that came up. So
10 the 15 fish, which there's been a lot of discussion on,
11 goes back to -- it's not a short answer. It goes back to
12 when Kanalku -- there was concern 2000, 2001. I think
13 the Department went into Kanalku because of concerns from
14 Angoon, and did a mark recapture and determined -- well,
15 that was the year of 230 or 250 spawners. So that was a
16 big red flag for everybody. Angoon obviously was very
17 concerned. The Department was very concerned.

18
19 And so that led to a Southeast Alaska
20 subsistence task force meeting sponsored by the
21 Department. It was based in Sitka. There were a lot of
22 folks that participated by teleconference. Probably many
23 folks in this room participated in that. I think most of
24 the communities in Southeast were represented from
25 Ketchikan to Haines. And as a result, or a partial
26 result of that task force meeting was -- there were
27 several suggestions from Angoon Community Association
28 members, to do something, to come up with a plan, a
29 recovery plan for Kanalku. And there were a lot of
30 different options, a lot of things discussed. But I
31 think ultimately what was arrived at was not a closure,
32 but this concept of a voluntary closure. A moratorium,
33 just don't go fishing.

34
35 So the Department -- this was definitely
36 something unusual and different, but that was where folks
37 wanted to go, so that's where we went. We went with this
38 voluntary closure.

39
40 As a few years went by -- in fact, it was
41 interesting, the very next year, the escapement went to
42 -- it was 1600 I believe based on the mark/recapture.
43 And then the year after that it dropped right back down.
44 I forget the exact number. I want to say 400 or so, 450.

45
46
47 So the voluntary closure was -- I think
48 there was pretty much a consensus on that to begin with.
49 And in about 2004 I was hearing from the Angoon Community
50 Association that they no longer supported this voluntary

1 closure for whatever reason. The reasons really didn't
2 matter. There had to be consensus or it wasn't going to
3 work. And I think there were probably good reasons for
4 not wanting to go with it.

5
6 So the first -- that was -- those talks
7 starting happening in 2004 and 2005 I think it was more
8 formally told to me by the Angoon Community Association
9 that we will no longer do this. And so that I'm pretty
10 sure was 2005, but maybe later in year. So early in
11 2006. And so everybody knows, some of you do already, in
12 recent years, during the Gold Metal, which is, of course,
13 right now, the Department research Staff and management
14 have met with members of Angoon Community Association and
15 other folks from Angoon that want to come in and talk
16 about concerns for not just Kanalku, but other issues.
17 And a lot of the research stuff gets worked out at that
18 time. Then over the years there's been a few meetings in
19 Angoon. Of course, we go every year with the permit, not
20 just to distribute the permits, but to discuss issues
21 like Kanalku. So we have had I think a pretty good
22 contact with the folks there over the years.

23
24 I'll try not to get too long-winded here.

25
26 The bottom line is though in 2006 at one
27 of these Gold Metal meetings in the spring, we had
28 discussed here in Juneau what the other options then
29 could be. There was a lot of concern about there still
30 needed to be some plan, some recovery. We weren't totally
31 out of the woods yet, although we were seeing some
32 promise. And there was talk. Somebody had thrown out
33 full closure. There was talk of shifting the season
34 early or back and there were several things, several
35 alternatives. And one of them was dropping the harvest
36 level down. Nothing ever was -- there was no consensus
37 on anything. the meeting broke up. Everybody went away.

38
39 I wrote a letter to Angoon Community
40 Association shortly after that meeting, kind of outlining
41 the history of this voluntary closure, because it was so
42 unusual to begin with. And in that letter had suggested
43 that that's what would happen. And I don't believe I --
44 the only response I got back wasn't -- it was a letter
45 from Angoon Community Association, but it wasn't really
46 dealing with the permit limit. It was dealing with the
47 State -- they're questioning the State's authority to
48 manage a subsistence fishery at all. But I don't believe
49 the response letter had any mention of the 16.

50

1 So that was the birth of the 16. Or 15,
2 I'm sorry.

3
4 CHAIRMAN ADAMS: Mr. Kookesh, I know you
5 have a couple more questions, but, Kelly, do you have
6 something to add to Kevin's comment.

7
8 MR. HEPLER: Thank you, Mr. Chairman.

9
10 Mr. Kookesh, I think also once we go back
11 in and have discussions with the Board and we find that
12 amount necessary for subsistence that we talked about,
13 and work with and her group, I think these are the type
14 of discussions that will be very fruitful, because then
15 you can lay it all out. Then the community can say,
16 historically, you know, this is what sockeye meant to us.
17 These are the numbers, you know, which we do need to
18 subsist on. You can say, you know, you can talk about
19 the role of coho or maybe chums or, you know, other
20 things, or the berries, everything else you have in your
21 diet at that time. So then we'll have the complete
22 picture. So instead of just taking something -- you
23 know, right now we're focusing on one small part, you
24 know, which we heard repeatedly from the village of all
25 the things that they go out and subsist on, we'll have a
26 complete picture, at least on the State side. I think
27 that would be very beneficial. And so then, you know, we
28 won't be going back looking at what happened five or six
29 years ago when it's a different environment than it is
30 right now.

31
32 So, Mr. Chairman, you know, and that's --
33 you know, I realize, Ms. Hawkins, we're talking, you
34 know, these verbal promises now again. I mean, and this
35 is where the trust and respect that Mr. Chairman's talked
36 about in the past has to be employed, that we're going to
37 go through and work with the Council to make sure that
38 these conversations happen from the Board.

39
40 Mr. Chairman.

41
42 CHAIRMAN ADAMS: Thank you, Kelly.

43
44 Floyd, more questions?

45
46 Oh, you want to -- okay. Go ahead,

47
48 MR. MONAGLE: I don't want to monopolize
49 too much more time here, but associated with this permit
50 drop to 15, I did want to -- I think it's relevant, and

1 this also actually goes back to the task force meeting.
2 When Angoon Community Association suggested this
3 voluntary closure, they also suggested that the
4 Department liberalize Sitkoh, Lake Eva, Cook Lake,
5 Hasselborg, to encourage effort directed away from
6 Kanalku Lake. And so the Department had some data at
7 Sitkoh, and we were looking at runs of 10 to 15,000.
8 Escapement of 10 to 15,000, so we were very comfortable
9 doing that. The limits at that time, I don't honestly
10 remember, 15 maybe or 20 fish or something. So those
11 limits went up to 50. Like Eva went to 50, Sitkoh went
12 to 50. We didn't change Basket Bay at that time, because
13 we had sporadic information. It wasn't -- we were
14 nervous about the escapements there.

15
16 But Hasselborg has been on their permit,
17 but for coho, and, of course, sockeye were taken
18 incidentally there. But the suggestion was to put
19 Hasselborg on the permit, too, so we did that.

20
21 It changed the permit opportunity or
22 limits from I think it was a total, if you add up the
23 different lakes, from 60, 65 or so to about 160.

24
25 And the other thing that we changed was
26 at the time there were annual possession and annual
27 limits, and those were different. Possession limit might
28 have been less than the annual limit, so you'd have to go
29 make two trips. And so the other thing that was told to
30 us was, you know, we're crossing Chatham here, and we
31 really need those possession and annual limits to be the
32 same. If we're going to go over there and there's fish
33 there, we need to get our 50 fish and come home with
34 them. And so that was a change that was made at that
35 time as well.

36
37 CHAIRMAN ADAMS: Thank you. Did you have
38 some more questions, Floyd?

39
40 MR. KOOKESH: I sure do.

41
42 CHAIRMAN ADAMS: Go ahead.

43
44 MR. KOOKESH: Excuse me, Mr. Chairman.
45 I sure do.

46
47 Yeah, one of the things that we keep
48 coming across is the fact that our beach seines just
49 can't seem to catch just 15, and then the issue of
50 citation seems to come out. I know people are -- my

1 neighbor, Reggie Nelson, told me, I got -- I'm a 70-year
2 old man; I got cited because I have two over. And that's
3 real sad when you have to live like that. And I believe
4 that's one of our issues out to you is citations.

5
6 But to go back to the 15 limit, I was --
7 at the time I was the mayor of Angoon when we talked and
8 did the voluntary closure. We felt that we didn't want
9 to be the ones responsible for killing a bay. We didn't
10 want to come up there and see a dead bay with no fish in
11 it. So we voluntarily decided, probably at Favor Bay
12 Lodge, to stop doing it. And I'm very glad we did it.
13 But I also heard that -- and this came out later, that
14 Angoon Community Association was part of that process.
15 And being a former mayor, I was looking at that and
16 saying, why is the State of Alaska talking to the tribe
17 when other residents of the community, like non-Natives
18 can't go and participate in those kind of functions where
19 they can have a say in it. And I'm sure Mr. Bangs would
20 feel uncomfortable going to the tribe's meeting, because
21 he probably wouldn't be welcomed in the first place.

22
23 So I thought we could have -- you know,
24 the State would a relationship with its brother back
25 here, you know, the mayor of Angoon and those kind of
26 things.

27
28 And to get back to that 15 limit, not
29 necessarily that number, but when you go talking about
30 the other numbers, I was told at one time, I don't
31 remember the name, I don't know if Peter recollects the
32 name of the of the gentleman. And he said, well, we just
33 sit around, you know, at the table, and we decided what
34 the number's going to be for the next coming year. That
35 was kind of the discussion that surfaced at the time.
36 And we were -- that's how we were struggling with how do
37 you arrive at these numbers. I believe at the time when
38 my brother Albert's lawsuit came out, it was based on
39 something called the Administrative Procedures Act that
40 brought the issue out, too.

41
42 But I was just wondering how did we get
43 to the 15, you know, and I kind of recollect that that
44 was -- the tribe was responsible for that.

45
46 And my other question that I have was,
47 when you draw your lines say, for example, on Basket Bay,
48 you said two and a half miles on both sides. Now far --
49 my question is, how far do sockeye swim in one day if
50 you're drawing your lines? Did you base it on how far a

1 sockeye swam or did you just base it on who's going to be
2 fishing in the middle of South Passage or something like
3 that?

4

5 MR. MONAGLE: Through the Chair. Mr.
6 Kookesh, those lines, there's a regulatory closure in the
7 regulation book which is Basket Bay proper. And over
8 time, before my time, those lines were put up, this extra
9 conservation zone. So, you know, I can't tell you
10 exactly who or when or what determined those lines, but
11 I think generally as a manager, a larger distance -- you
12 protect the area around the terminal area, and maybe to
13 greater degrees as you have more concern for escapement.
14 And so those lines could change. They could get bigger.

15

16 There was one year, I forget which one it
17 was, and like I said, I drop in and check with the crew
18 in-season every year, and it was an escapement of around
19 -- I think it was 10,000. I don't remember exactly, but
20 things were looking good there. And we had had reports
21 of good subsistence harvest there. Those seine lines
22 went away, other than Basket Bay proper was still
23 protected.

24

25 But the other thing to remember here is
26 that typically that shoreline does not open to seining.
27 There is not a seiner there until the 28th of July, and
28 that's on average. Typically it -- well, that's on
29 average, so I'll just say that. It could be the first
30 week of August. It might be a few days before that, but
31 it's seeing that the run timing is very similar in that
32 stock to the Kanalku stock. By that time probably the
33 majority of those fish, a good portion of those fish are
34 protected, are in protected waters.

35

36 MR. KOOKESH: I have one more question.

37

38 CHAIRMAN ADAMS: Sure. Mr. Kookesh, go
39 ahead.

40

41 MR. KOOKESH: My last question, I believe
42 it was asked -- I don't want to get -- I'm not cheering
43 for anybody, my throat's getting sore.

44

45 But you know, I heard it asked earlier if
46 sport fishermen fish in Kanalku, whatever they call it,
47 and the answer is no. And the Whaler's Cove Lodge, Favor
48 Bay Lodge, they all agree that if this is a problem,
49 we're not going to go there, you know. They say, we'll
50 just go back up to -- and they never did say -- they

1 didn't say it like that. They said, we're just going to
2 fish in Salt Lake. They literally agreed not go there.
3 I don't know about fly-ins. That's sportfishery where
4 people fly their planes in and do fishing. That's
5 something maybe you can answer.

6
7 But on the question of who fishes
8 Kanalku, the people that fish Kanalku are the people that
9 have smaller gear, people who have smaller motors.
10 People who don't have the horsepower like we do to blaze
11 through the southeasterlies and get to Basket and Sitkoh.
12 I know that's a fact. In my family, we leave Kanalku
13 alone as much as we can. You know, my brother just goes,
14 because I think the last time he went and got cited, he
15 was just going to help my other brother. That's why he
16 went up. And that's when all the citations occurred.
17 But normally we don't make it a practice for our family
18 to -- it used to be a community -- the community would
19 all go there and do their harvesting, because of not
20 having to cross Chatham Straits.

21
22 And like somebody mentioned earlier,
23 we're very fortunate we haven't lost anybody crossing
24 Chatham Straits, because I have seen those little motors,
25 those guys take a chance, because, you know, it's 50 over
26 there and 15 up there, which one do you want to go to.
27 And a lot of guys have to pick the 15. They go across,
28 it's glass calm; they come back and it's rough.

29
30 So I just want to let you know how that
31 system kind of works, and, no, sportsfishermen don't go
32 there.

33
34 But I was curious, too, about the
35 expansion of the hatchery lines, why they eventually
36 moved out. What that was all about. I was curious about
37 the hatchery lines moving out, because the petition is
38 all about lines and numbers.

39
40 MR. MONAGLE: So the question is about
41 Hidden Falls Hatchery?

42
43 MR. KOOKESH: (Affirmative)

44
45 MR. MONAGLE: Okay. I'll let Bill or
46 Steve Rightman still -- maybe is still here.

47
48 MR. RIGHTMAN: I'm right here.

49
50 MR. DAVIDSON: Can you say the question

1 is again just so I get it.

2

3 MR. KOOKESH: Well, I'm curious. You
4 know, we're talking about the lines, and someone says if
5 you move your lines closer, you know, we're of the
6 impression being laymen, that if you move your lines
7 closer to toward the terminal fishery, you'll miss all of
8 those sockeye that happen to be going by. And they'll
9 allow for that escapement, which is one of the issues
10 here is escapement. So is the lines were drawn out for
11 what reason and what's the rationale?

12

13 MR. DAVIDSON: For the Hidden Falls
14 terminal area lines?

15

16 MR. KOOKESH: Yeah.

17

18 MR. DAVIDSON: The reason those are two
19 miles off the beach is because of the number of fishing
20 boats that participated in that fishery. During my
21 tenure as an area biologist, we had over 200 seine boats
22 during an opening in probably the late 90s. And, you
23 know, it's a matter of when we fish, we want to harvest
24 the chum that are in the area that the hatchery has
25 produced, and that's pretty -- it just evolved that way,
26 because it was an appropriate size for the timing and
27 importance of the fishery. I think there have been a
28 couple of occasions when we have moved the lines into one
29 mile off the beach in order to pass pink salmon to other
30 districts because no pink salmon are being produced right
31 at the Hidden Falls terminal area and there is a bycatch
32 there. So another example of just watching out for other
33 species while we're managing for a target species.

34

35 I hope that answers it okay.

36

37 CHAIRMAN ADAMS: Okay. Everyone's had an
38 opportunity to ask a question, and so we thank you
39 gentlemen for staying and helping us out. When this
40 process first began earlier, you know, I was kind of
41 stumbling as to where we should go from here but Council
42 members had a lot of questions that you guys could answer
43 for them so I think maybe we can probably proceed further
44 from here.

