

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL MEETING

3  
4 PUBLIC MEETING

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7  
8 VOLUME III

9  
10  
11 Sitka, Alaska  
12 March 24, 2011  
13 8:30 a.m.

14  
15  
16 COUNCIL MEMBERS PRESENT:

17  
18 Bertrand Adams, Chairman  
19 Timothy Ackerman  
20 Michael Bangs  
21 Michael Douville  
22 Merle Hawkins  
23 Donald Hernandez  
24 Harvey Kitka  
25 Frederick Nielsen  
26 Floyd Kookesh  
27 Cathy Needham  
28 Patricia Phillips  
29 Frank Wright  
30 John Yeager  
31  
32  
33  
34 Southcentral Council Chairman, Ralph Lohse  
35  
36 Regional Council Coordinator, Robert Larson  
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P R O C E E D I N G S

(Sitka, Alaska - 3/24/2011)

(On record)

CHAIRMAN ADAMS: Ladies and gentlemen, welcome to our meeting. Mr. Kookesh asked for a couple minutes. That was five minutes ago, so he's exceeded his time already. We'll let him finish up, but we're going to go ahead and get started today or this morning.

Welcome. It's another beautiful day. Just a little report on my condition. As you remember, I almost fell asleep late afternoon at the microphone here and then I turned the time over to Mr. Bangs. I want to thank you, Mr. Bangs, for helping me out there. Harvey Kitka invited me to his house for dinner. There's two things that were on my mind late yesterday afternoon, was get food in my tummy and go to sleep. So he took me to his house and I visited there for a while and had dinner and then they brought me to my room and I fell asleep and I got a good rest. The only thing is I woke up at 2:00 o'clock this morning and I've been awake ever since. But I feel fine and I think we're ready to go.

For the Council information, if any of you have a wildlife proposal that you think we need to generate from this body, it needs to be submitted by noon this afternoon, so I just want to make that announcement right now. We do have one we're going to go over here after our morning break. If you can get your wishes known to Mr. Larson or you've got that form. If you want to use that, just go ahead and submit that to Mr. Larson and then he will be able to have it. As far as I know, there's only one, but if there's any more you have an opportunity to do it today yet.

Let me see. Anything else. A little bit of housekeeping information. This was put in front of me this morning. You do have it in your book. It's an update on travel procedures. It's important that you understand that, so you should have that in front of you right now. I was just reminded that it's in the book on Page 58. So be aware of that.

Anything else, Mr. Larson, any housekeeping things that we need to take care of at this time? Let me say that if you are a member of the public and you wish to testify, Melinda has a blue slip like

1 this up there and just fill that out. She'll bring it  
2 down to us and then we'll put you on the agenda.

3  
4 I want to acknowledge a good friend of  
5 mine, Mr. Glenn Chen. He just walked in the door.  
6 Welcome, Glenn. Appreciate you showing up. Anyone else  
7 we need to recognize? We don't have as many people as we  
8 did yesterday. Maybe they'll filter in in a little bit.  
9 I forgot to mention that Jennifer up there is also a  
10 product of Yakutat, so I'm really proud of her that she  
11 is able to be here today.

12  
13 Let's move on with the agenda then.  
14 We're on item number 13C, Office of Subsistence  
15 Management. Mr. Probasco, the floor is all yours.

16  
17 MR. PROBASCO: Good morning and thank  
18 you, Mr. Chair. The next few items we're going to work  
19 through some of the items are for information only.  
20 Other items we'll be requesting the Council to address  
21 and make specific recommendations.

22  
23 As everybody is aware, well over a year  
24 ago our subsistence program went under review as directed  
25 by the Secretary. If you look at Page 31, you will see  
26 a letter from the Secretaries to Chairman Tim Towarak  
27 outlining a task that he has set forth to the Board to  
28 address the Secretarial Review. Some of these items  
29 we're going to work on here on the agenda specifically  
30 focuses on what the Secretaries have directed the Board  
31 to do with assistance from the Councils. So I would  
32 maybe tab that document so if there's questions or you  
33 want to reference to that letter, it's on Page 31.

34  
35 The first item we're going to be looking  
36 at is the expansion of the Board to include two new  
37 members representing rural Alaska and subsistence users.  
38 That was a specific directive. Just the status is that  
39 we've already put out the proposed rule that would allow  
40 the expansion of the Board to include these two  
41 additional members. We're in the process where we're  
42 seeking public comment and focus on that proposed rule  
43 and this is the opportunity at this time for the Councils  
44 to take a look at that and provide their recommendations,  
45 how they would envision how these two Board members would  
46 be possibly selected, who should they represent, et  
47 cetera.

48  
49 So, with that, Mr. Chairman, I'll just  
50 step down. If you have some questions. But the Board is

1 specifically looking for comments on the proposed rule of  
2 adding two additional members to the Federal Board. Mr.  
3 Chair.

4  
5 CHAIRMAN ADAMS: Thank you, Pete. Any  
6 questions of Pete at this point from the Council. Patty,  
7 go ahead.

8  
9 MS. PHILLIPS: Thank you, Chairman Adams.  
10 Glad you're feeling rested. Mr. Probasco, will those two  
11 positions be paid positions?

12  
13 MR. PROBASCO: Mr. Chair. Ms. Phillips.  
14 Very good question. They will. My understanding -- of  
15 course this is going to be a process, but right now the  
16 recommendation is to compensate those two additional  
17 Board members equal to what Chairman Towarak receives.  
18 Mr. Chair.

19  
20 CHAIRMAN ADAMS: Thank you. Anymore  
21 questions. Follow up, Pat.

22  
23 MS. PHILLIPS: Thank you, Chairman Adams.  
24 I'm not familiar with how Mr. Towarak is compensated, so  
25 could you give a brief explanation of that.

26  
27 MR. PROBASCO: Mr. Chair. Ms. Phillips.  
28 Chairman Towarak is compensated at an hourly rate. He  
29 submits a timesheet if you will every two weeks. He is  
30 compensated for times while he's sitting on the Board and  
31 times where he's preparing himself for Board meetings.

32  
33 In addition to his Board meetings, Mr.  
34 Towarak also represents the Board at many other type  
35 meetings. It could be the Western Caribou Herd  
36 Management Plan to give you an example. Some of the stuff  
37 where he will fill in. He's been asked to participate  
38 and speak on behalf of the Board at numerous organization  
39 meetings, so it's just beyond attending meetings that Mr.  
40 Towarak is compensated for.

41  
42 CHAIRMAN ADAMS: Anymore questions.  
43 Understand too, Pete, that he is devoting a lot more time  
44 than previous Chairmen in the subsistence program, is  
45 that correct? It seems to me like he is pretty devoted  
46 to the job that he's engaged.

47  
48 MR. PROBASCO: Mr. Chair. I would  
49 probably not categorize that. I've had the privilege of  
50 working under all the most recent three Chairs and I

1 would say all three of the gentlemen were very devoted.  
2 Obviously you come to the table from different areas with  
3 different expertise and I can't speak for Mr. Towarak.  
4 He's definitely very devoted and I spend a lot of time  
5 with him, since he lives in Unalakleet, on the phone. I  
6 would say all three Chairs were very dedicated to the  
7 program. Mr. Chair.

8

9 CHAIRMAN ADAMS: Yeah, I realize that  
10 too, Pete. Just that, you know, in our SRC workshop he  
11 came and he devoted a whole day to meeting with us and he  
12 mentioned the fact he was intending to spend a lot of  
13 time with subsistence issues. So I just wanted to kind  
14 of clarify that. I think it's later on that we'll be  
15 taking comments on that or is that appropriate we do that  
16 now.

17

18 MR. PROBASCO: Mr. Chair. I would  
19 suggest that we deal with each item as we go through.

20

21 CHAIRMAN ADAMS: Sure.

22

23 MR. PROBASCO: Each Council up to this  
24 date has provided their view and their recommendations on  
25 the makeup of the two additional members and this is your  
26 opportunity to do so. Those comments will be submitted  
27 with the proposed rule and also submitted to the Board.  
28 Since this is a subpart B regulation, which is only under  
29 the Secretaries' purview, the Board will make  
30 recommendations to the Secretary on how that regulation  
31 will be worded, but the Secretaries have the final word  
32 on that regulation.

33

34 Mr. Chair.

35

36 CHAIRMAN ADAMS: Sure. Thank you. Yeah,  
37 it's right down A, B (i) on the agenda, so we can  
38 approach that when we come to it. Anything else.

39

40 Mr. Douville.

41

42 MR. DOUVILLE: Thank you, Chairman Adams.  
43 I guess my question is are we looking for individual  
44 comment from the -- as Council members or the RAC as a  
45 whole on this issue?

46

47 MR. PROBASCO: Mr. Chair. Mr. Douville.  
48 I would say both. The Councils to date actually took  
49 their Council members' input and submitted them as the  
50 Councils' opinion or, if you will, their comments on the

1 proposed rule. So this is an opportunity to do both.  
2 Mr. Chair.

3

4 CHAIRMAN ADAMS: Thank you. Follow up.

5

6 MR. DOUVILLE: So are we doing the  
7 comment now or at a later date in our agenda?

8

9 CHAIRMAN ADAMS: We've got A, B to go  
10 through yet and then A, B(i) or 1, you know. That's when  
11 we can take that up. So it will give you time to think  
12 about it a little bit.

13

14 Any more comments, questions. Pete, go  
15 ahead.

16

17 MR. PROBASCO: One more reference  
18 document and I know Melinda did it earlier in the  
19 meeting, but we did provide a summary from the other  
20 Councils on their comments to the proposed rule adding  
21 two members for your reference and should be somewhere in  
22 your pile.

23

24 CHAIRMAN ADAMS: Do you have access to  
25 that right now? Maybe when we go to that part of the  
26 thing you can share that with us.

27

28 MR. PROBASCO: I have it right here, Mr.  
29 Chair.

30

31 CHAIRMAN ADAMS: Okay, go ahead.

32

33 MR. PROBASCO: Mr. Chair. Comments on  
34 adding two members to the Federal Board. The Seward  
35 Peninsula Council supported the current language in the  
36 February 11, 2011 proposed rule to expand the Board. The  
37 Council recommends that these members be elders, over 65  
38 years of age and that they be knowledgeable about Alaskan  
39 subsistence resources and subsistence uses.

40

41 The Western Interior Council  
42 wholeheartedly supported the language in the proposed  
43 rule. The Council recommends that these members be  
44 Federally-qualified subsistence users so that they know  
45 and understand what they are working on.

46

47 The Eastern Interior Council also  
48 supported the proposed rule. The Council recommends that  
49 these members be Federally-qualified subsistence users.

50

1                   The North Slope Council supported  
2 expanding the Board and further commented that the new  
3 Board members should have a tribal and/or local  
4 perspective and knowledge of and use of subsistence. The  
5 North Slope Council commented that there needs to be a  
6 nomination process for selecting the new Board members  
7 similar to what is in place for selecting Council  
8 members. The process for selecting the new Board members  
9 should be transparent, clarify how the selection will  
10 occur, clearly state the eligibility criteria, including  
11 things that would exclude a person such as problems with  
12 background checks, be clear, concise and easily follow.

