

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

5  
6 VOLUME II

7  
8  
9 Sitka, Alaska  
10 March 23, 2011  
11 1:00 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 Frederick Nielsen  
24 Floyd Kookesh  
25 Cathy Needham  
26 Patricia Phillips  
27 Frank Wright  
28 John Yeager  
29  
30  
31  
32 Southcentral Council Chairman, Ralph Lohse  
33  
34 Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Sitka, Alaska - 3/23/2011)

(On record)

CHAIRMAN ADAMS: Okay. Is all of the Council members here? For the first time in a long time we have a full Council, 13 members. So we want to take this opportunity to have our photos taken, we're going to line up right over here. So please come up here and.....

(Off record comments)

CHAIRMAN ADAMS: We'll call this meeting back to order. Just want to, you know, share with you that it was a very enlightening trip this morning and appreciated, you know, the opportunity to go out along Makhnati Island and other areas that affects the herring fishery as well as the sac roe. So we hope, you know, Council members have been able to, you know, absorb what was going on and, you know, will help us in our decision making in the future in regards to that area. So I thought it was a pretty quick -- pretty good morning.

And now we're here to continue on with the working of our agenda.

I'd like to kind of recognize a couple people if I might. I have a friend of mine from Yakutat, Vincent Johnson. Would you please stand up, Vince, and let people see who you are. Yeah, he's a very active subsistence user, a trapper, hunter and he's down here for some medical reasons so I invited him over to observe what we are doing.

Also we have in the back over there, Jennifer Hanlon. And if you'd just show yourself, Jennifer. She works for -- what is it, the Southeast Alaska Conservation Council and is here to observe as well.

For those of you who would like to testify anytime today, go see Melinda up there and she will give you a blue sheet to fill out, give it to her and then she will bring those down to us and we'll take those testimonies, you know, when we see appropriate.

But anyhow our purpose now is to go through the rest of the agenda. The next agenda item, of

1 course, the sea otter management status report. So,  
2 Carrie, are you here and Mr. Burn?

3  
4 (Off record comments - Carrie Sykes not  
5 present)

6  
7 CHAIRMAN ADAMS: All right. Why don't we  
8 just, you know, wait for that for a minute. Let's go --  
9 let's do the review of the annual report right now. And  
10 have you all had a chance to look at the annual report?  
11 We need to finalize it and if you have any, you know,  
12 corrections, additions or whatever, you know, to it,  
13 please feel free to do that right now.

14  
15 MR. LARSON: Mr. Chair. And I do have a  
16 few extra copies.

17  
18 CHAIRMAN ADAMS: Who needs a copy, do you  
19 need a copy, Patty?

20  
21 MS. PHILLIPS: No, I got it.

22  
23 CHAIRMAN ADAMS: Okay. Why don't we just  
24 take a few minutes and go over that and if you want to,  
25 you know, make any changes then we need to do that and  
26 then finalize it so that it can be submitted to the  
27 Board.

28  
29 (Pause)

30  
31 CHAIRMAN ADAMS: Just for everyone's in  
32 the building information, some of the things that we  
33 addressed are in regards to Council member appointment  
34 the Council recommends that the Board accept criteria  
35 that results in the Board -- in a broad, geographical  
36 presentation when making recommendations. Those  
37 recommendations are made -- those recommendations are  
38 submitted to the Secretaries of Agriculture and, of  
39 course, the Interior. So that's, you know, in a nutshell  
40 one of the things that's in our report.

41  
42 Another thing that we as Council members  
43 have been pretty, you know, concerned about is adequate  
44 funding to do the things that we as Council members  
45 should do. And so, you know, that would -- that is in  
46 the report. One of the things that -- we did get a  
47 response from Secretary Vilsak and he anticipated  
48 continuing funding the Department of Agriculture. And I  
49 know we experienced some severe cuts, you know, a year or  
50 so ago and that's the reason for, you know, this concern

1 and we address it to them and so, you know, his response  
2 is that they will continue funding as much as they  
3 possibly can.

4  
5 We're going to be hearing a report here  
6 pretty soon about the sea otter issue. So -- you know,  
7 the continued expanding of the sea otter populations.  
8 Finally -- we've been complaining, you know, about this  
9 for years and years and years and finally now we hope,  
10 you know, something can be -- can come before us where we  
11 can actually see some action items.

12  
13 Tlingit and Haida Central Council  
14 sponsored a meeting here in Sitka, I think they had about  
15 a two and a half day meeting over at the ANB Hall. I was  
16 really hoping we could go over there and observe, you  
17 know, what they were doing, but, you know, our agenda  
18 didn't allow that. But we're looking forward to Mr. Burn  
19 and, you know, Carrie Sykes' reports here in a few  
20 minutes.

21  
22 I just thought maybe I'd just highlight  
23 some of these here, you know, points. One of the things  
24 that we observed in the past was, you know, Board has  
25 only funded the Chairs to go the Federal Subsistence  
26 Board meetings and so in our annual report we addressed  
27 the issue that there should be another Council member,  
28 you know, who would accompany to the Board, that should  
29 be funded as well. I think that's a really good idea to  
30 try to, you know, push forward.

31  
32 As most of you have witnessed this  
33 morning the Council considers field trips vital, a vital  
34 component, you know, to the work that we are engaged in  
35 now. And this morning I think, you know, really  
36 demonstrated the importance of those field trips. So,  
37 you know, we need to -- we need to be insistent that  
38 those field trips, you know, be a important part of our  
39 meetings in the future.

40  
41 So those are some of the things that I  
42 just wanted to share with you, they're points that I  
43 highlighted. And so does any other member of the Council  
44 who would like to, you know, bring out any issues they  
45 see will -- please feel free to do so right now.

46  
47 Mr. Bangs. Go ahead.

48  
49 MR. BANGS: Thank you. Mr. Chairman.  
50 There's one thing that we had talked about at a lot of

1 the other meetings and that was requesting that the Board  
2 give deference to the Councils when it comes to rural  
3 determinations. And I was wondering if that would be  
4 something to put in the annual report.

5  
6 Thank you.

7  
8 CHAIRMAN ADAMS: Sure, that can be done.  
9 Anything else?

10  
11 (No comments)

12  
13 CHAIRMAN ADAMS: Thank you, Mr. Bangs.  
14 Okay. If there's nothing else we'll need.....

15  
16 MR. LARSON: We'll need a motion.

17  
18 CHAIRMAN ADAMS: I know we need a motion.  
19 So.....

20  
21 MR. KOOKESH: Are we.....

22  
23 CHAIRMAN ADAMS: Pardon.

24  
25 MR. KOOKESH: Are we going to go into a  
26 motion?

27  
28 CHAIRMAN ADAMS: We are. That's what I  
29 was going to bring up next. Okay. So we need a motion  
30 to accept the annual report as amended by Mr. Bangs.

31  
32 MR. KOOKESH: Mr. Chair.

33  
34 CHAIRMAN ADAMS: Mr. Kookesh.

35  
36 MR. KOOKESH: Can you explain to me what  
37 you just did?

38  
39 CHAIRMAN ADAMS: Hmmm.

40  
41 MR. KOOKESH: Can you explain to me what  
42 you just did?

43  
44 CHAIRMAN ADAMS: What we just -- what I  
45 just did?

46  
47 MR. KOOKESH: Yeah, what process are you  
48 using here on this letter.

49  
50 CHAIRMAN ADAMS: Okay. What we need to

1 do is we need to -- we're reviewing the annual report  
2 right now and we need to accept it so that it can be  
3 submitted to the Board. And, Mr. Bangs, you know, added  
4 the deference, you know, on C&T to it. So we're going to  
5 do that.

6

7 Do you have something that you want to  
8 bring, we can sure do that.

9

10 MR. KOOKESH: Mr. Chairman. I just  
11 wanted to make some comments on it too. So.....

12

13 CHAIRMAN ADAMS: First why don't we go  
14 ahead and make a motion to adopt it and then second it  
15 and then you can -- then you can address it, Mr. Kookesh,  
16 please.

17

18 Mr. Bangs.

19

20 MR. BANGS: Thank you. Mr. Chairman. I  
21 move to adopt the draft of the annual report as amended.

22

23 Thank you.

24

25 CHAIRMAN ADAMS: Thank you. Is there a  
26 second?

27

28 MR. DOUVILLE: I'll second.

29

30 CHAIRMAN ADAMS: Mr. Douville seconded.  
31 Okay. Now we can discuss it.

32

33 Mr. Kookesh. Go ahead.

34

35 MR. KOOKESH: I just had a couple things,  
36 Mr. Chairman. Under number 1 on the second page it says  
37 that Southeast Alaska and the Yakutat areas. I was  
38 wondering why we have the Yakutat areas when each of  
39 those communities in Southeast Alaska covers the Yakutat  
40 area.

41

42 And also there's a sentence on number 2  
43 that says the lost of the entire project code. You need  
44 to change the word lost to the loss, L-O-S-S.

45

46 CHAIRMAN ADAMS: So noted, Mr. Kookesh.

47

48 MR. LARSON: Mr. Kookesh, regarding the  
49 areas. By our regulations our areas are divided up not  
50 only into regions, we have a region that says Southeast

1 Yakutat Region, but technically what we have is a Yakutat  
2 area and a Southeast Alaska area. So if you look in our  
3 regulation book both in the fish side and the wildlife  
4 side, you'll find them separated in those -- into an  
5 area. And then we have a legal description of this area.  
6 So that's technically the way that we should be talking  
7 about our region is these two areas. Then that's -- and  
8 that's why they're referenced that way.

9

10 CHAIRMAN ADAMS: Go ahead, Mr. Kookesh.  
11 Go ahead.

12

13 MR. KOOKESH: The -- on number 3 that  
14 says the Council has not received response to our letter.  
15 Didn't we just receive a response?

16

17 MR. LARSON: That's correct. And I've  
18 taken the liberty to delete that sentence or a portion of  
19 the sentence, it's the last sentence where it start the  
20 Council has. Right now I've struck through has not  
21 received a response to that letter, but. So right now it  
22 reads the Council maintains the opinion that the and it  
23 continues on with the rest of that sentence. So that's  
24 my -- that's my suggested language there to fix this fact  
25 that we already have this letter now.

26

27 CHAIRMAN ADAMS: That sound okay, Floyd?

28

29 MR. KOOKESH: (Nods affirmatively)

30

31 CHAIRMAN ADAMS: Okay. Mr. Nielsen.

32

33 MR. NIELSEN: Yes, I agree with -- he  
34 says that how do we know what kind of response are we  
35 getting back, what kind of feedback are we getting. You  
36 have to understand that you're asking for something and  
37 expecting something in return, but you're not getting a  
38 return address on this thing. I'm a little concerned  
39 about that. It's just like a telephone poll, Sitka  
40 Tribe, we voted to outlaw that because we don't know  
41 who's on the other end. The State Human Rights  
42 Commission says that it's not acceptable because we don't  
43 know who's talking on the other end.

44

45 Thank you.

46

47 CHAIRMAN ADAMS: Thank you, Mr. Nielsen.  
48 I don't know of any issue that this Council has brought  
49 before, you know, the Board or, you know, that hasn't had  
50 an adequate response. So I think maybe I'll have Mr.

1 Larson, you know, elaborate on that a little bit.

2

3                   Would you mind, Robert.

4

5                   MR. LARSON: Thank you. Mr. Chair. The  
6 process is that the annual report is a mechanism to bring  
7 items to the attention of the Board that the Council  
8 thinks is worthy of their attention and it's a way to  
9 share information with the Board. If there is concerns  
10 that -- where we're asking for Board -- a reply or some  
11 Board action, then the Board will reply to this letter,  
12 it -- depending on the content of the letter it may thank  
13 you very much, I sure appreciate this -- you know, being  
14 informed of this issue and this is how we're going to  
15 move forward with it or if it's a request for action  
16 they're going to tell you how they're going to react and  
17 what they've done and some timelines. Now the response  
18 letter is draft or crafted between now and the next  
19 meeting so we will have a reply to our annual report at  
20 our September meeting. And they will likely go through  
21 our letter on a point by point basis and inform us what  
22 the Board is going to do about each of these items that  
23 we bring to their attention. So they will have a fairly  
24 complete and very informative response to this annual  
25 report. An annual report is part of our obligations and  
26 our opportunity to communicate with the Board as provided  
27 in ANILCA and they take that very seriously. So you'll  
28 get a good response in -- at our September meeting.

29

30                   MR. NIELSEN: Thank you.

31

32                   CHAIRMAN ADAMS: Mr. Wright.

33

34                   MR. WRIGHT: Mr. Chairman. Thank you.  
35 I notice on the letter that it doesn't have a date on it  
36 so any response to this draft letter would -- we wouldn't  
37 know when this draft was written. So I think that a date  
38 would be -- have to be -- should be put on there.

39

40                   Does -- Bob, when.....

41

42                   CHAIRMAN ADAMS: When we -- when we  
43 approve it then the letter will be, you know, redrafted  
44 and then the date and everything will be put on it.  
45 So.....

46

47                   MR. WRIGHT: Mr. Chairman. But it's  
48 still a draft which it -- when a draft is written it  
49 should have a date because, you know, like Mr. Larson had  
50 stated that we had received a response from one subject

1 of it, is that what you said?

2

3 MR. LARSON: That's correct.

4

5 MR. WRIGHT: So the date of the draft  
6 would, you know, backup the response.

7

8 CHAIRMAN ADAMS: Thank you for that, Mr.  
9 Wright. So noted.

10

11 MR. WRIGHT: Thank you.

12

13 CHAIRMAN ADAMS: Merle.

14

15 MS. HAWKINS: Mr. Chair. On Page 3,  
16 number 6, the two sentences seem to contradict each other  
17 so I'd recommend a change. The Council is requesting  
18 additional training would be stronger wording. And on  
19 the second sentence, participation by a second Council  
20 representative at the Board meeting would be a component  
21 of a badly needed training. I'd like to take out the  
22 word badly needed, just take out the word badly, it just  
23 doesn't sound right if everyone agrees with that.

24

25 CHAIRMAN ADAMS: Thank you, Merle. So  
26 noted. Okay. Anyone else?

27

28 Mr. Kookesh.

29

30 MR. KOOKESH: Yeah, yesterday we were  
31 given the honor and privilege of having -- going over the  
32 Charter. And one of the things that's in the Charter is  
33 that we're going to be providing our report to the  
34 Secretary. So I was wondering is this supposed to be  
35 addressed to the Secretary with a carbon to Mr. Towarak,  
36 is that the way the ANILCA language reads, do we have it  
37 in reverse -- reverse something?

38

39 CHAIRMAN ADAMS: I'm not sure about that,  
40 Mr. Kookesh, but we've always addressed the annual report  
41 to the Chairman of the Board.

42

43 MR. KOOKESH: Maybe we've been doing it  
44 wrong and in reading the Charter that's what it says, you  
45 know, maybe we've done it that way or maybe we're --  
46 nothing wrong with making a correction, we're not --  
47 we're not mechanical, we're human, we can -- we have the  
48 ability to adjust, but that's the way I read the Charter,  
49 it's on Page 28 if you want to read it. It actually  
50 reads prepare an annual report to the Secretary

1 containing the following.

2

3 CHAIRMAN ADAMS: Sure, Mr. Kookesh, we  
4 appreciate that. And when you give your report, you  
5 know, on the Charter later on we'll address that issue  
6 again.

7

8 Mr. Probasco, do you have a comment to  
9 make?

10

11 MR. PROBASCO: Thank you. Mr. Chair.  
12 Mr. Kookesh. Thank you for the question. Keep in mind  
13 that both the Secretary of Agriculture and the Secretary  
14 of Interior have empowered the Federal Subsistence Board  
15 to carry out the Federal Subsistence Management Program  
16 on their behalf. And so it's totally appropriate for the  
17 letters as directed by the Secretary to the Board, to  
18 address the letters to the Board and have the Board  
19 respond. Now what that said, through the Secretary's  
20 office this information is also shared with the  
21 Secretaries, but it's the Board acting on behalf of the  
22 two Secretaries and that is why the letter's drafted  
23 accordingly.

24

25 Mr. Chair.

26

27 CHAIRMAN ADAMS: Thank you, Pete.  
28 Appreciate that. Mr. Kookesh. Go ahead.

29

30 MR. KOOKESH: So that would probably be  
31 an -- if that's the way it's being done to take what he  
32 just said and put it into this Charter if that's the case  
33 because I don't know if they're -- if it's violating the  
34 law by doing it, but I haven't seen anything in writing  
35 to that effect. It would be nice if we're going to do  
36 this Charter the way we're making the corrections on.

37

38 CHAIRMAN ADAMS: And that's the reason  
39 for us reviewing the Charter at this point, Mr. Kookesh,  
40 is so that we can address those, you know, conflicting  
41 issues that you have just brought out. And we can  
42 address it in the proper way after that.

43

44 Thank you. Pete, go ahead.

45

46 MR. PROBASCO: Thank you, Bert.

47

48 CHAIRMAN ADAMS: By the way I'm the only  
49 one that has that ability, I have a button over here.....

50

1 (Laughter)  
2  
3 CHAIRMAN ADAMS: .....I can shut anyone  
4 off anytime.  
5  
6 (Laughter)  
7  
8 MR. PROBASCO: And thank you, Mr.  
9 Kookesh. And I can save my comments until we get to the  
10 Charger, but I think what we're discussing here is  
11 semantics. We're still -- the Council is still  
12 addressing the Secretaries in -- through the Charter, but  
13 that responsibility has been forwarded to the Board to  
14 act on behalf of the Secretaries.  
15  
16 Mr. Chair.  
17  
18 MR. PHILLIPS: Thank you, Pete. Any more  
19 comments, questions?  
20  
21 Patty. Go ahead.  
22  
23 MS. PHILLIPS: Thank you. Mr. Chair. I  
24 would ask Mr. Bangs to restate what his ninth bullet  
25 would be or -- in the annual letter, what were you  
26 saying, due deference for rule preference or rule.....  
27  
28 CHAIRMAN ADAMS: Mr. Bangs. Would you  
29 clarify that.....  
30  
31 MS. PHILLIPS: Thank you.  
32  
33 CHAIRMAN ADAMS: .....for Patty, please.  
34  
35 MR. BANGS: Thank you. Mr. Chairman.  
36 Ms. Phillips. What I would like to include is that the  
37 Board gave the Councils deference in regards to rural  
38 determination. As we discussed the rural determination  
39 for Saxman, for instance.  
40  
41 Thank you.  
42  
43 CHAIRMAN ADAMS: Thank you, Patty and Mr.  
44 Bangs for that clarification.  
45  
46 You know, rural determination is a real  
47 big issue, we're going to have a report here a little bit  
48 later on about that. And just to say, you know, that in  
49 the case of Saxman and, of course, Ketchikan, you know,  
50 the Board did not give us deference with that and that's

1 how come this issue has surfaced. So that -- you know,  
2 we did a lot of work in determining, you know, whether  
3 Saxman should get their rural determination or not and we  
4 really feel strongly that it does, but what we need to do  
5 is we need to separate Saxman from Ketchikan so that'll  
6 it'll bring that -- so that they'll be able to have their  
7 own -- their own rural determination. And as I said  
8 earlier it could be very possible that if we do that then  
9 Ketchikan might have a -- you know, a slim chance of  
10 getting their recognition as well. So, you know, just  
11 thought I'd add that on to, you know, what has been  
12 discussed so far. And I thank you, Mr. Bangs, for  
13 bringing that up and including it in the annual report.  
14 We need to keep, you know, pounding away on that and not  
15 let it get lost somewhere.

16

17 Gunalcheesh.

18

19 MR. HERNANDEZ: Mr. Chair.

20

21 CHAIRMAN ADAMS: Mr. Hernandez. Go

22 ahead.

23

24 MR. HERNANDEZ: Thank you. Mr. Chairman.

25 Yeah, I wouldn't object to putting a comment on the rural

26 determination, but do we also anticipate sending a

27 separate letter to the Board concerning that issue after

28 our discussion or do you think it'll just appear in the

29 annual report?

30

31 CHAIRMAN ADAMS: Well, it will be in the

32 annual report, but, you know, after we hear the report

33 from the committee, you know, something might emerge from

34 that as well.

35

36 Anyone else, please.

37

38 (No comments)

39

40 CHAIRMAN ADAMS: Okay. Are you read to

41 call the question -- somebody ready to call the question?

42

43 MS. PHILLIPS: Call for the question.

44

45 CHAIRMAN ADAMS: Thank you, Patty. All

46 in favor of the motion to accept the annual report with

47 additions, please signify by saying aye.

48

49 IN UNISON: Aye.

50

1 CHAIRMAN ADAMS: All opposed, nay.  
2  
3 (No opposing votes)  
4  
5 CHAIRMAN ADAMS: It passes. Okay. The  
6 next thing on the agenda is the sea otter issue. So, Mr.  
7 Burn, and I see Carrie is here so there's a microphone  
8 for each of you there, come forward and give us your  
9 information.  
10  
11 You probably already know the procedure,  
12 but please, you know, state your name and your title and  
13 then go ahead.  
14  
15 MR. BURN: Good afternoon. My name is  
16 Douglas Burn, I am a wildlife biologist with the U.S.  
17 Fish and Wildlife Service and I am the sea otter program  
18 leader.  
19  
20 MS. SYKES: My name is Carrie Sykes and  
21 I'm the manager for Business and Economic Development for  
22 Central Council of Tlingit and Haida.  
23  
24 CHAIRMAN ADAMS: It's really good to see  
25 you back here, Carrie. Congratulations.  
26  
27 MS. SYKES: It's nice to be back here.  
28 Thank you.  
29  
30 MR. BURN: Okay. I understand -- this  
31 is, I think, probably the fourth time that I've come and  
32 spoken to the Southeast Regional Advisory Council and I  
33 understand some of the same issues are at hand and so  
34 what I think Carrie and I can do is maybe provide an  
35 update on some of the activities that address these  
36 issues.  
37  
38 About a year ago I was invited by Mr.  
39 Kookesh to participate in the Tlingit and Haida Tribal  
40 Assembly in Juneau and I gave a presentation about sea  
41 otters there. And together we had this idea that we  
42 could use some of the funding that's available under the  
43 Marine Mammal Protection Act for marine mammal co-  
44 management with Alaska natives, that we could use some of  
45 that funds to bring together representatives from Alaska  
46 native tribes throughout Southeast Alaska and have a  
47 meeting to share information about the laws, the  
48 regulations, the issues and concerns. And so I want to  
49 point out and thank Mr. Kookesh for his help with that.  
50 We did put together a cooperative agreement last year and

1 we did obligate Federal funds to go to the Central  
2 Council and we did hold that meeting this week here in  
3 Sitka over at the Alaska Native Brotherhood Hall, it was  
4 attended by I think all but two of the Alaska native  
5 tribes were able to send someone.