45

46 So what we want to do right now is take
47 a break, and, Robert, is asking that if you have any
48 written comments to please pass them over to him or bring
49 them over to him and he'll enter them into the document
50 here and when we go into further deliberation, you know,

1 we'll be using that as a guide. So why don't we take
2 a.....
3
4 MR. DOUVILLE: I request a five minute at
5 ease.
6
7 CHAIRMAN ADAMS: All right, a five minute
8 at ease.
9
10 (Off record)
11
12 (On record)
13
14 CHAIRMAN ADAMS: All right, everyone,
15 please we're going to come back into session now.
16
17 (Pause)
18
19 CHAIRMAN ADAMS: We appreciate your
20 patience. For one thing I wanted to make sure that this
21 document reflects the true feelings of the Council and
22 when they submitted their little writings, it is quite a
23 chore to try to get them all into one document so it does
24 reflect the views of the Council. So we just completed
25 that and before we begin looking at the document, I
26 believe Floyd Kookesh wanted to ask the general manager
27 to say a few words, and so we'll allow that.
28
29 MR. KOOKESH: I also had a question for
30 the State of Alaska.
31
32 CHAIRMAN ADAMS: Okay. You want to ask
33 it first or.....
34
35 MR. KOOKESH: Sure.
36
37 CHAIRMAN ADAMS: Okay, go ahead.
38
39 MR. KOOKESH: Yeah, my question for the
40 State of Alaska, this pertains to subsistence for Angoon,
41 and my question is, how do you manage for the subsistence
42 priority for Angoon?
43
44 CHAIRMAN ADAMS: Would somebody like to
45 come up -- okay, go ahead. You are in the hotseat.
46
47 MR. MONAGLE: For the record my name is
48 Kevin Monagle, again, Juneau area management biologist
49 for Fish and Game.
50

1 So the question is how does the
2 Department of Fish and Game manage for subsistence
3 priority?

4
5 MR. KOOKESH: For Angoon.

6
7 MR. MONAGLE: For Angoon. There's
8 probably a multiple part answer to that. The Board of
9 Fisheries has set in regulations amounts necessary for
10 subsistence and they've done this by management area in
11 Southeast Alaska. So Juneau has a specific range and
12 it's not just a target number, it's a range. I don't
13 have those numbers with me. But each management area in
14 Southeast has this range.

15
16 So we look -- every year the managers are
17 looking at the harvest, when the permits come back -- of
18 course there's quite a delay or can be quite a delay in
19 when we get all that information, but it's a combination
20 of looking at historical, what's been happening
21 historically to those, compared to those ANS ranges in
22 regulations. Just a few Board cycles ago there was some
23 adjustments. I think maybe it was Kootznoowoo that --
24 maybe it wasn't, but there was a proposal to adjust those
25 ranges and I think they were adjusted slightly. Anyway
26 the managers then, of course -- and we've talked a little
27 bit about this earlier, of course, we meet with the
28 community pretty much every year, we go to the community
29 with permits, talk about issues, what's -- how are things
30 going and that sort of thing. Actually in the recent
31 last 10 years it's probably been two to three times a
32 year with Angoon. We have talked about Kanalku an awful
33 lot in the last five to 10 years. So primarily there's
34 the ANS findings in regulation and then the analysis of
35 whether we're falling in that each and every year, and,
36 then of course the contacts with the community, and it
37 goes beyond that, I mean, what issues are there. The
38 Angoon, of course, ANS range would -- well, it wouldn't
39 be -- we've been talking a lot about Kanalku, it would
40 be, of course, all the systems that Angoon uses, which
41 would be Kook Lake, Lake Eva, Sitkho, Hasselborg, and the
42 other -- I guess the last thing I'd like to say about the
43 ANS range is that it's expressed in salmon. It doesn't
44 say sockeye it says salmon.

45
46 So I -- is that clarification enough?

47
48 CHAIRMAN ADAMS: Is that okay, Mr.
49 Kookesh.

50

1 MR. KOOKESH: (Nods affirmatively)

2

3 CHAIRMAN ADAMS: And, Pete, we invite you
4 to come up and say a few words also. I was made aware
5 that you might have some corrections to make on the
6 document there so we're going to allow you to sit in and
7 help us go through this, okay, so just stay right there.

8

9 MR. NAOROZ: Thank you, Mr. Chairman.
10 Yeah, I will. I appreciate that.

11

12 Yeah, I was really surprised and I'm glad
13 Mr. Larson clarified further, that was never our
14 understanding that the Secretary wouldn't manage the
15 areas that are, you know, the subject of the petition.
16 As a matter of fact, the petition's very clear, that one
17 of the things we're looking for is a good management plan
18 and we suggest even that the Secretaries work together on
19 that, perhaps even the Secretary of Commerce in there.
20 So, you know, it came as a real surprise to us that there
21 would be a closure because as a fishing community, Angoon
22 knows what that feels like, and we care about our
23 neighbors and we care about the seiners, you know, that
24 come from our neighboring communities and that work our
25 waters. And so that was never an intention, and so my
26 temperature went way up when I heard that that was the
27 case. So I appreciate Mr. Larson clarifying. Because,
28 you know, I think to speak for the Secretary, you know,
29 what he or in the case of the Interior, what he would do
30 is beyond what we can really garner from the things that
31 were said today. I mean the Secretary's representative
32 was here and he talked about working together and there
33 was nothing in his words that would suggest to anyone
34 that -- particularly the petitioner that there was going
35 to be a total closure and that that would be the end of
36 the day. And I believe I offered in my testimony that it
37 was my belief that the Secretary, once this was -- once
38 we were on track would want the State to take over those
39 responsibilities, that's my sincere belief.

40

41 With that said, and to the question of
42 the promises and the suggestions that are made today, I
43 think that, you know, that's all wonderful and I really
44 appreciate this event causing that to happen, or the
45 willingness to discuss options and opportunities and
46 mitigations, and I only say this as a way to complete the
47 record, in the last cycle that we participated in with
48 the Board of Fish, ADF&G, through their subsistence
49 division had a proposal to respond to our proposal, which
50 was a local area management plan. While I know they're

1 not popular, that was what ADF&G Staff, and I believe,
2 you know, they understood that there was a problem here
3 and so they wanted to, you know, look for ways to involve
4 the community. And I can't tell you what the
5 deliberation was with the Board but they, my
6 understanding, as the proposal proponent, was it was just
7 swept off the table, that wasn't something that was
8 there. So in our petition we looked for, you know, the
9 opportunity to do something like that, where people would
10 actually come together and work together. We're
11 certainly not looking for a total closure.

12
13 And, Mr. Chairman, I do have a couple
14 comments about this first draft that I saw and I'll just
15 wait until you get there if that's okay.

16
17 CHAIRMAN ADAMS: Sure. Just stay right
18 here and when we go through the document you can
19 participate as well.

20
21 Thank you, Peter, for your comments.

22
23 Right now what we want to do is we want
24 to go through -- we want to read it, okay, and I don't
25 know who wants to read it -- does somebody want to read
26 it from the Council.

27
28 MS. PHILLIPS: I can read it.

29
30 CHAIRMAN ADAMS: Okay, Patty. And then
31 we're going to do it paragraph by paragraph and we want
32 a consensus on each of the paragraphs and then if there
33 are any corrections or additions or subtractions to be
34 taken out, why we'll do that and then we'll move on,
35 okay, but we're going to work on the principle of
36 consensus.

37
38 (Council nods affirmatively)

39
40 CHAIRMAN ADAMS: Okay, yeah, Patty, go
41 ahead.

42
43 MS. PHILLIPS: Thank you. Introduction.
44 The Council met in concurrent session with the Federal
45 Subsistence Board to hear the Staff analysis and public
46 testimony regarding the Kootznoowoo Incorporated petition
47 for extraterritorial jurisdiction into Chatham Strait.

48
49 The petitioner contends that management
50 of commercial fisheries by the State of Alaska has

1 interfered with sockeye salmon escapements and
2 subsistence harvest in systems fished by the residents of
3 the city of Angoon including the Eva, Hasselborg,
4 Kanalku, Kook, Sitkho drainages to such an extent as to
5 result in a failure of the subsistence priority.

6

7 CHAIRMAN ADAMS: You can read the other
8 paragraph, too, Patty, if you will.

9

10 MS. PHILLIPS: The following comments are
11 the Council's interpretation, summary and recommendations
12 for action by the Secretaries.

13

14 CHAIRMAN ADAMS: Okay, is everyone okay
15 with that paragraph.

16

17 (Council nods affirmatively)

18

19 CHAIRMAN ADAMS: Okay, then continue on,
20 Patty, please.

21

22 MS. PHILLIPS: Petition requests.

23

24 The Kootznoowoo petition of May 10th,
25 2010 requests Federal assertion of extraterritorial
26 jurisdiction to restrict or close commercial fishing in
27 marine waters of:

28

29 1. Reserve Federal waters within and
30 immediately surrounding Admiralty Island
31 within the boundaries of Admiralty
32 Island National Monument and Kootznoowoo
33 Wilderness area;

34

35 2. Reserve Federal waters three miles
36 distant from the continental mainland
37 and islands of Admiralty, Chichagof and
38 Baranof;

39

40 3. All marine waters and lands
41 encompassed by Angoon territory that
42 define boundaries of which are based on
43 past use and current ownership.

44

45 CHAIRMAN ADAMS: Okay. What I'm going to
46 do is I'm just going to ask you if it's okay, if it's not
47 then you can go ahead and make your comments.

48

49 How does the Council feel about that.

50

1 (Council nods affirmatively)
2
3 CHAIRMAN ADAMS: Okay, go ahead, Patty.
4
5 MS. PHILLIPS: The petition supplement of
6 June 15, 2011 requests;
7
8 1. Reducing the harvest area adjacent
9 to Hidden Falls hatchery;
10
11 2. Closing all fishing districts in
12 Chatham, Icy, and Peril Straits during
13 June, July and the first two weeks of
14 August;
15
16 3. That Kootznoowoo's rights, interests
17 and quiet enjoyment of Federal lands and
18 waters within Admiralty Island be
19 acknowledged, maintained and protected
20 and that any current and continued
21 enforcement efforts contrary to these be
22 dismissed and discontinued.
23
24 CHAIRMAN ADAMS: Okay, how's that, it's
25 okay.
26
27 (Council nods affirmatively)
28
29 CHAIRMAN ADAMS: Okay, go ahead.
30
31 MS. PHILLIPS: Office of Subsistence
32 Management identification of issues.
33
34 Has State management of the commercial
35 purse seine fishery interfered with
36 subsistence fishing on Federal public
37 lands and associated waters to such an
38 extent as to result in a failure to
39 provide the subsistence priority to
40 Angoon residents.
41
42 This issue can be separated into three
43 distinct questions.
44
45 1. Is there a Federal subsistence
46 priority for Angoon residents?
47
48 2. Does State management of the
49 commercial purse seine fishery interfere
50 with subsistence fishing on Federal

1 public lands and associated lands?

2

3 3. If there is interference, does it
4 occur to such an extent as to result in
5 failure to provide the subsistence
6 priority to Angoon residents.

7

8 CHAIRMAN ADAMS: Okay, Council are you
9 okay with that.

10

11 (Council nods affirmatively)

12

13 CHAIRMAN ADAMS: Move on.

14

15 MS. PHILLIPS: Council findings.

16

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

24

25 CHAIRMAN ADAMS: How's that, okay.

26

27 (Council nods affirmatively)

28

29 MS. PHILLIPS: The number of proportional
30 contribution of sockeye salmon from these stocks to the
31 Chatham Straits commercial fishery harvest is unknown,
32 while the genetic stock database is generally complete.
33 The commercial catch is not sampled for wild stock
34 contributions.

35

36 CHAIRMAN ADAMS: How's that.

37

38 (Council nods affirmatively)

39

40 CHAIRMAN ADAMS: Move on.

41

42 MS. PHILLIPS: The sockeye salmon streams
43 in the local area are generally small in size with
44 limited potential to provide for subsistence needs. In
45 recent years escapement in each of these five streams
46 have likely been less than required to allow for returns
47 within the natural range of sockeye production. Low
48 estimates of sockeye fry densities and high estimates of
49 prey species in the lake support additional adult
50 escapements. It is also likely that the demand for a 250

1 sockeye salmon annual limit for subsistence users will
2 remain unfulfilled when adequate escapements are
3 attained.

4
5 CHAIRMAN ADAMS: Okay.

6
7 Donald.

8
9 MR. HERNANDEZ: One clarification. I
10 think that should read:

11
12 Is also likely the demand for 250 per
13 household sockeye salmon annual limit

14
15 CHAIRMAN ADAMS: Okay. Okay, Donald.

16
17 MR. HERNANDEZ: Yes.

18
19 CHAIRMAN ADAMS: Okay. Go ahead, Mr.
20 Kitka.

21
22 MR. KITKA: I had some questions about
23 the 250, is that would be the -- the household limit,
24 would that be encompassing all the different streams or
25 is that just Kanalku?

26
27 CHAIRMAN ADAMS: Okay, who wants to
28 answer that, go ahead.

29
30 MS. PHILLIPS: Are we ready?

31
32 CHAIRMAN ADAMS: No, we need.....

33
34 MS. PHILLIPS: Oh, okay.

35
36 CHAIRMAN ADAMS: Mr. Larson.

37
38 MR. LARSON: Mr. Chair. And I don't have
39 this document in front of me, maybe somebody can help me
40 out, but it was my understanding that it was a total need
41 estimate by the petitioner and it was not specific to any
42 one stream.

43
44 CHAIRMAN ADAMS: Okay. Pete is trying to
45 find out in his document what they said, so have patience
46 with us.

47
48 (Pause)

49
50 CHAIRMAN ADAMS: Sockeye salmon. Does

1 that answer your question, Mr. Kitka?

2

3 MR. KITKA: (Nods affirmatively)

4

5 CHAIRMAN ADAMS: All right, move on.

6

7 MS. PHILLIPS: The geographic
8 distribution of these streams force residents of Angoon
9 to travel long distances over open waters to access the
10 terminal areas of the five sockeye streams in question.

11

12 CHAIRMAN ADAMS: How's that.

13

14 (Council nods affirmatively)

15

16 CHAIRMAN ADAMS: Okay, move on.

17

18 MS. PHILLIPS: Subsistence fishing at
19 these five streams occurs primarily in marine and
20 intertidal waters near the mouths of these streams.
21 There's little evidence of significant harvest in streams
22 above the high tide mark. It appears that in addition to
23 vagaries and natural production, management of the State
24 mixed stock commercial seine fishery has the greatest
25 effect on the State managed subsistence fishery in the
26 terminal areas.

27

28 CHAIRMAN ADAMS: Okay.

29

30 (Council nods affirmatively)

31

32 CHAIRMAN ADAMS: Move on.

33

34 MS. PHILLIPS: Critical habitat needs to
35 be identified and addressed. Streams should be monitored
36 each season prior to sockeye returns to insure that any
37 blockages are removed. The natural barrier at Kanalku
38 Lake should be altered to facilitate passage of sockeye
39 salmon into the lake. Spawning areas need to be
40 evaluated for quantity and quality. Some spawning areas,
41 Sitkho Lake, are in need of rehabilitation.

42

43 CHAIRMAN ADAMS: How's that.

44

45 (Council nods affirmatively)

46

47 CHAIRMAN ADAMS: Okay, move on.

48

49 MR. KOOKESH: Mr. Chairman.

50

1 CHAIRMAN ADAMS: Do you have a comment,
2 Floyd. Turn your mic on please.

3
4 MR. KOOKESH: Yeah, the question is, who
5 does that pertain to, because it was brought up that, are
6 we trying to tell the State what to do or are we telling
7 the Feds what to do? Because the Regional Advisory
8 Council can only advise the Federal portion. So this is
9 Federal, right, we're just talking?