13  
14  
15                   Additionally, each Council should be able  
16 to nominate someone from their region to be on the Board.  
17 Ideally, there should be one Board member representing  
18 each region. Discussion occurred regarding the need for  
19 the rural representation on the Board to represent all  
20 rural users in the state. One Council member was  
21 concerned that this would not happen. The concern was  
22 raised that the state is large and the subsistence users  
23 are from diverse cultural backgrounds and have different  
24 subsistence uses, thus representing the entire state  
25 would be difficult. The new Board members need to  
26 communicate with the Council members, represent all  
27 subsistence users statewide, need to establish a means of  
28 communicating, maybe Facebook.

29  
30                   A member of the public testified that the  
31 two new Board members should be Alaska Native and that  
32 was all that the North Slope Council made.

33  
34                   The Yukon-Kuskokwim Council supported a  
35 resolution submitted by AVCP that requested that the two  
36 new Board members be representative of tribal  
37 governments. The resolution was supported unanimously by  
38 the Council. Greg Roczicka asked that the selection  
39 process for the new Board members be included in the  
40 final rule.

41  
42                   The Bristol Bay Council voted to support  
43 the language in the proposed rule. The Council  
44 recommends that these public members be from different  
45 parts of Alaska, that they have experience and knowledge  
46 of subsistence and they have ability to participate in  
47 the Board process. The Council noted that unlike Agency  
48 representatives these public members do not have someone  
49 to take their place. If they're unable to attend a Board  
50 meeting as such, the Council recommends that one or two

1 alternates also be selected to these public Board member  
2 seats.

3

4                   The Southcentral Council, Chairman  
5 Lohse's Council, supported the concept of the proposed  
6 rule. Council members discussed a number of process  
7 questions, namely whether or not the two representatives  
8 should be Federally-qualified subsistence users, whether  
9 they should have a prior experience on a Regional Council  
10 or an SRC or if they should be tribal representatives.  
11 The Southcentral Council also felt it would be a good  
12 idea to have it three year staggered terms so the  
13 positions would not be so vulnerable to political changes  
14 and also to have the RACs be involved in the nomination  
15 process. Mr. Chair.

16

17                   CHAIRMAN ADAMS: That's a lot of  
18 information that has been shared by various Councils. So  
19 how do you anticipate all this is going to be put  
20 together to determine a set of criteria that will enable  
21 two people to be on the Board?

22

23                   MR. PROBASCO: Thank you, Mr. Chair. All  
24 these comments will be submitted to the Board and at  
25 their May meeting they will discuss and deliberate these  
26 recommendations and then they will make a final  
27 recommendation on behalf of the program to the  
28 Secretaries.

29

30                   CHAIRMAN ADAMS: Okay. Thank you.  
31 Questions anyone. Patty.

32

33                   MS. PHILLIPS: I don't believe I got a  
34 copy of the actions of the other RACs.

35

36                   CHAIRMAN ADAMS: None of us have. Do we  
37 have that?

38

39                   MR. PROBASCO: Melinda, did we get that  
40 one?

41

42                   MS. HERNANDEZ: I got copies of the MOU  
43 comments.

44

45                   MR. PROBASCO: Okay. That could be my  
46 mistake, Mr. Chair.

47

48                   CHAIRMAN ADAMS: Okay. She'll have  
49 copies for all of us, so we'll have a chance to review  
50 that. Mr. Kookesh.

1 MR. KOOKESH: Mr. Chairman. I read  
2 number one and it says representing subsistence users, so  
3 do I take it to mean RAC members in general or no  
4 commercial or sport fish, the 70/30 split issue?

5  
6 MR. PROBASCO: Mr. Chair. Mr. Kookesh.  
7 That could be the nature of your comments and your  
8 concerns. I do know that legal counsel has said that any  
9 person, resident of Alaska would be eligible regardless  
10 of where they live. But, as you heard my comments, you  
11 saw the Councils narrow that.

12  
13 Mr. Chair.

14  
15 CHAIRMAN ADAMS: Thank you.

16  
17 MR. KOOKESH: Follow up.

18  
19 CHAIRMAN ADAMS: Mr. Kookesh.

20  
21 MR. KOOKESH: Was that the portion  
22 Federally qualified?

23  
24 MR. PROBASCO: Mr. Chair. Mr. Kookesh.  
25 Federally qualified -- when you say Federally subsistence  
26 qualified user would mean rural residents under the  
27 Federal system and would have to live in a rural  
28 community.

29  
30 Mr. Chair.

31  
32 CHAIRMAN ADAMS: Thank you. Mr. Kookesh,  
33 go ahead.

34  
35 MR. KOOKESH: This is a point of  
36 information, Mr. Chairman. Could we ask if Mr. Lohse  
37 could weigh in on this so that we can get some of his  
38 personal feedback.

39  
40 CHAIRMAN ADAMS: You bet. Mr. Lohse, the  
41 floor is all yours.

42  
43 MR. LOHSE: In what were you thinking on  
44 this, Mr. Kookesh?

45  
46 MR. KOOKESH: (Points to his head)

47  
48 MR. LOHSE: Just in general? Well, just  
49 listening to the other RAC members, what their idea was,  
50 and as you got from ours, we go along with the idea that

1 we would like to have subsistence users represented on  
2 the Board itself and we would expect that anybody that  
3 would sit in that position would be a Federally qualified  
4 subsistence user. I know that under current law it could  
5 be anybody from the state.

6  
7 From a RAC standpoint, we felt it should  
8 be somebody who is a Federally qualified subsistence  
9 user. We also felt that the best way to get somebody  
10 that would be able to work in those positions would be to  
11 get somebody with RAC experience. Somebody who sat in  
12 this process, somebody who has dealt in this process,  
13 somebody who understands this process, and we felt that  
14 the RACs would be one of the best sources of nomination  
15 to nominate somebody that they felt was qualified to do  
16 this.

17  
18 At the moment, everything is basically,  
19 and I think Pete will agree, everything is kind of in  
20 limbo. There are no sideboards, there are no guidelines.  
21 That's what they're coming to the RACs to get, is what do  
22 we as RAC members think would be appropriate for these  
23 positions right here. Under current -- under the way it  
24 sits right now anybody can be it, but we have no  
25 guidelines on how to pick somebody. So the different  
26 RACs, as you can see, have different ideas.

27  
28 In general, if you read all of those,  
29 basically what they're all asking for is they're asking  
30 for somebody who is Federally subsistence qualified user  
31 and somebody who has an understanding of Federal  
32 subsistence use and the process that governs it. That  
33 seems to come through time after time after time.

34  
35 It was interesting to me that the one RAC  
36 asks for elders, you know. I don't think that that's --  
37 I think we'd end up running into legal difficulties real  
38 quick because you can't discriminate by age in either  
39 direction in this day and age.

40  
41 I think what they're looking for, when I  
42 listen to the rest of the RACs, they're looking for  
43 experience. They're looking for somebody that  
44 understands the subsistence program and the subsistence  
45 uses and needs. I think that's something that -- I know  
46 that's something our RAC supported and I think that's  
47 something most RACs support.

48  
49 Any questions.  
50

1 (No comments)

2

3 MR. LOHSE: Thank you.

4

5 MS. HAWKINS: Bert.

6

7 CHAIRMAN ADAMS: Merle, go ahead. Excuse  
8 me. I've turned the gavel over to Mr. Bangs because I'd  
9 like to make a comment too, but go ahead.

10

11 MS. HAWKINS: Oh. Yeah, if we subtract  
12 out Juneau population and Ketchikan population, there's  
13 not a lot of people in Southeast as far as numbers, but  
14 I would hope one of the representatives would represent  
15 or be knowledgeable about Southeast and Southcentral  
16 areas.

17

18 MR. BANGS: Mr. Adams.

19

20 MR. ADAMS: Mr. Bangs. I just wanted to  
21 share with you what the Wrangell-St. Elias Subsistence  
22 Resource Commission recommended and it was approved by  
23 the Commission, it was clear that these two people would  
24 be voters, they'd be able to vote, and the two people who  
25 reside in rural areas, that these two people be  
26 recommended by the 10 RACs or SRCs with tribal input.  
27 Then the qualifications is familiarity with 10 RAC  
28 regions, experienced council, commission, board members,  
29 writes and communicates well, knowledgeable about Roberts  
30 Rules of Order, ANILCA subsistence policies, regulatory  
31 process and management plans of Federal agencies.

32

33 The duties would be to be active in  
34 participation in all discussions brought before the  
35 Federal Board in matters relating to subsistence  
36 resources, subsistence policies, management plans and  
37 regulatory process. The term would be three year  
38 staggered term. So this is the recommendation of the  
39 Wrangell-St.Elias Subsistence Resource Commission.

40

41 Mr. Chairman, if I would suggest, I will  
42 give this to Melinda to make copies and distribute to  
43 everyone. I would also recommend that maybe we should  
44 take some time to review what Mr. Probasco has given to  
45 her for distribution as well, then maybe later on during  
46 the agenda we can talk a little bit more about it when we  
47 become more familiar with what's happening in the areas.

48

49 Mr. Chairman.

50

1 MR. BANGS: Thank you, Mr. Adams. So  
2 I'll turn the meeting back over to you, but I would like  
3 to comment. I'm not sure if we're going to go into this  
4 comment period until after we review these comments or  
5 are we going to take the order of the agenda?  
6

7 CHAIRMAN ADAMS: Well, we do have the  
8 ability to move the agenda items around, so would it be  
9 beneficial to the Council if they had an opportunity to  
10 spend some time looking at the various recommendations  
11 made by other regional organizations and then come back  
12 later with a better understanding of what we would like  
13 to present? Do you want to do it now or maybe later on  
14 this afternoon or today and bring it up again? I think  
15 that's what we'll do.  
16

17 Go ahead, Pete.  
18

19 MR. PROBASCO: Thank you, Mr. Chair. I  
20 also want to draw your attention to Page 50. It's a  
21 matrix that the Board developed in addressing the  
22 Secretarial Review items. It provides a status and it  
23 also lays out the next steps and it also briefly  
24 addresses what the Board is seeking as far as RAC  
25 involvement. You'll see right at the top of Page 50 it  
26 talks about the Secretarial directive on expanding Board  
27 membership and then we'll get into the topic of deference  
28 to Councils and then the review of the MOU and then C&T  
29 determination. This is another piece of information that  
30 you can reference as we work through these agenda items.  
31

32 Mr. Chair.  
33

34 CHAIRMAN ADAMS: Thank you, Pete. Yeah,  
35 I think rather than belaboring discussion on this right  
36 now, I think it would be a good idea if we just take the  
37 time and kind of absorb what's going on here and then  
38 come back later on with a better idea of where we want to  
39 go with this, so we'll go ahead and do that.  
40

41 Pete, go ahead.  
42

43 MR. PROBASCO: So, Mr. Chair, my  
44 understanding is by the end of the day we will hopefully  
45 have a paragraph or two similar to the other Councils  
46 that I can submit to the Board.  
47

48 CHAIRMAN ADAMS: Exactly.  
49

50 MR. PROBASCO: Thank you, Mr. Chair.

1 CHAIRMAN ADAMS: Thank you. Melinda,  
2 would you come down and pick this up and make copies of  
3 it, please. Any more, Pete, on that particular issue?