6

7 And so I'd like to maybe hand the  
8 presentation over to Carrie to maybe give you some more  
9 information about that.

10

11 MS. SYKES: Thank you, Doug. So we all  
12 know that sea otter has been a very big issue, we've been  
13 hearing about this for quite sometime that there are --  
14 the numbers have gotten quite big, overpopulation has  
15 caused great impacts to our seafood resources. And so in  
16 this cooperative agreement with Fish and Wildlife Service  
17 Central Council did coordinate a meeting with the  
18 Southeast tribes that was held on Monday and Tuesday.  
19 And we did have participation from all Southeast tribes  
20 except for Klukwan and Petersburg. And it was a very,  
21 very good workshop, we had a lot of really lively  
22 conversation and it is very evident that we all have the  
23 same concerns about too many sea otter and their impacts  
24 on the resources. It was pretty interesting because we  
25 had participants not only from the tribes, tribal council  
26 members, tribal members, even tribal presidents, but we  
27 also had participation from hunters, artists, taggers and  
28 so we had quite a group and it was really very  
29 interesting just to cap what the big concerns were that  
30 were brought up. The biggest one is enforcement and the  
31 definitions in the Section 119 of the Marine Mammal Act.  
32 There's a lot of work that needs to be done in this area,  
33 we need to do a lot more education for the tribal members  
34 so that they'll know what the rules are for harvesting  
35 sea otter and that they'll be more willing to go out and  
36 harvest. So there's a lot of work that needs to be done.

37

38 After we had one day of discussion just  
39 about the issues and each community was able to  
40 participate as far as whether they had sea otter in their  
41 area, what the impacts were, whether they had harvesters  
42 and whether they had any taggers or any artists, after we  
43 went through the whole -- one day of issues the next day  
44 we focused on solutions. And there were a lot of ideas,  
45 we broke it down in between short term, mid term and long  
46 term. And so there's some things that we want to do  
47 immediately. First of all we are all going to be keeping  
48 in contact, we've developed a email distribution list  
49 that we could keep everybody informed about what's going  
50 on and I will be submitting a report to Fish and Wildlife

1 Service as soon as possible because of the urgency of the  
2 situation. And in addition to that I'm going to be  
3 drafting a resolution that will go out to all the tribes  
4 so that they can bring it to their tribal councils and  
5 hopefully everyone can bring a resolution back to Central  
6 Council's Tribal Assembly which is happening the second  
7 week in April. So we expect to have some pretty quick  
8 action on this.

9

10 Another area that really needs to have  
11 clarification is definitions, particularly in the  
12 enforcement area. For example, what is significantly  
13 altered and defining mass production. It's just a couple  
14 for example. But what we've done is Douglas went ahead  
15 and contacted his enforcement division and we are going  
16 to be setting up a meeting. We want to have a side  
17 meeting at Tribal Assembly. Our agenda gets quite packed  
18 and I don't imagine that we would be able to have a spot  
19 on the agenda so in lieu of that we decided that we would  
20 go ahead and arrange a meeting.

21

22 Another thing I'll be doing too to make  
23 sure that the delegates are aware of the workshop and  
24 aware of the discussions is I will be preparing a packet  
25 that will be distributed to all 131 delegates. And it  
26 will provide notice of the meeting that we intend to have  
27 so that if they -- if they want to be involved that they  
28 can.

29

30 But we definitely want to move things  
31 quickly on this, that was one thing that was -- members  
32 were very adamant about is that this is a crisis  
33 situation and something needs to be done now. And so  
34 instead of talking more or trying to decide, you know,  
35 what would be best, we thought we should take some  
36 immediate action. There's quite a few other things that  
37 are out there also. One is that there is Representative  
38 Don Young's proposed bill that was submitted last  
39 September. That bill did not get passed, but it's my  
40 understanding that it was to allow the sale of pelts.  
41 But I did talk with Connie McKenzie who has -- who is his  
42 representative in Juneau, actually how that came about  
43 was I was at a meeting of Southeast Conference and they  
44 had a sea otter session and she was there. But she  
45 informed the group that he intends to resubmit that bill  
46 is looking for input on it. So I encourage the members  
47 that were present at the workshop to go back to their  
48 tribes with the information, with the resolution, and  
49 being thinking about how they might interact with the  
50 Tribal Assembly and with this proposed bill.

1                   So we have quite a few things that we  
2 want to do right away. We definitely want to have a  
3 follow-up meeting. I thought I would follow-up with the  
4 tribes and then after we have regrouped then I think  
5 we'll -- we wanted to have another meeting with Fish and  
6 Wildlife Service to try to move forward, to take steps on  
7 this. But there was really a lot of ideas, but there's  
8 a lot of impediments too. For one it costs a lot of  
9 money for people in our rural communities to go out and  
10 harvest a sea otter, you know, they're already struggling  
11 with lack of jobs and the economy being bad. And so if  
12 you think -- if they think about harvesting a sea otter  
13 it's really not at the top of their list as far as what  
14 they're going to expend their money on, you know, gas and  
15 their time. In addition to that it takes a while before  
16 they get a return on their efforts, you know, producing  
17 a product and finding a market for it. So it's a long  
18 time before they see any kind of a return on their  
19 handicraft or the product that they're working on.

20  
21                   So we were talking about different ways  
22 that we could try to get different opportunities and make  
23 them available. You know, I think that this could be a  
24 big opportunity for the native artists in our rural  
25 communities. I know there are different artists that are  
26 working on sea otter and there are artists who work on  
27 sea otter who don't have access to the pelts like me. So  
28 I think that it would be important and this is an idea  
29 that was brought up by many people is to develop a  
30 resource bank so that people would know who the other  
31 players in the industry are so that if an artist wants to  
32 get ahold of a hunter that they could. You know, just to  
33 know where to go tan the hides or, you know, just all the  
34 different resources that play a part in the sea otter  
35 industry. So we want to develop a resource guide.

36  
37                   But then there's the question of funding,  
38 you know. At Central Council my department is very small  
39 and we don't have a subsistence person anymore. And so  
40 I need to look for funding to try to get a person that  
41 could work on this kind of project because it will be a  
42 project and it -- there's a lot of work to follow-up on.  
43 And so there's a number of things that we'll be working  
44 on and I will get more in -- give you a further report  
45 when we get that to Doug as far as what those  
46 recommendations are. But those were the big concerns of  
47 the group.

48  
49                   MR. BURN: As she points out, I'd like to  
50 add to what Carrie had just said. And the Office of Law



1                   Another issue that came up during this  
2 workshop was that under the Marine Mammal Protection Act  
3 the Fish and Wildlife cannot regulate the harvest of any  
4 marine mammal species or population stock until it has  
5 been designated as depleted. Well, I think probably  
6 everybody in the room would agree that sea otters in  
7 Southeast Alaska don't meet that definition of depletion  
8 which is a very low level, in fact, it's, you know, the  
9 population is growing fairly rapidly. And so while we  
10 can't develop regulations, individual Alaska native  
11 tribes are fully, you know, empowered to develop  
12 management plans for their own tribal members. So, for  
13 example, if a tribe decides that there's an area that  
14 they use for other shellfish resources and they want to  
15 discourage sea otters from occupying that bay, they can  
16 identify that in a local management plan and say anybody  
17 from the tribe who wants to hunt sea otters, we'd really  
18 like you to be hunting here. And I think what we have  
19 now is a situation where individual hunters are all  
20 making individual decisions to go here or there. And so  
21 the development of a tribal management plan with  
22 recommendations for areas to hunt, you know, could be a  
23 vehicle for the tribes to have some more control over  
24 that. And so I made -- I extended the offer, made the  
25 offer to all the tribes in attendance that, you know, we  
26 have information about sea otter distribution and  
27 abundance, we have information about sea otter hunting  
28 and where the hunting occurs, we're more than willing to  
29 share that information with each tribe, to work with them  
30 on a one on one basis to help them develop a local  
31 management plan. And then if we follow through with this  
32 then each of the individual tribal management plans when  
33 considered as a whole would be a Southeast Alaska Sea  
34 Otter Management Plan, it would be more of a bottom up  
35 type construction as opposed to a top down because we  
36 can't do that, we can't do a top down type management  
37 plan, we just don't have the mandate to do that.

38  
39                   And I think that if we do that and we  
40 look at each tribe setting their own management  
41 objectives and management recommendations, if the sum  
42 total of all those tribal plans is a regional plan that  
43 we believe is sustainable and is not going to drive the  
44 sea otter population to the depletion level, then I  
45 think, you know, we wouldn't have any problem with that.  
46 So that's something that I'm hoping to establish that  
47 relationship with the tribes and work with them on that  
48 initiative as well.

49  
50                   So I think those are maybe the main --

1 okay. Carrie has another point, but I think that's the  
2 main things from the Fish and Wildlife Service.

3

4 MS. SYKES: One more important point was  
5 that there was a letter that came from Fish and Wildlife  
6 Service that went to the tribes about consultation and  
7 this was something that was brought up and that would be  
8 a big part as far as determining how these plans go --  
9 move forward. You know, Central Council is regional, a  
10 tribe cannot tell the local tribes how to manage these  
11 resources so we envision that there would be smaller  
12 community tribes, but I think that tribal consultation  
13 will be a big part of this. And this is another part of  
14 the request that will be coming from the tribes.

15

16 CHAIRMAN ADAMS: Well, Doug, and Carrie,  
17 thank you for those reports. At last it looks like we  
18 are finally seeing something that's going to come out  
19 into an action item that will address, you know, the sea  
20 otter issue that has been plaguing us for years and years  
21 and years now. And so I'm happy to see, you know, you  
22 two working together on this.

23

24 And I have a few questions here, but I  
25 wanted to say to you that we were in a training session  
26 here yesterday morning and we were hoping that maybe we  
27 can go crash your party over there when you're having  
28 your meeting there. I -- you know, I wanted to go  
29 particularly, but when I mentioned that somebody  
30 mentioned well, can all the Council go and I said I don't  
31 see why not. But our training session, you know, went  
32 right up until noon and unfortunately probably for you  
33 too, we didn't get a chance to crash your party.

34 But.....

35

36 MS. SYKES: I would have let you.

37

38 CHAIRMAN ADAMS: But what do you expect  
39 to come forth on this resolution that you're going to  
40 propose to send out to all of the tribes?

41

42 MS. SYKES: Well, I expect that the  
43 Southeast tribes are going to be very interested in  
44 passing resolutions at the local level and bringing it to  
45 Central Council's Tribal Assembly. And I think it.....

46

47 CHAIRMAN ADAMS: Excuse me a minute,  
48 Carrie. Just for Council, you know, information Patty  
49 asked to be excused at 2:00 o'clock for about an hour or  
50 so for a teleconference. So that's the reason why she's

1 leaving.

2

3

Continue, Carrie.

4

5 MS. SYKES: So as I was saying I expect  
6 that the tribes will pass their individual resolutions,  
7 I'm not exactly sure what they will look like when they  
8 come back, but they have got all of the issues kind of in  
9 front of them in the form of what we discussed at this  
10 meeting. So it will be interesting to see what they look  
11 like when they come back, but everyone does agree that it  
12 is a problem and so I expect that it will show unity  
13 among the native entities that we want to do something  
14 about the problem. Exactly what will become of that  
15 we're not yet sure.

16

17 CHAIRMAN ADAMS: Okay. Thank you. So  
18 this is just still in the morning process and be  
19 interesting to see what the tribes come back with.

20

21 Then I have a question for you, Doug.  
22 You mentioned something like -- oh, the significantly  
23 altered issue. And it -- they're being taken on a case  
24 by case basis. Maybe you can elaborate on that a little  
25 bit more and if there's eventually going to come out a --  
26 you know, some kind of, you know, proposal of some sort  
27 or reg of some sort that will encompasses, you know, the  
28 -- instead of doing a case by case.....

29

30 MR. BURN: Right. Right.

31

32 CHAIRMAN ADAMS: .....you know, making it  
33 a -- do something that will affect everyone.

34

35 MR. BURN: Well, let me just back up a  
36 little bit and for the benefit, I know there's some new  
37 people on the Council, as I mentioned the Marine Mammal  
38 Protection Act provides the native exemption and then the  
39 Federal regulations, they define what is an authentic  
40 native article of handicraft or clothing which may be  
41 sold. And then -- and so to amend the Marine Mammal  
42 Protection Act requires an Act of Congress and as Carrie  
43 mentioned during the 111th Congress in, I think, late  
44 September of 2010, Congressman Don Young introduced an  
45 amendment as House Resolution 6394 to amend the MMPA to  
46 allow for the sale and export of raw pelts from the  
47 Southeast and Southcentral sea otter populations. It  
48 would not allow them from Southwest Alaska because that  
49 population is listed as threatened under the Endangered  
50 Species Act. And so amending the Marine Mammal

1 Protection Act is a pretty high level type thing and  
2 Congress is the only ones who can do it and amending a  
3 Federal law takes a lot of work. Now when it comes to  
4 the Federal regulation that defines a handicraft as  
5 something that's significantly altered, that's something  
6 that can be done by the agency itself. Now that would  
7 require a proposal that's published in the Federal  
8 Register, we take public comments, we'd probably have one  
9 or more public hearings and then we would issue a final  
10 determination. The other thing is is that the way the  
11 regulation is written now is it applies to all marine  
12 mammals. And it's a joint regulation for the Fish and  
13 Wildlife Service species which includes sea otter, polar  
14 bear and walrus and the National Marine Fisheries Service  
15 managed species, all the seals and whales and porpoises  
16 and whatnot. And so that would also be a fairly, you  
17 know, long process to amend those regulations.

18  
19                   What we've been discussing is clarifying  
20 the Fish and Wildlife Service's policy on how we  
21 interpret the term significantly altered and what would  
22 probably come out of that would be some sort of a fact  
23 sheet where we would determine some criteria, and some of  
24 the things that have been discussed are perhaps how big  
25 a piece of sea otter hide can be used, what's the largest  
26 individual size piece. That's a type of criteria that  
27 could be measured and everyone could agree, yeah, this is  
28 bigger than that or it's smaller than that. Another type  
29 of criteria might have to do with the amount of  
30 stitching. Like, for example, if you require that the  
31 perimeter, you know, the edge of the piece, you know, be  
32 stitched, that's something that, you know, you could look  
33 at and you could say yeah, it's got stitching all the way  
34 around it. So that's -- you know, that may be a type of  
35 criteria.

36  
37                   But this is also the sort of thing where,  
38 you know, Fish and Wildlife Service can't develop this on  
39 our own, we've got to have dialogue with Alaska natives,  
40 with people who make these items and say well, what do  
41 you think of this idea, do you have any other ideas of  
42 ways that we could further define what is and is not  
43 significantly altered. And what we'd like to arrive at  
44 is a set of criteria that is within the law, that's legal  
45 and that's very easily understood and developed in  
46 conjunction with the Alaska Native community so that they  
47 understand it and find it acceptable. And I think if we  
48 can reach that to get rid of that uncertainty in the  
49 Alaska native community I think that would be a major  
50 step forward and from the discussions over the last two

1 days and probably over the last 20 years I would say that  
2 this is one of the key issues if not the key issue on  
3 this subject.

4

5 CHAIRMAN ADAMS: Thank you. I apologize  
6 to the Council for dominating too much here, but I do  
7 have a lot of questions about this because it has been a  
8 concern not only personally, but, you know, of this  
9 Council for many years.

10

11 The sale of the pelts that Representative  
12 Young has, is it already, you know, in Congress and how  
13 long will it take for the -- oh, it's going to take a  
14 while for that to come forth then, am I correct?

15

16 MR. BURN: I -- the Bill was introduced  
17 in the 111th Congress and the way Congress operates is  
18 there's a new Congress every two years. And so there was  
19 an election in 2010, the 111th Congress came to an end  
20 and all the pending bills basically go away. Now we're  
21 in the 112th Congress. And the legislation would have to  
22 be reintroduced in the House and then, you know, it has  
23 to work its way through the -- be introduced in the  
24 Natural Resources Committee, it would have to make its  
25 way out of committee to the full House of  
26 Representatives, it would have to have a companion piece  
27 of legislation in the Senate, then the House and Senate  
28 come together and, I mean, there's -- it was kind of  
29 ironic because I was in Washington, D.C. when the -- that  
30 was introduced, I was attending a training session on how  
31 Congress operates. And I was just amazed to learn how  
32 many places bills can go to die. And, you know, the  
33 amount of things that actually make it through to  
34 signature by the President and enacted into law is a  
35 fraction of all the bills that are introduced.

36

37 CHAIRMAN ADAMS: Yeah.

38

39 MR. BURN: So it has not been  
40 reintroduced to my knowledge and I don't know when it  
41 would be and I don't know how long it would take to reach  
42 some resolution.

43

44 CHAIRMAN ADAMS: So he still has.....

45

46 MR. BURN: The -- what I have heard  
47 through various channels is that he is considering  
48 reintroducing it, but to my knowledge it has not been  
49 reintroduced yet this Congress.

50

1 CHAIRMAN ADAMS: And then one more  
2 question, Mr. Burn, for you. You mentioned that when the  
3 populations are so low then you -- then you can do  
4 regulation, but when it's too high then there's no need  
5 for it. And I think we -- this was brought out in one of  
6 other meetings, you know, in discussion. I just couldn't  
7 -- in sea otters, you know, we have just too many of  
8 those and so it seems to me like it needs to be  
9 addressed, but maybe, you know, an increase in hunting  
10 and the sale of pelts and everything will probably  
11 balance that all out. But I just don't -- I feel it's  
12 really ironic that, you know, when you see a species  
13 endangered then you do regulations, but when it's too  
14 high you don't do anything about it.

15  
16 MR. BURN: Yes, we have had this  
17 discussion before. And I think the thing to remember is  
18 that the Marine Mammal Protection Act was passed almost  
19 40 years ago and it was passed at a time when most marine  
20 mammal populations were at low numbers and some were  
21 perilously low numbers. Some of the species of large  
22 whales, you know, were commercially hunted to near  
23 extinction. And so at the time the focus of that law was  
24 on how to conserve and recover very low populations. And  
25 there really wasn't any consideration given to the other  
26 end of the spectrum of what happens when populations are  
27 very high, it's simply not a subject that is addressed in  
28 that Act. And we had a meeting with some folks from the  
29 Alaska Department of Fish and Game about this and I  
30 pointed out to them that the title of the law is the  
31 Marine Mammal Protection Act, not the Marine Mammal  
32 Management Act. So it does have a specific, you know,  
33 focus on protection. And that -- again that was the --  
34 you know, the state of the world in 1972. At the time  
35 sea otters had only been reintroduced down here to  
36 Southeast Alaska and it's almost 40 years later and the  
37 world here is very, very different, but the law really  
38 hasn't evolved to keep pace with the situation now.

39  
40 And so again that's -- you know, there's  
41 sort of three levels, we can work on policy for  
42 implementing the current law and regulations, we can work  
43 at the regulation stage or we can work at amending the  
44 law itself. And I think there's interest in all, at all  
45 levels, but what we can do now within the Fish and  
46 Wildlife Service is to deal with the policy and how we  
47 implement those laws and regulations.

48  
49 CHAIRMAN ADAMS: Thank you for that.  
50 Carrie, you got something to add to that?

1 MS. SYKES: Yeah, I just wanted to go  
2 back to the comment I made about our discussions of short  
3 term, mid term and long term solutions, I mean, you know,  
4 changes at the regulatory level are long term and those  
5 were brought up by many tribal members so that is the  
6 long term. And that'll take a long time to do, by the  
7 situation could be much worse. And so in addition to  
8 those long term solutions we really want to look at short  
9 term solutions such as educating the tribes in what they  
10 can and cannot do legally and even education about how to  
11 hunt and skin and do different things. So we're looking  
12 at a whole series of different things that we can do, but  
13 definitely, you know, there are long term and short term  
14 and changing the laws is a long term solution that we  
15 don't even know whether that -- how that would go. You  
16 know, one item that I did include in our agenda packet  
17 was an article from the Defenders of Wildlife and it is  
18 a reality that we could face a lot of opposition in  
19 changing the regulations and it's hard to say what that  
20 outcome might be. As I mentioned before, you know, the  
21 -- it -- to the group is that these are -- sea otter are  
22 cute and, you know, as far as managing and hunting them,  
23 you have to consider whether -- where you're going to do  
24 it, you don't want to be hunting them in front of the  
25 tourist ships and causing a big stir, you know. You see  
26 what happened when we worked with different species for  
27 management in Alaska, but a lot of people want to save  
28 the last frontier and so it's just a whole -- we don't  
29 know what would happen with that and it would be a very  
30 long term solution.

31  
32 CHAIRMAN ADAMS: Thank you. And just a  
33 final comment. I'm glad that, you know, you're  
34 advocating for tribal management plans from various  
35 tribes, I think that's a great idea and it'll be  
36 interesting to see how that pops out.

37  
38 Years ago Sitka Tribe had a sea otter  
39 tribal management plan and I was hoping maybe other  
40 tribal governments like Yakutat and Hoonah and Angoon and  
41 those areas would also, you know, follow suit in doing  
42 so. And it looks like that's in the works and it's going  
43 to be pretty interesting to see, you know, that develop.

44  
45 So thank you for answering my questions.

46  
47 Mr. Ackerman, (in Tlingit).

48  
49 MR. ACKERMAN: Thank you. Mr. Chairman.  
50 Yes, I am one of a handful of artisans that works with

1 sea otter hides. I make what's called traditional pre-  
2 contact clothing. The last coat I made, I still have it,  
3 took about six sea otter hides and it took me years to  
4 build this because I had to buy all the hides and have  
5 them tanned and it takes a substantial amount of money  
6 and the returns are pretty slim, but now it is a very  
7 large piece and like you said if it doesn't qualify under  
8 the handicraft work then I'd have to as you say cut the  
9 thing apart in smaller pieces, if you -- if that's the  
10 sew regulations, and then sew it back together. So  
11 depending on the size and the regulations and all that  
12 stuff, very interesting to listen to all of this because  
13 I've been working with furs for quite some time.