10
11 CHAIRMAN ADAMS: Uh-huh.

12
13 MR. KOOKESH: So we might want to clear
14 that up, that this pertains to Federal management.

15
16 CHAIRMAN ADAMS: How do you suggest it
17 would read then, Floyd?

18
19 MR. KOOKESH: That's not my problem.

20
21 CHAIRMAN ADAMS: Help us out. Could you
22 clarify that, okay, go ahead.

23
24 MR. NAOROS: Mr. Chairman. You know the
25 Federal managers are the upland managers and in terms of
26 the barrier falls, you know, how to improve the habitat
27 around there, that is their job and there's issues with
28 respect to what level of alteration creates a need for a
29 permit, that type of thing and, you know, we've never
30 said that -- we've had some debates about whether that
31 barrier falls should be improved and how it's improved
32 and we've listened to the industry speak about it but,
33 you know, we're not in a position to do that. I think
34 what we should -- the language we might want to put in
35 here is that, you know, that the land manager, in this
36 case the U.S. Department of Agriculture, needs to come up
37 with a plan to, you know, to facilitate passage of
38 sockeye salmon, you know, whatever that is, you know, and
39 we just -- and I mean they're responsible for that.

40
41 Now, there's monies available at the
42 State level and I think we might want to mention that,
43 that they ought to be, you know, seeking those funds.

44
45 But maybe I should ask one of the land
46 managers to speak to that.

47
48 MR. KOOKESH: Mr. Chairman.

49
50 CHAIRMAN ADAMS: You got a question,

1 Floyd, go ahead.

2

3 MR. KOOKESH: Yes.

4

5 CHAIRMAN ADAMS: Go ahead.

6

7 MR. KOOKESH: If we're putting a three
8 year restriction out there and you start studying it,
9 what good is a three year get tough act?

10

11 CHAIRMAN ADAMS: Cathy.

12

13 MS. NEEDHAM: Mr. Chair. I think we're
14 jumping a little bit ahead of ourselves, this is just a
15 summary of the Council findings, not the recommendations.
16 And so I think we should look at this paragraph as a
17 Council finding and then maybe we need to add under the
18 recommendations something that addresses this finding,
19 that might not already be there. But I think we're kind
20 of jumping ahead of the process of adopting the document
21 as we go.

22

23 CHAIRMAN ADAMS: Thank you, Cathy. Just
24 a clarification, this is findings and not a
25 recommendation.

26

27 How do you want to fix that.

28

29 Steve,

30

31 MR. KESSLER: Mr. Chairman. Steve
32 Kessler with the U.S. Forest Service.

33

34 And I just wanted to clarify on the
35 Kanalku Lake barrier, that things are well along in the
36 planning for that -- for working on that barrier. There
37 was an environmental assessment that was written, and a
38 decision notice has been written associated with that and
39 signed and my understanding is that there is planned
40 restoration, rehab type work that will be done in 2013 in
41 that area. So all the so called NEPA is done already and
42 we're ready to go.

43

44 CHAIRMAN ADAMS: By whom?

45

46 MR. KESSLER: The Forest Service.

47

48 CHAIRMAN ADAMS: Okay.

49

50 MR. KESSLER: And I don't know actually

1 who will be doing the work, I'm just not aware of that.
2 But my understanding is that 2013 that's when it's
3 planned for.

4
5 CHAIRMAN ADAMS: Thank you.

6
7 MS. PHILLIPS: Mr. Chair.

8
9 MR. NAOROZ: Could I.....

10
11 CHAIRMAN ADAMS: I'll go with Patty
12 first. Okay.

13
14 MS. PHILLIPS: Mr. Chair, thank you.
15 Maybe we should say the natural barrier at Kanalku Lake
16 will be altered instead of should.

17
18 (Pause)

19
20 CHAIRMAN ADAMS: Pete.

21
22 MR. NAOROZ: If it helps in the
23 discussion, I just understand from the Monument manager
24 that the EA was just signed on the improvements there so
25 that work has been done.

26
27 CHAIRMAN ADAMS: All right, thanks.

28
29 (Pause)

30
31 CHAIRMAN ADAMS: Did you recommend should
32 instead of will be, that's what I thought I heard -- is
33 that okay?

34
35 MS. PHILLIPS: I'll defer to Angoon.

36
37 MR. NAOROZ: What was the question?

38
39 CHAIRMAN ADAMS: The question was I
40 thought it was her or maybe it was you or somebody,
41 instead of should it be -- I thought somebody said will
42 be.

43
44 MR. NAOROZ: The study's done, it should
45 be to modify the natural barrier.

46
47 (Pause)

48
49 MS. PHILLIPS: Critical habitat needs to
50 be identified and addressed. Streams should be monitored

1 each season prior to sockeye returns to assure that any
2 blockages are removed. The Council supports the planning
3 process currently in place to modify the natural barrier
4 at Kanalku Lake. Should it be warranted, the falls
5 should be altered to facilitate passage of sockeye salmon
6 into the lake. Spawning areas need to be evaluated for
7 quantity and quality. Some spawning areas, Sitkho Lake,
8 are in need of rehabilitation.

9

10 CHAIRMAN ADAMS: Okay, folks. Harvey.

11

12 MR. KITKA: Thank you, Mr. Chair. I just
13 -- at the Sitka Advisory -- Fish and Game Advisory
14 Council, I was sitting in on their meeting, and the
15 Sitkho Lake, I think the plan is already in process for
16 rehabilitation.

17

18 CHAIRMAN ADAMS: What was that.

19

20 MS. PHILLIPS: It will be altered.

21

22 CHAIRMAN ADAMS: That's what I was asking
23 the question about earlier.

24

25 MS. HAWKINS: Just change it to it will
26 be altered because he already said the EIS is already
27 done.

28

29 CHAIRMAN ADAMS: That's what I was going
30 to. Okay, thank you.

31

32 (Pause)

33

34 CHAIRMAN ADAMS: All right. Donald.

35

36 MR. HERNANDEZ: Thank you. Before we
37 move on, I found in the petition, the answer to the other
38 question about the 250 fish. It says by the end of the
39 12 year period, the total sockeye salmon escapement goal
40 for the five subsistence sockeye streams should be 47,000
41 sockeye, and that's the multiplication there, so it was
42 requested for all five streams.

43

44 CHAIRMAN ADAMS: Okay, thank you. Okay,
45 is everyone okay with that paragraph?

46

47 MS. HAWKINS: No. We still -- take out
48 the first should it be warranted.

49

50 (Pause)

1 CHAIRMAN ADAMS: Okay.
2
3 (Council nods affirmatively)
4
5 CHAIRMAN ADAMS: Move on, Patty.
6
7 MS. PHILLIPS: Response to questions
8 poised by the Office of Subsistence Management.
9
10 1. Angoon has positive customary and
11 direct dependence upon Kanalku sockeye
12 salmon as a mainstay of livelihood and
13 has subsistence priority for Kanalku
14 sockeye salmon.
15
16 CHAIRMAN ADAMS: Go ahead, Cathy.
17
18 MS. NEEDHAM: I think my question to this
19 is, are we only really saying that for one lake or are we
20 saying that for one system or are we addressing all five
21 systems?
22
23 CHAIRMAN ADAMS: What do you think, Pete?
24
25 MR. NAOROZ: Mr. Chairman. I believe
26 since we're talking about numbers as Mr. Hernandez
27 pointed out, that it should be for all those, and I think
28 there was evidence in today's testimony and the petition
29 to justify that. That would just be my recommendation.
30
31 MR. KOOKESH: Mr. Chair. Isn't the
32 appropriate language.....
33
34 CHAIRMAN ADAMS: Floyd, you got some.....
35
36 MR. KOOKESH: Mr. Chair.
37
38 CHAIRMAN ADAMS: Go ahead, Floyd.
39
40 MR. KOOKESH: Isn't the appropriate
41 language that we use, is, that they have a positive
42 customary and traditional determination?
43
44 MS. PHILLIPS: Mr. Chair. Mr. Kookesh.
45 That's directly out of ANILCA. Would we list Eva,
46 Hasselborg, Kanalku, Kook, and Sitkho, as the five
47 systems?
48
49 (Pause)
50

1 CHAIRMAN ADAMS: Do you want to read that
2 Patty.

3
4 (Pause)

5
6 CHAIRMAN ADAMS: What is it?
7

8 MR. NAOROZ: Mr. Chairman. I just
9 wondered if we couldn't just adopt the language on Page
10 14, the question, is there a Federal Subsistence priority
11 for Angoon residents, and it's more comprehensive, it
12 doesn't speak to -- it talks about what the Board has
13 already done. And, you know, so I would mirror the
14 Board's language if there's a desire, you know, to call
15 out the streams there, I think that's helpful but this
16 determination has already been done at the bottom of Page
17 14, and it says for all fish, it doesn't say for just
18 sockeye. So I would just think that, you know, for
19 purposes of what your findings are, this may be helpful
20 evidence.

21
22 CHAIRMAN ADAMS: Okay. Why don't we
23 write it up there. We'll keep that up there and write
24 this up there and see if the Council will accept that.
25 Okay.

26
27 (Pause)

28
29 MS. PHILLIPS: Mr. Chair.

30
31 CHAIRMAN ADAMS: Patty.

32
33 MS. PHILLIPS: That says this. They say
34 the same.

35
36 CHAIRMAN ADAMS: It says the same.

37
38 You think it says the same?

39
40 MR. NAOROZ: Well, I'd just point out the
41 language, there was a question on positive customary and
42 traditional and so it's slightly different and maybe the
43 ANILCA language is better, I don't know.

44
45 CHAIRMAN ADAMS: Cathy, go ahead.

46
47 MS. NEEDHAM: Thank you, Mr. Chair. I
48 think it says the same thing, simpler, like Patty said,
49 maybe the only thing that we might want to amend is say
50 that the Federal Subsistence Board has determined the

1 residents of Angoon have a positive and then go -- just
2 add that first part to the sentence and then that's it,
3 you don't have to rewrite it according to that paragraph.
4 And I would caution rewriting it according to that
5 paragraph because there's an additional paragraph on
6 there that I'm not sure you want on this, which is the
7 second paragraph.

8

9 (Pause)

10

11 CHAIRMAN ADAMS: Go ahead and read it,
12 please.

13

14 MS. PHILLIPS: The Federal Subsistence
15 Board has determined that residents of Angoon have
16 positive customary and direct dependence upon sockeye
17 salmon returning to the five lakes under consideration;
18 Eva, Hasselborg, Kanalku, Kook and Sitkho as a mainstay
19 of livelihood and have a subsistence priority.

20

21 CHAIRMAN ADAMS: All right, ready.

22

23 (Council nods affirmatively)

24

25 CHAIRMAN ADAMS: Move on.

26

27 MS. PHILLIPS: Question two.

28

29 2. The commercial purse seine fishery
30 in Chatham Strait is a mixed stock
31 fishery. Sockeye salmon system specific
32 harvest data is limited but based on
33 Kanalku and Kook Lake sockeye salmon
34 escapements and seine harvest diagrams,
35 Figures 4A, 4B, 5A, 5B, 5C from the
36 Staff analysis, the Staff report summary
37 states:

38

39 It appears more likely than not that the
40 commercial purse seine fishery is
41 reducing the number of sockeye salmon
42 returning to Federally-managed waters.

43

44 CHAIRMAN ADAMS: How's that.

45

46 Donald, and then Michael.

47

48 MR. DOUVILLE: Thank you, Chairman Adams.
49 I agree with that part, but on the prior paragraph I
50 would like to -- in addition to sockeye, other salmon, so

1 we don't leave -- we're not just focused on salmon,
2 that's all I'm saying.

3

4 CHAIRMAN ADAMS: So you want us to go
5 back a little bit.

6

7 (Laughter)

8

9 CHAIRMAN ADAMS: That's okay. Where did
10 our scribe go, do you want to put that in there -- he
11 said -- yeah. Is that okay, salmon -- okay.

12

13 MR. LARSON: All fish.

14

15 CHAIRMAN ADAMS: Donald.

16

17 MR. HERNANDEZ: For question two, I think
18 it should indicate that the Council agrees with that
19 summary.

20

21 (Pause)

22

23 MR. HERNANDEZ: The Staff report summary
24 states it appears more likely than not that the
25 commercial purse seine fishery is reducing the number of
26 sockeye salmon returning to Federally-managed waters, I
27 mean that's a Staff report summary, we should state that
28 we agree with that as part of ours.

29

30 CHAIRMAN ADAMS: Okay.

31

32 (Pause)

33

34 CHAIRMAN ADAMS: Okay, Patty, for the
35 sake of record, would you please read that paragraph for
36 us, please.

37

38 MS. PHILLIPS: The commercial purse seine
39 fishery in Chatham Strait is a mixed stock fishery.
40 Sockeye salmon system specific harvest data is limited
41 but based on Kanalku Lake and Kook Lake sockeye salmon
42 escapements and seine harvest diagrams, Figures 4A, 4B,
43 5A, 5B, 5C from the Staff analysis, the Staff report
44 summary states:

45

46 It appears more likely than not that the
47 commercial purse seine fishery is
48 reducing the number of sockeye salmon
49 returning to Federally-managed waters.

50

1 The Council supports this conclusion.
2
3 CHAIRMAN ADAMS: Okay.
4
5 (Council nods affirmatively)
6
7 CHAIRMAN ADAMS: All right, move on.
8
9 MS. PHILLIPS: Question three.
10
11 3. Sockeye salmon migrate to spawn
12 within the exterior boundaries of the
13 Tongass National Forest. Federal nexus
14 extends into the marine waters of
15 Southeast Alaska. The Kanalku sockeye
16 salmon subsistence fishery has
17 historically occurred primarily in State
18 waters and this subsistence fishery is
19 managed by the State. The Kanalku Lake
20 sockeye salmon subsistence fishery
21 occurs adjacent to Federal public land.
22 Kanalku sockeye salmon spawn on Federal
23 public land.
24
25 CHAIRMAN ADAMS: How are we doing, okay,
26 you got a question, comment, Cathy.
27
28 MS. NEEDHAM: Yeah, I would almost state
29 that Kanalku sockeye spawn and return to Federal public
30 lands.
31
32 (Pause)
33
34 CHAIRMAN ADAMS: They're supposed to
35 return, okay.
36
37 (Pause)
38
39 MR. LARSON: Mr. Chair. Question three
40 appears to be specific to Kanalku Lake, would this be
41 appropriate to mention what happens at the other four
42 lakes.
43
44 MR. KOOKESH: Streams.
45
46 MS. NEEDHAM: It's the same, right.
47
48 CHAIRMAN ADAMS: I think so. I think so.
49 Go ahead.
50

1 MS. NEEDHAM: I think we should, I mean
2 that's how we amended the other two questions, is that,
3 we included all five systems.
4
5 CHAIRMAN ADAMS: Uh-huh.
6
7 (Pause)
8
9 CHAIRMAN ADAMS: Go ahead, Patty.
10
11 MS. PHILLIPS: We've heard public
12 testimony that all the subsistence fishery occurs
13 adjacent to Federal public lands, so should we just say
14 all the salmon subsistence fishery, all the sockeye
15 salmon subsistence fishery occurs.
16
17 CHAIRMAN ADAMS: That sounds right.
18
19 MR. NAOROZ: Mr. Chairman. I didn't hear
20 the question, I'm sorry.
21
22 MS. PHILLIPS: It gives it greater
23 authority if we say all.
24
25 MR. NAOROZ: Yes.
26
27 CHAIRMAN ADAMS: Okay.
28
29 MS. PHILLIPS: Mr. Chair. All the
30 sockeye salmon subsistence fishery occur adjacent to
31 Federal public land.
32
33 (Pause)
34
35 CHAIRMAN ADAMS: Sound okay.
36
37 MR. NAOROZ: Yes, Mr. Chairman.
38
39 CHAIRMAN ADAMS: Okay. How does the
40 Council feel about that, ready to move on.
41
42 (Council nods affirmatively)
43
44 CHAIRMAN ADAMS: Okay, move on.
45
46 MS. PHILLIPS: Sorry, Mr. Chair. Is
47 there subsistence harvest that occurs on Federal public
48 lands and in the marine waters, if that's the case we
49 need to say both that.
50

1 MR. NAOROS: Okay, Mr. Chairman, they do.
2 And as I was thinking through the question, there is
3 private in-holding that Kootznoowoo has that there is a
4 salmon stream in there, but I think for purposes of this
5 petition we could treat it as, you know, Native lands and
6 I won't say ANCSA because that's not how we got it but
7 that's just a technical response; I think this fulfills
8 the intent of it.