4  
5 MR. PROBASCO: No.

6  
7 CHAIRMAN ADAMS: Okay. Let's move on  
8 then. The letter from the Secretary. That's found on  
9 Page 31.

10  
11 MR. PROBASCO: Mr. Chair. I introduced  
12 that earlier, prior to us.....

13  
14 CHAIRMAN ADAMS: Yes, you did.

15  
16 MR. PROBASCO: .....starting the process.  
17 31 is relevant to all the items under C.

18  
19 CHAIRMAN ADAMS: Right. Any questions,  
20 comments about the letter. It's there for your  
21 information. The Board action items. We were under  
22 discussion on the expansion. We're going to bring that  
23 up a little bit later. How about deference to Councils.

24  
25 Mr. Probasco, go ahead.

26  
27 MR. PROBASCO: Thank you, Mr. Chair. I  
28 would take your attention to the matrix. It's not new to  
29 this Council. The Council has weighed in many times on  
30 the question of deference. When does the Board have to  
31 give deference to the Councils and when does it not.  
32 Also part of the review that the Secretary directed the  
33 Board is to address the deference question.

34  
35 You will see starting on Page 50 a C&T  
36 question, a deference given to Councils on C&T has been  
37 an area of debate. Where the Board landed is that they  
38 feel, and as they move forward in this review, is that  
39 the Board supports expanding deference to RACs on C&T and  
40 address the policy and possible rule-making may need to  
41 be pursued. So, in other words, to specifically address  
42 this and then put it to rest. The Board is looking at is  
43 a policy change sufficient or are they actually going to  
44 have to do rule-making.

45  
46 So the take-home message on this is that  
47 the Board is looking very favorably and wants to move  
48 forward on the deference question on C&T.

49  
50 Rural determination is one that the Board

1 and this Council has debated back and forth. I'm here to  
2 report that that has not changed. Legal counsel is very  
3 specific that deference cannot be given on rural  
4 determinations to the Council. However, they're going to  
5 focus on the process and criteria for rural/nonrural  
6 determinations and the Councils will be actively involved  
7 in that.

8  
9                   On April 6th, which is just coming up,  
10 all RAC Chairs, to my knowledge, with the exception of  
11 one Council, has committed to the April 6th meeting where  
12 the Board is starting the process of the 2010 rural  
13 determination process. Now this April 6th meeting is  
14 specifically to get this Board -- most of our Board  
15 members are fairly new and they were not involved in the  
16 2000 rural determination process. So this process on  
17 April 6 is to help educate both the Chairs and the Board  
18 to get them up to speed on the process that's going to  
19 take a few years to get through and this is the first  
20 stage of that.

21  
22                   In-season management. The Board felt  
23 that no change was necessary because in most cases if  
24 time allows the Council Chair at a minimum and if there's  
25 a meeting that's close, the Councils are brought in to  
26 address in-season management issues. However, when  
27 you're dealing with in-season management, a lot of the  
28 action is done through what we call special actions and  
29 special actions are meant to be decisions made by the in-  
30 season manager in a timely manner. In other words, he's  
31 going to make a decision probably within 24 hours.

32  
33                   In some cases, the best that the manager  
34 can do, and he's directed by his letter of authority, is  
35 to contact the Chair of each Council that's affected by  
36 this and bring them into the process of deliberating.  
37 But if we were to give deference by the legal term to  
38 Councils on in-season management, you could quickly see  
39 that would take a process that requires a timely decision  
40 and slow it way down.

41  
42                   So what the Board is committed to is that  
43 if time allows, deference will be given to the Councils  
44 on special actions, but if it's a matter of conservation  
45 or meeting subsistence uses and time is of the essence,  
46 they need to move forward.

47  
48                   Mr. Chair, that is addressing that topic.

49  
50                   CHAIRMAN ADAMS: I just have a question.

1 That has worked very well I think in the Southeast  
2 Region. I'm just wondering how effective that is in  
3 other regions if you have that information.

4  
5 MR. PROBASCO: Mr. Chair. If you were to  
6 look at the state, you're going to see some areas because  
7 of the other uses on the resource does not demand the in-  
8 season actions that we see in Southeast or like we see in  
9 Southcentral or we see on the Yukon or the Kuskokwim.  
10 Other areas outside of those areas, they may have one or  
11 no special actions in a given year versus something like  
12 Southeast, Southcentral, Yukon-Kuskokwim where you have  
13 multiple special actions a year, so different.

14  
15 What I can say for those that I've just  
16 addressed, each in-season manager does dialogue just like  
17 here in Southeast with the Council Chairs or their  
18 designee on those special actions. Mr. Chair.

19  
20 CHAIRMAN ADAMS: I guess what I was  
21 referring to is the timely manner in which those things  
22 are done. I think you mentioned within 24 hours or so,  
23 you know. I think it works well. So thanks.

24  
25 Any questions anyone else.

26  
27 Mr. Bangs.

28  
29 MR. BANGS: Thank you, Mr. Chairman.  
30 Pete, regards to rural determination and giving the  
31 Councils deference to that, it's an ongoing battle as  
32 we've discussed back and forth. Would it be something  
33 that Council could do is to look at the criteria and  
34 maybe make recommendations for changing the criteria in  
35 what the Board uses for making rural determination?

36  
37 MR. PROBASCO: Mr. Chair. Mr. Bangs.  
38 Most definitely. That's why the Board is starting this  
39 process on April 6th. At this point in time we, the  
40 Federal program, do not know what that process will look  
41 like. It could be identical to what took place in 2000,  
42 it could be different, so we're working on that process  
43 with the Councils.

44  
45 Deference to rural. I need to qualify  
46 that to the Councils. The Board listens very carefully.  
47 Even though they didn't agree on the Saxman issue with  
48 this Council, the Board does listen very carefully to  
49 what the Councils recommend. It's the question on  
50 deference. Deference means if a Council has a

1 recommendation, unless it goes against those three  
2 criteria, the Board has to give that decision to the  
3 Councils.

4

5 In rural, because of the legal opinion,  
6 that's not the case. It does not prevent the Board from  
7 listening very carefully to and taking in what the  
8 Councils have, it's just that they're not required to  
9 say, okay, Southeast Council recommended this, this is  
10 what we're going with. So there's differences between  
11 the rural question versus the regulations that deal with  
12 take, methods and means, et cetera.

13

14 Mr. Chair.

15

16 CHAIRMAN ADAMS: Thank you. Anyone else.  
17 Mr. Kookesh and then Cathy.

18

19 MR. KOOKESH: Mr. Chairman. I was  
20 looking at the letter from Secretary Salazar and I have  
21 a question on number 4. Do we have parts A and B of the  
22 CFRs?

23

24 MS. PHILLIPS: What page?

25

26 MR. KOOKESH: Page 32, top. I know 3, 4,  
27 5 and 6 are applicable to us and I was wondering where  
28 number 4 is.

29

30 MR. PROBASCO: Mr. Chair, if I may.

31

32 CHAIRMAN ADAMS: Go ahead, Pete.

33

34 MR. PROBASCO: Thank you, Mr. Chair. Mr.  
35 Kookesh. Parts A and B are the regulations that deal  
36 with the art program. If you remember when our program  
37 started back in 1990 when we started with wildlife, the  
38 Federal side viewed the program as temporary, so they  
39 just automatically adopted the State regulations. As our  
40 program has grown, our regulations in some cases still  
41 mirror the State regulations and other cases they have  
42 diverged substantially away from that.

43

44 What this is asking is that the Board  
45 take a look at those regulations, review them and to make  
46 sure that we have regulations that are not on the books  
47 that would have a negative impact on our Federal program  
48 and the Federal users. So what they're doing is asking  
49 for a specific review to go back and make sure nothing  
50 has fallen through the cracks and go through that

1 process. If we find something, to make those changes.

2

3 Now your question also included, Mr.  
4 Kookesh, where are parts A and B of the CFRs. Well, it's  
5 a very large document. We can provide them, but they're  
6 not here in this book.

7

8 Mr. Chair.

9

10 CHAIRMAN ADAMS: Thank you.

11

12 MR. KOOKESH: Follow up.

13

14 CHAIRMAN ADAMS: Follow up. Go ahead.

15

16 MR. KOOKESH: So in this public process  
17 that we're involved in, when will we be party to this  
18 because it does say the review with RAC input.

19

20 MR. PROBASCO: Thank you, Mr. Chair.  
21 Thank you, Mr. Kookesh. As far as how number 4 will be  
22 addressed, I would anticipate that it's going to be taken  
23 up sometime in the next either fall or winter cycle.  
24 We're tackling the ones that we're looking at right now  
25 and we're going to whittle through these and complete  
26 them. I don't have a time certain for you, but it's on  
27 the task.

28

29 CHAIRMAN ADAMS: Thank you, Floyd, for  
30 bringing that up. Go ahead. Patty, go ahead.

31

32 MS. PHILLIPS: Thank you, Mr. Chair.  
33 Thank you, Mr. Probasco. I really appreciate this matrix  
34 that's on Page 50 and 51. It gives us a brief outline of  
35 actions that are going to be coming up and it's really  
36 helpful.

37

38 I would like to make comments to several  
39 items that you brought to our attention. Where you say  
40 that the Board will be meeting on April 6, 2011 because  
41 you have a fairly new Board, I would like to say that  
42 comment is similar to the RACs, the RAC membership.  
43 We've had new memberships and also we may need refreshers  
44 for those of us who have been here a while. That base of  
45 information as far as C&T goes, that's extensive and we  
46 can't be expected to comment on the fly. I mean some of  
47 us would like to give it more in-depth detail.

48

49 As far as the C&T determinations, I think  
50 it would helpful for us in the future if we have legal

1 opinion to help us form some of our consultation  
2 positions.

3  
4 In an effort to promote dialogue, I  
5 would like the RAC to be considering this as we move into  
6 our fall meeting. Mr. Probasco said that we are not --  
7 they're circulating the C&T draft for us to review and  
8 comment at a later date, but we need to be still  
9 discussing it so that you can -- you know, we're only  
10 together twice a year, so we need to be thinking about it  
11 in between time, so I would like to give you some food  
12 for thought.