14

15                   Actually the opportunity that is afforded  
16 to the smaller communities enabling them to harvest the  
17 sea otter hides without a whole lot of hinderance is an  
18 economic opportunity afforded these individuals. Seeing  
19 how that ANCSA took away their rights to a lot of the  
20 fish and game and a lot of the fish species that they  
21 could have sustained the economy of the smaller villages  
22 if they hadn't taken their rights away from all the  
23 fisheries. So here we have an opportunity to afford  
24 individuals to have some kind of economic stimulation in  
25 these smaller villages that do have sea otter. And I for  
26 one can afford to buy them in the raw for like \$100 a  
27 piece and then have them tanned, that's another \$100 and  
28 then have them shipped so there's another \$50. So it is  
29 quite expensive for me because I live all the way at the  
30 north end and I know there's a lot of people up there  
31 that would like to buy them and, but the thing is is when  
32 you cut that little tag off and sew it into something you  
33 always have that question. I always try to save the tags  
34 to show where I get them from. And but once it's sold  
35 like that it's pretty much gone.

36

37                   But, yeah, I think it's a good  
38 opportunity for the outer villages to make a few dollars  
39 and I know Klukwan and all of them places will probably  
40 be interested in buying some hides, but I myself can't  
41 purchase any more because I guess you could say I'm a  
42 starving artist. Yeah. And I know there was talk about  
43 the Asians being able to get ahold of it and, you know,  
44 because if you make it into a small enough piece that  
45 they can't take that and make some other kind of  
46 handicraft and put it on the Alaska market for sale, you  
47 know, it would be pretty obvious to see that. But the  
48 Asians and the Indonesians are pretty good at copying  
49 northwest coast art regardless of what it is including  
50 the Eskimo art. So I can see some right downtown in the

1 windows down here in Sitka. So if there's any worry  
2 about that, I've seen those people take a box of fur  
3 scraps the size of a dollar bill and smaller, sew them  
4 all together and you couldn't even tell that it was sewed  
5 together, it was just so -- they are so efficient, deady  
6 efficient if you would, in making something out of  
7 nothing.

8  
9 So, yeah, real interesting to listen to  
10 you talk about the sea otters and stuff like that. But,  
11 yeah, thanks for your new look at this whole thing.

12  
13 MR. BURN: Okay. Can I respond?

14  
15 CHAIRMAN ADAMS: You bet. Sure.

16  
17 MR. BURN: First of all about your coat.  
18 I think from the sound of it I -- you know, I think  
19 everyone would look at that and say that's significantly  
20 altered, that is a handicraft. I don't think anyone's  
21 going to ask you to cut it in half and sew it back  
22 together. And I think when it comes to things like coats  
23 and hats and things, I don't think there's ever really  
24 been a lot of contention about those types of items,  
25 those are -- I think there's general agreement that they  
26 are significantly altered, they are handicrafts. I think  
27 the place where we get into gray areas is in the area of  
28 things that are considered blankets. And, for example,  
29 a couple of the things that I've heard from the native  
30 participants in the workshop, several of them said that  
31 they've been told the definition of significantly altered  
32 is it can't look like a sea otter. So if you cut it into  
33 a square and you manufacture it into a pillow, doesn't  
34 look like a sea otter, it looks like a pillow.

35  
36 The other sort of working definition I've  
37 read, this is part of a record of decision on a CITES  
38 which is Convention on International Trade of Endangered  
39 Species, the CITES permit application to export three sea  
40 otter hides that had paintings on the skin side, that  
41 permit was -- this was back in 1994, I believe, that  
42 permit was denied and one of the reasons why it was  
43 denied was that the items were not considered  
44 significantly altered. And the justification there was  
45 that they could be reverted back to their original form  
46 as a raw part. And so if you were to take, you know,  
47 three sea otter hides and cut off the head, tail and the  
48 limbs and put a couple stitches in it and say it's a  
49 blanket, that could readily be reverted back to raw  
50 hides. And so that's why that's not considered

1 significantly altered, but if we can get some better  
2 clarification of, you know, how much do you have to do to  
3 it to be considered significantly altered, to meet the  
4 definition of a handicraft and then be sold. I think  
5 it's that matter of -- in these gray areas, if we can  
6 make them less gray I think it would benefit the native  
7 community and I think it would benefit the law  
8 enforcement agents to know that, you know, instead of  
9 looking at it and trying to guess well, maybe, I don't  
10 know, it's -- it would be much better to look at it and  
11 say it A, B, C, you're good to go. That's my opinion.

12

13 CHAIRMAN ADAMS: Thank you. Is there any  
14 other Council members.....

15

16 Mr. Douville, please, and then Mr.  
17 Kookesh.

18

19 MR. DOUVILLE: Thank you. Mr. Chairman.  
20 It's -- you know, I appreciate your willingness to try to  
21 determine a level playing field on significantly altered,  
22 but it's you that are determining what it is. Have you  
23 included the tribes in trying to help you to determine  
24 what significantly altered might be and let them decide  
25 what the alters might be. You shouldn't have to run  
26 these things through a meat grinder to have it considered  
27 altered. You know, when you skin one out and dry it or  
28 whatever, it's altered, there's no question about it, it  
29 doesn't look like a whole sea otter anymore. But what  
30 you're doing is okay, but it's sort of like a band-aid on  
31 something that needs a cast on it. I think what the  
32 tribes really need to do is to pursue a amendment to the  
33 MM or the Marine Mammal Protection Act so you can sell  
34 whole hides. That is the only way you're going to  
35 accomplish the harvest goals that you probably need to  
36 stabilize the otter population. What you're talking  
37 about may be helpful on a really small scale and who  
38 knows how long it will take you to determine that unless  
39 maybe you get tribal help to help you, let them help you  
40 decide what significantly altered means.

41

42 The other problem is, you know, there's  
43 a lot of good sea otter hunters, but they're not all  
44 craftsmen. So, you know, you run into another problem  
45 there. Like I can get lots of sea otter, but I -- well,  
46 I do own a sewing machine by the way, I don't sew hides.  
47 But let's see so I would encourage the tribes to pursue  
48 a whole hide amendment to the Act, you know, and also to  
49 lessen the fears of the harvest going out of control to,  
50 you know, have a excess otter determent or harvestable

1 surplus if you will. And have the Fish and Wildlife  
2 Service issue you tags without a mount and then  
3 distribute them to the tribes if you will for them to  
4 administer the program on their own. It would cost the  
5 government nothing and the tribes are fully capable of  
6 doing something like this. And I'm talking about whole  
7 hides.

8  
9 So what you're talking about might help,  
10 but it's not enough, it's not -- you know, even if you  
11 determine and have a clear definition of what  
12 significantly altered is, it's still not going to help  
13 with the harvestable surplus of otter because it's simply  
14 too expensive and the villages don't have the money to  
15 process and do all these signs. So you're not going to  
16 go anywhere until we at least have an amendment to the  
17 Act and that's what I would pursue. And I would strongly  
18 encourage you again to work with the tribes to determine  
19 the definition of significantly altered.

20  
21 I probably will have more, but that's all  
22 I can think of off the top of my head right now.

23  
24 And I might point out one other thing is  
25 that in past days these hides were bartered or traded as  
26 whole hides, they weren't significantly altered then, you  
27 know, so it's customary and traditional for us to trade  
28 in hides that are whole.

29  
30 Thank you. Mr. Chairman.

31  
32 CHAIRMAN ADAMS: Thank you, Mike.  
33 Carrie, you got a response?

34  
35 MS. SYKES: Just a brief response to say,  
36 yeah, we definitely will consider some kind of an  
37 amendment and that is to be determined. But I did talk  
38 a little bit about your surplus idea to some people and  
39 have planted that seed. But also about the definitions  
40 for significantly altered too, it was a suggestion by the  
41 group that they go to their Councils and try to put  
42 together what they thought the definition might be. So  
43 I think that when we get to the tribal consultation phase  
44 that that will be something that is considered.

45  
46 MR. BURN: And actually if I could  
47 respond as well. Couple of points. You mentioned  
48 determining sort of like a removable surplus. We  
49 actually do that when we prepare what's called a stock  
50 assessment report and we blasted one for Southeast Alaska

1 in 2008 and it's based on an estimate of the population  
2 size, an estimate of the population growth rate and we  
3 calculate what is considered to be what -- the term is  
4 potential biological removal, it's abbreviated as PBR.  
5 And what it basically is is the amount of animals that  
6 could be removed from the population without driving it  
7 to depletion. Now stock assessment reports are  
8 predominantly  
9 designed to identify conflicts with commercial fishing,  
10 for example, populations of porpoises or dolphins that  
11 might be getting entangled in nets and so forth. But,  
12 you know, the concept is -- has -- is the same. And so  
13 because the population is not depleted we could not use  
14 that as a quota and issue that number of tags. However  
15 if the Alaska native community continued to harvest sea  
16 otters or increased their harvest of sea otters which we  
17 monitor through a program where the hides have to be  
18 tagged. As long as the subsistence harvest did not  
19 exceed that PBR level we wouldn't need to restrict any  
20 quotas. So and I think we'd have a pretty good idea, you  
21 know, where was the harvest relative to that potential  
22 biological removal. So the sum total of all of the  
23 tribal management plans and the sum total of all the  
24 subsistence harvest, if it was below potential biological  
25 removal level I don't think it would be a great cause of  
26 concern for the Fish and Wildlife Service.

27  
28 And then the other thing I was going to  
29 mention was some of the economic issues that you raised.  
30 And the idea of having some sort of a co-op or a version  
31 of Craigslist, maybe we'd call it Carrieslist or  
32 something, but if you could put buyers and sellers  
33 together or you could put hunters who, you know, take the  
34 furs and hey, we've got fur available. And then you've  
35 got crafts people. And again they don't have to be  
36 Alaska natives from Southeast Alaska only, I mean, Alaska  
37 natives from other parts of the State who might want to  
38 buy furs and make them into things could do that. So  
39 there's a way, I think, to use some of the newer  
40 technologies to help deal with some of these economic  
41 issues and to be able to take things through from an  
42 animal that's hunted to an animal that's, you know,  
43 skinned, tagged, tanned, made into a handicraft and sold.  
44 So there's a number of different points along that  
45 process where there seem to be bottlenecks and we were  
46 identifying those over the last few days and we're going  
47 try to work on all of them.

48  
49 MR. DOUVILLE: Mr. Chair.  
50

1 CHAIRMAN ADAMS: Go ahead. Mike.  
2  
3 MR. DOUVILLE: Well, this is why my  
4 suggestion to the tribes to get an amendment to the Act  
5 to allow the sale of whole hides. And it's just a very  
6 small change, it doesn't change anything else. And that  
7 would not solve all the problems, but it would certainly  
8 go a long way to helping it out. And then you'd  
9 eliminate all this other stuff that's a problem now.  
10  
11 CHAIRMAN ADAMS: Well, thank you. Yeah,  
12 you know, this is very important to the Council and I  
13 want, you know, every one of the Council members to have  
14 an opportunity to ask questions, but right after this is  
15 over we're going to have -- we're going to hear from  
16 Diana Evans from the National Marine Fisheries Service.  
17 She has to -- I guess you got to leave this afternoon or  
18 I know she asked to be up, you know, put up on the  
19 agenda. So we're going to accommodate her.  
20  
21 And I also want to recognize Mike Miller,  
22 the Chair of the Marine Mammal Commission. And we might  
23 want to hear you make some comments a little bit later on  
24 too, Mike.  
25  
26 Thank you.  
27  
28 But go ahead and continue.  
29  
30 MR. KOOKESH: Mr. Chair.  
31  
32 CHAIRMAN ADAMS: Continue.  
33  
34 MR. KOOKESH: Bert. Bert.  
35  
36 CHAIRMAN ADAMS: Did you have a question,  
37 Floyd?  
38  
39 MR. KOOKESH: Yes.  
40  
41 CHAIRMAN ADAMS: Go ahead.  
42  
43 MR. KOOKESH: I sure did, Mr. Chairman.  
44 I actually had three. When I was listening to you  
45 talking about the handicrafts I was getting a sense of a  
46 western standard you were speaking to, that the  
47 handicraft had to meet western standards. And it's my  
48 understanding that when we did sea otter handicrafts we  
49 didn't follow western standards, we followed native  
50 standards. But in listening to your comment I'm thinking

1 he's saying that if we make a blanket it's not  
2 significantly altered, but yet we did it before and it  
3 was significantly altered, you know, in our opinion. In  
4 fact, it's my opinion that if you -- if sea otters could  
5 talk and if you took the hide off a sea otter and asked  
6 it do you feel your pelt's been significantly altered I'm  
7 sure you're going to get a yes from the sea otter that it  
8 has been significantly altered. So but when I was  
9 hearing you you're sounding like we're looking for a  
10 western standard for handicrafts, but we were doing this  
11 before you -- the western standards even came. So that  
12 was that one.

13

14                   And then there was discussion -- I have  
15 a lot of questions, but I'm going to limit them to the  
16 important one in my opinion. One of the things that I'm  
17 looking at is I heard that there's going to be a next  
18 meeting and for a lot of us that's again and again and  
19 again and again, that's like another study, we'll do  
20 another study. Because I'm listening to that because I  
21 was at a workshop where they said suicide is a big  
22 problem, we need to have another meeting on it, let's try  
23 for November like six months from now. You know,  
24 suicide's a -- it's a crisis, but we need to have another  
25 meeting so let's plan for one in November, you know,  
26 talking about it in April, planning for one in November.  
27 Because, you know, the crisis is already here, why are we  
28 waiting to have another meeting.

29

30                   And that's getting to my third point  
31 which is what is the Southeast Alaska Regional Dive  
32 Fisheries Association, the Petersburg Vessel Owners  
33 Association, the United Fishermen of Alaska, what are  
34 they saying that we should be doing since your meeting  
35 ended yesterday because we know everything they're asking  
36 of us to do that was yesterday, should have been done  
37 yesterday. You know, we have a issue here that should --  
38 that needs to be handled. And I know the non-native  
39 community, if we gave them the right to harvest we'd take  
40 care of the problem real fast, but we're becoming a --  
41 allowing ourselves to get in a process where we're going  
42 to be at this for meeting after meeting until we put  
43 together a plan which is not a bad idea, hopefully we  
44 have harvesters -- hopefully the harvest is up until we  
45 do have a plan with the tribes. But I was also always  
46 curious about what the non-native community thought about  
47 where we're at and what our next step is going to be and  
48 when it's going to actually happen.

49

50                   Mr. Chairman.

1                   MR. BURN: Okay. So if I understand your  
2 questions, Floyd, I think the first one kind of gets back  
3 to the point that Mr. Douville made, when you start  
4 talking about western standards, I don't think it's that.  
5 I don't consider it that way, what I consider it to be is  
6 just some criteria and then they will be developed in  
7 consultation with Alaska natives. I mean, because one  
8 thing we know is that Fish and Wildlife Service as an  
9 agency, we can sit in the regional office back in  
10 Anchorage and we can come up with what we think is a  
11 brilliant idea, we've done this before, and then we drop  
12 it out there in the community and it lands completely  
13 flat. So it's not a matter of us developing western  
14 standards, it's us working with the Alaska native  
15 community, with artisans people who have made things, you  
16 know, from sea otters and asking them what sort of  
17 criteria make this a handicraft and working  
18 collaboratively. So when we have something it's  
19 something that everybody agrees with, everybody  
20 understands, everyone has had input into it. So I just  
21 wanted to maybe assure both of you that this is not --  
22 this is not intended to be sort of a top down approach  
23 because we know that will fail.

24  
25                   The second point about the next meeting  
26 is this isn't -- when we talk about a next meeting we  
27 don't mean let's just do the meeting we did the last two  
28 days, what we mean is, I think, to get together to  
29 provide information on all of these sort of action items  
30 and recommendations that we made the last two days, where  
31 are we with them, do -- you know, do we have a better  
32 definition of significantly altered that we've developed  
33 as I mentioned. For example, does the Law Enforcement  
34 Department, do they have a clear definition of what is  
35 meant by mass production, do the -- you know, do the  
36 tribes who wanted to work with us on management plans,  
37 have we gotten together and started that process and  
38 reporting back on that. There are a number of tribes who  
39 are interested in working with us to develop a proposal  
40 for the Tribal Wildlife Grant program to do sea otter  
41 surveys in their local community. So it's an opportunity  
42 to, you know, report back on progress and not just rehash  
43 the same old issues. So I'm with you, you know, we know  
44 what they are, we don't to beat them any longer, we need  
45 to make progress.

46  
47                   And as far as the non-native community  
48 goes, they are aware of -- you know, they share some of  
49 the same concerns, they're aware of the issue. They've  
50 been in contact with the Fish and Wildlife Service.

1 We've got some studies that are going to be happening  
2 this summer, we're going to capture some sea otters in  
3 the Kake area and we're going to put radio transmitters  
4 in them and we're going to see how far they move. We're  
5 going to monitor their movements over the next two years.  
6 And the Petersburg Vessel Association is contributing  
7 some ship time for the capture vessels. And so, you  
8 know, they want to see us, you know, doing these types of  
9 studies to identify where the otters are and where  
10 they're moving and they're contributing to it as well.

11  
12                   And then lastly I think week before last  
13 the -- there's an organization called the Southeast  
14 Conference and they have a Fisheries Committee and they  
15 had a meeting in Juneau, I was able to participate by  
16 teleconference, to address sea otter issues. And one of  
17 the things that was discussed was forming a Southeast  
18 Alaska Sea Otter Taskforce that would have  
19 representatives from the native tribes, it would have  
20 representatives from the commercial fishing interests,  
21 from the State of Alaska, from the Fish and Wildlife  
22 Service, because up until now what we've had is a lot of  
23 small conversations, we've had conversations between the  
24 Fish and Wildlife Service and the State or, you know,  
25 tribes with one another or, you know, Petersburg Vessel  
26 Association with Fish and Wildlife, you know, all these  
27 little small conversations and I think to deal with this  
28 issue's going to require a lot of partnerships, there are  
29 going to be a lot of people at the table, each  
30 contributing different things. And so to the degree that  
31 we can establish those partnerships, I think we're going  
32 to be better served. The way I described it to somebody  
33 this morning is the meeting that we had yesterday is kind  
34 of like we just took off with this airplane, but if we  
35 crash into the trees at the end of the runway we haven't  
36 gotten very far and it's going to be a pretty bad day.  
37 So what we want to do is build off of that and then we  
38 want to gain altitude and we want to -- we want to  
39 actually get somewhere.

40  
41                   So I hope that addresses some of your  
42 questions, Floyd.

43  
44                   MR. KOOKESH: Yes.

45  
46                   CHAIRMAN ADAMS: Would you mind, if  
47 there's anyone else who would like to say something  
48 now.....

49  
50                   MR. KOOKESH: I'd like to follow-up.

1 CHAIRMAN ADAMS: Follow-up. But -- yeah.  
2 Go ahead.

3  
4 MR. KOOKESH: In all fairness in process.  
5 Mr. Chairman. The issue of significantly altered, when  
6 I was also thinking about it it kind of reminded me of a  
7 trust issue, it's like saying well, we don't really  
8 believe you. And I thought about that. If you're asking  
9 for it to be significantly altered and you're saying  
10 you're not doing it, there's -- you're up to something,  
11 it gets down to being a trust issue, we don't trust you.  
12 And that's one of the things I see about significantly  
13 altered. We're talking about a trust issue. It may be  
14 underlying, but in my opinion it's there. So.....

15  
16 CHAIRMAN ADAMS: Carrie. Does it relate  
17 to this issue?

18  
19 MS. SYKES: (Nods affirmatively)

20  
21 CHAIRMAN ADAMS: Okay.

22  
23 MS. SYKES: I just wanted to comment,  
24 too, that when we talk about the standards and the  
25 definition of significantly altered, we do definitely  
26 want to have the tribes involved with that conversation  
27 so that it -- they can agree and have some input as to  
28 what that means since it definitely impacts the taking of  
29 these animals.

30  
31 And about the next meeting, Doug already  
32 has a meeting with his enforcement group scheduled for  
33 Monday. And we are going to have a teleconference as  
34 soon as possible to follow-up with this work group that  
35 we have developed. I anticipate that that will be before  
36 Tribal Assembly. So we are on fast track, I don't intend  
37 to wait months for this to happen. The timing of this  
38 whole workshop was timed so that we could do something  
39 before Tribal Assembly and also so that we could be here.  
40 And so we really do want to move forward with this.

41  
42 And also about the non-native community  
43 and what they think, I did participate at that Southeast  
44 Conference meeting and it was very interesting to hear  
45 what they had to say. And they -- we all agreed that we  
46 have the same goal, we're on the same page as far as  
47 agreeing that something has to happen. And we are  
48 agreeable to sharing information and keeping each other  
49 informed about what we're doing so that something can be  
50 done. So they are very happy to hear that the natives

1 are looking at a way to develop some kind of a management  
2 plan either individually or throughout Southeast.

3

4 CHAIRMAN ADAMS: Thank you. Is there any  
5 other -- is there any Council member who has not made a  
6 comment yet or a question? I saw her out of the corner  
7 of my eye. Ladies first. Okay. But I saw you first,  
8 but then I saw her second.

9

10 Go ahead. Cathy.

11

12 MS. NEEDHAM: Thank you. Mr. Chairman.  
13 I want to -- I don't want to diminish the hard work that  
14 the two of you have been going through this past week, I  
15 definitely appreciate the report back on what came out of  
16 your organization, and but I do kind of want to  
17 reemphasize some of Mr. Kookesh's comments that we are  
18 still continuing to talk about a problem and not actually  
19 doing anything to fix it. And it's discouraging to me  
20 because I don't understand this not able to top down  
21 manage a population when the Service is the organization  
22 or the regulatory organization that manages sea otter  
23 populations. And so it has to come from local management  
24 plans, bottom up where you look at populations in just  
25 local areas, but in the meantime we're overprotecting a  
26 keystone species that's having adverse ecological  
27 effects. And we have other species underneath sea otters  
28 that are being decimated to -- populations that are being  
29 decimated, shellfish species and stuff. And so what  
30 other resource agencies are taking care or addressing  
31 those problems that are sort of the secondary affects of  
32 us allowing or us -- I say us as a United States citizen,  
33 allowing sea otters to be overpopulated in an area and  
34 taking over.