9

10 CHAIRMAN ADAMS: Thank you. Please read
11 it over again, Patty.

12

13

MS. PHILLIPS:

14

15

3. Sockeye salmon migrate to spawn
within the exterior boundaries of the
Tongass National Forest. Federal nexus
extends into the marine waters of
Southeast Alaska. Sockeye salmon
subsistence fisheries at Eva,
Hasselborg, Kanalku, Kook and Sitkho
lakes have historically occurred
primarily in State waters and these
subsistence fishery are managed by the
State. Subsistence sockeye salmon
fisheries occur adjacent to Federal
public land and on Federal public land.
Sockeye salmon returning to these
systems spawn and return to Federal
public land.

16

17

18

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31

32

CHAIRMAN ADAMS: How's that.

33

34

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36

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49

50

MS. HAWKINS: I don't think we're really
answering the question there. And so on Page 2, I think
it addresses it, of the petition, where it talks about
petitioner contends that management of commercial
fisheries by the State of Alaska has interfered with the
sockeye salmon escapement and subsistence harvest in the
systems to such an extent as to result in the failure of
the subsistence priority.

1 So I think -- I don't think we answered
2 the question up there.
3
4 CHAIRMAN ADAMS: Okay. Mr. Wright --
5 I've forgotten your name.
6
7 MS. PHILLIPS: Frank.
8
9 (Laughter)
10
11 MR. WRIGHT: Mr. Chairman. I was just
12 looking at that bottom part, it says, sockeye salmon
13 return to the system and system spawn and return to
14 Federal public land, I would think that a sockeye --
15 instead of that I would put sockeye salmon spawn in
16 Federal public lands, instead of return.
17
18 CHAIRMAN ADAMS: Yeah, that's a good
19 point, Frank, go ahead, we'll change that. Okay.
20
21 MS. PHILLIPS: Where's that.
22
23 CHAIRMAN ADAMS: It says sockeye salmon
24 spawn and return to Federal public lands, take that out,
25 there we go.
26
27 Is that okay, Frank.
28
29 MR. WRIGHT: Maybe it'd be return to
30 Federal public lands and spawn.
31
32 CHAIRMAN ADAMS: And spawn.
33
34 MR. WRIGHT: Yeah.
35
36 MS. HAWKINS: But if we're answering the
37 three questions, it doesn't seem like we're answering
38 that question, number 3. So, Cathy, does that answer the
39 question, number 3?
40
41 MS. NEEDHAM: Are you asking about the
42 last sentence?
43
44 MS. HAWKINS: (Nods affirmatively)
45
46 MS. NEEDHAM: I think the point I wanted
47 to make was that sockeye salmon spend two portions of
48 their life cycle in Federal public lands.
49
50 MR. WRIGHT: Return to Federal public

1 lands and spawn.
2
3 MS. NEEDHAM: Well, they're born there.
4
5 (Pause)
6
7 CHAIRMAN ADAMS: Do you have anything to
8 offer, Pete.
9
10 MR. NAOROZ: Yeah, I did, but I'll just
11 wait until you figure out how you want to handle this.
12
13 CHAIRMAN ADAMS: Until we're done with
14 the caucus over there. Do you have something to share
15 with us.
16
17 MS. NEEDHAM: I'm still working out the
18 language.
19
20 (Pause)
21
22 MR. LARSON: Mr. Chair. I have the
23 question for number 3, and I've just added that little
24 piece down at the bottom of that paragraph where.....
25
26 MS. HAWKINS: Failure to provide.
27
28 MR. HERNANDEZ: That was question 3, that
29 was the question that needed to be answered.
30
31 MR. LARSON: That's the question that
32 needs to be answered, yes.
33
34 MS. HAWKINS: Right.
35
36 MR. LARSON: If there's interference,
37 does it occur to such an extent as to result in failure
38 to provide the subsistence priority Angoon residents, and
39 that's inherent in that question is on Federal public
40 land, so we're talking about the freshwaters.
41
42 (Pause)
43
44 MS. HAWKINS: But it's not answering it.
45
46 MS. PHILLIPS: Mr. Chair. Merle, doesn't
47 feel we're answering the question.
48
49 CHAIRMAN ADAMS: Merle, how do you want
50 us to answer that question.

1 MS. HAWKINS: With that.

2

3 CHAIRMAN ADAMS: Could you turn your mic
4 on so we can hear you. Donald, go ahead, I was still
5 concentrating on Merle.

6

7 MR. HERNANDEZ: Well, I was going to
8 propose that we have found that interference does occur,
9 as to what extent still needs to be determined. That's
10 what the object of a lot of this investigation is with,
11 you know, stock identifications, is just to what extent
12 does the interference occur.

13

14 (Pause)

15

16 CHAIRMAN ADAMS: Okay, how's that.
17 Merle. He inserted in that last sentence there.

18

19 MR. NAOROZ: We believe that the
20 interference has been significant. It's demonstrateable,
21 the evidence today from the community, the people who
22 spoke was that they weren't having their needs met. And
23 the question of the priority and how it's managed, I
24 think, is, you know, all the things I've talked about,
25 so, you know, our position as a petitioner would be that
26 there's been a failure.

27

28 There's also one other thing I should say
29 about this paragraph because, and I'm not sure why it's
30 there, but the State waters issue, and managed by the
31 State. There's no disagreement that those waters are
32 managed by the State and that citations are issued on the
33 State but in our petition we contend that those waters
34 are Federal waters and we explain why, there's a lot of
35 detail in there. And if you drop to the conclusion,
36 which is the next paragraph, we take considerable
37 exception with the language in there. So -- and I'll be
38 glad to go through that when we get there, but in terms
39 of the failure, I mean that's what gives rise to the
40 jurisdiction, and if there's no determination that
41 there's a failure then there's no jurisdiction in the
42 Federal hands, so our natural -- I mean our position when
43 we wrote the petition was that there was a failure and we
44 wrote that in the petition, and we brought our community,
45 the town to testify to that, and, you know, while I can
46 sympathize with the question of how we can structure
47 something, you know, that works, the jurisdiction only
48 arises if this body or the Federal Subsistence Board
49 makes that determination.

50

1 CHAIRMAN ADAMS: Okay, thank you, Pete.
2 So the crafting of that paragraph, you know, is it
3 turning out okay.

4
5 MR. NAOROS: Mr. Chairman. Now, that my
6 comments about the State waters are on the record I'm
7 comfortable if that's what the Board -- or the Council,
8 you know, makes the determination, I mean your lawyers
9 will probably guide you to that is my sense.

10
11 CHAIRMAN ADAMS: Uh-huh.

12
13 MR. NAOROS: We're not arguing a Federal
14 nexus, you know, we don't see that, I mean that's more
15 tenuous than I think what we have here, I think we have,
16 you know, affirmative jurisdiction for a number of
17 reasons. One of the people who testified today talked
18 about the Magnuson Act, talked about the question -- I
19 think finding -- what would be just as good as that is
20 that a finding by this Council that, you know, salmon are
21 an anadromous fish, that gives you the jurisdiction you
22 need. But I mean I really don't want to quibble, I
23 really feel like the Council's trying to craft a remedy
24 so, Mr. Chairman, that's where my comments would be.

25
26 CHAIRMAN ADAMS: Okay, thank you. Patty,
27 do you want to read that paragraph.

28
29 MS. PHILLIPS: Cathy.

30
31 CHAIRMAN ADAMS: Oh, Cathy, you got
32 something.

33
34 MS. NEEDHAM: Just back to Frank's
35 suggestion about sockeye salmon, and then spawning and
36 returning to Federal land. It might be more clear to say
37 that sockeye salmon rear and also return to spawn, that
38 way it covers the two life cycles and it's not as
39 confusing. So they rear, and then they return to spawn
40 in Federal public land.

41
42 (Pause)

43
44 CHAIRMAN ADAMS: Go ahead and read it,
45 Patty.

46
47 MS. PHILLIPS: Sockeye salmon migrate to
48 spawn within the exterior boundaries of the Tongass
49 National Forest. Federal nexus extends into the marine
50 waters of Southeast Alaska. Sockeye salmon subsistence

1 fisheries at Eva, Hasselborg, Kanalku, Kook and Sitkho
2 lakes have historically occurred primarily in State
3 waters and these fisheries are managed by the State.
4 Subsistence sockeye salmon fisheries occur adjacent to
5 Federal public lands and on Federal public land. Sockeye
6 salmon rear and return to spawn on Federal public land.
7 Although there is interference, the proportion of fish
8 harvested on Federal public land and the extent of this
9 interference to the Federal fishery has yet to be
10 determined.

11

12 CHAIRMAN ADAMS: Did we fix it.

13

14 Cathy. Here we go again, go ahead.

15

16 MS. NEEDHAM: Well, I'm just -- I guess
17 I kind of missed some of the discussion regarding the
18 last sentence that says interference to the Federal
19 fishery and thinking about what Kootznoowoo said about
20 showing that whether or not a subsistence priority --
21 whether or not there's a failure to provide the
22 subsistence priority for Angoon. I mean when you look at
23 the third question it doesn't -- the word, Federal, isn't
24 in there. We're asking -- if we were asked the question
25 is there interference and does it occur to such an extent
26 as to the result of a failure to provide the subsistence
27 priority for Angoon residents. And so -- and that's the
28 question that was in the Staff analysis, directly,
29 so.....

30

31 CHAIRMAN ADAMS: Mr. Larson.

32

33 MR. LARSON: Mr. Chair. Inherent in this
34 whole discussion is freshwater, we're not talking about
35 the marine waters, we're talking about the freshwater, so
36 it could have easily stated, and ended in Federal public
37 land.

38

39 (Pause)

40

41 CHAIRMAN ADAMS: All right. Comments.

42

43 MS. PHILLIPS: Mr. Chair. I think we
44 need to say that the subsistence priority needs ha -- you
45 know based on public testimony that the subsistence needs
46 are not being met. Based on public testimony subsistence
47 needs are not being met, at the end.

48

49 (Pause)

50

1 CHAIRMAN ADAMS: Did that fix it.
2
3 (Council nods affirmatively)
4
5 CHAIRMAN ADAMS: Move on.
6
7 MS. PHILLIPS: Thank you. Conclusion.
8
9 There is no evidence presented to
10 recommend a position on Federal
11 ownership of marine waters, however, the
12 Council suggests that the resolution of
13 ownership of marine waters is not a
14 requirement to address the question of
15 whether there is a meaningful
16 subsistence priority for the harvest of
17 sockeye salmon on Federal public land by
18 the residents of Angoon.
19
20 CHAIRMAN ADAMS: Okay. How we doing,
21 okay.
22
23 MR. NAOROZ: Mr. Chairman.
24
25 CHAIRMAN ADAMS: Peter.
26
27 MR. NAOROZ: This is probably where I
28 will spend more time than you want me to.
29
30 CHAIRMAN ADAMS: No, please, please do.
31
32 MR. NAOROZ: In our petition we go
33 through a history of several matters and early on we talk
34 about the proclamation that created the National
35 Monument. It was President Carter who proclaimed the
36 Monument. And in that he recognized the community of
37 Angoon, he recognized the special habitat that Admiralty
38 provided, particularly along the shoreline, it was a
39 continuous ecosystem idea was expressed in there and the
40 language of that proclamation starts on Page 2. And I'm
41 just going to quote from the petition. It says:
42
43 When Carter proclaimed that there was
44 hereby set apart and reserved as
45 Admiralty Island National Monument, all
46 lands, including submerged lands, and
47 waters owned and controlled by the
48 United States, within the boundaries of
49 the areas described in the document
50 entitled, blah, blah, blah.....

1 I presented to the Council a map that
2 showed the exterior boundaries and there are marine
3 waters within the exterior boundary.

4
5 In addition there was testimony given
6 regarding the Act prior to statehood, which whereby the
7 State of Alaska disclaimed all those waters, or anything
8 that really had to do with the fisheries. Now, that's
9 additional evidence. There's evidence to support the
10 Federal government's ownership of that in .506 of ANILCA,
11 and we present that also in the petition, whereby
12 Mitchell, Favorite and Kanalku Bay's are to be managed
13 after consulting and cooperating with Kootznooowoo. Now,
14 how do you consult and cooperate on something you don't
15 own, so it's just a logical question.

16
17 Now, the reason, as I understand the
18 Forest Service, can't address this, and I would argue
19 that OSM can because they're not bound by the same
20 disclaimer that the Forest Service entered into, and a
21 word needs to be said about that. This was public law
22 until early 2000, and there was a case that was brought
23 by Governor Murkowski, his administration, it was called
24 Alaska versus United States, and in there there was a
25 discussion about who owned the Tongass waters, and there
26 was a long discussion, the Supreme Court offered -- or
27 appointed a special master from George Washington
28 University to do the proceeding, and what they discovered
29 as a result of that case, was that the Federal government
30 owns Glacier Bay, the waters and submerged lands of
31 Glacier Bay and the holes, even though there was a
32 cont.....

33
34 CHAIRMAN ADAMS: Pete, I'm sorry to
35 interrupt you here, but.....

36
37 MR. NAOROZ: Sure.

38
39 CHAIRMAN ADAMS: But is what we are
40 putting up there okay?

41
42 MR. NAOROZ: No. I guess that's what I'm
43 saying is.....

44
45 CHAIRMAN ADAMS: You know I think what
46 you're doing right now is introducing your testimony and
47 we want to concentrate, you know, what's in the document
48 up there so if you can do that.

49
50 MR. NAOROZ: Yeah, Mr. Chairman, if I

1 could just point out that this -- all this is in the
2 petition.

3

4 CHAIRMAN ADAMS: Yeah, okay. And, Pete,
5 go ahead.

6

7 MR. PROBASCO: Thank you, Mr. Adams. And
8 I appreciate Peter's testimony but we've got to keep in
9 mind that we have a public process. And Peter represents
10 the petitioners to the policy. That doesn't give him
11 exclusive right to the other people that are affected, so
12 we have to be very careful how we approach this. And I
13 would suggest, Mr. Chairman, that we ask Peter to take a
14 seat in the audience and the Council continues on with
15 the -- we do have the written petition before us and we
16 need to proceed as a Council, we have the knowledge of
17 Mr. Kookesh on the Council, from Angoon. So I'm very
18 uncomfortable where we're at right now.