13  
14 I remain unconvinced and unsatisfied with  
15 the opinion that RACs do not have due deference on  
16 policies, customary traditional use determinations, rural  
17 determinations, closure policies, special actions,  
18 requests for reconsiderations, MOU, transboundary, et  
19 cetera. The RACs should be advised adequately on  
20 process. We were previously advised we, as a RAC, could  
21 file our RFRs, then in the next breath that was  
22 rescinded.

23  
24 Meanwhile, we understand that the State  
25 of Alaska is able to file an additional RFR on their same  
26 RFR rejected by the Federal Subsistence Board because  
27 they want the outcome changed for Ninilchik customary and  
28 traditional use determination, thereby disrupting the  
29 program and detrimental to subsistence users.

30  
31 We RAC members are stakeholders and users  
32 of the resource. We should be able to file RFRs on  
33 decisions also. Example, Southeast RAC should have been  
34 able to file a Saxman rural determination and been  
35 advised they could have filed an RFR on the same RFR.

36  
37 State of Alaska must not have the final  
38 word, influence or deference on this customary and  
39 traditional use policy. Where there is Staff analysis  
40 for a Federal Subsistence Board proposal, it must be  
41 reiterated that not all the eight factors have to be  
42 entirely met and perhaps we should go further in tossing  
43 out the process we duplicated from the State of Alaska  
44 and revamp this process. We should look at this criteria  
45 as guidelines and not as a set in stone.

46  
47 State of Alaska gives their  
48 interpretation of the Chistochina decision regarding  
49 Federal Subsistence Board customary and traditional use  
50 determination proposals. Our Federal subsistence RACs

1 and Federal Subsistence Board should have a written legal  
2 synopsis of the Federal interpretation accompanying C&T  
3 proposals.

4  
5                   Transparency and consistency. Don't give  
6 options on some policies and no options on other policies  
7 and advise us who is in on drafting these policies. Just  
8 OSM Staff, Interagency Staff Committee, State of Alaska  
9 Staff, legal staff, Federal Subsistence Board. These  
10 policies should have input from the bottom up and ANILCA  
11 Title VIII should be our ultimate guiding mandate.

12  
13                   Thank you.

14  
15                   CHAIRMAN ADAMS: Thank you, Patty.

16  
17                   MR. KOOKESH: Second.

18  
19                   CHAIRMAN ADAMS: Second? Okay.

20  
21                   (Laughter)

22  
23                   CHAIRMAN ADAMS: Anyone else. Go ahead,  
24 Donald.

25  
26                   MR. HERNANDEZ: Thank you, Mr. Chairman.  
27 I also have another question relating to the rural  
28 determinations and whether or not the Council should be  
29 given deference on that. You make reference to this  
30 lawsuit that determined the definition of rural  
31 essentially means sparsely populated and therefore  
32 deference cannot be given to RAC Councils. I don't see  
33 that as being all that cut and dried as to whether or not  
34 we should be given deference. Seems like the rural  
35 determination process is more than just a determination  
36 of the population of a community.

37  
38                   It also deals with -- correct me if I'm  
39 wrong, but there's allowances for a community that shows  
40 characteristics of a rural community. In my opinion,  
41 such determinations like that are not quantifiable.  
42 They're more of a qualitative determination. On that  
43 kind of decision, who better to weigh in on that than the  
44 RACs who are most familiar with the characteristics of a  
45 given community. At least on that point it seems to me  
46 that the RACs should be given deference on at least that  
47 portion of the determination.

48  
49                   So my question would be am I wrong as to  
50 the factor of characteristics of a rural community being

1 part of the process?

2

3 CHAIRMAN ADAMS: Pete.

4

5 MR. PROBASCO: Thank you, Mr. Chair. Mr.  
6 Hernandez. I cannot disagree with your comments as far  
7 as the Councils playing a key role in assisting the Board  
8 and looking at communities and helping them understand  
9 the community structure, how the community utilizes  
10 resource, et cetera. The question and the debate focuses  
11 on the term deference and that's where the debate has  
12 been going on since the last rural determination process  
13 focusing on Saxman.

14

15 All I can carry to you is the solicitors  
16 opinion and there's been, I think, Mr. Adams correct me,  
17 at least two letters drafted to the Council on the  
18 deference question specifically to rural and it lays out  
19 much more criteria here than what's placed in this  
20 matrix. So I can't add any more to debate. It's an area  
21 where the Council is continually disagreeing with the  
22 Board, which is fine, and saying we should be giving  
23 deference. The Board has been responding we hear you, we  
24 view you very important in the process, but however, due  
25 to the part of giving specific deference, we're not  
26 required to do that.

27

28 Mr. Chair.

29

30 CHAIRMAN ADAMS: Thank you. Follow up.

31

32 MR. HERNANDEZ: I guess my response would  
33 be that the Council, in my opinion, should not take this  
34 as a final answer and we should continue to pursue this.

35

36 Thank you.

37

38 CHAIRMAN ADAMS: Pete, go ahead, and then  
39 Merle.

40

41 MR. PROBASCO: Thank you, Mr. Chair.  
42 Thank you, Mr. Hernandez. In fact, just so the Board --  
43 I made numerous notes and I think Ms. Phillips' comment  
44 is that we have members here that have been on our  
45 Council for a long time. We have new members. I think  
46 it would be wise for me to resurrect those memos and  
47 draft again another letter just on the topic of  
48 deference, give the history, specifically lay out the  
49 solicitor's opinion as an informational item for you and  
50 I will commit to do that and have it to you well in

1 advance of our next meeting.

2

3 Mr. Chair.

4

5 CHAIRMAN ADAMS: That would be really  
6 appropriate. Thank you, Pete. Merle, go ahead.

7

8 MS. HAWKINS: Yeah, Merle Hawkins. I  
9 would just like to remind people that Ketchikan also did  
10 apply for rural status. It was denied. In that process,  
11 they lumped Saxman in with Ketchikan, which they've  
12 always been separate communities. So the process is  
13 flawed.

14

15 One thing good that came out of it is  
16 they bumped up the population figure from 7,000 to 11,000  
17 and I think it was already after Kodiak and Sitka had  
18 received their rural status. But if you put Sitka,  
19 Kodiak and Ketchikan and compared all those criteria,  
20 they're almost identical except for the population.  
21 Scarcely populated, I don't recall ever seeing that in  
22 any regulations. So just a reminder that we do need to  
23 work on the process and the criteria and keep trying to  
24 be inclusive in getting more communities to have rural  
25 status.

26

27 Thank you.

28

29 CHAIRMAN ADAMS: Thank you, Merle.  
30 Before I let you speak, Pete, I'd just like to make a  
31 comment about Saxman and Ketchikan. We were completely  
32 taken by surprise when the Board put Saxman into the  
33 Ketchikan region and that, of course, brought the  
34 population threshold quite high. I remember Lee Wallace  
35 being there and he was pretty upset with the fact that  
36 Saxman had been included in Ketchikan.

37

38 Our contention is this, we need to  
39 separate Saxman and that's where I think this Council  
40 needs to go, is to make that recommendation or make sure  
41 that that happens. Ketchikan, with the threshold of the  
42 population going up to 11,000, they might be just a  
43 little bit above that right now, notwithstanding the fact  
44 that you use the eight factors to determine whether a  
45 community is rural or not. Another requirement that I've  
46 seen pop up every now and then is does that community  
47 have the characteristics of being rural.

48

49 All of the subsistence surveys done both  
50 in Saxman and in Ketchikan indicate that Ketchikan is,

1 indeed, a high user of subsistence resources in that  
2 area. I just wanted to, for the record, put that on, you  
3 know, make that comment again. But I think that's  
4 probably where we need to go. I've instructed the C&T  
5 Committee to look into that as an addition to what you're  
6 already doing.

7

8 Pete, I just wanted to say that for the  
9 record. Go ahead.

10

11 MR. PROBASCO: Thank you, Mr. Chair. Ms.  
12 Hawkins. I think it's important to clarify this question  
13 on the change threshold, the upper threshold. If you  
14 recall, the Secretaries were petitioned to make that  
15 change specifically focusing on Ketchikan. That petition  
16 has not been finalized. So the upper threshold has not  
17 been changed yet. That petition is still sitting in the  
18 Secretary's office and it's been sitting there for a  
19 period of time.

20

21 So what the Council may or may not want  
22 to do as far as that issue of the status of the petition  
23 is up to you, but that is still there and has not been  
24 finally acted upon.

25

26 Mr. Chair.

27

28 CHAIRMAN ADAMS: Thank you for that  
29 information too. It just kind of slipped my mind that  
30 that was still there. Maybe we need to kind of speed up  
31 that process a little bit from this body here. So thank  
32 you, Pete, for that information.

33

34 MR. PROBASCO: It could be something to  
35 add to your annual report.

36

37 CHAIRMAN ADAMS: You bet, you bet. We'll  
38 do that. Anyone else. Patty, go ahead.

39

40 MS. PHILLIPS: Mr. Chair. We already  
41 made a motion to approve our annual report, so would that  
42 be in our next annual report or amend our current annual  
43 report?

44

45 CHAIRMAN ADAMS: I think we can amend it  
46 at the end of the meeting if there's anything we want to  
47 bring up. We can probably do that then. Merle.

48

49 MS. HAWKINS: Yeah. And also remind you  
50 that we received a letter from Lee Wallace.

1 CHAIRMAN ADAMS: For the record, we do  
2 have a letter here from Lee Wallace addressing that  
3 particular issue, so it's all in front of you. Okay, how  
4 are we doing.

5  
6 (No comments)

7  
8 CHAIRMAN ADAMS: If nothing else, then  
9 lets move on. The next thing is the review of the  
10 Memorandum of Understanding. Pete, go ahead. We do have  
11 a committee that has been looking into this the past  
12 couple days. Under B, we'll get their comments on that  
13 as well.

14  
15 Go ahead.

16  
17 MR. PROBASCO: Thank you, Mr. Chair. We  
18 developed a briefing document based on the Secretarial's  
19 directive to take the MOU, put it back out for comment,  
20 specifically seeking Regional Advisory Councils. If you  
21 may, you could reference Page 37 and 38 with that  
22 briefing. I'm not going to read through the entire  
23 briefing. I'm just going to hit the key points of the  
24 MOU. I know that your Council through its subcommittee  
25 has been working on this.

26  
27 The MOU helps to address the  
28 necessity of having some degree of communication and  
29 coordination between the State and Federal governments in  
30 order to aid in effective management of fish and wildlife  
31 resources in Alaska.

32  
33 Several sections of Title VIII of ANILCA  
34 expressly require the Secretaries to communicate and/or  
35 consult with State representatives on certain issues  
36 relating to subsistence uses by rural Alaskans.

37  
38 The MOU was carefully reviewed by the  
39 Federal team and legal counsel to ensure that provisions  
40 of Federal law and the Board s obligations to rural  
41 residents as defined in Title VIII of ANILCA continue to  
42 be maintained.

43  
44 The body of the MOU contains several  
45 references to State law, prompting some observers to  
46 express concern about the signing of the MOU. They were  
47 concerned that the Board was undermining its obligation  
48 under Title VIII to provide for a subsistence priority  
49 for rural Alaskans on Federal public lands.