35

36 So I guess that's a question, it's more  
37 of a comment, but I -- because I don't know if there's a  
38 real solution, but I, you know, can talk about it for  
39 years and it sounds like we have been talking about it  
40 for years. And I see a lot of progress in terms of going  
41 towards changing regulations, but I think changing  
42 regulations or changing the Marine Mammal Protection Act,  
43 creating regulations to guide that, and I think building  
44 local area management plans and then a larger full  
45 encompassing management plan is still going to be years  
46 out and in the meantime what are the sea otters doing,  
47 they're not waiting for us to do that.

48

49 So I guess if you could just address  
50 whether or not there's anything else being done by either

1 the Service or any other regulatory agencies regarding  
2 the adverse ecological effects on other -- on shellfish  
3 communities, let's say. Is there.....

4  
5 CHAIRMAN ADAMS: Doug or Carrie, short  
6 response, please.

7  
8 MR. BURN: Well, I can talk to you  
9 perhaps during the break a bit more about how there is no  
10 top down management when populations are abundant,  
11 there's only top down management when populations are  
12 depleted. Basically the Marine Mammal Protection Act is  
13 a toolbox that doesn't have very many tools in it. And  
14 so there's only so much that we can do within it.

15  
16 As far as the other agencies go the  
17 Alaska Department of Fish and Game, Commercial Shellfish  
18 Division, they're aware of the issue of competition,  
19 particularly with the Dungeness crab fishery. But again  
20 the way the Marine Mammal Protection Act is written,  
21 only Alaska natives may hunt sea otters, only for  
22 specific purposes, and so they're not a species or marine  
23 mammals are not species that are managed for target  
24 populations the way other wildlife species are. And  
25 that's just the nature of the laws and the regulations.

26  
27 CHAIRMAN ADAMS: Okay. Thank you.  
28 Follow-up?

29  
30 MS. NEEDHAM: No.

31  
32 CHAIRMAN ADAMS: Mr. Wright.

33  
34 MR. WRIGHT: Thank you. Mr. Chairman.  
35 You know, although, you know, this sounds like, you know,  
36 a tribal issue, but the way I see it is a Southeast  
37 issue, you know. We were talk -- Ms. Sykes was talking  
38 about having a resolution sent to all the tribes to --  
39 for support and -- on what we're going to be doing with  
40 the sea otter. And I think that not only the tribes  
41 should be involved, I think the -- you know, like the  
42 city of Hoonah would certainly be willing to be involved  
43 with our resolution to address an issue that involves  
44 Hoonah. Because we -- the city of Hoonah is being  
45 affected tremendously.

46  
47 Another thing is I'm glad that, you know,  
48 we're going to be addressing the significantly altered  
49 issue with the people that are going to be doing the  
50 harvesting because I don't know what it is. And I think

1 that instead of just one enforcement agency to be taught  
2 what is what, I think all wildlife enforcement agencies  
3 need to be taught the same thing on what is significantly  
4 altered and what is not significantly altered. Because  
5 like some people say if your skin is off your back it's  
6 significantly altered. So I think that this is going to  
7 be a issue that's going to go on and on because of a law  
8 that was passed in Congress that only Natives can hunt  
9 and it's -- and I think that the laws are going to be  
10 changed before -- in order for it to happen. But when  
11 you take a first step something will happen. You can't  
12 -- you know, because I really believe that, you know, we  
13 have to do something with this because I don't believe  
14 that it's going to get any better. I -- like I said when  
15 I'm trolling and I see them two miles from my hometown  
16 when they're -- those are supposed to be ocean animals  
17 and I'm on the inside coast in Port Frederick, I say my  
18 Dungeness right outside Hoonah are in trouble, the  
19 cockles are right by Hoonah Island which you can see  
20 Hoonah Island from where I live, is in trouble. We need  
21 to -- but in order for that to happen agencies need to  
22 work together to do it like in the Tlingit way, we say  
23 (in Tlingit) working together so that we can make things  
24 happen. It won't happen working by ourselves. So I'm  
25 glad that these organizations are getting together to try  
26 to make it happen. I think Ms. Sykes said something  
27 about they were going to have a Tlingit-Haida delegation  
28 next month or something?

29

30 MS. SYKES: Yes, Tribal Assembly is next  
31 month.

32

33 MR. WRIGHT: Yes, I think I -- I used to  
34 be on the subsistence -- I used to be subsistence chair  
35 on there and you might be able to put a resolution to  
36 address it to the subsistence chair and then they can  
37 address it there.

38

39 MS. SYKES: Thank you.

40

41 MR. WRIGHT: Thank you. Mr. Chair.

42

43 CHAIRMAN ADAMS: Thank you, Mr. Wright.  
44 Anyone else from the Council?

45

46 MS. HAWKINS: Mr. Chair.

47

48 CHAIRMAN ADAMS: Merle. Go ahead.

49

50 MS. HAWKINS: Yeah, just a brief comment.

1 I noticed in the regulations also that it's kind of  
2 ambiguous. It says a reasonable amount can be harvested.  
3 So to one hunter a reasonable amount might be a couple  
4 and to someone else it might be a couple hundred. So  
5 there's a lot of fixing that needs to be done in those  
6 regulations. And that's because they were at one time to  
7 provide protection, but now they need to be hunted and  
8 controlled.

9

10 Thank you.

11

12 CHAIRMAN ADAMS: Thanks, Merle, for  
13 bringing that out. Anyone else?

14

15 MR. ACKERMAN: Mr. Chair.

16

17 CHAIRMAN ADAMS: Mr. Ackerman.

18

19 MR. ACKERMAN: That was a suggestion from  
20 some folks down below, we got to discussing the sea otter  
21 take and what we run into as an economic factor with a  
22 lot of the folks down below. Not everybody has \$6,000 to  
23 buy a skiff and an outboard and then you got to have  
24 1,000 bucks to fill it up and your rifle and whatnot. So  
25 it becomes a stop gate for these folks that they can't  
26 afford to go out and harvest the sea otter. And I looked  
27 into putting my skiff on the ferry and heading south from  
28 Haines to go as far south as Angoon or Kake or Klawock  
29 and try to harvest them, but then you're talking  
30 thousands of dollars. Then I had a good suggestion from  
31 a fisherman, he was going to allow me to go out with him  
32 on his boat, he was going to buy the fuel and I was going  
33 to harvest the sea otters in the areas that were affected  
34 by overpopulation. So maybe we could suggest that we  
35 could open that for advertisement, maybe for like  
36 Petersburg or wherever, that we could have a hunter come  
37 down or multiple hunters to go out on a boat that  
38 volunteers to haul them out to the grounds to make the  
39 harvest. And that would probably be a more economically  
40 feasible way for these folks to do that. So it's just a  
41 suggestion for you.

42

43 CHAIRMAN ADAMS: Thank you. Direct  
44 response, response.

45

46 MR. BURN: Yes. To your first point, the  
47 question about how expensive it is for you to get your  
48 skiff there. You know, the other opportunity might be to  
49 go to another community and hunt with another hunter, you  
50 know, together and share expenses that way. Your

1 question about a non-native providing transportation, I  
2 have asked that question to the law enforcement division  
3 and what they have reported back is that there currently  
4 a case pending in the courts that is similar to that.  
5 And so, for example, if you as a native and me as a non-  
6 native were out in a boat together, if I was helping to  
7 haul the sea otter over the side, if I was helping to  
8 skin it, that would be participating in the hunt and that  
9 would be illegal. But the question about could someone  
10 give you a ride, you get in a skiff, you go off and you  
11 do all the work yourself. So there is a case pending  
12 that's similar to that. Once we have a resolution of  
13 that we'll know more about that. And it very -- it may  
14 turn out that that is legal. And then that could be  
15 another way to minimize some of the expenses of hunting.

16  
17 CHAIRMAN ADAMS: Thank you. Say, you  
18 know, we have Mr. Lohse here from Southcentral. And I  
19 have been kind of itching to hear from him and I could  
20 see him squirming in his seat, you know, also wanting to  
21 make a comment. So we want to give you an opportunity to  
22 share with us, you know, some of your observations up in  
23 Southcentral, Ralph. So the microphone is all yours for  
24 a minute or so.

25  
26 MR. LOHSE: Thank you, Bert. And you're  
27 pretty good at recognizing things, I guess we both have  
28 the same problem. I've see the same thing happen at the  
29 Board meeting.

30  
31 I'd just like to tell Mr. Wright that he  
32 hit the nail on the head, it is a Southeast problem. And  
33 it's a Southeast issue that right at the moment the only  
34 people that have the power to address it are the native  
35 people of Southeastern Alaska. And it's really in your  
36 ball park and you really have the ability and the tools  
37 to affect it or you can end up with something like what's  
38 happened up in Cordova. We just went for a ride this  
39 morning, all of us together on the boat, and we stopped  
40 and we saw a couple sea otters. I could have taken you  
41 on that same ride out of Cordova and we'd have counted  
42 over 1,000 sea otters. I can take you in the harbor in  
43 the wintertime, anytime in the harbor in wintertime at  
44 night, and other places they have problems with sea lions  
45 pulling up on their docks, we have 100 or so sea otters  
46 sitting on our dock at night. If I walk down to the  
47 float to my boat, the float to my boat is covered with  
48 sea otter droppings. And in the wintertime you know what  
49 those sea otter droppings are, they're blue mussels and  
50 they're tube worms, that's how hungry they are. There's

1 nothing else left in the bay. We used to have a million  
2 pounds of crab taken out of Orca Inlet right in front of  
3 town there. When I first got there if you put a crab pot  
4 at Spike Island to have a crab feed for your family you  
5 couldn't eat all of the crabs you took out of the crab  
6 pot. Today there's not a legal crab in Orca Inlet and  
7 that's a fact. Razor clams don't get a chance to grow  
8 much bigger than that, the other clams are all affected  
9 too.

10

11 So this is what's going to happen if you  
12 don't address this problem. Now I really liked your idea  
13 about keeping in contact and I'd suggest that you contact  
14 the Native Village of Eyak and I think Mark King is on  
15 the Sea Otter Commission there. And get in contact with  
16 him and see what's going on there.

17

18 One of the things that was brought to our  
19 last Council meetings, and this is on the area of  
20 handicrafts, the -- and they brought what we consider our  
21 youngest skin sewer in Cordova to the meeting and it  
22 turns out that they found out that it was illegal for her  
23 to be sewing skins because her mother sews skins, but she  
24 doesn't have enough of a blood quantum to be a legal skin  
25 sewer.

26 So they've put a request in that skin sewing be realigned  
27 to follow lineal descent and we supported that as a  
28 Council and it might be something this Council wants to  
29 think about because as we have a culture that we, for  
30 lack of a better way of saying, we intermarry, the  
31 quantum goes down and yet they may come from a family  
32 where this is a traditional handicraft.

33

34 I'm really happy to see the U.S. Fish and  
35 Wildlife Service actually working at trying to help  
36 people with these things and to encourage the take. It's  
37 -- sometimes it's been -- seems to have been the opposite  
38 in the past and I don't know what's happened on this, the  
39 horror stories we heard secondhand on some of the  
40 enforcement problems you had in Southeastern just  
41 recently. And I haven't followed through on that so I  
42 don't know what's going on there.

43

44 The cost to harvest that Mike keeps  
45 bringing up. It's a fact, and this not only affects sea  
46 otters, this affects beaver in parts of our State where  
47 they're having impacts on salmon streams and things like  
48 that. And one of the things that's going to have to  
49 happen I really think is that the people who have the  
50 ability to do this are going to have to come up with a

1 way to help other people who have the ability to do that  
2 do it. Whether it's a co-op type thing or a credit or a  
3 subsidiary or a temporary -- you know, temporary funding  
4 or something, but that's going to -- and it's going to  
5 have to be done within the people who have the ability to  
6 make use of this resource. But it's either going to be  
7 done or your other resources are going to go away.

8  
9 I think if I'm right and I'd like to be  
10 corrected if I'm not, but I think that you can currently  
11 sell sea otter hides to other Alaska Natives just like  
12 you can sell seal hides. I know my father-in-law used to  
13 deal in that and -- before he passed away. And I'm  
14 pretty sure that you can sell seal -- sea otter hides to  
15 other native sewers whether they're Eskimo or Yup'ik or  
16 whatever, if they're interested. And I'd say pursue that  
17 market.

18  
19 And the other thing while you're dealing  
20 with sea otters you might want to watch your seals. I  
21 don't know what your seal population's doing down there,  
22 but our seal population's exploding.

23  
24 I would like to give a little bit of a  
25 warning though about trying to amend a Federal law  
26 because when you try to amend a Federal law you open it  
27 back up just like when we have a regulation in front of  
28 us. And I hate to say it, but we as Alaskan subsistence  
29 users aren't a very big dot on the radar screen and all  
30 you have to do is take a look at what happened with the  
31 suggestion for the predator control at Unimak Island.  
32 And all of a sudden you've got 95,000 replies or comments  
33 on the change out there. And you know that the 95,000  
34 comments didn't come from the Alaskan community or the  
35 subsistence community. So be careful how hard you push  
36 to change something like that.

37  
38 And with that I'd just to thank Bert for  
39 the opportunity of giving those comments and if anybody  
40 wants to talk sea otters we got lots of them.

41  
42 CHAIRMAN ADAMS: Thank you, Ralph. When  
43 we saw that one sea otter this morning he made the  
44 comment, you know, the same comment that he shared with  
45 us and I had the same thought too because we have a lot  
46 of sea otters in Yakutat. And I saw that one, I was  
47 looking around and I was saying well, where's the rest of  
48 them, you know.

49  
50 But thank you, Ralph, and thank you, Ed

1 and Carrie. We appreciate your -- the work that you're  
2 doing and we hope that we can see something positive come  
3 out of your cooperative efforts there.

4  
5 So anyone else have a comment to make?

6  
7 MR. BURN: My name's Doug.

8  
9 CHAIRMAN ADAMS: Did I call you -- what  
10 did I call you?

11  
12 MR. BURN: You called me Ed.

13  
14 CHAIRMAN ADAMS: Ed.

15  
16 (Laughter)

17  
18 CHAIRMAN ADAMS: The reason why I called  
19 you Ed is because I was going to put him -- a guy by the  
20 name of Ed Gray on the agenda next and I was going to ask  
21 Diana's forgiveness for putting him ahead of him [sic].  
22 So that's what was on my mind.

23  
24 MR. BURN: It's -- I've been called worse  
25 things.

26  
27 (Laughter)

28  
29 CHAIRMAN ADAMS: Well, at least I didn't  
30 swear at you.

31  
32 (Laughter)

33  
34 CHAIRMAN ADAMS: Thank you very much,  
35 Doug and Carrie.

36  
37 Mr. Kookesh.

38  
39 MR. KOOKESH: There's just a comment  
40 about his name. During Tribal Assembly in April when  
41 Doug did his presentation on sea otters, Richard George  
42 came up and said his Tlingit name should be (In Tlingit).

43  
44 (Laughter)

45  
46 CHAIRMAN ADAMS: So be it.

47  
48 MR. BURN: I've been called worse things.

49  
50 (Laughter)

1                   CHAIRMAN ADAMS: So is Ed Gray in the  
2 house? Okay. If it's okay with you, Diana, we'll listen  
3 to him because it's related to sea otters. And then  
4 we're going to take a break and then we'll have you on  
5 right afterwards.

6  
7                   MR. GRAY: My name is Ed and.....

8  
9                   (Laughter)

10  
11                  MR. GRAY: .....being Mr. Burn just my  
12 testimony it's quite appropriate that we exchange names.  
13 That's fortunate.

14  
15                  So my name is Edward Gray. I am the  
16 manager of Monarch Tannery which is a recently  
17 established tannery here in the Sitka area, a private  
18 tannery. The reason we were organized and established  
19 was really two-fold. One was in response to the large  
20 amount of product that was leaving the State that we  
21 recognized and the revenue that went with it. We just  
22 realized what actually a small amount of the product that  
23 was harvested here was being processed here so in  
24 response to that we organized.

25  
26                  And our second reason for organizing was  
27 we had a real desire to provide additional opportunities  
28 to the native population to utilize the sea otter  
29 resource. I'm going to amend my testimony, keep it brief  
30 because really Mr. Burn just did give my testimony. My  
31 concerns were -- I came to the Board hoping for help in  
32 addressing the issues that we were just spoken. And so  
33 because of that long of a conversation I'm not going to  
34 go there, but the only thing that I can add to that is  
35 that we as a tannery we were able to organize and I spent  
36 about a month this winter in New York and Florida and Ohio  
37 and we were able to acquire the equipment and the  
38 processes and -- that we would need to process -- you  
39 know, process sea otter to where it would be a valuable  
40 resource and it would be a good product for the natives  
41 to utilize.

42  
43                  And the only area that we have had --  
44 where we haven't been able to resolve, when I call --  
45 when I would call enforcement looking for clarity, they  
46 want to handle it on a case by case situation, it's how  
47 they prefer to do business. And when we're setting --  
48 when we attempt to set standard operating procedure  
49 because there are things like we would like to assist in  
50 forming traditional tribal co-ops, we don't know what

1 that is. We would like to, you know, assist these  
2 traditional tribal co-ops in significant altering --  
3 significantly altering, we don't know exactly what that  
4 is. So these are the areas of our concern as a private  
5 entity trying to like take action, just trying to go  
6 forward without everything being resolved, we're trying  
7 to be part of the solution and go forward without  
8 everything being resolved first. But these are the areas  
9 that we can't resolve, that we need help with. We've  
10 purchased -- you know, we've purchased sewing equipment  
11 which we're more than happy to -- you know, the plan was  
12 to share, to allow people to use. You know we could  
13 participate in a lot of things that will help promote the  
14 industry, but the things that we can't do are we can't  
15 deal with enforcement, we need help with that. So I came  
16 here to solicit the help of the Board in that area.

17

18 Thank you.

19

20 CHAIRMAN ADAMS: Well, thank you. Thank  
21 you, Doug, I mean, Ed.

22

23 (Laughter)

24

25 CHAIRMAN ADAMS: I did that on purpose,  
26 you know.

27

28 (Laughter)

29

30 CHAIRMAN ADAMS: Okay. Thanks for that  
31 -- for those comments. And why don't we take a break  
32 here. Be back here at 15 after and then we will continue  
33 on with some testimonies.

34

35 (Off record)

36

37 (On record)

38

39 CHAIRMAN ADAMS: Okay. We're back in  
40 session. We're going to listen to Ms. Evans now, but let  
41 me just say that -- I was just informed, you know, before  
42 our break that we're going to have to go through our  
43 wildlife proposals by noon tomorrow. So if I get kind of  
44 pushy, you know, from here on out to meet that deadline,  
45 that's the reason why. So it's my responsibility, you  
46 know, to keep the meeting moving. And I like to give  
47 everybody an opportunity, ample time to express their  
48 concerns and make their comments, but if I -- if I say  
49 short answer, please, you know, things like that, that's  
50 an indication I'm trying to move the meeting forward.

1                   So, Ms. Evans, we appreciate your being  
2 here and your patience for waiting. We want to turn time  
3 over to you right now.

4  
5                   MS. EVANS: Mr. Chair. Members of the  
6 Council. My name is Diana Evans, I work for the North  
7 Pacific Fishery Management Council and I'm here at your  
8 invitation to give you an update on the North Pacific  
9 Council's actions on Gulf chinook salmon bycatch.

10  
11                   So I have a Powerpoint prepared, but I  
12 think you have a slide hand out version of it. I'm just  
13 going to walk through that rather than projecting given  
14 that I don't want people to have to get up and move  
15 elsewhere. So you have the slides in front of you.

16  
17                   Just a little bit of background about the  
18 North Pacific Fishery Management Council. Together with  
19 the National Marine Fishery Service we manage the  
20 offshore Federal fisheries so primarily responsible for  
21 groundfish fisheries, for pollack, flatfish, rock fish,  
22 cod. The Council makes recommendations to the National  
23 Marine Fishery Service and then the National Marine  
24 Fishery Service approves, implements and enforces those  
25 regulations. So we have a partnership for management of  
26 the offshore fisheries. And the law that governs the  
27 Council's management of the fisheries is the Magnuson-  
28 Stevenson Act and that's a Federal law.

29  
30                   So the Magnuson Act is actually what  
31 defines who is on our Council. We have 15 members, there  
32 are 11 voting members and four non-voting members. And  
33 of the voting members there are four designated seats for  
34 fishery managers from the Federal agency or the States of  
35 Alaska, Washington and Oregon. But then there are seven  
36 appointed seats and five of those are from the State of  
37 Alaska and two from the State of Washington. And those  
38 are actually appointed by the Secretary of Commerce, but  
39 names are submitted to the governor of each -- by the  
40 governor of the State of Alaska or Washington and then  
41 those designations are made. So that's the constituency  
42 of our group. The seats represent a variety of fishing  
43 interests. Again also represent non-fishing interests,  
44 but at the moment they're primarily fishing seats,  
45 fishermen that have been involved both in the processing  
46 side as well as salmon fisherman, halibut/sable  
47 fishermen, the interests are fairly diverse, in fact, I'm  
48 a fishermen at the moment. And then the four non-voting  
49 members are the Coast Guard, the Pacific States Marine  
50 Fisheries Commission, the Department of State and the

1 Fish and Wildlife Service.

2

3                   So that's the makeup of our Council. We  
4 have five meetings a year, three of them are in Anchorage  
5 and then there's actually every -- one in every year in  
6 an Alaskan fishing community, we have our meeting in  
7 Sitka every three years in general and each meeting lasts  
8 about eight days.

9

10                   The way the process is setup under the  
11 Magnuson Act is to allow for regional, local  
12 participation in fishery management decisions. And so  
13 the whole point of the process is to have a lot of public  
14 input and have an opportunity for local fishermen and  
15 stakeholders in the process to influence the decision  
16 making process. One of the recent things we have now is  
17 we actually have a audio link available so that the -- we  
18 can broadcast our meetings on the web so people can  
19 listen in to the meetings remotely.