19

20 Mr. Chair.

21

22 CHAIRMAN ADAMS: Thank you, Pete.

23

24 MR. NAOROZ: Mr. Chairman. I'll be glad
25 to sit down.

26

27 MR. KOOKESH: So -- so.....

28

29 CHAIRMAN ADAMS: Do you have a question.

30

31 MR. KOOKESH: So is what Peter saying
32 wrong?

33

34 CHAIRMAN ADAMS: No.

35

36 MR. KOOKESH: So is that, say then, we're
37 going to stand that way.....

38

39 CHAIRMAN ADAMS: We're trying to
40 concentrate on.....

41

42 MR. KOOKESH:even if Pete, if
43 you're uncomfortable with it?

44

45 CHAIRMAN ADAMS:what.....

46

47 MR. KOOKESH: I mean because it seems
48 like if it's in the petition and if it was presented, it
49 would seem like it would have standing. Aren't you
50 lying?

1 CHAIRMAN ADAMS: Pardon?
2
3 MR. KOOKESH: Aren't we lying?
4
5 CHAIRMAN ADAMS: I don't.....
6
7 MR. KOOKESH: That's a question. Maybe
8 Bob can answer it, he seems to have some knowledge he
9 wants to.....
10
11 CHAIRMAN ADAMS: No, I don't think we're
12 doing that.
13
14 MS. PHILLIPS: Mr. Chair. Could we
15 delete the first sentence and.....
16
17 CHAIRMAN ADAMS: I want to go back to the
18 document here, okay, and finish that up.
19
20 MS. PHILLIPS: That's what I'm trying to
21 do.
22
23 CHAIRMAN ADAMS: Okay.
24
25 MR. KOOKESH: Isn't somebody going
26 to.....
27
28 CHAIRMAN ADAMS: So without any more
29 distractions that's what we're going to do. If you have
30 a question, Mr. Bangs, go ahead.
31
32 MR. BANGS: I just wanted to say that
33 this is our document, this is something that we crafted,
34 you know, outside interests, you know, we've heard their
35 testimony, we need to get our stuff done.
36
37 CHAIRMAN ADAMS: Sure. So let's go ahead
38 and proceed. Patty, go ahead -- oh, Mike.
39
40 MR. DOUVILLE: Thank you, Chairman Adams.
41 I would suggest that we remove the first sentence of that
42 top paragraph.
43
44 CHAIRMAN ADAMS: Donald, go ahead.
45
46 MR. HERNANDEZ: Mr. Chairman. I think
47 I'm comfortable with stating that we find that there's
48 been a failure to provide for the subsistence priority.
49 All this discussion on, you know, who owns what waters
50 and where these fisheries occur is maybe beyond our

1 knowledge, but I still contend that in the Staff analysis
2 they do state that there is some evidence to suggest that
3 fish are taken in Federal waters. There's opportunities
4 there to snag fish, dipnet fish, maybe it doesn't get
5 reported, I don't know if anybody from Angoon can testify
6 to what happens in the stream, what's happened in the
7 past, historically, you know, these people didn't always
8 fish with beach seines with Lund skiffs. I mean, you
9 know, historically the use of that stream by Angoon
10 residents in Federal waters is most likely to have
11 occurred. And even just the fact that this boundary of
12 mean high tide, you know, that's an imaginary line at
13 high tide, where does that fishery take place, that's not
14 really a question that I have a lot of trouble stating
15 that there's a Federal fishery that takes place at
16 Kanalku Inlet, so I think we should state that.

17

18 Excuse me, I see another Angoon resident,
19 if Mr. Howlett, if he has anything to add on how that
20 fishery takes place, I'd be glad to hear it.

21

22 CHAIRMAN ADAMS: Well.....

23

24 MS. PHILLIPS: Mr. Chair.

25

26 CHAIRMAN ADAMS: Patty.

27

28 MS. PHILLIPS: Are you talking about the
29 conclusion, Don?

30

31 MR. HERNANDEZ: I'm referring to the
32 answer to question three, is there a subsistence priority
33 that is being failed, it's not provided, and I state that
34 I think it is, yes, there is a failure to provide for the
35 subsistence priority at Kanalku Creek, I think it should
36 be stated.

37

38 CHAIRMAN ADAMS: Where do you want it, at
39 the end?

40

41 MR. HERNANDEZ: Well, I think it needs to
42 be stated in answer to question three. If we're
43 referring to the questions as put forward in the Staff
44 report, where issue statement on the front page, question
45 three is:

46

47 If there is interference does it occur
48 to such an extent as to result in the
49 failure to provide the subsistence
50 priority to Angoon residents.

1 That's what I'm referring to as question
2 three. And, if so, then it should be so stated there
3 under question three.

4
5 CHAIRMAN ADAMS: Okay. Mr. Larson is
6 looking for some words here so why don't you state that
7 in a sentence form, please. He started a sentence there
8 at the bottom there, at Kanalku Lake it is very -- is
9 there something that you would like to put in there.

10
11 MR. HERNANDEZ: Okay. Based on public
12 testimony subsistence needs by the residents of Angoon
13 are not being met at Kanalku Lake, therefore, the Council
14 finds that the -- let's see, what's the exact wording
15 here.

16
17 (Pause)

18
19 MR. HERNANDEZ: Let's see.....

20
21 MR. KOOKESH: Mr. Chairman.

22
23 CHAIRMAN ADAMS: Floyd, go ahead, while
24 they're doing that, go ahead.

25
26 MR. KOOKESH: Can I off -- can I offer
27 this, based on public testimony subsistence needs at
28 Kanalku Lake by the residents of Angoon are not being
29 met.

30
31 MR. HERNANDEZ: Okay.

32
33 MS. PHILLIPS: And has -- Mr. Chair.

34
35 CHAIRMAN ADAMS: Patty.

36
37 MS. PHILLIPS: And has failed to provide
38 for the subsistence priority of Angoon residents. And
39 has failed to provide for the subsistence priority of
40 Angoon residents.....

41
42 MR. KOOKESH: Of Angoon.

43
44 MS. PHILLIPS: Of Angoon residents.

45
46 (Pause)

47
48 CHAIRMAN ADAMS: You want to read the
49 whole paragraph, Patty.

50

1 MS. PHILLIPS: Yes, sir.

2

3 Sockeye salmon migrate to spawn within
4 the exterior boundaries of the Tongass
5 National Forest. Federal nexus extends
6 into the marine waters of Southeast
7 Alaska. Sockeye salmon subsistence
8 fisheries at Eva, Hasselborg, Kanalku,
9 Kook and Sitkho lakes have historically
10 occurred primarily in State waters and
11 these fisheries are managed by the
12 State. Subsistence sockeye salmon
13 fisheries occur adjacent to Federal
14 public land and on Federal public land.
15 Sockeye salmon rear and return to spawn
16 on Federal public land. Although there
17 is interference, the proportion of fish
18 harvested on Federal public land and the
19 extent of this interference to the
20 Federal fishery has yet to be
21 determined. Based on public testimony
22 subsistence needs by the residents of
23 Angoon are not being met at Kanalku Lake
24 and has failed to provide for the
25 subsistence priority of Angoon
26 residents.

27

28 CHAIRMAN ADAMS: How's that.

29

30 MS. PHILLIPS: And this condition has
31 failed to provide for the subsistence priority of Angoon
32 residents. Good enough, okay.

33

34 (Council nods affirmatively)

35

36 CHAIRMAN ADAMS: Move on.

37

38 MS. PHILLIPS: Conclusion. The Council
39 suggests that resolution of ownership of marine waters is
40 not a requirement to address the question of whether
41 there is meaningful subsistence priority for this harvest
42 of sockeye salmon on Federal public land by the residents
43 of Angoon.

44

45 CHAIRMAN ADAMS: Okay. How's that.

46

47 MR. HERNANDEZ: So that just reaffirms
48 what we were just talking about, it's not necessary,
49 we've concluded that there is a failure to provide for
50 the subsistence priority. I think that reads well.

1 CHAIRMAN ADAMS: Okay, thank you.

2

3 MS. PHILLIPS: The Council feels strongly
4 that the resolution of the questions and concerns
5 contained within the petition is not Secretarial
6 responsibility alone. The ultimate solution will require
7 cooperation between the State of Alaska, the Federal
8 Subsistence Program and local communities.

9

10 CHAIRMAN ADAMS: Okay.

11

12 (Council nods affirmatively)

13

14 CHAIRMAN ADAMS: Move on.

15

16 MS. PHILLIPS: Recommendation.

17

18 Defer extending Federal jurisdiction
19 into waters of Chatham Strait as
20 recommended by the petition for three
21 years. Deferring action by the
22 Secretaries to extend Federal
23 jurisdiction into the marine waters of
24 Chatham Strait will provide an
25 opportunity for the State of Alaska, the
26 Federal Subsistence Management Program,
27 and local residents and organizations to
28 achieve the following milestones and
29 management actions.

30

31 The Council believes these actions will
32 address the issues raised by
33 Kootznoowoo, Inc., and facilitate a
34 solution developed at the local level.

35

36 CHAIRMAN ADAMS: Okay.

37

38 (Council nods affirmatively)

39

40 CHAIRMAN ADAMS: Everybody's nodding
41 their head, go ahead.

42

43 MS. PHILLIPS: Milestones.

44

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

50

1 CHAIRMAN ADAMS: Okay.
2
3 (Council nods affirmatively)
4
5 CHAIRMAN ADAMS: Okay.
6
7 MS. PHILLIPS: The State of Alaska Board
8 of Fish accept an emergency petition to Board of Fish to
9 discuss the following changes to State regulations out of
10 cycle.
11
12 CHAIRMAN ADAMS: Okay. Cathy, go ahead.
13
14 MS. NEEDHAM: I would recommend that we
15 say that the request come from the Federal Subsistence
16 Board, the Southeast Regional Advisory Council and the
17 State of Alaska, that we submit -- or, you know, that
18 request be submitted by all three entities to show that
19 we are, hopefully to give it a little more push with the
20 Board of Fish to accept an out of cycle proposal.
21
22 I'm sorry, that should say -- oh, yeah,
23 you got it, I thought you were going to say the State.
24
25 CHAIRMAN ADAMS: Does that capture it?
26
27 (Council nods affirmatively)
28
29 CHAIRMAN ADAMS: Everyone else okay with
30 that.
31
32 (Council nods affirmatively)
33
34 CHAIRMAN ADAMS: Okay, go ahead, Patty.
35
36 MS. PHILLIPS: Do you want me to reread
37 it?
38
39 CHAIRMAN ADAMS: Please do.
40
41 MS. PHILLIPS: The State of Alaska Board
42 of Fish accept an emergency petition to Board of Fish
43 from the Council, the Subsistence Board and the Alaska
44 Department of Fish and Game to discuss the following
45 changes to State regulations out of cycle.
46
47 CHAIRMAN ADAMS: How's that?
48
49 (Council nods affirmatively)
50

1 CHAIRMAN ADAMS: Move on.
2
3 MS. PHILLIPS: One.
4
5 Open a subsistence sockeye salmon
6 fishery in waters of Chatham Strait with
7 positive customary and traditional use
8 finding. Gear would include gillnets,
9 50 fathoms in length.
10
11 Authorize a subsistence sockeye salmon
12 fishery in waters of Chatham Strait with
13 a positive customary and traditional use
14 finding. Gear would include gillnets,
15 50 fathoms in length.
16
17 2. Close the commercial seine fishery
18 area in regulation that have been closed
19 by State emergency order near Basket
20 Bay, and Kootznoowoo Inlet.
21
22 CHAIRMAN ADAMS: Okay. How's that.
23
24 (Council nods affirmatively)
25
26 CHAIRMAN ADAMS: Okay.
27
28 MS. PHILLIPS: Close the commercial seine
29 fishery area in regulation that has been closed by State
30 emergency order near Basket Bay, and Kootznoowoo Inlet.
31
32 MR. LARSON: Thank you.
33
34 MS. PHILLIPS: Close the commercial seine
35 fishery areas in regulations that have been closed by
36 State emergency order near Basket Bay, and Kootznoowoo
37 Inlet.
38
39 It would be advantageous for evaluation
40 of the success of the management plan if
41 there was significant progress toward
42 developing escapement goals for Kanalku,
43 Kook, Sitkho, Hasselborg and Eva Lakes.
44
45 The Council supports studies to identify
46 the inherent productivity of each of
47 these lakes and sample the commercial
48 harvest to estimate total returns by
49 stream. The State of Alaska has plans
50 to allocate funds to complete the

1 genetic stock identification database
2 for these stocks and sample the
3 commercial harvest. The cost is not
4 inconsequential at approximately 300,000
5 and studies will be needed to run -- and
6 studies will need to run for at least
7 three years for reliable results.
8

9 CHAIRMAN ADAMS: Okay. Cathy.
10

11 MS. NEEDHAM: I think this paragraph --
12 I get the intent of the paragraph, I don't think it
13 actually lays out a milestone and the measure to reach
14 that milestone. I would like to see some language in
15 there about escapement goals need to be established and
16 within the three year timeframe, genetic stock analysis
17 needs to be implemented. I mean we understand that
18 obviously you can't develop escapement goals within three
19 years, it's going to take longer than that, but like the
20 milestone, or the step that needs to happen is, is that,
21 genetic stock ID needs to be implemented within three
22 years. That's the measurable if we're setting a
23 milestone of what we want to have reached.
24

25 (Pause)
26

27 MS. NEEDHAM: I also think we need to
28 identify who we're requesting to meet that milestone.
29

30 (Pause)
31

32 CHAIRMAN ADAMS: Cathy, go ahead.
33

34 MS. NEEDHAM: By the State of Alaska, I
35 mean is that who would be required -- who we would be
36 requiring to implement genetic stock identification, to
37 implement the actual sampling in the fishery?
38

39 I mean my understanding is that we're
40 setting milestones so we need -- if you're going to set
41 a milestone, state what the milestone is, who needs to
42 meet it and in what timeframe.
43

44 (Pause)
45

46 MS. PHILLIPS: Mr. Chair.
47

48 CHAIRMAN ADAMS: Okay.
49

50 MS. PHILLIPS: Are.....

1 CHAIRMAN ADAMS: Floyd had a question.

2

3 MS. PHILLIPS: Oh, sorry.

4

5 CHAIRMAN ADAMS: Go ahead, Floyd.

6

7 MR. KOOKESH: Then when we -- when we
8 started this petition, not once did we ever think about
9 gillnetting near Angoon, and not once did we worry about
10 number two, and we -- and after listening to today's
11 discussion we don't feel -- didn't feel that genetic
12 stock identification would serve any other purpose,
13 that'd it be -- a waste of money, the way we looked at it
14 is if we were going to address this we should go back and
15 talk and just put in there, the State of Alaska should
16 come to our community and talk to us about the
17 subsistence priority management plan for Angoon. Because
18 we're worried -- we're not worried about calling somebody
19 from Haines to bring their boat down or Juneau to do a
20 gillnet, we're worried about citations. We're worried
21 about the -- the lines that are -- you know, pulling the
22 lines back in -- at Hidden Falls, those -- the -- the
23 points that are up there don't seem to be things the
24 community of Angoon would accept, they might laugh at it.
25 They might laugh us out of town. I mean who are you
26 going to -- who's going to gillnet, no one has a gillnet
27 in Angoon.

28

29 Maybe it's best if we left something to
30 the effect that let the community address with the State
31 of Alaska, their concerns, because citations is top. It
32 doesn't do us any good. I would delete all of that, I
33 wouldn't ask for any of that stuff. That's not what we
34 were looking for.