50

1                   However, the Federal Subsistence Board s  
2 authority, charge, and obligation to rural Alaskans come  
3 only from Title VIII and any other applicable Federal  
4 statutes. The MOU will not, cannot, and does not change  
5 that.

6  
7                   Three protocols targeted at specific  
8 issues were developed under the guidance of the MOU and  
9 they're listed there. The Yukon information sharing  
10 protocol research.

11  
12                   Other key guiding principles of the MOU  
13 include avoiding duplication of research, monitoring, and  
14 management; involving subsistence and other users in fish  
15 and wildlife management planning efforts; and promoting  
16 clear and enforceable hunting, fishing and trapping  
17 regulations.

18  
19                   Mr. Chair, I'll be the first one to admit  
20 that this MOU can be improved upon. It was intended --  
21 I was on the drafting team. It was intended to be a  
22 living document. Our intentions were that the document  
23 would be reviewed on an annual basis. So this MOU is  
24 brought back to the Councils. Some of the criticisms  
25 when it first was drafted, the involvement of the  
26 Councils was very minimal. So I think it's appropriate  
27 that we go through this process and the Board is seeking  
28 input from the Councils on the MOU. I did provide copies  
29 of the other Councils actions on that MOU.

30  
31                   Mr. Chair, that's my brief on that.

32  
33                   CHAIRMAN ADAMS: Thank you, Pete. So I  
34 think it would be appropriate now, Mr. Bangs, to hear  
35 your report on your committee.

36  
37                   MR. BANGS: Thank you, Mr. Chair. Well,  
38 going through the process of looking for changes that we  
39 felt were necessary, we had questions and one of the  
40 questions that I asked Mr. Probasco, what's the  
41 difference between an MOU and an MOA because it's  
42 referred to in the document both, but we're dealing with  
43 an understanding and the Council, I think, would like to  
44 hear that.

45  
46                   MR. PROBASCOS: Thank you, Mr. Chair. Mr.  
47 Bangs. I'm probably not the right person to ask on that,  
48 but the initial document, if you recall, was called an  
49 MOA, memorandum of agreement. That document, we started  
50 drafting that back in 2000. Both sides never came to the

1 point where they could sign it. They just initialed it.  
2 The efforts were renewed and as a result the MOU is  
3 before you.

4  
5                   Legal counsel said on a document between  
6 these type of entities, regulatory bodies, an MOA is not  
7 appropriate. It should be a memorandum of understanding.  
8 I cannot answer the question what's the difference  
9 between an MOA and an MOU. I'm sorry.

10  
11                   MR. BANGS: Thank you, Mr. Probasco. Go  
12 ahead.

13  
14                   CHAIRMAN ADAMS: Kristen, did you have  
15 something to add onto that.

16  
17                   MS. K'EIT: Sure.

18  
19                   CHAIRMAN ADAMS: Thank you.

20  
21                   MS. K'EIT: For the record, Kristen  
22 K'eit, Bureau of Indian Affairs. My past experience with  
23 MOUs and MOAs, the difference of the MOU is the key term  
24 understanding versus agreement where an agreement usually  
25 means that the agencies agree to share some sort of  
26 resources, like funding or Staff or maybe facilities and  
27 that kind of thing, whereas understanding, the word is  
28 emphasizing the partnership or some kind of activity  
29 doing together but not necessarily a sharing of financial  
30 or people or physical resources.

31  
32                   Thank you, Mr. Chair.

33  
34                   CHAIRMAN ADAMS: Thank you. Go ahead,  
35 Mr. Bangs.

36  
37                   MR. BANGS: Thank you, Mr. Chairman.  
38 Everyone got a copy of the questions and some of the  
39 suggestions that the committee came forward with, but  
40 first I'd like to thank Patty for her great note writing.  
41 Melinda just passed it out.

42  
43                   We felt that there might not be  
44 necessarily a need for the MOU. The reason we came to  
45 that conclusion is that it seems from public testimony  
46 that it hasn't been working, so we're wondering what kind  
47 of a mechanism is used to make the parties follow the  
48 MOU. I don't know what's the wish of the Council, but  
49 that was a question that we had. Is it working and is it  
50 necessary.

1 I don't know how the Council wants to  
2 proceed with this, whether we want to look this over and  
3 add it to the document or discuss it.

4  
5 Mr. Chair.

6  
7 CHAIRMAN ADAMS: Thank you. Have you had  
8 a chance to glance through this? We just got it before  
9 us just now. What's the wish of the Council. What do  
10 you want to do. Patty, go ahead.

11  
12 MS. PHILLIPS: Mr. Chair, thank you. I  
13 would ask that Mr. Bangs continue to summarize it  
14 quickly.

15  
16 CHAIRMAN ADAMS: She said quickly.

17  
18 MR. BANGS: Thank you, Mr. Chair.

19  
20 CHAIRMAN ADAMS: Before that, do you have  
21 something to comment on.

22  
23 MR. KOOKESH: Mr. Chairman. In this  
24 process of ours, at some point after we listen to the  
25 committee comments we should at least try to adopt the  
26 recommendations so that we can move this process forward  
27 instead of leaving them out there.

28  
29 CHAIRMAN ADAMS: We'll continue on with  
30 this right now and then do that.

31  
32 Mr. Bangs.

33  
34 MR. BANGS: Thank you, Mr. Chairman.  
35 With the document, we came to the conclusion that if it  
36 isn't necessary -- it may not be necessary because we  
37 have ANILCA and those are our guidelines, the parameters  
38 of the subsistence process. That's the law of the land.  
39 That's what we work within. So that's the question we  
40 came to, is whether it's needed or not. The Federal  
41 Subsistence Board manages for sustained yield with a  
42 mandate for rural priority. So the State manages  
43 differently, so the wording -- it doesn't coincide. They  
44 manage for maximum sustained yield. So there's a big  
45 difference in the wording and the understanding that we  
46 had as far as where this is at in the MOU.

47  
48 The document also, as stated by other  
49 RACs, gives the State more of a voice on how the Federal  
50 Subsistence Board conducts business. So that was a

1 concern that also made us wonder if it was a good  
2 direction to go in, whether it's necessary or not.

3

4 As you can see, there's some other  
5 comments that we had. To save time, I think we could  
6 just read through them and see. Patty, do you have  
7 anything to add? John? Mr. Douville helped us as well.  
8 That's all I have.

9

10 CHAIRMAN ADAMS: Mr. Larson.

11

12 MR. LARSON: I was just going to comment  
13 on that statement about where the State manager manages  
14 for maximum sustained yield and that's not exactly true.  
15 What their charge is is sustained yield. They may have  
16 individual management plans that call for different kinds  
17 of management directions and it might approach maximum  
18 sustained yield for some particular instance, but the  
19 overall charge is sustained yield.

20

21 Thank you.

22

23 CHAIRMAN ADAMS: Thank you, Robert. Mr.  
24 Kookesh.

25

26 MR. KOOKESH: Why do I recollect it's  
27 managing for abundance while allowing for escapement.  
28 That's in salmon. But I am also of the understanding  
29 that when Kootznoowoo was working with the State of  
30 Alaska on requesting information, I do know for a fact  
31 that information is not shared, so therefore we don't  
32 have an agreement, so what is the value of an MOU if we  
33 just have an understanding? If we're not going to be  
34 sharing information, why have the document.

35

36 Thank you.

37

38 CHAIRMAN ADAMS: Pete, do you have a  
39 comment.

40

41 MR. PROBASCO: Thank you, Mr. Chair. Mr.  
42 Kookesh. I have two comments. One, the information  
43 sharing between the State and the Federal entities, with  
44 a few exceptions, has been going very well. The comment  
45 that Mr. Kookesh is making, if we do run into situations  
46 where we've made information requests and there's  
47 difficulty getting that information, there's a process  
48 where that is elevated and we work to get that  
49 information. We've had those situations where maybe an  
50 area biologist is reluctant to share information and

1 we've had to elevate it where either myself or somebody  
2 else has got involved in working with at that time Tina  
3 Cunning, but now with Jennifer in getting that  
4 information to the appropriate channels.

5  
6                   It's not perfect, but it has been working  
7 fairly well and it's very important because both entities  
8 have research projects, both entities have management  
9 programs and in many cases they're managing the same  
10 stock or the same resource. If you're not sharing your  
11 information and sharing your objectives, the odds of  
12 making some substantial mistakes not only to the resource  
13 but the users increases.

14  
15                   Mr. Chair.

16  
17                   CHAIRMAN ADAMS: Thank you, Pete.  
18 Anymore comments. Mr. Bangs.

19  
20                   MR. BANGS: Thank you, Mr. Chair.  
21 Another real important item that came out that I think is  
22 important to take note of is that we felt that there was  
23 a need for more emphasis on the traditional ecological  
24 knowledge when we're using this as information sharing.

25  
26                   CHAIRMAN ADAMS: Cathy, go ahead.

27  
28                   MS. NEEDHAM: Thank you, Mr. Chairman.  
29 Did the subcommittee look at -- I think they had one  
30 recommendation or one sentence that talks a little bit  
31 about the recommendations that came out of the other  
32 Councils with respect to the Memorandum of Understanding.  
33 In general, do the other Regional Advisory Councils  
34 support? The reason I'm asking is because it seems like  
35 your number one thought was that the MOU may not be  
36 necessary under ANILCA and I'm wondering if there's  
37 support from other RACs that say the same or did they  
38 generally support the MOU with recommended changes?

39  
40                   CHAIRMAN ADAMS: Have you got an answer  
41 for that?

42  
43                   MR. BANGS: Thank you, Mr. Chair. Ms.  
44 Needham. We were given a copy of their responses. I  
45 think everyone got a copy of it. As a general overview  
46 of those responses, they were generally pretty happy with  
47 the MOU. There were some questions to whether it was  
48 working. There was also the question that we came up  
49 with, is it really necessary. If you're interested, I'll  
50 make sure you get a copy of that. They were in general

1 agreeance with the MOU.

2

3 Thank you.

4

5 CHAIRMAN ADAMS: Follow up.

6

7 MS. NEEDHAM: Thank you, Mr. Chair. This  
8 question is actually for Mr. Probasco. What would be the  
9 repercussions of making a recommendation of not having a  
10 Memorandum of Understanding at all?

11

12 MR. PROBASCO: If I may rephrase your  
13 question, in other words, what would happen if we did  
14 away with the MOU?

15

16 MS. NEEDHAM: Well, I guess I'm just  
17 trying to address the subcommittee's first sentence here  
18 of is the MOU even necessary and if it's not and this  
19 Council wants to recommend that we not have an MOU with  
20 the State, what would be -- I mean is that even a  
21 potential?