20

21                   So the Council decision making process,  
22 the slide then just identifies generally what our process  
23 is. A proposal comes forward either brought forward by  
24 the agency or brought forward by stakeholders. The  
25 Council decides to initiate an analysis, looking at  
26 alternatives, for what kind of management measures would  
27 address that problem. And then there are several stages  
28 of review and once the Council has made their final  
29 decision that then is submitted to the Secretary of  
30 Commerce to approve and then develop regulations to  
31 implement that decision. So that's the general process  
32 or the general framework under which we work.

33

34                   So looking specifically then at the issue  
35 of salmon bycatch, this is something that the Council's  
36 been considering both in the Bering Sea and the Gulf for  
37 several years as an issue of concern. A lot more of the  
38 attention in recent years has been on the Bering Sea and  
39 you've probably all heard about that in the news, there's  
40 obviously been a lot of controversy about salmon bycatch  
41 both of chinook salmon and chum salmon in the Bering Sea.

42

43                   The Gulf trawl fisheries also catch  
44 salmon as bycatch mostly in the pollack fishery. And  
45 under our regulations for the groundfish fisheries salmon  
46 bycatch is counted for -- accounted for, but it cannot be  
47 retained or sold. So that is the only specific measure  
48 in the Gulf relating to salmon bycatch, there aren't any  
49 other management measures that prohibit -- that restrict  
50 the total number, for example, of salmon that can be

1 caught. And that's one of the reasons why we are moving  
2 forward with the action that I'm going to describe today.

3  
4 So there's a slide on the top of Page 4  
5 that looks at the chinook and chum bycatch numbers for  
6 the last 20 years in the Gulf fisheries -- Gulf  
7 groundfish fisheries. And on the top you see chinook.  
8 There isn't really a trend to bycatch, it seems to be  
9 pretty variable from year to year, but you can see that  
10 certainly in 2010 that was a really high bycatch year.  
11 And that's one of the reasons that this amendment package  
12 or trying to do something about this issue has become a  
13 very, very high priority for the Council because had such  
14 a high bycatch year in 2010.

15  
16 If you look on the bottom of the that,  
17 the bottom graph looks at -- it's other salmon, but in  
18 general that's mainly chum salmon. And chum salmon  
19 numbers have been very low in the Gulf groundfish  
20 fisheries. And so the Council hasn't prioritized that as  
21 an issue. In -- it was -- there were high numbers in the  
22 early '90s, but since then the bycatch numbers have been  
23 low. So the focus has been in the Gulf on chinook  
24 salmon.

25  
26 So Magnuson-Stevenson Act under which we  
27 operate has a number of national standards and the --  
28 this is relevant for any action we take with salmon  
29 bycatch because everything needs to be about the policy  
30 objectives. One of the national standards says that we  
31 should be minimizing bycatch, including salmon bycatch,  
32 to the extent practicable, at the same time we're trying  
33 to optimize yield of target fisheries. So the actions  
34 that the Council take need to try to figure out the best  
35 way to balance those two competing objectives. And one  
36 of the other national standards is also to provide for  
37 sustained participation of fishing communities. And in  
38 the Gulf fisheries particularly, many of the fisheries  
39 are community based so that's an important national  
40 standard for taking action with respect to Gulf fishing  
41 communities or Gulf fishing actions.

42  
43 So then on the top of Page 5 you can see  
44 what Council's action is and this information is also in  
45 your briefing book. A written report was put together I  
46 think by Mr. Larson that identifies the -- in detail the  
47 two actions that are being considered by the Council.  
48 But in December, 2010 the Council initiated two amendment  
49 packages and the reason they did this was they wanted to  
50 -- given the high bycatch that occurred in 2010 they

1 wanted to try to put in place something on an expedited  
2 time frame as quickly as possible to try to put in some  
3 place some kind of bycatch control management measures so  
4 that you wouldn't have a situation again where you could  
5 have such high bycatch levels of chinook salmon.

6  
7           So the way they did that was the first  
8 amendment package described on the top here is looking  
9 specifically at the Gulf pollack fishery. The pollack  
10 fishery accounts on average for about 75 percent of  
11 chinook salmon bycatch so they targeted that fishery and  
12 then looked at what are the management measures that  
13 would be easy to regulate. So one of the issues with our  
14 process is that when you're trying to find the best  
15 management measures it's often difficult to do things  
16 quickly, there's a number of stakeholders, people need to  
17 talk about issues and then the act of implementing those  
18 regulations can often take a lot of time. So what were  
19 some focus measures that would allow you to do some kind  
20 of bycatch control on a fast time frame. And the Council  
21 identified for the pollack fishery the two things to look  
22 at would be a hard cap, an overall limit of this is the  
23 number of chinook that may be caught and after anything  
24 -- if there's any catch in excess of that amount then the  
25 pollack fishery would be closed. And then the other  
26 management measure they looked at was participation in a  
27 mandatory cooperative. So trying to find a way for -- to  
28 encourage the participants in the fishery to talk to each  
29 other and share information about the bycatch rates and  
30 force a -- find a mechanism to force everybody in the  
31 fishery to talk to each other and come to agreement about  
32 the best way to maybe slow down the fishery to allow some  
33 of these bycatch manage -- reduction measures to go into  
34 place.

35  
36           That's the action that the Council is  
37 currently dealing with. Once they have taken final  
38 action on the action for the Gulf pollack fishery there's  
39 a second amendment that the Council wants to look at and  
40 that's a more comprehensive amendment looking at bycatch  
41 in the non-pollack trawl fisheries, so that other 25  
42 percent of the average total where the bycatch comes  
43 from, should we be putting limits in place for those  
44 fisheries, are there other mechanisms that would be  
45 useful to put in place in the fisheries that would allow  
46 us to reduce salmon bycatch. And there's some other  
47 ideas that are on the table for what those types of tools  
48 might be. But because they'll take a little bit more  
49 time to think about and fully develop, it seems like  
50 let's do the short term fix first and then work on the

1 long term solutions after that.

2

3                   So the next slide just talks about  
4 specifically the alternatives, I think I've talked  
5 through those already, but there is a hard cap on the  
6 table. The overall amount for the Gulf would be either  
7 15,000, 22,500 or 30,000 fish that would be the allowed  
8 -- at which the fisheries would close and that would be  
9 divided between the western and central Gulf. And you  
10 would also under that alternative increase observer  
11 coverage so that you can better monitor the actual amount  
12 of salmon that's being caught on the parts of the fleet  
13 that have low observer coverage.

14

15                   So just a quick slide then on the top of  
16 Page 6, looks at the Gulf pollack fishery, it mainly  
17 takes place in the western and central Gulf, there is a  
18 small fishery occurring in the eastern regulatory area,  
19 but it represents about 2 percent of the overall salmon  
20 bycatch that's caught in the Gulf. So it's primarily the  
21 western and central Gulf that we're concerned about. The  
22 fishery takes place in four seasons, the overall pollack  
23 quota, the total amount of catch that's allowed to be  
24 taken for pollack is divided into four seasons in a year  
25 and that's in part for protection for stellar sea lions.  
26 But the -- because there are smaller amounts of quota  
27 released on this quarterly basis, the fishery tends to be  
28 a very fast paced fishery. It -- generally although the  
29 seasons can legally be open for a month or six weeks, the  
30 fishery itself is generally only open for a few days. So  
31 very fast paced fishery which is one of the reasons why  
32 it's difficult for vessels to have a good opportunity to  
33 communicate when there might be areas where they're  
34 getting into a lot of salmon.

35

36                   And then the third point on that slide is  
37 that all catch is delivered onshore and that's definitely  
38 a distinction between the Gulf fisheries and the Bering  
39 Sea fisheries. We don't have catcher/processors and  
40 we're not talking about factory trawlers when we're  
41 talking about the Gulf. We're talking about small  
42 vessels in the western Gulf especially, they tend to be  
43 vessels under 60 feet is the majority of the fleet so  
44 really small vessels. And the central Gulf can be a  
45 little bit larger, but a lot of community based fishing  
46 going on in the Gulf fishery.

47

48                   The bottom of that page looks at chinook  
49 bycatch trends by the western and central Gulf. And the  
50 point of the slide is actually the -- as before that

1 there really aren't trends, you see a lot of year to year  
2 variability. 2007 was the highest bycatch year in the  
3 Gulf, 2010 in the western Gulf primarily at the end of  
4 the year. Both 2003 and 2009 were low years for bycatch.  
5 One of the problems we have in the Gulf fleet again  
6 compared to the Bering Sea is that our data isn't as  
7 good. There's a lot of uncertainty associated with the  
8 bycatch estimates because the -- there are fewer observed  
9 vessels in the fleet, so approximately 30 percent of the  
10 fleet or less is carrying observers whereas in the Bering  
11 Sea you have much higher percentages of observed vessels.  
12 And that just creates a lot more uncertainty about the  
13 bycatch estimates which are extrapolated from bycatch  
14 rates on observed vessels to unobserved vessels.

15  
16 One of the issues then that we're hoping  
17 to solve with this is try to increase observer coverage  
18 on some of those really low unobserved fleets so that you  
19 can get better numbers.

20  
21 I'd note in 2011 to date bycatch has been  
22 around 2,000 -- about 2,400 chinook for the whole Gulf.  
23 I'm not quite sure how that splits out between the  
24 western and the central Gulf, but overall in the Gulf  
25 that's been the bycatch for the first two pollack seasons  
26 which are pretty much concluded at this point.

27  
28 And the size of chinook salmon that we're  
29 talking about observed in the bycatch tends to have an  
30 average weight of about seven and a half pounds. Bycatch  
31 in the first half of the year is generally smaller than  
32 in the second half of the year. And one of the facts of  
33 putting in place an annual hard cap which is what we're  
34 talking about in this action means that the fishery is  
35 much more likely to close down later in the year. So  
36 we'd be closing the fishery down when they would tend to  
37 be catching larger salmon.

38  
39 The next several slides just are intended  
40 to illustrate what we know about the location of where  
41 the chinook are being caught and the main method here is  
42 that we -- there doesn't seem to be any pattern in terms  
43 of spacial location. So where they are consistently  
44 caught year to year, we don't see any big consistent  
45 patterns. If you follow the darkest color on the series  
46 of slides here from 2006 to 2010 you can see the dark  
47 purple. You can see in 2006 that dark purple occurred in  
48 Marmot Bay and Kodiak, in 2007 it shifted to Shelikof  
49 Straits along the shelvage, in 2008 the Port Lock Bank  
50 was where you saw the highest concentration of chinook

1 salmon, in 2009 was a low bycatch year and then in 2010  
2 the -- which was a higher bycatch year across the Gulf,  
3 but particularly in the western Gulf you can see around  
4 the Shimigan Island there was high bycatch observed. The  
5 point of that is that we've looked before at tools such  
6 -- like area closures as a way to deal with bycatch  
7 management, but there doesn't seem to be a real clear way  
8 that we can use that tool for salmon in the Gulf at least  
9 based on our current level of knowledge, there just  
10 doesn't seem to be a place that you could say let's close  
11 them here and we know we're going to be able to protect  
12 against high bycatch. And that's a tool we often used in  
13 other bycatch issues, but it doesn't seem to work as far  
14 as we can tell for this issue for chinook salmon for --  
15 at our current state of knowledge.

16  
17                   And then the million dollar question is,  
18 of course, the stock of origin, what -- where are the  
19 salmon coming from that are caught in the bycatch. And  
20 unfortunately that's the one thing that we know very  
21 little about. There is a data base, a genetic analysis  
22 data base that's been developed looking -- trying to code  
23 based on the DNA to be able to examine the DNA and see  
24 where -- in general what regions those salmon come from.  
25 But what -- the piece that we're missing in the Gulf to  
26 be able to use that data base is that we don't have the  
27 samples from the bycatch to be able to say -- to do a  
28 bycatch composition analysis to see what stocks make up  
29 the bycatch in the Gulf.

30  
31                   We have coded wire tag information and  
32 that does give us some information, it shows you what  
33 stocks are present in the Gulf bycatch. Coded wire tags  
34 obviously is limited by the fact that not all of the  
35 streams do tagging so you don't necessarily have the  
36 whole -- all of the stocks represented that might be in  
37 the bycatch. And we are -- the Council is encouraging  
38 the agency and through this action we might be able to  
39 improve the sampling in the future so that we can start  
40 doing that genetic analysis for the Gulf, but partly  
41 because so much of our focus has been on the Bering Sea  
42 and trying to address problems in the Bering Sea, we've  
43 got -- now got a really good sampling program up and  
44 running in the Bering Sea and now we're trying to catch  
45 up a little bit in the Gulf and try to figure out how to  
46 improve our work in the Gulf.

47  
48                   The slide on Page -- the coded wire tag  
49 recovery, is on the top of Page 11, does show what  
50 information we do have for the two Alaska stocks that are

1 coded wire tagged. And recoveries from coded wire tags  
2 shows that about a third of the tags that are recovered  
3 come from British Columbia rivers, a third from the  
4 Pacific Northwest and a third from Alaska. Of those  
5 three-quarters come from Southeast Alaska stocks and a  
6 quarter come from Cook Inlet stocks.

7  
8 And I know the two pictures there aren't  
9 terribly easy to read, but you can see that for Southeast  
10 Alaska stocks wherever recoveries of those tags have  
11 occurred, and they tend to be throughout -- around Kodiak  
12 and along the Alaska Peninsula there, a little bit in  
13 Prince William Sound. So you can see what information we  
14 do have in terms of tags that have been recovered.

15 So what this limited information tells us  
16 is that we'd like to get more information and that we  
17 have uncertainty about what the relationship is between  
18 the status of stocks -- of chinook stocks and what the  
19 impacts the bycatch is having. Obviously there's not a  
20 one to one relationship between bycatch that's caught in  
21 the groundfish fisheries and salmon that would have  
22 returned as adults to their streams because there's other  
23 sources of ocean mortality that would have intervened and  
24 not all those fish would have come back as adults. But  
25 we don't know exactly what that relationship is and  
26 that's something that we want to find out more about.  
27 However when we're looking specifically at the impact of  
28 this action that we're talking about, we're going from a  
29 management scenario where we don't have any bycatch  
30 controls to one where at least we're trying to put a  
31 bycatch control in place. So hopefully that if there is  
32 an interaction between the bycatch and chinook salmon  
33 stocks then we are moving in a positive direction in  
34 terms of reducing that impact.

35  
36 And then the last two slides just show  
37 what the schedule is for the Council's current action.  
38 So with respect to the pollack action we are doing  
39 initial review at our meeting next week and we have an  
40 initial review draft available that's out to the public  
41 and I can make that link available. It's on our website  
42 which is listed on the bottom there, but we can certainly  
43 make that information available if people are interested  
44 in seeing that. The Council will probably identify a  
45 preliminary preferred alternative at this meeting and  
46 then their intention is to take final action in June at  
47 our meeting in Nome, again with the idea that they would  
48 like to get this implemented as quickly as possible. The  
49 quickest implementation that we can talk about is mid  
50 2012, so in time for the fall pollack seasons of 2012.

1 If the Council took final action in June that's what --  
2 the time frame that we would be looking at. And then  
3 once we have final action on the pollack action then  
4 we'll start working on the other, more comprehensive  
5 analysis and be able to move forward with that as well.

6

7 And then the last slide there just shows  
8 ways in which you can provide public input to the Council  
9 if you are so interested.

10

11 CHAIRMAN ADAMS: Thank you, Ms. Evans,  
12 appreciate it. This has been a very big issue, you know,  
13 as you probably know on this Council as well. So, you  
14 know, I'm going to open it up for questions, you know,  
15 from the Council to you.

16

17 So any questions anyone or comments.

18

19 MS. PHILLIPS: Chairman Adams.

20

21 CHAIRMAN ADAMS: Patty.

22

23 MS. PHILLIPS: Thank you. Chairman  
24 Adams. On the Page 10 it talks about -- you mentioned  
25 that bycatch samples are lacking and so you don't have a  
26 genetic analysis of where they're coming from. Who pays  
27 for that genetic analysis, does the industry, I mean,  
28 because they're the ones catching the bycatch, I mean,  
29 but who is paying for that?

30

31 MS. EVANS: Mr. Chairman. Ms. Phillips.  
32 The program in the Bering Sea, I believe the sampling is  
33 done by the Alaska Marine -- Alaska Fishery Service --  
34 National Marine Fishery Service, the Alaska Fishery  
35 Science Center is what I'm trying to say, but by National  
36 Marine Fishery Service basically are the ones who are  
37 analyzing the samples. There have been some talks about  
38 with trying to get analysis done for the Gulf, industry  
39 has certainly talked about trying to look into the option  
40 of trying to do some studies on their own and for which  
41 they'd be paying for some of that work. But in general  
42 our sampling programs are done by the government, but  
43 they're done through the observer program.

44

45 CHAIRMAN ADAMS: Mr. Bangs.

46

47 MR. BANGS: Thank you. Mr. Chairman.  
48 Are the estimates on the amount of bycatch, are -- is  
49 this through the observer that are counting the fish, I  
50 mean, if they're not able to retain them, they're just

1 throwing them overboard. So they're observed on some  
2 boats, but not all and if there are observers onboard are  
3 they up 24 hours a day or, I mean, how do they -- how  
4 does all that work?

5  
6 MS. EVANS: Mr. Chairman. Mr. Kitka  
7 [sic]. The way that the program works in the Gulf,  
8 observed vessels -- vessels are required to carry  
9 observers for 30 percent of their fishing time. So it  
10 effects -- equates to about 30 percent observer coverage  
11 in the fleet if they are between 60 feet and 125 feet,  
12 and most of the pollack vessels in the central Gulf fall  
13 within that category. So they're getting about 30  
14 percent observer coverage. The observer does not work 24  
15 hours a day, he works I think an eight hour day, 12 hour  
16 day. I'm not sure exactly what the length of day is, but  
17 I know that the observer certainly tries to arrange his  
18 sleep schedule and wake schedule so that he's awake  
19 during -- to witness the hauls although that doesn't  
20 happen 100 percent of the time. But one thing we do have  
21 in the Gulf pollack fishery is -- let me back up for a  
22 moment. There's confusion about the retention provision.  
23 It is on the books prohibited to retain salmon while  
24 you're fishing. And however the characteristics of the  
25 pollack fishery mean that in many cases the pollack  
26 fishery has a very low incidental catch and so most  
27 vessels don't sort at sea, they just bring the whole  
28 catch onboard and they pump it straight into the hold and  
29 at a rapid rate. And because they're large -- larger  
30 bags of fish there are stability concerns about slowing  
31 down the catch enough to be able to sort on deck. And so  
32 because there are some safety issues associated with  
33 that, this is specifically for the pollack fishery, the  
34 Coast Guard and NMFS law enforcement has had a long  
35 standing practice of allowing for the pollack fishery all  
36 the catch, including prohibited salmon, to be brought  
37 onboard and then for the catch to be delivered to the  
38 processor and for the salmon to be sorted at that point  
39 and then discarded. So in general for the pollack  
40 fisheries the salmon are not sorted at sea and so they're  
41 not discarded immediately.

42  
43 Given that scenario then we have a  
44 situation where the observer program is trying to count  
45 all salmon that come -- that are taken in the pollack  
46 fishery. And for the most part the -- all of the salmon  
47 is brought onboard, it's delivered to the processor, then  
48 they off load and then the vessel observer at that point  
49 stands by the catch as it's off loaded and tries to do a  
50 full census of salmon as it's off loaded, as it is taken

1 into the plant. So for observed vessels the numbers of  
2 salmon that are caught tend to be reliable numbers.  
3 Where the uncertainty then comes in is the fact that you  
4 only have about 30 percent of the boats that are -- the  
5 catch that's observed. And you're then extrapolating the  
6 bycatch rate from those observed vessels to all vessels,  
7 all the pollack catch, and, you know, pollack or chinook  
8 salmon are a more rare species in the pollack catch so  
9 they can be -- we don't know how reliable those -- we  
10 don't know how -- what the uncertainty is about -- around  
11 those estimates for the fleet as a whole.

12

13 CHAIRMAN ADAMS: He's to a follow-up.

14

15 MR. BANGS: So in other words these  
16 numbers really might not be that accurate, they -- I  
17 mean, I guess it's the best we can come up with, but for  
18 -- from what I understand and from the people that I know  
19 that fish on the boats is there's a lot of stuff going on  
20 that the observers aren't observing because they can't be  
21 up 24 hours. And it's something that I thought, you  
22 know, they're doing it with some of the longline  
23 fisheries putting cameras onboard and these kind of  
24 things that don't take or cost as much as a human  
25 observer. And I just encourage the Council to come up  
26 with some hard regulations to curb this bycatch and the  
27 uncertainty of how many fish they're actually catching  
28 because like Mr. Chairman Adams said that this has been  
29 a serious problem throughout the State. And I just hope  
30 that Council goes -- makes some good decisions on  
31 regulations.

32

33 Thank you.

34

35 CHAIRMAN ADAMS: Go ahead.

36

37 MS. EVANS: Mr. Chair. Mr. Kitka [sic].  
38 I do agree that there is a lot of uncertainty.

39

40 CHAIRMAN ADAMS: Excuse me, that's Mr.  
41 Bangs. That's Mr. Kitka right there.

42

43 MS. EVANS: Oh, I'm sorry, I apologize.

44

45 CHAIRMAN ADAMS: That's okay, we forgive  
46 you.

47

48 MS. EVANS: You know, I should have  
49 figured that out, but.....

50

1 (Laughter)

2

3 MS. EVANS: The -- there is a lot of  
4 uncertainty associated with the numbers. I think in the  
5 pollack fishery because it's a short pulse fishery, there  
6 are only a certain number of pollacks you can take and  
7 you can't fish for that long and they tend not to be  
8 sorting at sea. You don't -- you're not taking an  
9 observer out for several days. I think there's a higher  
10 percentage of the actual hauls that the observer is  
11 observing while they're onboard than perhaps you get in  
12 some of the other fisheries. And also with the  
13 uncertainty about the numbers I think that biases both  
14 low and high sometimes. So the central Gulf number for  
15 2007, we know that a large number of the proportion of  
16 salmon that were caught in -- that account for that total  
17 number come -- are extrapolated something like, you know,  
18 one salmon or even 22 salmon were extrapolated to  
19 something like 15,000 due to a number of quirks with the  
20 system. It's the best available methodology that we  
21 have, but it is absolutely not perfect and I think anyone  
22 associated with National Marine Fishery Service would  
23 agree with that. It doesn't always mean that it's --  
24 that we are considering -- that we think that the bycatch  
25 is much higher than what's going on, I think it works  
26 both ways. But certainly as part of the comprehensive  
27 package that's coming following this immediate pollack  
28 action, one of the things that is on the table to look at  
29 is some way to use electronic monitoring in a more  
30 efficient way and in a way that would help with some of  
31 these issues. And I think that's something that the  
32 Council definitely wants to move forward with.