35

36 CHAIRMAN ADAMS: Okay. Ladies first,
37 Frank.

38

39 (Laughter)

40

41 MS. NEEDHAM: Why, thank you, Mr. Chair.
42 I don't know that I would agree that we would delete it.
43 I think we're still trying to come up with a compromise
44 in order to figure out to manage the system to provide
45 for a subsistence priority. And so I take Mr. Kookesh's
46 comments to heart and think that if there's things that
47 he can add or recommendations, or milestones that he
48 wants to add to it, that we do that, but I don't think
49 that.....

50

1 MR. KOOKESH: Mr. Chair.

2

3 MS. NEEDHAM:we should take away
4 from what we already have. And with respect to the thing
5 about genetic stock ID, I think in order for long -- to
6 be able to manage for the long-term, for these systems,
7 regardless of who's managing it, escapement goals need to
8 be set and in order to do that we need the data to do it
9 and I think we should force the State to move in that
10 direction, or try to force the State to.

11

12 CHAIRMAN ADAMS: Okay, go ahead.

13

14 MR. KOOKESH: Okay, a good example, is
15 the Northern Southeast Seine Salmon Fishery Management
16 Plan, maybe put that in there, the State -- or the State
17 -- where we asked -- wanted the State to come in to make
18 some changes under 5 AAC 33.33 -- 336, those kind of
19 things. Talking about the Southeast Management Plan.
20 Because if I'm -- I mean I'm looking at those things, I
21 don't see anything that Angoon would want, maybe the
22 Mayor would like to speak to what's being recommended
23 because from someone from Angoon, I don't believe this is
24 what we're looking for.

25

26 See, a lot of the things that we talked
27 about too, was if they don't put it in writing how can --
28 how can we believe them, we can't trust them. That's our
29 problem.

30

31 CHAIRMAN ADAMS: Okay, Mr. Wright, you
32 had your hand up next and then Merle, and then Donald.

33

34 Go ahead.

35

36 MR. WRIGHT: Thank you, Mr. Chairman.
37 When I did community fishing for the community of Hoonah,
38 I got a State permit to be able to do that, but when I
39 had informed the State that I was going to do this, they
40 had told me, well, how much fish do you need and I said,
41 well, maybe 500, but when I did get it, no one told the
42 extra 100 fish to swim in my seine so I got 600, but what
43 I did was I told the State, well, I got more than I
44 needed and they said, oh, well, how did it go, and I said
45 well I got rid of all the fish within two hours, so it
46 wasn't -- you know it wasn't like, you know, you work
47 with the State and then you probably won't get cited
48 because, you know, even the State Trooper was down
49 watching what was going on but, you know, like I said
50 you're not going to be able to tell what fish to stay out

1 of your seine so I had about 600 instead of 500 but I got
2 rid of it real quick.

3

4 Thank you.

5

6 CHAIRMAN ADAMS: Thank you, Frank.

7 Merle.

8

9 MS. HAWKINS: No, go ahead.

10

11

12 MR. DOUVILLE: It's my turn now.

13

14 CHAIRMAN ADAMS: Okay, go ahead.

15

16 MR. DOUVILLE: This permit that we're
17 making a recommendation for, it's just a recommendation,
18 we're not trying to force it down anybody's throat, for
19 gillnet, is sockeye specific, I would rather have it read
20 salmon.

21

22 And there's been lots of -- we keep
23 getting cited, we don't want to get cited; but in reality
24 you need to play by the rules. I'm not going to
25 recommend that we grant immunity to somebody who goes
26 over the limit, I don't think that's our place to do
27 something like that but I realize it is a concern.

28

29 CHAIRMAN ADAMS: Merle.

30

31 MS. HAWKINS: Yeah, I think my feeling is
32 we're getting too specific. I think, you know, make a
33 recommendation to the State to make regulatory changes in
34 cooperation with Angoon, including escapement goals. But
35 I think some of it they should be able to figure out
36 themselves. I think we're not setting up fishing
37 regulations. I think -- that's not our job. I don't
38 think we should find the solutions here, I think that
39 should be between the State and the Board and Angoon
40 members.

41

42 CHAIRMAN ADAMS: Thank you for the
43 observation, Merle.

44

45 Donald.

46

47 MR. KOOKESH: Mr. Chair.

48

49 MR. HERNANDEZ: Go ahead.

50

1 CHAIRMAN ADAMS: Floyd.
2
3 MR. KOOKESH: Yeah, we're looking for
4 recommendations, and the recommendations I'm getting are
5 coming off of the proposals we submitted to the Board of
6 Game [sic] previous years, and then the next one is that
7 one of the problems that we were addressing is the number
8 of salmon that are reasonably necessary for subsistence
9 uses needs to be defined by stock or population, which is
10 species and location, rather than by arbitrary ADF&G
11 management areas. So I'm asking for something different
12 than what you're putting up there.
13
14 Maybe Merle is right, maybe let us work
15 those out. Let us -- let Angoon decide its own fate or
16 see if -- or wait for the sunset -- sunset on the three
17 years and if nothing happens then bring the hammer down,
18 but the promises were made that they're willing to work
19 with us, but let it be between Angoon and the State of
20 Alaska when it comes to deciding what our future should
21 be, don't leave it up to the RAC to be setting that.
22
23 Thank you.
24
25 CHAIRMAN ADAMS: Thank you for that.
26 Let's get back up to, you know, what's being written on
27 the board there now so we can kind of fix this all up and
28 move on.
29
30 Have you captured everything, Mr. Larson.
31
32 MS. PHILLIPS: I'm sorry.
33
34 CHAIRMAN ADAMS: I want to know if he
35 captured everything up there.
36
37 (Pause)
38
39 MR. KOOKESH: Mr. Chair.
40
41 CHAIRMAN ADAMS: Go ahead Floyd.
42
43 MR. KOOKESH: I don't -- I don't know if
44 you understood what I said because you -- you're
45 ignoring.....
46
47 CHAIRMAN ADAMS: It's getting late.
48
49 MR. KOOKESH:what I'm -- I know, I
50 know, I know you're -- hopefully your team won but what

1 I'm saying -- what I'm saying is, I'm sensing that you're
2 ignoring what I've just told you and just continuing to
3 continue to allow this process to occur where you're
4 ignoring what I'm saying, and I'm saying, let Angoon
5 decide what it wants, just start deleting all of this and
6 have the State of Alaska, Department of Fish and Game sit
7 down with Angoon. Leave it at that and let us work out
8 the regulations in that process.

9

10 CHAIRMAN ADAMS: And I am.....

11

12 MR. KOOKESH: Instead of.....

13

14 CHAIRMAN ADAMS: I've.....

15

16 MR. KOOKESH: And don't ignore me and
17 just say, well, let me finish what's up there, that's
18 ignoring us.

19

20 CHAIRMAN ADAMS: Okay.

21

22 MR. KOOKESH: This is our petition.
23 We're the ones that are going to be affected by this.
24 You worry about Yakutat, I'll worry about Angoon.

25

26 CHAIRMAN ADAMS: Okay. But, yeah, I take
27 what you said, you know, at it's worth and I agree with
28 you, but what I wanted to know is what is up there, is
29 that addressing what your thoughts are, that you're
30 sharing with us right now?

31

32 MR. KOOKESH: Well, there's -- Mr.
33 Chairman, there's other hands going up, but you can come
34 back to me.

35

36 CHAIRMAN ADAMS: Okay.

37

38 MR. KOOKESH: Because I'm respectful of
39 everybody that would like to say something.

40

41 CHAIRMAN ADAMS: And I'll let you say it.
42 Go ahead, Patty.

43

44 MS. PHILLIPS: Thank you. Mr. Douville
45 would like, under number 1, to eliminate sockeye,
46 authorize a subsistence salmon fishery. Eliminate
47 sockeye.

48

49 Thank you.

50

1 Encourage -- I'd like to add wording that
2 says encourage the State of Alaska and community of
3 Angoon to develop a Board of Fish proposal for next cycle
4 to change the ANS, amount necessary for subsistence
5 finding, to a community level rather than Juneau
6 management region.

7

8 (Pause)

9

10 MR. LARSON: I can type but I just can't
11 remember it.

12

13 (Laughter)

14

15 MS. PHILLIPS: I will assist Mr. Larson.

16

17 (Laughter)

18

19 (Pause)

20

21 CHAIRMAN ADAMS: Done.

22

23 MR. LARSON: Thanks.

24

25 MS. PHILLIPS: Mr. Chair.

26

27 CHAIRMAN ADAMS: Patty, go ahead.

28

29 MS. PHILLIPS: Previously we had said,
30 the State of Alaska and Board of Fish accept an emergency
31 petition to Board of Fish from the Council, the
32 Subsistence Board and the Alaska Department of Fish and
33 Game, so we said the three entities shall, so down here
34 in this proposal, it should be, you know, the State, the
35 Feds, and now we're including the community, I don't
36 know, the Federal Subsistence Program and the State will
37 assist the State of Alaska and the community of Angoon.

38

39 (Pause)

40

41 CHAIRMAN ADAMS: Does that cover it. Is
42 there anything else that we need to put in there.

43

44 Okay, Mr. Kookesh, you know, I'm sorry if
45 I ignored you a little while ago, I was concentrating on,
46 you know, this thing here and trying to do two things at
47 one time is not very well for me but I apologize.

48

49 MR. KOOKESH: I know you're deep, I know
50 you're a really deep kind of person. But, I believe Mr.

1 Yae -- Yaeger had a question, I don't know if you asked
2 -- finished going around the table and asking -- but I
3 did have something I wanted to bring up yet.
4
5 CHAIRMAN ADAMS: Thank you. I didn't see
6 him over there but thank you, Floyd. John.
7
8 MR. YAEGER: I'm fine.
9
10 CHAIRMAN ADAMS: Are you sure. I want
11 you to be positive.
12
13 Okay, Mr. Kookesh.
14
15 MR. KOOKESH: Okay. When -- when -- what
16 I said earlier -- what I said earlier was, now they
17 brought up something ANS for -- to a community level and
18 I was talking about -- I don't know if it's any different
19 -- maybe Cal or Ben can speak to it, but I was thinking
20 of -- with the way I read it was -- and the number of
21 salmon that are reasonably necessary for subsistence use
22 -- uses, needs to be defined by stock or population,
23 which is species and location, that's what I was looking
24 for. I don't know if that's the language that I just
25 spoke to, is that correct, Ben.
26
27 CHAIRMAN ADAMS: Ben, you're sure welcome
28 to come up and respond to that.
29
30 MR. VAN ALEN: That is correct, in that
31 what you're reading was the proposal to the Board of Fish
32 in 2009, proposal 236, right, and, anyway, yeah, that's
33 the words there and it was specifically those words
34 because that is, indeed, exactly what is in State
35 regulation.
36
37 MS. HAWKINS: Bert.
38
39 CHAIRMAN ADAMS: Merle.
40
41 MS. HAWKINS: Yeah, can we go back to
42 number 1 then, because they're talking about.....
43
44 CHAIRMAN ADAMS: Before we do that,
45 though, Merle, I just want to be sure that we are
46 addressing up there, you know, Floyd's concern and, you
47 know, if he has any suggestions.....
48
49 MS. HAWKINS: Okay.
50

1 CHAIRMAN ADAMS:how to insert the
2 language in there.
3
4 MS. PHILLIPS: Mr. Chair.
5
6 CHAIRMAN ADAMS: Yes, ma'am.
7
8 MS. PHILLIPS: By saying at a community
9 level, that will -- then Angoon can bring that to the
10 table when the Feds and the State are assisting you in
11 developing that regulatory proposal.
12
13 CHAIRMAN ADAMS: Right. Okay, put it up
14 there and then we'll see, okay.
15
16 MS. PHILLIPS: It's there already.
17
18 CHAIRMAN ADAMS: Was it there -- is it
19 there already -- okay.
20
21 MR. KOOKESH: Also, one of the things --
22 I know -- I know Mr. Douville has a good point but I also
23 believe that the State of Alaska is going to --
24 commercial fishermen are going to fish as hard as they
25 can to catch as much as they can to turn a profit and I
26 know that when we subsist, no matter how hard we fish we
27 can only catch so much and we can never turn a profit and
28 that at some time it ends up -- we end up receiving
29 citations, so I would like to go back, even though he has
30 a good point, I still have to go back and say, why do we
31 keep getting cited over one fish. Why do we have to keep
32 going back to that kind of a lifestyle, that's what we
33 want to get away from. It's like the lady said earlier
34 this evening, do we have to come here and beg for our
35 food. I mean you got the Situk, and your -- you -- you
36 got a lot of fish up there. And I was also hoping that
37 the Mayor had any comments, I'd like to hear from the
38 Mayor if he wanted to offer something to this because we
39 just can't walk away with nothing, I didn't see much
40 here, so.
41
42 CHAIRMAN ADAMS: Donald.
43
44 MR. HERNANDEZ: You know, as much as way
45 that fishery is enforced might be a problem for the folks
46 in Angoon, I don't think it's the place for Federal
47 managers to be telling the State how to enforce their own
48 regulations, so I just don't think we can put that in our
49 discussion, Floyd, I'm sorry.
50

1 MR. KOOKESH: I have an answer.

2

3 CHAIRMAN ADAMS: Go ahead.

4

5 MR. KOOKESH: Section .506 says that the
6 Secretary of Agriculture shall consult and cooperate with
7 Angoon, with Kootznoowoo, excuse me, the Secretary of
8 Agriculture shall consult and cooperate with Kootznoowoo
9 in the management of Mitchell, Kanalku and Favorite Bay,
10 so under whose management authority are we talking about
11 when you look at the language like that, is that the
12 State's, the Secretary of Agriculture shall consult and
13 cooperate with Kootznoowoo of the management of Mitchell,
14 Kanalku and Favorite Bay, does the State have
15 jurisdiction now. Maybe this is one of the ones where we
16 need to put up here where the Federal government needs to
17 go tell the State of Alaska that you no longer have
18 jurisdiction in Mitchell, Kanalku and Favorite and that
19 you're no longer allowed to cite them because the
20 language, it's -- it's Federal land, Federal waters now.
21 We have that management authority that's given to us
22 under .506 of ANILCA, you can ask our general manager.
23 So that does exist out there, maybe we should put it up
24 there, that the Federal government go back -- and it's a
25 good point that we need to bring out, the Federal
26 government needs to start becoming responsible for -- for
27 management of Mitchell Bay. I shouldn't have to -- to
28 tell them that while ignoring -- which I've told them
29 before, by ignoring public law, are you breaking the law.

30

31 CHAIRMAN ADAMS: Okay, let's see.....

32

33 MR. KOOKESH: But the language is clear,
34 just -- maybe we should ask the Federal managers to go
35 back and review .506, just put it in there, Federal --
36 have Federal Subsistence Program address -- address .506
37 of ANILCA with Kootznoowoo, just put it in there, simple
38 language. We're not asking for much.

39

40 CHAIRMAN ADAMS: Why don't you put it in
41 that way, pursuant to .506, blah, blah, blah.

42

43 MR. KOOKESH: Uh-huh, yeah.

44

45 CHAIRMAN ADAMS: Okay.

46

47 MR. KOOKESH: Federal Subsistence

48 Program.....

49

50 CHAIRMAN ADAMS: We'll put that in there

1 and.....