22

23 MR. PROBASCO: Mr. Chair. I can give  
24 some specific examples of the importance of the MOU.  
25 Probably to me the most important is you get the  
26 decision-makers. On our side it's the State directors or  
27 the regional directors, the Chair and in the future these  
28 two new Board members to meet on an annual basis with the  
29 commissioner and each Chair of the respective Board of  
30 Fish and Board of Game. To me that is a key. If you're  
31 not communicating and you're not dialoging, in my  
32 experience -- I've been in this program now for 11 years.  
33 If you're not having that dialogue and the issues that we  
34 have to deal with, particularly with allocation, you're  
35 just asking to throw more gas on the fire.

36

37 Now where this has been very successful  
38 is if you look at what's taken place on the Yukon the  
39 last couple years, the MOU has provided that catalyst  
40 that has brought two management entities together to work  
41 more cohesively. Is it working perfect? By no means.  
42 Is there conflict? Yes. To me, without having that, it  
43 would be much more difficult to bring those entities  
44 together.

45

46 Mr. Chair.

47

48 CHAIRMAN ADAMS: Thank you, Pete. Mr.  
49 Bangs.

50

1 MR. BANGS: Thank you, Mr. Chair.  
2 Another key point that was brought out in other RACs as  
3 well as our committee was the language used in the  
4 document. A lot of us were not sure what it meant. I  
5 think if it was rewritten in more of a plain language for  
6 the actual users, it would be helpful. I think we came  
7 to that conclusion as well as the other RACs. It's got  
8 to be understandable by the users.

9  
10 CHAIRMAN ADAMS: Mr. Nielsen, you've been  
11 pretty quiet.

12  
13 MR. NIELSEN: Thank you, Mr. Chairman.  
14 My question is to Mr. Probasco. How can this MOU be  
15 perfect when the State of Alaska told us to take a hike.  
16 We're not signing an agreement. End of conversation. So  
17 we have no protection whatsoever. Our resource  
18 department at Sitka Tribe depends on the data that goes  
19 out on the herring. Is it three year, five year or seven  
20 year? We need to know what's taking place when they  
21 spawn. Without that feedback, we don't have much to go  
22 on. We send them samplings, they won't send it back.

23  
24 CHAIRMAN ADAMS: Pete, got a response.

25  
26 MR. PROBASCO: Mr. Chair. Mr. Nielsen.  
27 I think we're talking about two different documents. I'm  
28 familiar somewhat with the agreement that the Sitka Tribe  
29 had on managing the Sitka herring in the Sound. That's  
30 independent of this document. This document is signed by  
31 the State. I agree with you that it's very important  
32 that the dialogue not only takes place with the managers,  
33 but it also takes place with the users. This MOU helps  
34 to facilitate that.

35  
36 Mr. Chair.

37  
38 CHAIRMAN ADAMS: Thank you, Pete. Floyd,  
39 did you have something.

40  
41 MR. KOOKESH: Well, I guess it kind of  
42 brings up the value of the MOU with the State. If the  
43 tribe has to have an MOU with Fish and Game, it doesn't  
44 end. So what is the value of having an MOU with the  
45 State at the Federal Subsistence Board level when the  
46 tribe can't even get one at the local level? You have to  
47 believe that one would suffice instead of having to go  
48 into separate MOUs with individuals. It kind of makes  
49 this State MOU moot.

50

1                   CHAIRMAN ADAMS: That's a good point, Mr.  
2 Kookesh. I personally see a value in an MOU. Mr. Bangs  
3 said in his opening statement that ANILCA is, of course,  
4 the law of the land. You know, in the initial passage of  
5 ANILCA, the State of Alaska was the manager of  
6 subsistence resources and public lands in Alaska, but  
7 then they came up with this constitutional issue where  
8 the constitution doesn't allow the State to favor any  
9 group. As a result of that, they came out of compliance  
10 with ANILCA. One way to solve this whole thing and get  
11 rid of an MOU is, of course, with the State of Alaska to  
12 come into compliance. However, none of us see that  
13 forthcoming in the near future.

14  
15                   So I think that there needs to be  
16 something, you know, that will bring the parties together  
17 to work on common issues and continue on with  
18 consultation and sharing of information and so forth. I  
19 think it's a pretty valuable document and I hope that we  
20 can come up with something like Floyd said, an action  
21 item that will help us further this process forward so it  
22 will benefit everyone.

23  
24                   Patty.

25  
26                   MS. PHILLIPS: I would like to reaffirm  
27 that the committee's preference is to revoke the MOU and  
28 completely rewrite it in plain language with RAC  
29 consultation. It doesn't mean that it's going to be  
30 written the way the RAC wants it 100 percent, but it will  
31 make it a stronger document if it comes to us for our  
32 review.

33  
34                   CHAIRMAN ADAMS: If that's the wish of  
35 the Council, then so be it. Floyd.

36  
37                   MR. KOOKESH: Was that a motion to adopt  
38 the committee's recommendation? If that was a motion,  
39 I'd like to second that.

40  
41                   MS. PHILLIPS: Mr. Chair.

42  
43                   CHAIRMAN ADAMS: Before you go any  
44 further, why don't we take a break, okay. If we can come  
45 up with something written after the break, then we can  
46 continue on there. Let's go ahead and take a 15-minute  
47 break.

48  
49                   (Off record)

50

1 (On record)  
2  
3 CHAIRMAN ADAMS: Stand right in front of  
4 me, please. It's her birthday, so we're going to  
5 recognize her. She's got a telephone in her ear, but  
6 please come down here, Melinda. While she's coming down,  
7 let's sing Happy Birthday to her.  
8  
9 (Everyone singing Happy Birthday)  
10  
11 MS. HERNANDEZ: Gunalcheesh. Thank you.  
12 I'm making sure you all have hotels in Juneau tonight.  
13 Thank you so much. You know, this Council -- I have been  
14 working with this Council for quite a few years now and  
15 it's just a treat, a learning experience. I've learned  
16 so much from this group of folks, from the past members  
17 and it's very special. You are all very dear to my  
18 heart.  
19  
20 Gunalcheesh.  
21  
22 Thank you very much.  
23  
24 CHAIRMAN ADAMS: Okay. We've got a  
25 couple other things before we continue on. Pete, you  
26 have something.  
27  
28 MR. PROBASCO: Yeah, I just wanted to say  
29 something also on behalf of Melinda. I believe I'm also  
30 speaking to Mr. Larson as well. I'm involved in all 10  
31 Councils and each require a certain level of preparation  
32 and expertise and I can say without a doubt that what  
33 Melinda brings to the table for the Southeast RAC is  
34 probably the best -- no, it is the best that we see of  
35 all the organizations for all the other Councils, so  
36 we're very lucky to have Melinda and she does keep Robert  
37 out of trouble, keeping things running smooth.  
38  
39 Thank you, Mr. Chair.  
40  
41 CHAIRMAN ADAMS: Coming from you, Mr.  
42 Probasco, that gains a lot of weight with us, so I don't  
43 have to say any more about that. I just agree with you  
44 full-heartedly.  
45  
46 A couple other announcements or one.  
47 Jack Lorrigan informed me when we went on our field trip  
48 yesterday he has a little -- what is it, Jack?  
49  
50 MR. LORRIGAN: A black canvas briefcase.

1 CHAIRMAN ADAMS: A black canvas  
2 briefcase. He hasn't been able to find -- he checked  
3 with the boat company and they don't have any knowledge  
4 of it, so if anyone might be able to help him find that,  
5 we'd sure appreciate it or he'd sure appreciate it.

6  
7 Pete, if you don't mind, I'm going to  
8 give Mr. Nielsen an opportunity to address us at this  
9 time. James Big John, would you please come forward.

10  
11 MR. NIELSEN: Thank you, Bert. It's good  
12 to see you again. And you, Dolly -- Patty, and Floyd.  
13 So I just want to give you a little brief history on why.

14  
15  
16 CHAIRMAN ADAMS: That doesn't look too  
17 brief to me.

18  
19 (Laughter)

20  
21 MR. NIELSEN: First of all I give my  
22 recognition to the Board. I was born June 20th, 1929.  
23 I will be 82 years old. I have seen a lot of changes in  
24 Southeastern Alaska and I just want to give you a brief  
25 history on it.

26  
27 CHAIRMAN ADAMS: Would you like us to  
28 sing Happy Birthday to you too?

29  
30 (Laughter)

31  
32 MR. NIELSEN: As a young boy, four or  
33 five years old -- young, I used to enjoy going to the  
34 fish camp, working on fish, drying fish and all the other  
35 food. At that time when I was four or five years old I  
36 used to want to help the old people. I'd pack one fish,  
37 that's how big I was, up to the drying rack. The ladies  
38 would be cutting the fish to put on the drying rack. As  
39 the years progress, I was packing two fish and then a few  
40 years four fish. I got to where I was packing six fish,  
41 dog salmon. It didn't bother me. Work is work.  
42 Everyone at fish camp would work. Our campout was big  
43 enough, just a little bigger than this building. Four  
44 families used to dry fish and put up provision for the  
45 winter. I remember those days quite well.

46  
47 It all came to a halt when the second  
48 World War started in '41. My older brothers went  
49 in the Service. My parents didn't want to go back to  
50 Ushk Bay, but we went to Nakwasina to our grandfather's

1 smokehouse, which was just close by. So we put up fish  
2 there. The fish camp was Ushk Bay. Our Indian people  
3 called that (in Tlingit). It's a big umbrella for the  
4 fish on the stream. It's where it got its name (in  
5 Tlingit).

6  
7                   The time we didn't go back there to fish  
8 camp, logging interest came around in Southeastern. They  
9 logged in all the rivers from here as far as you can see.  
10 They ruined all the fish streams. The fish never went  
11 back to spawn because the stream beds were destroyed  
12 because they had run their equipment in the rivers. The  
13 log rafts were put in those rivers. All the bark would  
14 peel off and that's probably a cause for no fish.

15  
16                   I blame the fish stream because the old  
17 folks would teach us take care of the river. It will  
18 take care of you. The meaning, don't destroy the fish  
19 stream.

20  
21                   I am talking about the poor management of  
22 the Forest Service and Fish and Game because we never had  
23 a buffer zone in the river to take care of the fish.

24  
25                   Sitka, Alaska was one of the biggest  
26 salmon industry in the world. We had fish streams from  
27 here to Hoonah Sound. Now there's no fish in the streams  
28 because of logging. Ruined. I told the Forest Service  
29 when the loggers came into Ushk Bay they trashed our  
30 smokehouse with heavy equipment. The Forest Service  
31 said, oh, we'll build you one. I said what good is it  
32 going to do. You ruined the smokehouse and there's no  
33 fish in the stream. What's the purpose? We're going to  
34 dry nothing? That's what they promised us.

35  
36                   And then I want to talk about the  
37 canneries. All the towns had canneries. Like Ketchikan  
38 had six. Hydaburg, Craig, Klawock, Kake and all those  
39 other little ones like Rowan Bay and then Hood Bay,  
40 Angoon provided in Hood Bay, Chatham dog cannery, Hawk  
41 Inlet, Thunder Bay, Hoonah. Where are they? Where are  
42 the canneries?