33

34 CHAIRMAN ADAMS: Okay. I think Cathy and  
35 then -- no. You winked at me a little while ago.

36

37 (Laughter)

38

39 CHAIRMAN ADAMS: Okay. Donald, go ahead.

40

41 (Laughter)

42

43 MR. HERNANDEZ: I didn't wink at the  
44 Chairman.

45

46 (Laughter)

47

48 CHAIRMAN ADAMS: You better not have.

49

50 MR. HERNANDEZ: Yeah.

1 (Laughter)

2

3 MR. HERNANDEZ: I think we'd all agree  
4 that, you know, these salmon bycatch numbers are  
5 affecting users, you know, down the line from your  
6 fisheries or the fisheries you manage. So in order to  
7 come up with a solution to solve this problem you've kind  
8 of proposed some annual hard cap numbers, either 15,  
9 22,000 or 30,000 fish overall. I guess my question is  
10 how were these numbers arrived at and are these really  
11 adequate to solve some of the problems and were these  
12 numbers arrived at scientifically or politically?

13

14 MS. EVANS: Mr. Chair. Mr. Hernandez,  
15 hope that's right, if I'm counting my name tags correctly  
16 this time. The numbers were derived at -- from -- they  
17 come back to an incidental take statement that was put  
18 together for ESA listed salmon in the Gulf groundfish  
19 fisheries. So there are ESA listed chinook salmon in the  
20 Pacific Northwest, there's been biological opinions in  
21 the past that say -- that identify that once you hit a  
22 certain threshold which is the incidental take statement  
23 threshold, then we need to talk more about whether  
24 bycatch is becoming in the Gulf groundfish fisheries is  
25 becoming an issue on our endangered ESA listed species.  
26 And the number that is listed for ESA listed salmon is  
27 40,000, that's the biological opinion. And so when the  
28 Council was considering this in December, 2010, we had  
29 this high bycatch year, particularly in the fall season,  
30 in one week a whole lot of salmon were caught in the  
31 western Gulf and all of a sudden we've exceeded that  
32 40,000 number for the Gulf groundfish fisheries as a  
33 whole. And the Council's trying to put together a  
34 package to come up with an immediate solution to control  
35 bycatch. They looked -- again they focused specifically  
36 on the pollack fishery. They said okay, we know that the  
37 pollack fishery averages about 75 percent of bycatch of  
38 chinook. We're going to take that 40,000 number and take  
39 75 percent which is the 30,000. And then in order to  
40 look at a range of numbers we'll take 30,000 as the high  
41 number, we'll cut it in half and we'll take the middle  
42 point. So 30,000, 15,000, 22,500. That's how the  
43 numbers were arrived at. It's not necessarily a  
44 scientific number, although it has some scientific basis  
45 because of the biological opinion, but it depends on  
46 obviously what angle or who you're trying to look at.  
47 The biological opinion was looking specifically from the  
48 perspective of ESA listed species versus Alaska chinook  
49 stocks or, you know, chinook stocks as a whole. But we  
50 don't know what that relationship is so we're always

1 going to have somewhat of an arbitrary number.

2

3                   And then the next question about whether  
4 that's the right number of an adequate number, we -- for  
5 the lowest cap, 15,000 chinook, it would have closed the  
6 fishery in several years in both the western Gulf and the  
7 central Gulf. The 30,000 number would have closed the  
8 fisheries early in the really high bycatch years so in  
9 2007 in the central Gulf and 2010 in the western Gulf.  
10 I think also in -- actually also in 2005 which was a high  
11 bycatch year for both western and central Gulf. So it  
12 does -- those numbers would have curtailed the fisheries.  
13 Well, any of those caps would have curtailed the  
14 fisheries in high years and then it's just a question of  
15 what the best tame threshold is for the groundfish  
16 fisheries that is -- you know, because we are trying to  
17 have that balance between minimizing bycatch and allowing  
18 a fish eating yield in the fisheries.

19

20                   CHAIRMAN ADAMS: Okay. Donald.

21

22                   MR. HERNANDEZ: (Shakes head negatively)

23

24                   CHAIRMAN ADAMS: Okay. Mr. Kitka.

25

26                   MR. KITKA: Thank you. Mr. Chair. I  
27 just was curious as -- I know you're talking about a hard  
28 cap, but we as a Council and other Councils throughout  
29 the State, we worried more about subsistence. And if you  
30 put a hard cap on it that doesn't really address the  
31 problem with not enough fish for subsistence. And we'd  
32 probably like a little faster response on when you guys  
33 close it and if you guys could find out whether the  
34 communities are suffering from not being able to meet  
35 their subsistence needs in the areas affected.

36

37                   Thank you.

38

39                   MS. EVANS: Mr.....

40

41                   CHAIRMAN ADAMS: You're welcome to  
42 respond if you want.

43

44                   MS. EVANS: Mr. Chair. Mr. Kitka. The  
45 only response that I would have is that the Council's  
46 jurisdiction is only to look at management measures in  
47 the groundfish fisheries, it's the State of Alaska and  
48 other Boards that manage the subsistence harvest and  
49 manage the commercial salmon fisheries. So our ability  
50 to act is limited to acting on bycatch, you know, the --

1 stopping the groundfish fisheries from catching bycatch.  
2 But I recognize your point for.....

3

4 CHAIRMAN ADAMS: Thank you. Okay. Tim.

5

6 MR. ACKERMAN: Thank you. Mr. Chairman.  
7 Yeah, the bycatch issue here is -- really affects the  
8 whole west coast apparently from Washington, Oregon,  
9 Alaska and British Columbia are all included in this on  
10 Page 11 at the top there, the wire code -- coded wire tag  
11 recoveries. It's real interesting to see not only does  
12 it affect the fisheries and the trollers, you know the  
13 trollers are going to take an economic hit from this  
14 bycatch, this is future fish in their troll fishery,  
15 future fish in the gillnet fishery that are being  
16 intercepted and also the future king salmon that are  
17 going to be in the subsistence nets as well as the  
18 subsistence fishwheels. It's apparently going to have an  
19 effect on all user groups here economically and in the  
20 subsistence part of the thing there, but it'll be  
21 interesting to see how far they will go and what effect  
22 it has on the king salmon stocks as a whole throughout  
23 the whole west coast, how far will they let it go before  
24 the stocks collapse beyond a recovery, you know, when the  
25 stocks get depleted so far that when they make the final  
26 decision to shut it down, I guess you could say that, but  
27 yeah, it'll be interesting to see the stocks here as the  
28 years progress on the financial as well as, you know, the  
29 depletion of the resource of chinook.

30

31 So it would be interesting to see the  
32 numbers on that.

33

34 Just a comment.

35

36 CHAIRMAN ADAMS: Just a comment, huh.  
37 Okay. Any more questions.

38

39 Patty and then John.

40

41 MS. PHILLIPS: Thank you. Mr. Chair. Is  
42 there rural representation, you know, that can bring  
43 forth our concerns at the North Pacific level?

44

45 MS. EVANS: Mr. Chair. Ms. Phillips.  
46 The -- there are -- there -- I'll describe to you the  
47 membership of our Council and certainly all of the  
48 members are approachable by the public. We have some  
49 members -- our Chair is from western Alaska, but he is --  
50 I'm trying to think if we have a -- I don't think we

1 currently have a Southeast fisherman who's currently on  
2 our Council, but certainly any of the Council members are  
3 interested in hearing from members of the public. Duncan  
4 Fields, for example, from Kodiak, is a salmon fisherman  
5 in Kodiak and is very interested in this issue. We have  
6 a Rural Outreach Committee, but in terms of directly  
7 feeding into the process, I think the best bet is to  
8 write a letter or to address the Council directly or  
9 possibly also direct -- address individual Council  
10 members.

11

12 CHAIRMAN ADAMS: Mr. Yeager. Go ahead.

13

14 MR. YEAGER: Thank you. Mr. Chairman.  
15 Would it be feasible and beneficial to have an agent at  
16 the -- a landing site that would be there to also observe  
17 the off loading of the -- of the chinook salmon?

18

19 MS. EVANS: Mr. Chair. Mr. Yeager. The  
20 -- under our current provisions, observer coverage  
21 provisions, there's also a requirement for percentage of  
22 the processors to be -- to have observer coverage to  
23 monitor. So in the western Gulf I know -- or it depends  
24 on how much product you process whether you have an  
25 observer there all the time or whether you have them  
26 there only for a certain number of days in each quarter.  
27 But so there often is an observer present. But with  
28 respect to observed pollack vessels, so this would -- for  
29 the observed vessels the vessel observer takes on the job  
30 of making sure that all the salmon is accounted for when  
31 the vessel is off loading. For unobserved vessels when  
32 they pull up to the dock that the plant observer has a  
33 number of different duties and so he can't necessarily do  
34 a census of salmon for each unobserved vessel because he  
35 has other jobs that he has to do and there are  
36 difficulties. We are -- as I say as part of this action  
37 we are trying to look at increasing observer coverage  
38 requirements and the Council actually has a different  
39 action that's set to go in place in the next year to two  
40 years. And the Council's taken action, but it's a couple  
41 years to be -- to implement that action, but that's  
42 restructuring the observer program and that would allow  
43 the agency a lot more flexibility to be able to deploy  
44 observers where the need is most. So, for example, if  
45 the Council identified the really high priority would be  
46 monitoring salmon bycatch, the agency would have more  
47 flexibility to move observers around, for example, when  
48 the pollack fishery is ongoing so you would have a plant  
49 observer who might be able to take on some of that role.  
50 But one of the problems that we have is, you know,

1 there's only a certain number of observers under our  
2 current system and they have multiple duties, they --  
3 they are also tracking target catches as well as bycatch  
4 species and, you know, vessel observers are looking in  
5 interactions with protected species, with marine mammals,  
6 with sea birds, species identification. There's a lot of  
7 high priorities for fishery management and while it's  
8 certainly recognized that salmon bycatch is also a very  
9 high priority, it becomes a balance of assigning what  
10 duty do we need -- should we be meeting.

11  
12 CHAIRMAN ADAMS: Okay. You're welcome to  
13 follow-up if you want.

14  
15 MR. YEAGER: I'm fine.

16  
17 CHAIRMAN ADAMS: You're fine. Okay.  
18 Thank you. Anyone else?

19  
20 (No comments)

21  
22 CHAIRMAN ADAMS: Thank you, Diana.  
23 Appreciate it very much and we hope some positive things  
24 will come out of this study because, you know, this  
25 Council's really, as already emphasized, been concerned  
26 about the return of the king salmons into their various  
27 areas. So good luck.

28  
29 Mike Miller, are you here? Is he back  
30 there? Would you -- enforcement officer, would you get  
31 him down here, please.

32  
33 (Laughter)

34  
35 CHAIRMAN ADAMS: Mr. Miller, (in  
36 Tlingit).

37  
38 MR. MILLER: Mr. Chairman. Good  
39 afternoon. Sorry for the delay there. So my name is  
40 Mike Miller. I'm here this afternoon representing  
41 Indigenous People's Council for Marine Mammals, it's the  
42 umbrella agreement organization with Department of  
43 Interior and Department of Commerce and all the organized  
44 marine mammal organizations, co-management marine mammal  
45 organizations in the state. So we start in the Inupiat  
46 Circumpolar Conference, the North Slope Borough Eskimo  
47 Whaling Commission in the north and come around with  
48 Eskimo Walrus Commission and Polar Bear Commission and  
49 others, and come around the coast down here to Southeast.  
50 So I'm Chairman of that group, it's 17 organizations.

1                   And the reason I wanted to talk to you a  
2 little bit was there's some points about sea otter  
3 discussion. I hate to take you back to sea otters  
4 because I know there's a lot of questions about it, but,  
5 you know, there's some things, I think, that were missed  
6 in discussion specifically about the efforts that are  
7 ongoing right now related to significantly altered  
8 interpretation and what we call harvest management prior  
9 to depletion. And that's -- we heard from the agency  
10 that said that you -- they can't -- they can restrict  
11 harvest on the low end, but they can't really say  
12 anything about harvest if there's a lot of otters. And  
13 so that's another front that we've been working on on a  
14 statewide level with the delegation and the agencies on  
15 changing the Act in allowing for that.

16  
17                   I know you guys have talked a lot of sea  
18 otters and I was just, you know, offering -- those are  
19 the two specific things that I know that there was  
20 additional information that wasn't presented to you that  
21 might change what you're looking at. So at your  
22 discretion if you'd like me to talk about it, Mr. Chair,  
23 or if there's specific questions about those specific  
24 topic, I can -- either one I can take on.

25  
26                   CHAIRMAN ADAMS: Sure. Why don't you go  
27 ahead and elaborate a little bit more and then if there's  
28 any questions from the membership here we'll entertain  
29 that at this time.

30  
31                   MR. MILLER: Thank you. Mr. Chair.  
32 Council members. So significantly altered is the one  
33 that we really think is kind of the issue. We did hear  
34 about the workshop from management plans and there is  
35 provision for tribal management plans in the -- in the  
36 Act, Marine Mammal Protection Act. There's a lot of  
37 management plans already, Sitka has one, a draft one,  
38 Hoonah has a draft one, Hydaburg has one, Yakutat has a  
39 draft one, Ketchikan has a draft one, there's a Southeast  
40 draft plan. This started in about 1995. I appreciate  
41 Mr. Kookesh's remarks of, you know, is this what we need  
42 to be doing, you know, is more meetings, more plans what  
43 we need to be doing or is there something else that's  
44 causing the problem here. And I think one thing that  
45 we've found as we talked about this in the statewide  
46 effort, what we have is obviously the Department of  
47 Interior species, the polar bears and walrus and sea  
48 otters, we're finding some consistent problems dealing  
49 with that agency, Fish and Wildlife Service. There's  
50 good things about it, but there's some issues that seem

1 to cause problems across the state.

2

3                   What we found is that it largely goes  
4 back to law enforcement. And as it relates to sea otters  
5 which you are guys talking about, I'll try to summarize  
6 things as much as I can, we've had recent talks with the  
7 other agencies in Commerce, National Marine Fisheries,  
8 and we're kind of wondering why aren't we having problems  
9 with seals, fur seals, ice seals, harbor seals, sea  
10 lions, when we're talking about handicrafts. And we come  
11 to find out recently is that they have two different  
12 standards of how they interpret what's in the Act, Marine  
13 Mammal Protection Act, which says handicrafts, it allows  
14 for creation of handicrafts.

15

16                   National Marine Fisheries when we met  
17 jointly, the D.C. solicitors said to Fish and Wildlife,  
18 what's the problem, why are you guys having this problem  
19 with significantly altered, in our eyes it's not the  
20 native handicrafts that are the problem, it's the people  
21 that are reselling it so why are you going after the  
22 first stage. And for National Marine Fisheries Service,  
23 their interpretation is the Act says handicrafts. The  
24 regulation underneath says significantly altered, but in  
25 their eyes and their interpretation is as soon as it's  
26 made by hand, it's a handicraft and then it's  
27 significantly altered. And so they're kind of going  
28 with the Act first and then the regulation later. Fish  
29 and Wildlife is going the other way, they're saying no,  
30 for it to be a handicraft it has to be significantly  
31 altered. And that's where a lot of the confusion is.

32

33                   And so, you know, we've been -- IPCOMM  
34 has been working with AFN to push Department of Interior  
35 to adopt a stand that's more in line with National Marine  
36 Fisheries on that issue. And it all comes down to, you  
37 know, we don't need regulation changes necessarily on  
38 that, it's just the interpretation of it. And so I'll  
39 try to get a resolution at least that came, you know, to  
40 AFN last year to ask Department of Interior, Fish and  
41 Wildlife Service, to reconsider. Their answer is  
42 basically National Marine Fisheries is wrong. And so as  
43 a hunter of seals and sea otters or whatever, most people  
44 that hunt one hunt the other, you have two different sets  
45 of Federal regulations from the exact same Act and we're  
46 really leaning towards the one agency which is a lot more  
47 favorable. We strongly believe that that is the  
48 hindrance for developing increased use of sea otters.  
49 So I was talking to somebody likening it to starting a  
50 salmon cannery, you know, it -- and are you -- there's a

1 demand for it, yes, but are you going to really invest in  
2 canning salmon if the State Fish and Game were saying  
3 well, it might be legal or it might not, we don't know.  
4 And I think the answer's no. And that's what we're  
5 facing with the sea otter situation right now is people  
6 -- Fish and Wildlife law enforcement will not give the  
7 pass on anything as an item that is legal, it's up to the  
8 interpretation of the agent at the time and before we do  
9 plans, before we go further with that, we need to get  
10 that squared away. So I'm -- the point I'm trying to  
11 make is we -- you know, we need to focus on really what's  
12 the hurdle here instead of just adding more -- you know,  
13 more plans for the future. So it's like we're putting  
14 the cart before the horse in that situation. So that's  
15 that one issue.

16  
17 The other issue was that the ability to  
18 have harvest management plans prior to depletion and so  
19 they -- the Service, of course, cannot say that there's  
20 too many otters in one place, go hunt it. But a tribe  
21 and a tribally authorized management plan could. And so  
22 that would be an amendment to the Act. That's one that  
23 we have put forward, we even had -- Congressman Young has  
24 actually put that forward, but we've run into big  
25 opposition from the State of Alaska because it refers to  
26 tribal plans. And so they've actually effectively shot  
27 that down every time it's come forward. And so that's  
28 one other thing that I think this group, you know,  
29 potentially could support is what is referred to as  
30 harvest management prior to depletion. And I could also  
31 get some further information to you on that.

32  
33 Those are the -- that I remember are the  
34 two things that really stuck out that I thought weren't  
35 covered well enough.

36  
37 Thanks.

38  
39 CHAIRMAN ADAMS: Well, we appreciate  
40 that, Mr. Miller. Is there any questions of the Council?

41  
42 Patty.

43  
44 MS. PHILLIPS: Thank you. Mr. Chair.

45  
46 CHAIRMAN ADAMS: And then Mr. Kitka.

47  
48 MS. PHILLIPS: You said that there needs  
49 to be a reconsideration of the interpretation of  
50 significantly altered and that you're looking at the U.S.

1 Fish and Wildlife Service, you know, reevaluating their  
2 position to more reflect the National Marine Fishery  
3 Service's interpretation. How long do you think that's  
4 going to take to know whether they're going to change  
5 their thinking and if they don't change their thinking  
6 then you have to go more for the Congressional action?  
7

8 MR. MILLER: Mr. Chair. That's a good  
9 question. It's been -- we had that initial meeting and  
10 the two agencies did not realize what they -- how polar  
11 opposites they were in that interpretation. That was  
12 last summer. There was a lot of confusion to the  
13 elections, there was a lot of -- work ceased last fall  
14 due to the uncertainty of our senator or senatorial  
15 election, things like that. When they came back together  
16 the two agencies -- Fish and Wildlife said they flat out  
17 don't agree and that was that.  
18

19 There has been new effort and AFN has led  
20 the effort on this, I guess, to push National Marine  
21 Fishery to re-engage with Fish and Wildlife Service and  
22 we just learned this at our statewide meeting last -- two  
23 weeks ago, and this is at a D.C. level, the two  
24 solicitors will be meeting and we asked that the Alaska  
25 native community be involved in this and so that request  
26 is going. Similarly if a group like this were to make  
27 that request it would probably be helpful. And I was,  
28 you know, really pushing for broad representation from  
29 the State, not necessarily a lot of people, but a wide  
30 group of species from the Department of Interior.  
31

32 So it's something that, you know, they  
33 could make up their mind tomorrow and have it in effect,  
34 it's not anything that necessarily needs to take a lot of  
35 time, but they are not -- they're very reluctant to  
36 change how they do business.  
37

38 CHAIRMAN ADAMS: Harvey. Go ahead.  
39

40 MR. KITKA: Thank you. Mr. Chair. Mike,  
41 I'm just wonder is there anything this Council could do  
42 to help you further what you're trying to do?  
43

44 MR. MILLER: Mr. Chair. Mr. Kitka. I do  
45 believe the two issues are kind of the important issues  
46 right now. And so that is the -- supporting the harvest  
47 amendments prior to depletion. And the whole point is,  
48 you know, we can do these plans and stuff, but unless  
49 there's some enforceability clause in it, not that we  
50 want to get people in trouble or anything, but if a tribe

1 makes a plan the existing situation is the tribe can have  
2 -- Sitka can have its plan, but anyone else can come here  
3 and doesn't have to pay attention to the plan because  
4 it's only presently something it can do on its own tribal  
5 members. And that kind of defeats the purpose of a plan  
6 sometimes. So, you know, we're asking, of course, that  
7 the provisions would be something that would be  
8 enforceable. But again the State is the one that opposes  
9 that the most and spends the money opposing that. So,  
10 you know, a letter potentially to the State to ask them  
11 to stop opposing tribal management plans would be  
12 helpful.

13

14 The other one is also a letter to the  
15 Department of Interior potentially if the Board, of  
16 course, felt like it, was that since the Marine Mammal  
17 Protection Act refers to handicrafts that the Department  
18 of Interior, Fish and Wildlife Service law enforcement  
19 use handicrafts as a standard instead of the term  
20 significantly altered in regulations. And that means  
21 something made by hand.

22

23 CHAIRMAN ADAMS: Thank you. So there is  
24 some things that we can do to help you, you know, in your  
25 effort here and we'll talk about that, you know, toward  
26 the end of our meeting.

27

28 Mr. Bangs.

29

30 MR. BANGS: Thank you. Mr. Chairman. I  
31 was at the capital building on Monday and I was given a  
32 copy of a draft resolution by the -- that's being  
33 submitted by Representative Peggy Wilson and it's from  
34 the Fisheries Resource Committee and they're trying to  
35 address the problem and it's being sent on to Congress.  
36 And she wanted me to solicit any ideas or improvements to  
37 this document that, you know, could be worked into the  
38 resolution. And I would suggest that the tribe weigh in  
39 on some of the issues that you addressed because I'm  
40 feeling that this is something that she's really trying  
41 to push forward and I think she wants some help and I  
42 think any ideas would be great.