2

3 MR. KOOKESH:under United States --
4 USDA Federal Subsistence Program -- that the USDA Federal
5 Subsistence Program meet, consult, cooperate or contact
6 Kootznoowoo concerning .506 of ANILCA. Because we need
7 to get to that, we need to open that door, that door's
8 been there since 1990 so.

9

10 CHAIRMAN ADAMS: Yeah, that's what I was
11 kind of looking for, Floyd, is the .506.....

12

13 MR. KOOKESH: Yeah, .506 of ANILCA.

14

15 CHAIRMAN ADAMS:for you to
16 help.....

17

18 MR. KOOKESH: Simple language.

19

20 CHAIRMAN ADAMS: Thank you.

21

22 MR. KOOKESH: Maybe we'll get rid of the
23 citation stuff at some point.

24

25 CHAIRMAN ADAMS: Merle.

26

27 MS. HAWKINS: Yeah, I think we should
28 just say consult with the State of Alaska, find agreeable
29 solutions and -- because if we go with number 1, we go
30 back to number 1, it is talking about opening up Chatham
31 Straits to a subsistence fishery, well, the State can't
32 do that, they can't -- it's against their Constitution.
33 Because in Alaska the resources are owned by all the
34 members of the state in common and everyone has equal
35 protection to access. So we can't be asking them to do
36 something that they can't do, that's why we should leave
37 it to them to negotiate to have access to their fishery.
38 But if we're going into detail like this it's not -- I
39 just don't think it's going to work.

40

41 CHAIRMAN ADAMS: I like, you know, what
42 Floyd is trying to emphasize here, and the thing that was
43 missing when I was trying to understand him was the .506,
44 you know, in ANILCA, and I think that pretty much covers,
45 you know, that situation as far as I'm concerned. But is
46 there any more comments about that.

47

48 Donald. I think I saw you nodding there
49 somehow.

50

1 MR. HERNANDEZ: My only comment is that,
2 you know, we're chartered to implement Title VIII of
3 ANILCA and I don't have any expertise in Title V of
4 ANILCA and I don't really feel very comfortable putting
5 that in there. If Angoon would like to pursue that in
6 another means perhaps, but I'm sorry I just don't think
7 it's part of our charter.

8

9 CHAIRMAN ADAMS: Floyd, go ahead.

10

11 MR. KOOKESH: It's the same difference.
12 But you need to make a correction, you need to remove
13 residents of Angoon and put Kootznoowoo and you have to
14 read .506 of ANILCA because it does pertain to
15 subsistence.

16

17 MR. HERNANDEZ: We have to read Title
18 VIII of ANILCA, I don't think we have to read Title V.

19

20 MR. KOOKESH: You have to read both of
21 them.

22

23 MR. HERNANDEZ: No, I disagree.

24

25 MR. KOOKESH: We have special -- excuse
26 me, Mr. Chairman, point of order. We have -- we have
27 legis -- special legislation for Angoon, this is our
28 petition.

29

30 MR. HERNANDEZ: I just think that's an
31 issue for another body to decide, Floyd, not us.

32

33 CHAIRMAN ADAMS: John.

34

35 MR. YAEGER: Thank you, Mr. Chair. I
36 would like to remind you, though, that this is the RAC's
37 recommendation and not Angoon's recommendation.

38

39 MR. KOOKESH: I'll remind him back that
40 I am on the RAC.

41

42 MS. PHILLIPS: Mr. Chair.

43

44 CHAIRMAN ADAMS: Patty.

45

46 MS. PHILLIPS: It doesn't sound like
47 there's consensus on that.

48

49 CHAIRMAN ADAMS: No, that's what I was
50 going to bring up, you know, we are operating under a

1 consensus program here and it doesn't seem like that is
2 a consensus, Mr. Kookesh.

3
4 So what's the feeling of the Council on
5 the particular issue there, inserting .506 into the
6 program.

7
8 MR. KOOKESH: At some point it's going to
9 go back to the USDA, the same, Title VIII, Title V, it's
10 all the USDA program, it's the same 800 pound gorilla.
11 I don't know what -- what could be the -- such a big
12 thing, it's such a -- it's Angoon's -- it's Angoon's and
13 if you don't make issue of it they'll never respond to
14 it. They'll never look at it, they'll just continue to
15 break public law -- the law.

16
17 CHAIRMAN ADAMS: Mr. Douville.

18
19 MR. DOUVILLE: Being that we don't have
20 consensus and we don't have anybody to consult and I am
21 not familiar with .506, I would suggest that we remove
22 it, however, I would also note that Mr. Kookesh's
23 concerns are on the record.

24
25 CHAIRMAN ADAMS: Mr. Bangs.

26
27 MR. BANGS: Thank you, Mr. Chairman. Why
28 don't we just remove the section and let them cooperate
29 with Kootznoowoo for Title -- or just ANILCA, period.

30
31 CHAIRMAN ADAMS: Would that work for you,
32 Mr. Kookesh.

33
34 MR. KOOKESH: Anything after Kootznoowoo,
35 Inc.,.

36
37 CHAIRMAN ADAMS: Okay. Take that after
38 Kootznoowoo, Inc., out of there.

39
40 (Pause)

41
42 MS. HAWKINS: Are we done with that part?

43
44 CHAIRMAN ADAMS: Floyd, that -- is
45 that.....

46
47 MS. HAWKINS: I still want to take out
48 number 1.

49
50 CHAIRMAN ADAMS:workable for you?

1 MR. KOOKESH: (Nods affirmatively)
2
3 CHAIRMAN ADAMS: Okay.
4
5 MS. HAWKINS: Because there's no way the
6 State is going to agree to a subsistence fishery in
7 Chatham Straits so why bother putting it in there, that's
8 the whole thing between Federal and State fisheries. I
9 mean it makes us look ridiculous, like we don't know what
10 we're talking about, even to ask for that.
11
12 CHAIRMAN ADAMS: I'll have him address
13 that, him, is Mr. Larson.
14
15 MR. LARSON: Thank you, Mr. Chair. I
16 don't think we should presuppose what the State Board of
17 Fish is going to do. There are similar fisheries several
18 places in Southeast Alaska, most recent interpretations
19 I've heard from the State is it's very likely this --
20 having a fishery in the C&T area of Chatham Straits is
21 already legal, what we're talking about is allowable
22 gear. So I think your observations are maybe not 100
23 percent.
24
25 Thank you.
26
27 MS. HAWKINS: Okay. But the other point
28 is that isn't what Angoon asked for, why are we trying to
29 solve their problems, because they have their own voice,
30 they should be working out these little details of what
31 they want from the State. I think we're going way too
32 in-depth and it should be broad and -- and then they can
33 work it out.
34
35 CHAIRMAN ADAMS: Okay. I want to get
36 some comments from the others and we'll come back to
37 that.
38
39 Go ahead, Mr. Bangs.
40
41 MR. BANGS: Yes, thank you, Mr. Chairman.
42 I think our intent was to provide for additional
43 subsistence and that was the only reason why that's in
44 there, is just additional opportunity to catch salmon and
45 that was our only intent. It's not like we -- you know,
46 if they get together with the State and they don't want
47 that, then that's fine, but I think that was the intent
48 of that particular point being put forward.
49
50 CHAIRMAN ADAMS: Yes, Cathy.

1 MS. NEEDHAM: Thank you, Mr. Chair. I
2 understand where Merle's coming from to an extent but I
3 remind ourselves that we're making a recommendation to
4 the Federal Subsistence Board for their recommendation to
5 the Secretaries and our recommendation is to defer
6 extending extraterritorial jurisdiction and give all
7 parties the opportunity to kind of adhere to some of the
8 word that we heard in their testimonies and giving them
9 an opportunity to cooperate with one another.

10

11 And so with that said, we decided -- I
12 thought the best way we decided to handle that was to set
13 milestones to assure that they were doing that, and then
14 if they're doing that, then maybe extraterritorial
15 jurisdiction is not extended because we can actually make
16 progress in cooperating and meeting the needs. And then
17 if these milestones are not met then extraterritorial
18 jurisdiction should be extended after three years, if
19 certain milestones aren't done.

20

21 And I think that's why we're getting into
22 the details. What are those milestones that we want to
23 see over the next three years while we defer extending
24 extraterritorial jurisdiction and how do we measure them.
25 Because I think the last thing that we're going to want
26 to do, is we're going to want a report back that these
27 things were done, and if they weren't then that means all
28 parties have failed to cooperate with one another to help
29 provide a subsistence opportunity for the residents of
30 Angoon.

31

32 MS. HAWKINS: I still think it's way too
33 specific. If you kept it broad to offer options for
34 subsistence fishery I would agree to it, but it's way too
35 specific.

36

37 CHAIRMAN ADAMS: Merle, why don't you
38 make a suggestion how to address that then.

39

40 MS. HAWKINS: Authorize a subsistence
41 salmon fishery probably up until the -- just take out the
42 gear would include the gillnets.

43

44 CHAIRMAN ADAMS: Take that out.

45

46 MS. HAWKINS: Yes, take that out.

47

48 CHAIRMAN ADAMS: Is that okay with the
49 other Council members.

50

1 MR. HERNANDEZ: Mr. Chairman.
2
3 REPORTER: Microphones.
4
5 CHAIRMAN ADAMS: Donald.
6
7 REPORTER: Anybody.
8
9 (Laughter)
10
11 MR. HERNANDEZ: I know it's getting late.
12
13 (Laughter)
14
15 MR. HERNANDEZ: Just to respond to
16 Merle's concerns.
17
18 We're not trying to tell anybody what
19 they have to do, I mean these are -- these are
20 suggestions that might help to resolve some problems and,
21 Merle, for this one it kind of responds to that -- the
22 subsistence need of Angoon, they came up with a number
23 that essentially that said that they needed 43,000 fish
24 to meet their needs, and you're just not going to get
25 43,000 fish from the systems that are available to them.
26 I mean we have to try and find some way that maybe they
27 can increase the amount of fish available to them and if
28 they could move that fishery away from -- not move it,
29 because they've still got to fish where they're fishing
30 now, but extend that fishery a little further and moving
31 it out into the waters of Chatham Straits itself would
32 allow them to access mixed stock fish, which is being
33 done in other parts of Southeast, the -- the first one
34 that was created was the one in Sumner Straits
35 surrounding my, you know, hometown of Point Baker, we
36 fought very hard to get that fishery. I think it was the
37 first time it was ever granted, a mixed stock fishery in
38 a Strait, Sumner Strait, in my case, how -- how that
39 fishery might be conducted would be up to the people in
40 Angoon if they choose to try and utilize it. The gillnet
41 is only put in there as a mention because you can -- if
42 you're targeting sockeyes you can be more species
43 specific with a gillnet, you know, use a larger mesh, you
44 wouldn't catch so many pinks, you'd catch more sockeyes.
45
46 Like I say, it's not telling anybody what
47 they have to do, it's just a -- it's just trying to open
48 up more opportunity to meet Angoon's needs.
49
50 And maybe it should read that -- instead

1 of authorize a subsistence fishery, is to support Angoon
2 in expanding the areas in which they could harvest fish
3 to the waters of Chatham Strait.

4
5 It may already be legal to fish that,
6 there's no -- there might not be any set, you know.

7
8 CHAIRMAN ADAMS: I saw him first, Tim,
9 but you're next.

10
11 MR. ACKERMAN: Yes, go ahead.

12
13 MR. WRIGHT: Thank you, Mr. Chairman.
14 With the gillnet, why don't you put may include a
15 gillnet, you know, because when you're saying will.....

16
17 (Pause)

18
19 MR. HERNANDEZ: Mr. Chairman.

20
21 CHAIRMAN ADAMS: Donald.

22
23 MR. HERNANDEZ: I think that could open
24 up a lot of possibilities. It sounds like Frank over
25 there in Hoonah has gone out with his, you know, full
26 size commercial seine and harvested fish at times, you
27 know, for local use, if the people in Angoon could
28 partner with somebody from Hoonah or Kake that has a --
29 still has a seine and a seine boat that would want to
30 come and fish with them for a period, I mean it might be
31 possible.

32
33 So it just opens up some new
34 possibilities and I thought it might be helpful.

35
36 CHAIRMAN ADAMS: Okay, Tim, go ahead.

37
38 MR. ACKERMAN: Yeah, Mr. Chairman. I was
39 just going to add that any time you say subsistence
40 salmon fishery there's multiple ways to harvest it and I
41 think the salmon fishery there in itself, as the
42 gentleman from the State quoted there, that it is already
43 legal to use nets in the water in and around. So we do
44 the same fishery with gillnets and it's a mixed fishery
45 there, so no dynamite allowed.

46
47 CHAIRMAN ADAMS: Mr. Kookesh.

48
49 MR. KOOKESH: Yeah, after thinking about
50 it for awhile, why do we want to -- a fishery --another

1 fishery in Chatham Straits when we cannot easily catch
2 cohos, we can easily catch kings, we can easily catch
3 humpies, and, you know, Bob can attest to that, but my
4 point is we're having a hardship with sockeyes, why do we
5 want to have a subsistence fishery in Chatham Straits
6 where we don't need one, when you had it as sockeye
7 fishery, the -- the -- the fishery was already in
8 trouble, we didn't need to add that, I'm glad they
9 removed that, but why do we need a gillnet fishery in
10 Chatham when we can -- we can go out and catch 24 cohos
11 in a little while, it's nothing for us to catch cohos in
12 Angoon, kings are a little more of a challenge. But we
13 don't need that number 1.

14

15 The problem is is the -- the sockeye
16 fishery, that's the issue, fixing that thing. It doesn't
17 make sense to have number 1 there.

18

19 CHAIRMAN ADAMS: Okay. We need to reach
20 a consensus here, ladies and gentlemen, so what does the
21 other Council members feel about Mr. Kookesh's statement.
22 And then we've got you, Mr. Bangs, go ahead.

23

24 MR. BANGS: Yeah, remove number 1.

25

26 CHAIRMAN ADAMS: Everybody in agreement.
27 It looks like.....

28

29 (Council nods affirmatively)

30

31 CHAIRMAN ADAMS: Take it out of there.
32 Eliminate that, sir.

33

34 Okay, Merle, I saw you clap your hands
35 you can get up and cheer now.

36

37 MS. HAWKINS: Okay. I'm going to say it
38 again, I don't think we should be going into specifics
39 because the State, the Federal Subsistence Board, this
40 RAC, they can consult with the State of Alaska to find
41 agreeable solutions for these issues; that's our goal,
42 but going into the specifics of this, you know, getting
43 this late, we're not going to agree on everything.

44

45 CHAIRMAN ADAMS: Okay.

46

47 MS. PHILLIPS: Mr. Chair.

48

49 CHAIRMAN ADAMS: Go ahead, Patty.

50

1 MS. PHILLIPS: I'd like to add a final
2 statement.
3
4 The Council requests regular progress
5 reports.
6
7 CHAIRMAN ADAMS: Where would you like
8 that inserted?
9
10 MS. PHILLIPS: The end.
11
12 CHAIRMAN ADAMS: The very end, okay.
13
14 MS. PHILLIPS: Mr. Chair.
15
16 CHAIRMAN ADAMS: Yes, ma'am.
17
18 MS. PHILLIPS: Someone was suggesting an
19 out of.....
20
21 CHAIRMAN ADAMS: Cycle.
22
23 MS. PHILLIPS:out of cycle
24 proposal.
25
26 CHAIRMAN ADAMS: Uh-huh.
27
28 MS. PHILLIPS: What was that all about,
29 I don't even remember now. Is that on the gear.
30
31 CHAIRMAN ADAMS: Cathy.
32
33 MS. NEEDHAM: I think when we were
34 discussing it in deliberations it had to do with the
35 original proposals that Angoon went to the Board of Fish
36 with and we asked the question of whether or not the
37 Board of Fish would entertain an out of cycle proposal to
38 readdress those things in light of everything that has
39 come out of this ETJ petition.
40
41 CHAIRMAN ADAMS: Okay. Somebody had
42 their hands up over here. Mr. Kookesh.
43
44 MR. KOOKESH: I lied again. When she
45 mentioned the sunset or the date, I believe it was for --
46 we should put in there winter 2014 meeting, what is it,
47 three years from now, winter 2015 meeting. Motion to
48 extend extraterritorial jurisdiction, we won't be here.
49
50 CHAIRMAN ADAMS: Talk for yourself.