43  
44                   When I was a young boy, I used to see  
45 many fishing boats. A lot of them, big boats. Just a  
46 handful now. I know Frank's got one. But we don't see  
47 the fleet like we used to see it in the olden days. Poor  
48 management? I would say so. Forest Service, Fish and  
49 Game. Something has to be done. How do you bring the  
50 fish back in the stream? Hatchery fish does not work.

1 They make the worst dry fish in the world. It's been  
2 tried. Everybody had the same complaint. They fall off  
3 the rack.

4

5 Now the sac roe fishing begin.  
6 Ketchikan, Hydaburg, Craig, Hawk Bay were all fished out.  
7 No herring. Nothing like it used to be. Not even enough  
8 to get fresh herring eggs to eat. Sitka is the last  
9 resort.

10

11 If we don't stop them, we're not going to  
12 have any. I'm all for shutting this sac roe fishing  
13 down. When the Japs want to get sac roe, tell them to go  
14 to Russia or somewhere else. I want to see herring eggs  
15 and everything for the next few years and my  
16 grandchildren can enjoy herring eggs. Beginning to be no  
17 more. They're harder and harder to get.

18

19 It used to be from Ketchikan to Bristol  
20 Bay we used to hear the pilots give an update on all the  
21 bays where herring were spawning. The bays and  
22 everything were filled up with spawn. Very visual by the  
23 air. You don't see that anymore. Maybe two miles, three  
24 miles in Sitka Sound. That's it. No more.

25

26 I want to present to you some pictures.  
27 Herring eggs. You've got one there, Bert. I gave one to  
28 Bob. And anybody else who want one they can have it.  
29 Herring eggs have been shipped out everyday when the  
30 herring starts spawning by the tons. This picture is  
31 just one day, one flight. Two pallet boards of herring  
32 eggs going out from Sitka. This has got to be stopped.  
33 The sale of herring eggs must be stopped. You guys have  
34 the power to do so. I'd like to see it stopped.

35

36 Then the charter boats came into Sitka  
37 Sound. My grandson's father and I went up to Anchorage  
38 to testify against the charter guides fishing in Sitka  
39 Sound because the herring -- not the herring, but the  
40 halibut and salmon were depleted. We couldn't even catch  
41 a halibut there to save our soul. A little bit is  
42 showing back, but it's going to take a while.

43

44 I asked one time is charter a sport  
45 fishing entity. Everybody said yeah. How about catch  
46 and release? That's the only way we're going to save our  
47 fishery. Sports fishermen can catch and release and  
48 leave the fish for the Alaskans. Let's protect what we  
49 got.

50

1                   The charter boat said, oh, yeah, we're  
2 keeping a log on the fish that they catch. That's a big  
3 lie. Nobody else is monitoring. My brother and I  
4 witnessed eight, 10, 12 wetlock boxes to a single client  
5 leaving Sitka during the summer. That's where all our  
6 fish are going. The processor gets what the commercial  
7 fishing bring. The charter guys must be hotel owners or  
8 restaurant owners. They don't get it from the processor.  
9

10                   Okay. I'll give you my name, James "Big  
11 John" Nielsen, Sr. I'm a clan leader for Chookaneidi  
12 eagle. My father's people are Kiks.adi. This land  
13 you're sitting in is Kiks.Adi land. I was on the Sitka  
14 Council when we broke the ground for this committee. This  
15 is my dad's house, my (in Tlingit).  
16

17                   I'd like to see our fishing be taken care  
18 of so maybe my grandchildren would enjoy just like I did.  
19

20                   Thank you. Gunalcheesh.  
21

22                   CHAIRMAN ADAMS: Gunalcheesh. One of the  
23 things that you mentioned has hit home to me just within  
24 the last half hour or so and that is the amount of sac  
25 roe herring eggs that are being taken out of here.  
26 Fishermen are using their subsistence privileges to go  
27 out and do their business and then they sell it. I  
28 understand there is a real big market for it and they are  
29 making a tremendous amount of money. So I think the  
30 Council needs to address that. Mr. Nielsen said that  
31 that needs to be stopped, but I think we need to  
32 seriously look at that issue.  
33

34                   All the other issues we have been kind of  
35 dealing with and I appreciate your comments. Before we  
36 let you go is there anyone who would like to ask a  
37 question of Mr. Nielsen. Comment. Go ahead, Tim.  
38

39                   MR. ACKERMAN: Thanks, Mr. Chairman.  
40 Understanding your statement about the herring out here  
41 in the bay and all the historical canneries everywhere,  
42 not only salmon canneries but herring press canneries as  
43 well when they used to press the herring and extract all  
44 the oil out of them. They were all over the place. What  
45 happened is the herring were overharvested all over  
46 Southeast Alaska, including up there in Haines.  
47

48                   I got to go on a winter fishery in  
49 Tenakee and the biomass that was in the bay there was  
50 pretty outstanding. It's making a good recovery as far

1 as I could see.

2

3 In one fishing season wouldn't it be nice  
4 to let all the wild runs run wild and the only take that  
5 would happen in one season would be the small percentage  
6 of subsistence take and to possibly protect the stocks as  
7 you're speaking for future generations as well. That's  
8 a real good suggestion. Thanks for that comment there.  
9 That's all.

10

11 CHAIRMAN ADAMS: Thank you, Tim.

12

13 MR. NIELSEN: Yeah, I could comment on  
14 that. Tenakee was not a target for a fishing area. It's  
15 never been disturbed. I went through there on a ferry  
16 boat. The only thing is as much as 20 whales, young  
17 ones, feeding on herring because the herring was never  
18 fished out. Was one area I'm sure glad they didn't  
19 touch.

20

21 I forgot to mention that herring eggs  
22 should not be sold. Stop the sales. Maybe we'll cut  
23 back on overharvesting.

24

25 Thank you.

26

27 CHAIRMAN ADAMS: You did mention that and  
28 I made note of it, Mr. Nielsen.

29

30 So gunalcheesh for that.

31

32 Anymore comments.

33

34 Mr. Wright.

35

36 MR. WRIGHT: Thank you, Mr. Chairman. I  
37 understand what you're talking about because in Hoonah we  
38 used to have a herring spawn just on the other side of  
39 the island where the log dump was, but they stopped  
40 dumping logs when they say that the herring was supposed  
41 to be passing through there, but that didn't make any  
42 difference because the bark was sitting on the bottom all  
43 of a sudden. Now there's no herring spawn on the other  
44 side of the island right near Hoonah, so the logging  
45 industry really did make a difference.

46

47 I remember when there used to be herring  
48 fishing in Auke Bay. We used to go over to Auke Bay and  
49 get herring eggs from over there. I hate to say this,  
50 but society has moved in, people have moved in and it

1 made a big difference on the ecosystem of the area.

2

3 Gunalcheesh.

4

5 My father's brother, gunalcheesh, coming  
6 to speaking to us.

7

8 CHAIRMAN ADAMS: Floyd.

9

10 MR. KOOKESH: Mr. Chairman. I've noticed  
11 over the years that we tend to want to complain about the  
12 herring fishery and seem to be fighting in a great sense  
13 a battle that doesn't seem to be doing us any good.  
14 Maybe the alternative is for us to start planting herring  
15 eggs in Southeast from the area that's most abundant.  
16 That way we can start saving our stocks or moving our  
17 stocks so we have the resource. If there's a request to  
18 stop the sale, let's give the communities an opportunity  
19 to raise their own stocks while allowing commercial  
20 intervention. If I'm correct, the stocks don't build up  
21 that fast.

22

23 I have heard stories where Tlingits talk  
24 about bringing branches and transplanting them. Clarence  
25 Jackson is actually one of those gentlemen that takes  
26 branches back with ice and lays them in Kake. We need to  
27 start doing stuff like that instead of sitting there  
28 beating the dead horse or people with herring egg  
29 problems.

30

31 CHAIRMAN ADAMS: All right. Never heard  
32 of that one before, Floyd, but it sounds like a good  
33 idea. Go ahead.

34

35 MR. NIELSEN: I can remember as far back  
36 as 50 years ago I was on tribal council. We went up to  
37 Kake, Alaska. The old people there were talking to us  
38 about subsistence and they said, you know, as a younger  
39 man, he used to stand out on the deck in the evening and  
40 listen to the herring just like it was raining. Now they  
41 don't hear it anymore. Old Chatham Straits.

42

43 CHAIRMAN ADAMS: Yeah, we've heard those  
44 stories too. There used to be an abundance of herring  
45 all over Southeast Alaska. Like you said, Sitka is our  
46 last chance.

47

48 (In Tlingit)

49

50 MR. NIELSEN: Thank you, Mr. Chairman.

1 Several years ago we had a roundtable discussion of --  
2 well, it's a board like this one here. What I proposed  
3 at the time is to build a pen with that fine mesh and let  
4 the herring spawn on that. Once they spawn on there, tow  
5 it to the areas that used to have spawn, Auke Bay, Craig,  
6 Klawock, Chief Shakes, Ketchikan. A gentleman from  
7 Department of Fish and Game says, oh, it will never work.  
8 I says why not. We have the same kind of ecology in our  
9 waters here as any place else. In Auke Bay, the water  
10 rushes through from the ocean through Lynn Canal and back  
11 again. There's no reason why if we are to tow a raft up  
12 there -- they will reproduce and one set of herring eggs  
13 that spawned on the webbing, the returns will be  
14 phenomenal.

15  
16 All we need is one to take hold and the  
17 rest are off and running. There's enough spawn out there  
18 right now. Our interest is we thought the herring  
19 spawning was almost nil and void, but the last two years  
20 they're that thick. That's an awful lot. So this year  
21 we'll prove the theory we have a good spawn on hand for  
22 quite some time. Why not share it. The resource is  
23 there. Why not share it. We're not losing anything.

24  
25 Thank you, Mr. Chair.

26  
27 CHAIRMAN ADAMS: Gunalcheesh. So we've  
28 got some good ideas floating up to the surface here and  
29 I hope we can make it happen. You know, I think the  
30 transplanting is a pretty good idea. Mr. Nielsen,  
31 gunalcheesh.

32  
33 Gunalcheesh.

34  
35 MR. NIELSEN: Thank you.

36  
37 CHAIRMAN ADAMS: Do we want to bring Mr.  
38 Probasco back up to the microphone. I appreciate your  
39 patience, Pete, and we'll continue on with the MOU and  
40 then move on with the other part of the agenda as well.

41  
42 Go right ahead.

43  
44 MR. PROBASCO: Well, Mr. Chair, I believe  
45 the ball is in your court and I think we go to Mr. Bangs.

46  
47 CHAIRMAN ADAMS: That's right. Mr.  
48 Bangs.

49  
50 MR. BANGS: Thank you, Mr. Chairman.