43

44 Thank you.

45

46 CHAIRMAN ADAMS: Do you have a copy of  
47 the resolution?

48

49 MR. MILLER: I don't, but I would be  
50 interested in looking at it no doubt.

1 CHAIRMAN ADAMS: Okay. I -- there's some  
2 up there, I think, if you want to pick one up or  
3 somewhere. So look at that and then see if that helps  
4 you in your effort and then if you have any more  
5 additions to make or suggestions to make on it we'd  
6 appreciate it.

7

8 Any more questions or comments.

9

10 (No comments)

11

12 CHAIRMAN ADAMS: Gunalcheesh, Mr. Miller.

13 Appreciate it.

14

15 MR. MILLER: Thank you.

16

17 CHAIRMAN ADAMS: Folks, late -- last  
18 night I had a very sleepless night, I only probably got  
19 a couple hours sleep. And sometimes I want to -- I want  
20 to dose off here and I apologize for that. But I'm going  
21 to turn the gavel over to Mr. Bangs right now and have  
22 him finish off the agenda for today.

23

24 So thanks, Mr. Bangs, for doing this.

25

26 VICE CHAIR BANGS: Thank you. Mr. Chair.

27 I guess moving down the agenda we were going to discuss  
28 the Council Charter review and so I'd ask Mr. Larson to  
29 give us a rundown.

30

31 MR. LARSON: Thank you. Mr. Chair. If  
32 you'd look on Page 28 of your Council book, you'll see  
33 the Charter. The Charter is up for review every two  
34 years. The Council is charged with a limited ability to  
35 change their Charter, you could change the name, you  
36 could change the number of members, you can change the  
37 way that members are removed or you can change the  
38 mechanism that the member is -- a member is appointed to  
39 the Wrangell-St. Elias Subsistence Resource Commission.  
40 It -- what we're looking for here is a motion to adopt  
41 with or without any changes. I do know that there was a  
42 committee formed earlier that was going to look and make  
43 a recommendation and I have not seen that recommendation,  
44 but that may be out there someplace.

45

46 Thank you.

47

48 VICE CHAIR BANGS: Thank you, Mr. Larson.

49 Would the Council like to dot this for discussion?

50

1 Mr. Hernandez.  
2  
3 MR. HERNANDEZ: Thank you. Mr. Chair.  
4 I'd to move that the Council adopt the Charter with  
5 amendments that have been proposed by committee to talk  
6 about changes to the Charter.  
7  
8 VICE CHAIR BANGS: Do I hear a second?  
9  
10 MR. KOOKESH: Second.  
11  
12 VICE CHAIR BANGS: Okay. It's been moved  
13 and seconded to adopt the Charter with amendments.  
14  
15 Mr. Kookesh.  
16  
17 MR. LARSON: Oh, point of order. Mr.  
18 Chairman. Maybe we should back up one step. Let's do  
19 this in logical fashion. We'll adopt the Charter and  
20 once it's up for discussion then we can amend.  
21  
22 MR. HERNANDEZ: At the Chair's discretion  
23 there I'll change my motion to adopt the Charter for the  
24 Council.  
25  
26 VICE CHAIR BANGS: And we have a second  
27 on the adoption of the Charter?  
28  
29 MR. KOOKESH: I will.  
30  
31 VICE CHAIR BANGS: Mr. Kookesh seconded.  
32 The committee was -- met today I believe and, Mr.  
33 Kookesh, that was your committee, do you care to.....  
34  
35 MR. KOOKESH: Is it in order, Mr. Larson?  
36  
37 MR. LARSON: That's in order.  
38  
39 MR. KOOKESH: Just checking. Okay. We  
40 went through the -- for all of you, we went through them  
41 one by one starting with number 1. We -- and I'll just  
42 highlight them.  
43  
44 We had no problem with the way one was  
45 written, we had no problem with the way two was written,  
46 but when we got to three we felt that we needed more  
47 formal language for the part where it said period of time  
48 necessary for Council activities. We felt that using the  
49 language the Council is expected to exist into the  
50 foreseeable future, we felt that we needed a more formal

1 language instead of making a statement such as that one,  
2 we felt it very important that we change that one. And  
3 then on number 4, official to whom the Council reports,  
4 the Council reports to the Federal Subsistence Board  
5 Chair and our question was is it the Chair that gives  
6 report or is it the annual report or what. I believe we  
7 needed more clearer language as to what the Council  
8 reports to the Federal Subsistence Board.

9

10 If you need more clarification and if I'm  
11 not giving it then you're more than welcome to ask Harvey  
12 or Mr. Hernandez or Mr. Wright.

13

14 We had no problem with the way five was  
15 written because we felt it's appropriate. And we got to  
16 six and we went into ANILCA, I think it was 805(3)(b) and  
17 it stated everything under (a), (b), (c) as stated  
18 everything was properly written, but language such as  
19 public lands was added which was not part of ANILCA. So  
20 we felt that it was language that needed to be deleted,  
21 removing public lands from (a), (b) and (c).

22

23 And to get -- hope I'm going fast enough.  
24 Is it going slow, fast, Mr. Chair?

25

26 VICE CHAIR BANGS: It's going good.

27

28 got to 6, 805(3)(b) properly written but public lands  
29 which is not part of ANILCA

30

31 is it going slow fast,

32

33 VICE CHAIR BANGS: It's going good.

34

35 MR. KOOKESH: So we got down to (d) and  
36 it came up during this discussion and what I wrote in  
37 here without talking to the committee was on the report  
38 to the Secretary, prepare an annual report to the  
39 Secretary, that we need to get in writing the language  
40 that Mr. Probasco spoke to, that way we can have a clear  
41 understanding of the little bit of the history to this,  
42 as to why it's changed.

43

44 We saw no problem in (d)(1) or (d)(2) or  
45 (d)(3) or (d)(4) and we saw no problem with (e). But  
46 when we got to (f) and (g) we felt that the use of the  
47 word recommendation on (f) and (g) for customary and  
48 traditional use and rural status needed stronger  
49 language, that it should be more well defined. I believe  
50 we have committees out there on customary and

1 traditional, but I don't believe we had one on  
2 determination of rural status, but we needed better  
3 language for those.

4  
5                   And then we got to (h) and we don't know  
6 where (h) -- we never -- none of us have any -- we're not  
7 -- there's no history to having a local -- Federal Local  
8 Advisory Committee that we're aware of so we were  
9 wondering who or what is that. Does it have anyplace in  
10 this document. So we know there is local Fish and Game  
11 Advisory Committees, but they're on the other side as  
12 some people would say.

13  
14                   Then we got to the part of number 7 and  
15 we were wondering if we were locking ourselves into --  
16 I'm under estimated operating costs, we were wondering if  
17 we were locking ourselves into a two year mode by putting  
18 a figure like 250,000 and a one and a half persons. For  
19 example, the example being what happens if there's a --  
20 if the funding goes up, do we -- are we stuck at one and  
21 a half staff persons when we -- when we have the ability  
22 to get two and a half to help us in our Council process  
23 here. So we needed to have that explained, if we're  
24 going to leave that or it stays there or do we just allow  
25 -- is there some requirement that holds us to that.

26  
27                   Then we got to number 8 on meetings. We  
28 saw nothing wrong with the way that was structured.

29  
30                   When we got to nine we -- under  
31 membership, we didn't see any issue with membership. But  
32 when we got to vacancy, which is just listed as nine,  
33 vacancy, it says that the Secretary will appoint, it  
34 doesn't say the Secretary may appoint. And why I'm --  
35 the reason I'm bringing this up is we know that we  
36 haven't really been -- we haven't really seen a public  
37 process, when we ask about filling a vacancy we get  
38 language like well, we're going to wait to the next  
39 cycle. That kind of language gets put to us, but it  
40 doesn't speak to the way the vacancy is written into  
41 here. So we're wondering this language need to be  
42 clarified a little more in terms of who would be next in  
43 line, for example, if we no longer had Mr. Wright with  
44 us, you know, who would fill his seat. Would we hear  
45 from the tribe or would we hear from the coordinator, you  
46 know, the tribe wanting their person or the coordinator  
47 saying well, we're not going to really worry about it.  
48 See what we're asking for is there has to be a process  
49 that says that someone has to fill that seat. And we  
50 felt that based on people who have applied in -- for

1 Federal Subsistence Regional Advisory Council seats that  
2 that application process should address those applicants  
3 because they took the time to fill -- put in their name  
4 and to go through this public process to either be  
5 selected or not. So we feel it's in all fairness if  
6 Patty put in and didn't get it and she'd be the next  
7 strongest candidate, it should be given to someone such  
8 as Patty or someone from the community because we seem to  
9 be -- have a system structured around community. That  
10 way we have a balance within our region in terms of  
11 representation. But the idea is that if there's going to  
12 be -- if they're going to use language such as will you  
13 should do it and not say we're going to wait for the next  
14 cycle.

15  
16 Terms of office. We saw no problem with  
17 terms of office other than the fact that it needs to be  
18 made very clear that if you intend on resigning you  
19 should at least give us the respect we need -- entitled  
20 to to have us fill the position. At least turn in your  
21 resignation instead of just staying away from the  
22 meetings and not -- not -- no longer wanting to  
23 participate. We would expect that -- that's the least we  
24 would expect of you.

25  
26 On the election of the officers we felt  
27 that it needed to be specified that elections will occur  
28 at one of our -- either our fall meeting or our spring  
29 meeting. That we should have that language so -- I  
30 believe we were in Hydaburg and saying did we have an  
31 election yet. You need to the kind of language so we  
32 don't go off wondering why Bert never gets, you know,  
33 removed or voted on.

34  
35 And then we got to the removal of members  
36 and between unexcused absences of regular scheduled  
37 meetings, it says the Chair of the Federal Subsistence  
38 Board. There seemed to be some language needed between  
39 meetings comma, the Chair. And we're asking how does the  
40 Chair of the Federal Subsistence Board know that he  
41 removes somebody, who told him that. The language isn't  
42 clear as to how did he get ahold of the fact that Frank's  
43 been skipping meetings. And so we felt that the Chair  
44 either needs to be informed by the Regional Coordinator  
45 or by the Chairman.

46  
47 And what was also brought out was that  
48 when we do our meetings that the Chairmen make for the  
49 record -- indicate unexcused for the record. No  
50 disrespect to anybody, but the process says that and we

1 should follow the process and formally say he's unexcused  
2 because it doesn't take much to make a phone call to say  
3 I just can't make it. But the Chair -- it's the  
4 responsibility of the Chair to do that and that needed to  
5 be included, that needs to be part of what we do.

6  
7                   So to compensation. On the issue of  
8 compensation it came up under the language that members  
9 will however be allowed travel expenses including per  
10 diem in the same manner as persons employed  
11 intermittently in government services. And we felt what  
12 does in the same manner mean. So that needed to be  
13 cleared up, do all employees that are intermittently  
14 employed to they have to wait a day and a half to get  
15 their per diem or is that just the policy of the  
16 organization. I believe I asked the question during our  
17 workshop. So but what does in the same manner mean, are  
18 we arbitrarily treated.

19  
20                   And it was also brought out that we don't  
21 know what the rule is on compensation, is it the 51 mile  
22 rule or 50 miles plus one inch rule that compensation  
23 should occur because of our brothers and sisters or --  
24 that serve with us when we're in their community they no  
25 long -- they can't receive per diem. We feel it's not  
26 right because they have to -- they go through the same  
27 thing, we're all doing -- we're all here on business.  
28 We'd rather have -- for example, we -- they took Mr.  
29 Kitka to lunch, but we'd rather have Harvey with us at  
30 lunch, being a part of this process than for the process  
31 to be -- to be moving him aside and not recognizing his  
32 value as a member. We needed to be all treated the same.

33  
34                   And then we came to number 10 which was  
35 ethics responsibility of members. Everyone of us  
36 basically said what does that mean. It's really nice  
37 language, but what did it literally mean. Maybe we're  
38 getting lazy and wanted someone else to think for us.....

39  
40                   (Laughter)

41  
42                   MR. KOOKESH: .....because we were almost  
43 done. And then when we got to number 11 we felt that  
44 since we call ourself the Southeast Federal Subsistence  
45 Regional Advisory Council we felt that it should be -- it  
46 should be included right past the word, will be Federal  
47 Regional Coordinator. It should be the Federal Southeast  
48 Regional Advisory Subsistence Council, Regional  
49 Coordinator or something. If you're going to use our --  
50 if you're going to use us it makes it specific to us, and

1 calling us what we are and call Bob what he is.

2

3 The end. Mr. Chairman, that's my -- Mr.  
4 Vice Chairman, that's my recommendation -- our  
5 recommendations, excuse me.

6

7 VICE CHAIR BANGS: Thank you, Mr.  
8 Kookesh. Are there any other additions or comments from  
9 any other Council members that weren't on the Committee  
10 or were on the Committee?

11

12 (No comments)

13

14 VICE CHAIR BANGS: So, Mr. Larson, what  
15 would be the proper way to handle the changes that are  
16 proposed by the Council, will you type the document up  
17 and let us review it or.....

18

19 MR. LARSON: The -- I think the right way  
20 would be to treat would be the same as what we would have  
21 if we had a formal subcommittee of the RAC where that  
22 subcommittee, you know, meets and makes recommendations,  
23 but it's still the property of the subcommittee. What we  
24 need to do is as a Council, look at these suggestions and  
25 decide if we want to make them the property of the  
26 Council and move forward with making amendments to the  
27 Council -- to the Charter. So right now they are  
28 suggestions, but they -- the appropriate way would be to  
29 have a discussion by the Council and, in fact, decide if  
30 you wanted to make one or all of these suggestions part  
31 of a amended Charter.

32

33 VICE CHAIR BANGS: So, Mr. Kookesh, when  
34 you mentioned more additional language and more  
35 clarification, the Committee actually wrote down the  
36 language that you felt was needed or you just felt there  
37 was more language needed and left it at that?

38

39 MR. KOOKESH: Yes, sir. Mr. Chair -- Mr.  
40 Vice Chair. That's what we did. We made what we felt  
41 was just right off the top, but we didn't know what the  
42 language was supposed to be. We didn't -- we don't have  
43 time to be in this -- but this process, you know, like  
44 going -- just like going for number 3, you know, the  
45 Council expected to exist into the foreseeable future.  
46 We didn't sit down and take -- figure out what language  
47 we wanted, but ours is recommendations on points we saw  
48 in here that we felt the Council needed to visit and  
49 start making this a better document than it really is.

50

1 VICE CHAIR BANGS: Thank you, Mr.  
2 Kookesh. Mr. Larson.

3  
4 MR. LARSON: Thank you. Mr. Chair.  
5 Maybe I could speak to the process here and we could go  
6 through these fairly quickly. If I could speak to the  
7 suggestions that were made by the subcommittee and at the  
8 end of my discussion I think if somebody could make some  
9 notes and then provide a motion for an amendment to what  
10 they thought was improve -- you know, would be an  
11 improvement to this document and what would not, I think  
12 that would be in order.

13  
14 If that would be okay, I'll continue.

15  
16 VICE CHAIR BANGS: I see Mr. Douville has  
17 a comment. Could he.....

18  
19 Mr. Douville.

20  
21 MR. DOUVILLE: Thank you. Chairman  
22 Bangs. What I heard from the Committee was a bunch of  
23 concerns and things like this, but they did not offer any  
24 alternative language. Do we have time for the Committee  
25 to look at it again and offer substitute language and  
26 then we can go from there. Otherwise I can see us  
27 getting bogged down because, you know, I couldn't keep  
28 track of the comment stuff that were kind of lengthy. It  
29 would be much simpler for us to have substitute language  
30 that would be suggested and we could work off of. And I  
31 think that you may find that with the MOU process that we  
32 do offer alternative language instead of this process,  
33 you know, and that might make it a little bit easier.

34  
35 VICE CHAIR BANGS: Thank you, Mr.  
36 Douville. Mr. Probasco.

37  
38 MR. PROBASCO: Thank you. Mr. --  
39 Chairman Bangs. Let me ask a question first of Robert  
40 and because I see a potential here for getting bogged  
41 down substantially. Robert, what was the deadline given  
42 to you to complete the Charter?

43  
44 MR. LARSON: My understanding is this is  
45 an action item by the Council at this meeting.

46  
47 MR. PROBASCO: Okay. My question is  
48 usually it takes time for these Charters to be completed.  
49 If you look at the last time it was completed it was  
50 completed in November. So one possible solution is to

1 have this document work through a Council subcommittee  
2 because there are some issues raised by Mr. Kookesh that,  
3 you know, they're going to run into legal problems  
4 depending upon how they're worded. And so Mr. Larson's  
5 going to have to work with legal counsel in getting the  
6 proper wording, develop that draft and then present it at  
7 the fall meeting for completion.

8

9 Mr. Chair.

10

11 VICE CHAIR BANGS: Thank you, Mr.  
12 Probasco. What's the Council's pleasure, do you want to  
13 move in that direction and have the subcommittee which  
14 would be made up of the Committee that worked on it last  
15 night and this morning and then have the language brought  
16 back to the Council.

17

18 Ms. Phillips.

19

20 MS. PHILLIPS: Thank you. Chairman  
21 Bangs. What do we do with the motion that's on the  
22 table, on the floor, if we want to do that?

23

24 VICE CHAIR BANGS: I would refer to Mr.  
25 Larson.

26

27 MR. LARSON: I think we could ask for  
28 unanimous consent to do exactly that, postpone adoption  
29 of the -- the Council after amendments and consideration  
30 by the Council in September. It's a -- not a  
31 particularly tidy way, but I think that would be  
32 sufficient, yes.

33

34 MR. PROBASCOS: Mr. Chair. Probably the  
35 best way to do it is to table the motion to a time  
36 certain which would then if you tabled it to your fall  
37 meeting, then it would be brought up as the original  
38 motion and it could be amended based on what the  
39 subcommittee provides you.

40

41 VICE CHAIR BANGS: Okay. We need a  
42 motion to table.

43

44 Ms. Phillips.

45

46 MS. PHILLIPS: Thank you. Mr. Chair. I  
47 move to table the motion until our fall meeting in  
48 Wrangell, September 27th through September 29th.

49

50 CHAIRMAN ADAMS: Mr. Chairman. I'll

1 second that.

2

3 VICE CHAIR BANGS: It's been moved and  
4 seconded to table the motion on the Charter until our  
5 September meeting.

6

7 So I'm curious as to whether this might  
8 be the case of the other documents we're going to review,  
9 the MOU and the C&T findings.

10

11 CHAIRMAN ADAMS: Mr. Chairman. I think  
12 we can determine that when we get there. Okay. It's  
13 more likely that that would happen, but we'll see.

14

15 VICE CHAIR BANGS: Okay. I guess we move  
16 to the next item on the agenda which is.....

17

18 MR. LARSON: Mr. Chairman. This is one  
19 of those votes where we will need a two-thirds majority  
20 to vote in positive so I would ask for a -- either  
21 unanimous consent or if there's any objection where we  
22 have a show of hands or roll call.

23

24 VICE CHAIR BANGS: Thank you, Mr. Larson.  
25 We need to call for the question.

26

27 MR. WRIGHT: Question.

28

29 VICE CHAIR BANGS: The question's been  
30 called for. Mr. Kitka, could you do a roll call, please.

31

32 MR. KITKA: Timothy Ackerman.

33

34 MR. ACKERMAN: Here.

35

36 MR. KITKA: It's no.....

37

38 MR. ACKERMAN: Yes.

39

40 MR. KITKA: -- is it a yes or a no

41 or.....

42

43 VICE CHAIRMAN BANGS: It's a yes or no,  
44 yes.

45

46 MR. KITKA: Frank Wright, Jr.

47

48 MR. WRIGHT: Yes.

49

50 MR. KITKA: Patricia Phillips.

1 MS. PHILLIPS: Yes.  
2  
3 MR. KITKA: Mike Douville.  
4  
5 MR. DOUVILLE: Yes.  
6  
7 MR. KITKA: Harvey Kitka votes yes. Bert  
8 Adams.  
9  
10 CHAIRMAN ADAMS: Yes.  
11  
12 MR. KITKA: Floyd Kookesh.  
13  
14 MR. KOOKESH: Yes.  
15  
16 MR. KITKA: Donald Hernandez.  
17  
18 MR. HERNANDEZ: Yes.  
19  
20 MR. KITKA: Archie Nelson.  
21  
22 MR. NELSON: Yes.  
23  
24 MR. KITKA: Merle Hawkins.  
25  
26 MS. HAWKINS: Yes.  
27  
28 MR. KITKA: John Yeager.  
29  
30 MR. YEAGER: Yes.  
31  
32 MR. KITKA: Michael Bangs.  
33  
34 MR. BANGS: Yes.  
35  
36 MR. KITKA: Cathy Needham.  
37  
38 MS. NEEDHAM: Yes.  
39  
40 MR. KITKA: Mr. Chair. We have a  
41 unanimous vote.  
42  
43 VICE CHAIR BANGS: Thank you, Mr. Kitka.  
44 So moving along to the agency and organization reports.  
45 Okay. The first one would be Carrie Sykes and she's gone  
46 for the day.  
47  
48 The U.S. Forest Service, the budget  
49 update by Mr. Kessler.  
50

1 MR. KESSLER: Thank you. Mr. Chairman.  
2 Council. Steve Kessler with the Forest Service. We're  
3 going to have a series of Forest Service presentations.  
4 As you can see there are four items on the -- on your  
5 agenda and I think we could be adding a fifth one and  
6 that's going to be for law enforcement just to give you  
7 an update.

8  
9 On the budget update there's two fiscal  
10 years I want to quickly talk about, 2011 which is the  
11 fiscal year that we're in right now. I think many of you  
12 know that the government -- the Congress has -- is still  
13 on continuing resolutions so we don't actually know what  
14 our funding is going to look like for the rest of the  
15 fiscal year. Expectations are it's going to be something  
16 like fiscal year 2010, the last fiscal year was like, but  
17 with some reductions. So we don't really know what that  
18 will look like. We anticipate that we will have --  
19 continue to have a reduced level of funds for the  
20 monitoring program as we had in 2010, but stay tuned,  
21 were on the continuing resolution through April at this  
22 point.