1 MR. KOOKESH: Yeah. Well, you know about
2 God and light, you might not get back on.
3
4 (Pause)
5
6 CHAIRMAN ADAMS: Okay. Floyd, go ahead.
7
8 MR. KOOKESH: I was talking to a young
9 man from Yakutat and he was telling me that you had
10 informed him that this was going to be your last -- your
11 last.....
12
13 CHAIRMAN ADAMS: I'll explain that when
14 we get towards the end.
15
16 MR. KOOKESH:three years.
17
18 CHAIRMAN ADAMS: Well, I'll explain that
19 when we get toward the end.
20
21 MR. KOOKESH: Yeah, that's why I was
22 asking.
23
24 CHAIRMAN ADAMS: Yeah.
25
26 MR. KOOKESH: Saying what I was saying.
27
28 (Pause)
29
30 CHAIRMAN ADAMS: Cathy. Your arm was
31 getting tired, wasn't it.
32
33 MS. NEEDHAM: A little bit. On the
34 second bullet item, close commercial seine fishery in
35 areas in regulation that have been closed by State
36 emergency order, I think we need to figure out whether or
37 not that actually falls in the Board of Fish cycle within
38 the next three years, because if it doesn't then we do
39 need to have them consider an out of cycle proposal. And
40 I don't know if that -- I see Jennifer standing strong
41 and still here, I don't know if she can answer in the
42 next three years will the Board actually have a proposal
43 period in order to close a commercial seine fishery by
44 regulation for Southeast. It seems like we were just
45 through that process.
46
47 CHAIRMAN ADAMS: (In Tlingit)
48
49 MS. YUHAS: Gunalcheesh.
50

1 CHAIRMAN ADAMS: (In Tlingit)

2

3 MS. YUHAS: Jennifer Yuhas for the
4 record. Within the next three years there will be a
5 period. Without a couple minutes to look it up on the
6 iPhone, I don't know exactly when that will occur. That
7 doesn't preclude action coming -- if that's towards the
8 end of the three year period, it doesn't preclude an out
9 of cycle proposal and Assistant Commissioner Kelly Hepler
10 already spoke to the idea that that's feasible and that
11 -- he spoke that since the previous proposals had been
12 rejected as is that there would probably be more hope for
13 the passage of a proposal that was brought by a group
14 that had made an agreement.

15

16 MS. NEEDHAM: So if we don't consider an
17 out of cycle proposal then we don't have the opportunity
18 to close it until the next cycle, which is in three
19 years, and that doesn't address the problem the next
20 seine fishing season or the next seine fishing season
21 after that unless it's closed by emergency order?

22

23 MS. YUHAS: If you speak to Board of
24 Fishery proposal, you don't have to say, unless Kelly,
25 would like to correct me, whether that's in cycle or out
26 of cycle. I mean we've already discussed on the record
27 the idea of bringing a proposal out of cycle, I don't
28 (shrugs shoulders).....

29

30 CHAIRMAN ADAMS: Thank you. Mr. Larson.

31

32 MR. LARSON: Thank you, Mr. Chair. The
33 closure of these two areas has been a normal part of the
34 management plan in recent years and it's not an
35 emergency, it's well within the power and authority of
36 the in-season manager for Fish and Game, therefore, it
37 would really not be appropriate to be an emergency action
38 for the Board of Fish. It's not that kind of a proposal.
39 But the two years from now, the proposal period, that
40 would be in April of 2014 would be open for regular
41 proposals for changes to commercial fish regulations in
42 Southeast.

43

44 Thank you.

45

46 CHAIRMAN ADAMS: Mike.

47

48 MR. DOUVILLE: Thank you, Chairman Adams.
49 The last sentence there, I would request not so much
50 demand, to be polite.

1 CHAIRMAN ADAMS: I didn't get it. Would
2 you repeat your -- did you get it?
3
4 MR. DOUVILLE: I guess what I would like
5 to say is we request the Secretary.
6
7 CHAIRMAN ADAMS: Okay. Okay.
8
9 (Pause)
10
11 MS. PHILLIPS: Mr. Chairman.
12
13 CHAIRMAN ADAMS: Patty.
14
15 MS. PHILLIPS: Can we proceed to read the
16 milestones and possibly close.
17
18 CHAIRMAN ADAMS: Yes, ma'am, let's go
19 ahead and read that.
20
21 MS. PHILLIPS: Amend the Northern
22 Southeast Alaska Seine Fishery Management Plan and the
23 Hidden Falls Hatchery Management Plan to include
24 accommodations for the State and Federal subsistence
25 fisheries.
26
27 Close the commercial seine fishery areas
28 in regulations that have been closed by
29 State emergency order near Basket Bay,
30 and Kootznoowoo Inlet.
31
32 The Federal Subsistence Program and the
33 Alaska Department of Fish and Game will
34 assist the community of Angoon in
35 developing a regulatory proposal for the
36 State Board of Fish at the next regular
37 cycle to change the amount necessary for
38 subsistence finding to a community level
39 rather than a Juneau management area
40 designation.
41
42 It is advantageous for evaluation of the
43 success of the management plan if
44 escapement goals for Kanalku, Kook,
45 Sitkho, Hasselborg and Eva Lakes are
46 developed.
47
48 Genetic stock identification programs
49 and escapement goal studies by the State
50 of Alaska in cooperation with the

1 Federal Subsistence Management Program
2 will be implemented within three years.
3
4 The Federal Subsistence Program contact
5 and cooperate with Kootznoowoo, Inc.,
6 concerning the application of ANILCA.
7
8 The Council requests the Secretary
9 provide annual progress reports to the
10 Council and the Subsistence Board
11 regarding these recommendations.
12
13 CHAIRMAN ADAMS: Okay. Floyd.
14
15 MR. KOOKESH: I believe if I'm correct
16 they were called milestones instead of recommendations.
17 And, also that you should include winter -- winter 2015,
18 is that your drop dead date, at the annual meeting, in
19 winter 2015 -- they might not know when you gave them
20 this.
21
22 CHAIRMAN ADAMS: Okay. Is everyone okay
23 with that.
24
25 (Council nods affirmatively)
26
27 MR. LARSON: I would say not milestones,
28 because the recommendations are, you know, included up
29 here.
30
31 CHAIRMAN ADAMS: Uh-huh.
32
33 MR. LARSON: It's the document, within
34 this document.
35
36 CHAIRMAN ADAMS: Turn your microphone on
37 and speak to the mic, please.
38
39 MS. PHILLIPS: What's wrong with
40 recommendations.
41
42 MR. LARSON: I would say that
43 recommendations is more inclusive of this document rather
44 than specifying just the milestones.
45
46 Mr. Chair.
47
48 CHAIRMAN ADAMS: Cathy.
49
50 MS. NEEDHAM: Can you just take out the

1 header that says milestones and then that just says
2 recommendations, it goes right from the recommendations
3 into the list.

4
5 CHAIRMAN ADAMS: That might be better.
6 Okay. Everyone okay with that.

7
8 (Council nods affirmatively)

9
10 CHAIRMAN ADAMS: Merle is putting stuff
11 in her purse so I guess she is getting ready to go.

12
13 All right.

14
15 So the next thing that we need to do is
16 to accept this.

17
18 MS. PHILLIPS: Mr. Chair.

19
20 CHAIRMAN ADAMS: Patty.

21
22 MS. PHILLIPS: Move to accept the
23 recommendation on Kootznoowoo petition for
24 extraterritorial jurisdiction by the Southeast Alaska
25 Subsistence Regional Advisory Council March 22nd, 2012.

26
27 MR. BANGS: Second.

28
29 CHAIRMAN ADAMS: Okay. We've discussed
30 the death out of it already, haven't we.

31
32 MS. HAWKINS: Question.

33
34 CHAIRMAN ADAMS: Question's been called.
35 All in favor please say aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN ADAMS: Opposed, nay.

40
41 (No opposing votes)

42
43 CHAIRMAN ADAMS: Motion is carried.
44 Congratulations Council members, it's always a pleasure
45 to work with you because I know when you get your heads
46 together and everything, you know, something good always
47 comes of it, so I appreciate it. I appreciate it very
48 much.

49
50 So this is what I'm going to present to

1 the Board tomorrow morning and I'm going to read it word
2 for word, okay.

3

4 And I know we all want to get home, I do,
5 too, I missed my ball game. But I wanted to respond to
6 Mr. Kookesh's comment about my longevity on this Council.

7

8 When I went up to the Federal Subsistence
9 Board meeting, I believe it was in January I left at a
10 time when my wife was very ill and I didn't know, you
11 know, how serious it was and so I kind of made an
12 announcement to the Board that even though I was
13 appointed for another three years that I wasn't sure
14 about how much longer I would be able to serve. I came
15 back home and I told my wife about it and she discouraged
16 me to hang on, you know, that she'll be fine. The thing
17 is, is I hated to leave her that time of the year, I hate
18 to be away from her right now, the winter conditions are
19 very severe. And then I had conversation with some of my
20 friends, you know, in the Federal system and they
21 explained to me that if I step down at this point,
22 someone from Yakutat is going to have to be appointed to
23 this Board, you know, and that I really should rethink my
24 decision about that. So what I did is I went back home
25 and I started talking it up with some of the people in
26 the community and encouraged some of the younger people
27 to apply for a position on this Board and a couple has so
28 far and so, you know, with that I just wanted to explain
29 that to you. I'm glad that Mr. Kookesh reminded me about
30 it.

31

32 But, anyhow that's the situation right
33 now, it could change, you know, but I love working with
34 you people and I enjoy being your Chairman and I thank
35 you for the confidence that you have in me.

36

37 Mr. Douville.

38

39 MR. DOUVILLE: Chairman Adams. I'm glad
40 that you could continue and we do appreciate your hard
41 work although it seems like it takes us awhile to get
42 somewhere, we do get there and hopefully we've done a
43 good job.

44

45 Thank you.

46

47 CHAIRMAN ADAMS: Thank you, Mr. Douville.

48

49 Would anyone like to make any closing
50 remarks.

1 Robert.

2

3 MR. LARSON: Mr. Chair. I think we have
4 a couple of items left. I would like some -- maybe some
5 quick direction. For instance the tentative date for the
6 spring meeting, that was planned on top of two other
7 Council meetings, I think that it would be more
8 appropriate to move that and I looked at the schedule --
9 but we need to move it, and I could investigate that. I
10 think it would be better, scheduling-wise, for the rest
11 of the Councils, if we did it two weeks later than what
12 it is, that would be -- again, the end of the -- the
13 first week in March, but I would -- I think we're going
14 to need some direction but if you don't want to address
15 it now we can do it over the telephone.

16

17 CHAIRMAN ADAMS: Yeah, I was going to
18 suggest that.

19

20 MR. LARSON: Okay.

21

22 CHAIRMAN ADAMS: Just get a consensus
23 from the Council.

24

25 MR. LARSON: And the other is.....

26

27 CHAIRMAN ADAMS: Cathy, you got something
28 relating to that.

29

30 MS. NEEDHAM: (Shakes head negatively)

31

32 CHAIRMAN ADAMS: No. Closing remarks or
33 something.

34

35 MS. NEEDHAM: No, not closing remarks.
36 We had another potential piece of business to take care
37 of, and that was that Mr. Pete Probasco reported back to
38 us that the Federal Subsistence Board has sort of put the
39 ball back into our court regarding our recommendations to
40 changes for customary and traditional use. And, you
41 know, it's something that we talked about, included it in
42 our annual report, but we haven't decided what we're
43 going to do now that the ball's back in our court, and I
44 might recommend that we create a working group, or a
45 subcommittee of this Council to work between now and the
46 next time we meet in six months so that we can actually
47 have strong -- and meet with Staff as well, so it's a
48 subcommittee of this and then Staff can help us to define
49 or come up with our C&T recommendations that we would
50 bring back to the Federal Subsistence Board.

1 CHAIRMAN ADAMS: Sure. Would you like to
2 lead that committee.
3
4 MS. NEEDHAM: Um.
5
6 (Laughter)
7
8 MS. NEEDHAM: Sure, yes, please.
9
10 (Laughter)
11
12 CHAIRMAN ADAMS: Okay. Then you could
13 also, you know, pick a couple people to help you with
14 that, if you don't mind.
15
16 MS. NEEDHAM: I get to hand pick them.
17
18 CHAIRMAN ADAMS: You bet.
19
20 (Laughter)
21
22 MS. NEEDHAM: Maybe I would ask if
23 there's any volunteers so that I don't offend
24 anybody.....
25
26 CHAIRMAN ADAMS: Sure.
27
28 MS. NEEDHAM:in case everybody's
29 chomping at the bit.
30
31 CHAIRMAN ADAMS: Any volunteers.
32
33 (Laughter)
34
35 CHAIRMAN ADAMS: Any volunteers that want
36 to help Cathy in this effort.
37
38 (No response)
39
40 MS. NEEDHAM: Okay. Well, one person I'm
41 going to pick is Patty Phillips.
42
43 (Laughter)
44
45 MS. PHILLIPS: All right.
46
47 CHAIRMAN ADAMS: All right, she says.
48
49 MS. NEEDHAM: I know this is an important
50 issue. And I might need a little bit of a reminder of

1 who was on the original subcommittee in Sitka with me
2 when we actually developed the recommendations for C&T
3 that we put to the Board, who else was on that committee,
4 no volunteers -- oh, Tim. Tim, okay. Tim was on that.

5
6 CHAIRMAN ADAMS: Tim. Tim, too, okay.

7
8 MS. NEEDHAM: Okay. Tim, Patty and I.

9
10 CHAIRMAN ADAMS: Uh-huh.

11
12 MS. NEEDHAM: Is that enough.

13
14 CHAIRMAN ADAMS: Yes.

15
16 MS. NEEDHAM: Nobody else wants to do it.
17 Come on chickens.

18
19 (Laughter)

20
21 MS. NEEDHAM: All right, fine.

22
23 CHAIRMAN ADAMS: Thank you. Okay, so I
24 will allow anyone who would like to make some closing
25 remarks and then -- and I need to go home and get some
26 rest.

27
28 Anyone.

29
30 Patty.

31
32 MS. PHILLIPS: Thank you for your calm
33 and your patience. This was a highly controversial
34 subject that we dealt with and I really feel like we came
35 through it, you know, where we have respect from
36 everyone, from all corners and I appreciate that, your
37 leadership.

38
39 CHAIRMAN ADAMS: Thank you, Patty.
40 Anyone else.

41
42 (No comments)

43
44 CHAIRMAN ADAMS: Okay, this meeting is
45 adjourned.

46
47
48 (Off record)

49
50 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 241
through 350 contain a full, true and correct Transcript
of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY
COUNCIL, VOLUME III, taken electronically by our firm on
the 22nd day of March 2012 in Juneau, Alaska;

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

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

DATED at Anchorage, Alaska, this 5th day
of April 2012.

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