23  
24 For fiscal year 2010 the President's  
25 budget, so that's the President's budget request, to  
26 Congress for fiscal year 2012, that's the fiscal year  
27 that starts in October for the Forest Service, has a  
28 zeroing out of the specific line item for subsistence for  
29 the Forest Service. And what the language says is that  
30 the subsistence line item would become zero, but that a  
31 similar level of funding would be made available through  
32 other National Forest Service funds. So -- and that the  
33 mix of those funds would be similar to what we received  
34 in fiscal year 2010. So that's sort of a combination of  
35 our -- of what fiscal year 2010 was was a combination of  
36 subsistence dollars, our regular wildlife and fisheries  
37 funds that we get in the National Forest System and a  
38 certain amount of money for law enforcement also. So the  
39 language implies that the funding will be similar at  
40 about \$4 million, slightly over \$4 million. That \$4  
41 million compares to about the peak number of dollars we  
42 received was about \$5.9 million, I think that was in  
43 fiscal year 2005. And for much of the last decade we  
44 were at about a \$5 million budget. So with that \$4  
45 million anticipated funds, again I say anticipated  
46 because we have no idea what Congress will actually do,  
47 but with the \$4 million of funds we anticipate still a  
48 reduced level of fisheries resource monitoring program  
49 and probably almost zero or zero for wildlife monitoring  
50 as we've had for the last year.

1                   That situation was addressed, that level  
2 of funding was addressed by you, by the Council, in a  
3 letter to the Secretary of Agriculture and there was a  
4 response that came back from the Secretary of Agriculture  
5 dated September 21st, 2010 and I believe that we handed  
6 out that out at the last Regional Advisory Council  
7 meeting. In that letter the Secretary stated his  
8 commitment to the program, that he finds that the program  
9 is very important and that he's committed to funding it  
10 at least at that certain level.

11  
12                   That's all I have on the budget. I do  
13 want to let you know about one other program that is  
14 going on and that's the revision of our Forest Planning  
15 Rule. So the Forest Planning Rule is what guides  
16 management of the National Forests across the country.  
17 And probably most of you are familiar with the Tongass  
18 Land Management Plan. The Tongass Land Management Plan  
19 is written under the Forest Planning Rule guidelines.  
20 The Forest Planning Rule is -- the current rule is from  
21 1982, there have been a couple attempts to revise that  
22 Forest Planning Rule and now we're into another round of  
23 that Forest Planning Rule revision. If you are  
24 interested in taking a look at what that Forest Planning  
25 Rule looks like, it is available right now on the Forest  
26 Service's national website and the comment period ends  
27 May 16th.

28  
29                   And that's all I have for you for budget  
30 and forest planning. Questions?

31  
32                   VICE CHAIR BANGS: Thank you, Mr.  
33 Kessler. Any comments or questions from the Council.

34  
35                   (No comments)

36  
37                   VICE CHAIR BANGS: Thank you, Mr.  
38 Kessler.

39  
40                   MR. KESSLER: You're welcome. And next  
41 up is John Autrey who's the tribal relations program  
42 leader for the Tongass National Forest.

43  
44                   MR. AUTREY: Thank you. Mr. Chairman.  
45 Council members. My name is John Autrey, I am the tribal  
46 relations specialist for the Tongass National Forest.  
47 I've been asked to give you a brief overview of how we  
48 conducted consultation with tribes.

49  
50                   The authority to consult in a government

1 to government fashion with tribes lies with our line  
2 officers, the regional forester, the forest supervisory,  
3 but the bulk of the work is at the local level with the  
4 District Rangers and their staff. As staff myself we  
5 coordinate and help facilitate meetings. We do engage in  
6 government to government consultation with the elected  
7 officials of Federally-recognized tribes, but we also  
8 consult in an informal way or in an informational  
9 exchange with ANCSA corporations, with traditional tribes  
10 and with clans and other tribal entities. We often --  
11 we've been consulting with the Alaska Native Brotherhood  
12 and Sisterhood and so we try to accommodate all people  
13 who have concerns.

14

15                   We have also a committee you may not be  
16 familiar with, it's called the Alaska Tribal Leaders  
17 Committee. Several years ago we had an election, it was  
18 to be a national program originally where each region  
19 would ask tribes to nominate and elect a representative  
20 to work with national leadership and regional leadership.  
21 It didn't work nationally, but we persevered here in  
22 Alaska and we do have an Alaska Tribal Leaders Committee.  
23 Currently the elected tribal leadership is Woody Widmark  
24 from Sitka and Richard Peterson from Kasaan. They  
25 represent Southeast. And in Southcentral the elected  
26 tribal officials are Sasha Lindgren and Mark King. And  
27 we will be -- they have reached the end of their three  
28 year term. They have been participating with us, with  
29 the regional office leadership and the Forest leadership,  
30 discussing regional and local issues. So we really  
31 appreciate their participation and leadership with us and  
32 we will be asking tribes to nominate and elect two more  
33 tribal representatives from Southeast and two more from  
34 Southcentral. And so the tribal communities will be  
35 getting information about that soon.

36

37                   Our consultation and information sharing  
38 is a wide range of locally proposed project either  
39 through forest planning efforts. We have suddenly a  
40 large number of national issues which we've asked to --  
41 asked tribes to respond to. It has grown so large it has  
42 become overwhelming both for the tribes and for the  
43 Forest Service to keep up with it. So we're doing the  
44 best we can and I believe the District Rangers are asking  
45 tribal officials to consider all of the issues and  
46 initiatives and make a decision on which ones were  
47 important for them to spend time on. So with that --  
48 I've added -- that's briefly how we are conducting  
49 consultation at the moment.

50

1                   We have MOUs with 10 different tribes  
2 describing how we will work together and how we will  
3 consult with one another. Those are now under review to  
4 add new language to help better describe roles and  
5 responsibilities with some of the new issues like special  
6 forest products and the protection of sacred sites. We  
7 are offering an opportunity for full partnership and  
8 we've also asked tribes to -- if they wish to have a  
9 greater management participation to provide us with some  
10 kind of a proposal.

11  
12                   So with that are there any questions, I  
13 know I've heard there was some consultation questions.

14  
15                   VICE CHAIR BANGS: Thank you, Mr. Autrey.

16  
17                   Any comments or questions for Mr. Autrey  
18 from the Council.

19  
20                   Mr. Ackerman.

21  
22                   MR. ACKERMAN: Thank you. Mr. Chairman.  
23 My understanding with the -- some of the comments you  
24 were just talking about there, protection of sacred  
25 sites. It's my understanding as I read some of the law  
26 in regards to tribal law and Federal law, that the  
27 government is charged with protecting sacred sites and  
28 other sites included that belong to the indigenous  
29 peoples in any given area. They are charged with the  
30 protection of that site from going into the hands of a  
31 third party entity which would be like the city/borough  
32 of Sitka or the city/borough of Haines. Given those  
33 examples we have a case as such that there's a -- one  
34 grave site that is claimed to be owned by a -- the city  
35 of Haines where I come from there. And no action has  
36 been taken on giving this particular piece of property  
37 back. I guess we could probably ask some questions about  
38 that to you folks and you could give us some help on that  
39 or.....

40  
41                   MR. AUTREY: Certainly, Mr. Ackerman. Is  
42 this site on National Forest lands currently or is it  
43 property of the city of Haines?

44  
45                   MR. ACKERMAN: Yeah, I believe the city  
46 of Haines, the borough, has made the acquisition already  
47 with no opposition. It's -- yeah, I would say it's  
48 almost an unrecorded archeological site, pictographs and  
49 there is a grave also that's included. I haven't  
50 finished the final data on the place and the site yet, so

1 it's just one of those things that slip by. So.....  
2  
3 MR. AUTREY: Okay. Thank you. I'm not  
4 aware of that particular circumstance and perhaps in the  
5 interests of time we could talk about that at a break or  
6 sometime tomorrow, would that be appropriate?  
7  
8 MR. ACKERMAN: Yes, that would be great.  
9 Thanks.  
10  
11 MR. AUTREY: Thank you.  
12  
13 VICE CHAIR BANGS: Thank you, Mr.  
14 Ackerman. Mr. Autrey. Any other questions?  
15  
16 Mr. Hernandez.  
17  
18 MR. HERNANDEZ: Thank you. Mr. Chair.  
19 Mr. Autrey. What you just said about how the  
20 corporations, how are they regarded say in relation to  
21 the tribes and corporations as far as government to  
22 government relationship, are they the same -- I don't  
23 know what the proper word is, the same standing, I guess,  
24 as a tribe, corporations or how does -- how's the -- how  
25 does that all work, I -- I'm kind of interested in that.  
26  
27 MR. AUTREY: Thank you. An often asked  
28 question. Tribes are considered sovereign nations and we  
29 consult with them on a government to government basis.  
30 We do have some legal requirements to share information  
31 with corporations and, I guess, as far as legal language  
32 we consult on a government to corporation basis with  
33 them. With traditional tribes we also consult in a  
34 manner, but it's -- would be considered sharing of  
35 information. We only consult on a government to  
36 government basis with Federally-recognized tribes.  
37  
38 VICE CHAIR BANGS: Thank you, Mr. Autrey.  
39  
40 Any other comments or questions.  
41  
42 (No comments)  
43  
44 VICE CHAIR BANGS: Thank you, Mr. Autrey.  
45  
46 MR. AUTREY: Thank you.  
47  
48 VICE CHAIR BANGS: Okay. I see it's  
49 after 5:00 o'clock. I'm not sure how we're doing as far  
50 as progress on the agenda, whether we'll be able to get

1 it done tomorrow or should we work a little bit longer  
2 tonight.

3

4 Mr. Larson.

5

6 MR. LARSON: Thank you. Mr. Chair. We  
7 still have a significant amount of work to do tomorrow.  
8 And a lot of it is kind of an unknown extent. I think  
9 the work by the subcommittees, I'm not quite sure how the  
10 Council wants to treat those, if you want to do it in-  
11 house or postpone some of the work to be done this summer  
12 and available for the Council next fall. I don't know.  
13 But there is a significant amount of work left to be done  
14 and I would caution the Council to use its time  
15 efficiently or else we're not going to get done. And I  
16 don't see an option for us extending tomorrow after 5:00  
17 o'clock.

18

19 VICE CHAIR BANGS: Okay. Well, with that  
20 in mind I'd like to get maybe a little bit more on the  
21 reports done tonight.

22

23 Mr. Suminski, he has a report for us and  
24 I'm not sure exactly how long, but.....

25

26 Terry.

27

28 Mr. Kookesh has an appointment he needs  
29 to meet so he's excused.

30

31 MR. SUMINSKI: Good afternoon. Mr.  
32 Chairman. Council members. I just had a update for you  
33 on the Fisheries Resource Monitoring Program, where we  
34 are in the process.

35

36 The monitoring program as you know is  
37 designed to provide information needed for management of  
38 Federal subsistence fisheries. In November we advertised  
39 a request for proposals for the 2012 Fisheries Resource  
40 Monitoring Program. The request for proposals was  
41 developed by OSM, Forest Service staff and the Technical  
42 Review Committee, drawing on strategic plans and  
43 previously identified priorities in context with work  
44 that has been undertaken to date.

45

46 The request was modified to accommodate  
47 the recommendations provided by this Council at its  
48 September, 2012 [sic] meeting in Hoonah. And just to  
49 refresh your memory the 2012 request for proposals was  
50 focused on priority information needs for sockeye salmon  
which included reliable estimates of sockeye salmon

1 escapement at Gut Bay, Red, Kasheet, Salmon Bay, Sarkar,  
2 Lake Leo and Hoktahene. We also asked for in-season  
3 subsistence harvest of sockeye salmon at Hatchery Creek,  
4 Gut Bay, Red, Kasheet, Salmon Bay, Sarkar, Kanalku and  
5 Hoktahene. And we -- the third request was to contribute  
6 to genetic stock identification baseline of Chatham  
7 Strait sockeye salmon.

8  
9                   So and just -- it should be noted that  
10 current Department of Agriculture funding levels for the  
11 monitoring program in Southeast Alaska are fully  
12 committed to continuation of projects initiated in 2010.  
13 However we did request proposals for the Southeast region  
14 so as to maintain options for 2012 should additional  
15 funding become available. So I don't know if that's --  
16 I don't know the likelihood of that, but proposals were  
17 January 12th, 2011. The TRC has completed its review of  
18 those proposals and have made recommendations as to which  
19 proposals should be further developed into full  
20 investigation plans. This summer the TRC will then  
21 review the investigation plans and provide a  
22 recommendation of which projects should be in the draft  
23 monitoring plan.

24  
25                   This Council will then review the TRC's  
26 recommendation at their fall meeting in Wrangell and  
27 provide its recommendations to the Federal Subsistence  
28 Board as to which projects should be in the monitoring  
29 plan.

30  
31                   The Federal Subsistence Board will then  
32 review the draft plan in January of 2012 and projects  
33 that are then funded could begin as soon as April of  
34 2012.

35  
36                   That completes my updated. Thank you.

37  
38                   VICE CHAIR BANGS: Thank you, Terry.

39  
40                   Any Council questions or comments.

41  
42                   (No comments)

43  
44                   VICE CHAIR BANGS: Hearing none, thank  
45 you, Terry. Do you have anything else?

46  
47                   MR. SUMINSKI: Okay. And.....

48  
49                   VICE CHAIR BANGS: Oh, I guess I took  
50 them out of order. I was actually supposed to do the

1 special actions first. But.....

2

3 MR. SUMINSKI: Most of these -- I did  
4 provide the same overview of the 2010 special actions at  
5 the last Council meeting, but since we have some new  
6 members. I believe each person was handed out or we  
7 handed out some supplemental information, does everybody  
8 have a copy of these?

9

10 (Council nods affirmatively)

11

12 MR. SUMINSKI: Okay. I won't spend too  
13 much time on them, there's -- many of them we've seen  
14 before. The first one last year was to close the Unuk  
15 River to the taking of eulachon. The second one was to  
16 extend the season closing date for Klawock River with the  
17 proposal that was passed with the Federal Subsistence  
18 Board this last go around that won't be an issue anymore  
19 because we've eliminated the season. There's two actions  
20 at Hatchery Creek, one to close it to sockeye and one to  
21 reopen it. And that -- the fish pass has been completed  
22 on Hatchery Creek so we're hoping that that will help  
23 that situation with not requiring closures like we've  
24 done in the past few years. And the last one in 2010 was  
25 the deer closure in Unit 4 for the Northeast Chichagof  
26 controlled use area for the taking of does.

27

28 And just so far this year in 2011 we've  
29 again closed the eulachon by special action in the Unuk  
30 River.

31

32 So if you have any questions on those I'd  
33 be happy to answer.

34 Thank you.

35

36 VICE CHAIR BANGS: Thank you, Terry. Any  
37 questions?

38

39 Mr. Kitka.

40 MR. KITKA: Just a question. Is there  
41 any signs of any increases on the Unuk River, is it still  
42 pretty bad?

43

44 MR. SUMINSKI: No signs of increases at  
45 all. It's -- no, unfortunately no.

46

47 VICE CHAIR BANGS: Anyone else?

48

49 CHAIRMAN ADAMS: Mr. Bangs.

50

1 VICE CHAIR BANGS: Mr. Adams.

2

3 CHAIRMAN ADAMS: In response to your  
4 question, Harvey, at the Board meeting when these  
5 individuals from Metlakatla came to argue the fact that  
6 we shouldn't close, you know, Unuk River, their  
7 contention was is that they're going -- from what I  
8 understand is that they're going through a period when  
9 there's a decline and the stocks fall. We know that it's  
10 down to zero now, but they really believe that it's going  
11 to start coming back again. So when that happens, you  
12 know, remains to be seen, but I just thought maybe I'd  
13 mention that.

14

15 VICE CHAIR BANGS: Thank you, Mr. Adams.

16

17 Any other comments or questions.

18

19 (No comments)

20

21 VICE CHAIR BANGS: Hearing none, thank  
22 you, Mr. Suminski. And do you have anything else?

23

24 MR. SUMINSKI: Actually I do have a quick  
25 one that wasn't on the agenda, that it's just like --  
26 it's real -- just a briefing of the -- you may have heard  
27 about the transition framework that the regional and the  
28 Tongass National Forest is working on. I just wanted to  
29 give you just a quick introduction.

30

31 The Forest Service and rural development  
32 representatives held a series of listening sessions  
33 throughout Southeast Alaska to hear from communities on  
34 how we could improve the economic situation in the  
35 region. As a result of those sessions USDA is working to  
36 develop a transition framework program. The program will  
37 help communities transition to a more diversified economy  
38 by providing jobs around renewable energy, forest  
39 restoration, timber, tourism, subsistence and fisheries  
40 aquaculture. USDA is initiating steps to work with the  
41 Department of Commerce, Economic Development  
42 Administration to create the transition framework and a  
43 project implementation team. John Marten, who's here --  
44 lives here in Sitka, works with the Forest Service, is  
45 working with the regional Forest Service to create the  
46 interagency implementation team that will develop and  
47 execute a multi sector business plan for economic  
48 development in Southeast Alaska. The team will work  
49 closely with the communities and community members as  
50 well as other Federal agencies, State and local

1 governments, tribes and tribal corporations and for  
2 profit and non-profit sectors.

3

4                   Within that transition framework USDA  
5 hopes to promote small business creation, expansion and  
6 retention, improve access to capital, create quality jobs  
7 and sustainable economic growth, provide job training and  
8 educational opportunities and maximize the forest  
9 restoration economy and byproduct use.

10

11                   And if you're interested I can send you  
12 this website for more information, I can send that  
13 through your coordinator if you'd like. But I don't have  
14 a whole lot of detail on that, I just wanted to introduce  
15 the topic. And John Marten was recently hired in that  
16 position and he was unable to attend this meeting because  
17 there's a regional leadership team meeting this week  
18 also, but I'm -- hopefully he'll be able to attend the  
19 next meeting and give you more in-depth information about  
20 this transition that the Forest is making.

21

22                   Thank you.

23

24                   VICE CHAIR BANGS: Thanks again, Terry.

25 Any questions?

26

27                   Mr. Hernandez.

28

29                   MR. HERNANDEZ: Does this new effort,  
30 does this change the Forest Management Plan at all or are  
31 you working within that plan to implement this or  
32 proposed to work within the plan to implement this?

33

34                   MR. SUMINSKI: So far it's been working  
35 within the plan. I know Forest Cole isn't really exited  
36 about going through another forest planning process so I  
37 think at this point it's working within the existing  
38 plan.

39

40                   Thank you.

41

42                   VICE CHAIR BANGS: Thank you, Terry.

43 Anyone else? Okay.

44

45                   Terry.

46

47                   MR. SUMINSKI: Sorry. Mr. Chair. WE do  
48 have one more update from law enforcement if you'd -- if  
49 that would be appropriate?

50

1 VICE CHAIR BANGS: Okay. Is it short?

2

3 MR. SUMINSKI: Yes.

4

5 MR. BRYDEN: Mr. Chairman. I'll keep  
6 this incredibly short for you. Jeffrey Bryden, I'm lead  
7 law enforcement for the Forest Service in subsistence  
8 issues. Just give you a little bit of an update.

9

10 In the Yakutat area a year ago at the  
11 meeting we were asked to come in for the career day and  
12 work with some of the high school kids and look at some  
13 options for them for careers in law enforcement so we did  
14 actually show up for the career day and talked with a  
15 number of the students there and gave them a little bit  
16 on that.

17

18 We worked special emphasis in the Yakutat  
19 moose hunt this year, it went very well again. No issues  
20 were brought up that we ran into.

21

22 For this area here in Sitka we are  
23 currently vacant one officer, that officer is currently  
24 at the academy and should graduate at the end of this  
25 month. We also have one officer shortage right now in  
26 Ketchikan, that officer also will be graduating. Upon  
27 graduating both those officers will work with me for one  
28 month on subsistence issues, I'll be traveling to their  
29 areas and working with them on it.

30

31 We did have some issues with some  
32 residency questions and issues this year on both people  
33 claiming residency in areas where they didn't actually  
34 occur and people trying to do designated hunts as urban  
35 residents trying to claim residency as a rural resident.  
36 So those were some of the bigger cases we've been working  
37 on. I don't believe there was a lot of misunderstand on  
38 their part, I believe they just attempted to do what they  
39 were trying to do and didn't. So those cases are both  
40 going forward at this point.

41

42 In Unit 2 we worked the early season  
43 impetus patrols on the steelhead, had some pretty good  
44 numbers of folks that were contacted, no issues were  
45 discovered on nonresidents keeping steelhead. The bait  
46 issue was fine, the individuals that we found using bait  
47 were the ones that were legally rural residents or  
48 allowed to use bait this year.

49

50 For the early season Unit 2 deer on

1 Prince of Wales that went fine, we did issue a couple  
2 violations to some individuals, but they were for other  
3 activities that were taking place while they were  
4 actually hunting. So they weren't residency issues per  
5 se on that.

6  
7 On the individuals from Ketchikan, we did  
8 find some individuals from Ketchikan who had come over  
9 and were hunting in what they thought were legal areas  
10 that were actually closed area. So they were issued  
11 violation notices during the early season, last day of  
12 July time.

13  
14 The late season we did issue some  
15 violation notices to both rural residents from Unit 2 for  
16 tagging violations and Ketchikan residents and out of  
17 state residents also for tagging violations as per se.

18  
19 If there's any questions any of you have  
20 on law enforcement, I will be here through Friday  
21 morning. Feel free to get with me, if you want to get  
22 with me on anything. And I'll take any questions you  
23 have, I just don't want to take up too much of your time  
24 now because I know your schedule's full.

25  
26 VICE CHAIR BANGS: Thank you, Mr. Bryden.  
27 Any questions at this point from the Council?

28  
29 (No comments)

30  
31 VICE CHAIR BANGS: Thank you.

32  
33 MR. BRYDEN: Okay. Thank you.

34  
35 VICE CHAIR BANGS: Okay. It's getting  
36 late, I think Mr. Adams was thinking 8:30 in the morning  
37 we'll reconvene. So we'll recess until 8:30 tomorrow  
38 morning.

39  
40 (Off record)

41  
42 (PROCEEDINGS TO BE CONTINUED)

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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 81 through 170 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME II taken electronically by our firm on the 23rd day of March 2011, beginning at the hour of 1:00 o'clock p.m. at Sitka, 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 4th day of April 2011.

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