1 I'll refer to Mr. Douville.  
2  
3 CHAIRMAN ADAMS: Mr. Douville, please.  
4  
5 MR. DOUVILLE: Thank you, Chairman Adams.  
6 I would like to make a motion that we accept the MOU  
7 committee document as a RAC response. I will strike the  
8 sentence that reads State of Alaska manages for maximum  
9 sustained yield for all users, non-subsistence included.  
10 Take that out. I believe that is my motion.  
11  
12 MR. BANGS: I'll second that.  
13  
14 CHAIRMAN ADAMS: Okay. There was a  
15 motion and then a couple seconds. Did you get those,  
16 Tina?  
17  
18 (Reporter nods affirmatively)  
19  
20 CHAIRMAN ADAMS: Did you choose which one  
21 was the second?  
22  
23 REPORTER: I did.  
24  
25 CHAIRMAN ADAMS: Thank you.  
26  
27 REPORTER: The one with the microphone  
28 on.  
29  
30 (Laughter)  
31  
32 CHAIRMAN ADAMS: Okay. She's pretty  
33 strict on the microphone thing. We're open for  
34 discussion now. Mr. Kookesh, go ahead. Oh, Mr.  
35 Douville, since you're the maker of the motion, you have  
36 the privilege of addressing it further, so go ahead.  
37  
38 MR. DOUVILLE: Speak in favor of the  
39 motion, but I would also like to have our coordinator the  
40 ability to contact committee members or Council members  
41 for any clarification or information he might need in  
42 drafting a response.  
43  
44 CHAIRMAN ADAMS: Thank you. Any other  
45 comments. Mr. Kookesh.  
46  
47 MR. KOOKESH: Mr. Chairman. I'm speaking  
48 in favor of the motion also on the MOU. I'd like to  
49 focus on Page 41, which is number IV(3) and I'm using the  
50 language out of Alaska Federation of Natives. Alaska

1 Federation of Natives talks to the ANILCA and the Alaska  
2 statute. The language in it is that the two, ANILCA and  
3 Alaska Statute 16.05, are totally different standards on  
4 IV(3) and the State requires a reasonable opportunity and  
5 under ANILCA it's to cause the least adverse impact  
6 possible.

7  
8 So if there are two different standards,  
9 we can't have two different standards applying to one  
10 especially when we're bound by a Federal law, which is  
11 ANILCA. So they can't live in the same space basically.  
12 The idea is to move to strike that or change it out, move  
13 it out. That's IV(3) Alaska Statute 16.05.

14  
15 There's another one, which is on Page 42,  
16 which is number 11 and that language says in the second  
17 sentence, if I'm correct, it says to consider State fish  
18 and wildlife management plan as the initial basis for any  
19 management actions. What that says, what it's stating  
20 under the Alaska Federation of Natives document, is it's  
21 stating that it is simply impossible for the Federal  
22 Subsistence Board to commit to providing for subsistence  
23 priority under both Federal and State law because it's  
24 the duty of the Federal Subsistence Board -- the duty of  
25 the Federal Subsistence Board is to provide for a  
26 subsistence preference under Federal law.

27  
28 So what it's stating is that the MOU  
29 amounts to rule-making that will defeat the purpose of  
30 Title VIII of ANILCA. If you're going to go there, if  
31 you're going to incorporate State law, that they're  
32 stating that at the very least it should be subject to  
33 notice and comment rule-making under the Federal  
34 Administrative Procedures Act.

35  
36 To add a little bit, that is why I was  
37 requesting that we look at the Federal Administrative  
38 Procedures Act and the State's Administrative Procedures  
39 Act also, which we haven't done yet. According to my  
40 discussion with Mr. Larson we have cleared up where we  
41 need to go with that.

42  
43 Thank you.

44  
45 CHAIRMAN ADAMS: Thank you, Floyd, for  
46 those comments. But are you satisfied with the motion?  
47 Do you need to address those issues that you just brought  
48 up right now? Is that included in the discussion with  
49 the committee?  
50

1 MR. KOOKESH: Mr. Chairman. When we  
2 adopt the committee's recommendations, we can add to it  
3 and I'm adding to it. I'm just clarifying because I know  
4 that committees are a part of us and we're the rest of  
5 them. My colloquy is just part of that, complimentary.

6  
7 CHAIRMAN ADAMS: That's what I wanted to  
8 clarify. Thank you, Floyd. Anymore discussion. Go  
9 ahead, Donald.

10  
11 MR. HERNANDEZ: Just a question. So I  
12 guess what the proper procedure would be is that as a  
13 Council should we agree to accept Mr. Kookesh's additions  
14 to our document.

15  
16 CHAIRMAN ADAMS: We're on a motion right  
17 now. We'll need an amendment, Mr. Kookesh, for those two  
18 issues that you brought up to be incorporated in the  
19 committee's report.

20  
21 MR. KOOKESH: So is the easiest thing  
22 just ask for a friendly amendment to keep it simple?

23  
24 CHAIRMAN ADAMS: Sure, let's do it that  
25 way if you want. Mr. Wright.

26  
27 MR. WRIGHT: Thank you, Mr. Chairman.  
28 The way I understand it is that, you know, this is a  
29 motion to accept the recommendation of the committee. So  
30 when Mr. Kookesh has added to the minutes of the  
31 recommendation from the committee, then it's part of --  
32 it's kind of like he all of a sudden became part of the  
33 committee to make recommendations.

34  
35 So I think the motion is in order just to  
36 add his remarks.

37  
38 CHAIRMAN ADAMS: That makes it simple.

39  
40 MR. WRIGHT: I think.

41  
42 CHAIRMAN ADAMS: You think?

43  
44 MR. WRIGHT: Thank you, Mr. Chair.

45  
46 CHAIRMAN ADAMS: I think along with you.  
47 But, yeah, let's go ahead and just incorporate his  
48 comments into the document. I think that will simplify  
49 it a lot.

50

1 Thank you, Mr. Kookesh and Mr. Wright.  
2  
3 Anymore comments. Patty.  
4  
5 MS. PHILLIPS: I move to amend the motion  
6 to include Mr. Kookesh's comments.  
7  
8 CHAIRMAN ADAMS: There you go. Is there  
9 a second.  
10  
11 MR. BANGS: I'll second.  
12  
13 CHAIRMAN ADAMS: Thank you, Patty.  
14 That's a good way to handle it. More discussion.  
15  
16 MR. WRIGHT: Call for the question on the  
17 amendment.  
18  
19 CHAIRMAN ADAMS: The question has been  
20 called for and the motion is to amend the motion to  
21 incorporate Mr. Kookesh's comments. All in favor of the  
22 motion please say aye.  
23  
24 IN UNISON: Aye  
25  
26 CHAIRMAN ADAMS: Opposed say nay.  
27  
28 (No opposing votes)  
29  
30 CHAIRMAN ADAMS: The motion is carried.  
31 Thanks.  
32  
33 MR. WRIGHT: Mr. Chairman. The vote, was  
34 that on the amendment?  
35  
36 CHAIRMAN ADAMS: That was on the  
37 amendment, yeah. So we're back on the main motion now.  
38  
39 MS. PHILLIPS: Call for the question.  
40  
41 CHAIRMAN ADAMS: The question has been  
42 called for. All in favor of the motion to accept the  
43 committee report on the MOU please signify by saying aye.  
44  
45 IN UNISON: Aye.  
46  
47 CHAIRMAN ADAMS: Opposed please say nay.  
48  
49 (No opposing votes)  
50

1 CHAIRMAN ADAMS: Motion is carried. Good  
2 work, committee. Thank you, Mr. Bangs, and members of  
3 your committee as well.  
4  
5 MR. BANGS: You bet.  
6  
7  
8 MR. DOUVILLE: Mr. Chairman,  
9  
10 CHAIRMAN ADAMS: Mr. Douville, go ahead.  
11  
12 MR. DOUVILLE: Thank you, Chairman Adams.  
13 I have another motion I'd like to make. I'll explain  
14 what I'm doing. It's a housekeeping thing to modify the  
15 wolf sealing timeframe to match the State.  
16  
17 CHAIRMAN ADAMS: Oh, okay. So this is  
18 the wildlife issue.  
19  
20 MR. DOUVILLE: Yeah.  
21  
22 CHAIRMAN ADAMS: Why don't we go ahead  
23 and take care of that right now, Mr. Douville. If  
24 there's anyone else that has a proposal that they would  
25 like to see generate from here, we'll take care of that  
26 now, but go ahead, Mr. Douville. It's all yours.  
27  
28 MR. DOUVILLE: I'll move the Council  
29 adopt.....  
30  
31 CHAIRMAN ADAMS: Have patience with us,  
32 Mr. Probasco, if you will.  
33  
34 MR. PROBASCO: We're doing good.  
35  
36 CHAIRMAN ADAMS: Okay. Go ahead.  
37  
38 MR. DOUVILLE: Thank you, Chairman. I  
39 move that the Council submit this proposal labeled WP12,  
40 Unit 2 14-day wolf sealing. I'm not sure if the Council  
41 has had a chance to review it. It's just a housekeeping  
42 one. It aligns the Federal regulation with the State.  
43  
44 MR. BANGS: I'll second.  
45  
46 CHAIRMAN ADAMS: Thank you. Can I have  
47 it for a minute there. I just need it.....  
48  
49 MR. DOUVILLE: I don't know.  
50

1 CHAIRMAN ADAMS: I don't have a copy in  
2 front of me. I won't lose it. Okay. So we have a  
3 motion on the floor.  
4  
5 Discussion.  
6  
7 (No comments)  
8  
9 CHAIRMAN ADAMS: It's been seconded.  
10  
11 MR. BANGS: Question.  
12  
13 CHAIRMAN ADAMS: The question has been  
14 called for. Okay. The motion is to.....  
15  
16 MR. LARSON: That's the change.  
17  
18 CHAIRMAN ADAMS: The change. I'm going  
19 to have Mr. Larson read it for us so that we can all be  
20 clarified with the motion, please.  
21  
22 MR. LARSON: Thank you, Mr. Chairman.  
23 The motion before you at this time is to change the wolf  
24 sealing requirements in Unit 2 from 30 days, as it  
25 currently is, to 14 days. The 14 days is the same as  
26 actions in November done by the Board of Game and at that  
27 time there was testimony that was supported by the  
28 trappers in Prince of Wales both Federally qualified and  
29 not Federally qualified. I think that's why Mike  
30 referred to it as housekeeping. It shouldn't be an  
31 issue. The only change is the number of days between the  
32 take and the sealing in Unit 2.  
33  
34 CHAIRMAN ADAMS: Mr. Douville, go ahead.  
35  
36 MR. DOUVILLE: Thank you, Chairman Adams.  
37 I'll speak in favor of it. I did contact the trappers  
38 and those affected. There was no issue with it. It  
39 makes proper alignment, as we've been trying to make  
40 effort to work with the State on these issues. It just  
41 takes care of that.  
42  
43 Thank you.  
44  
45 CHAIRMAN ADAMS: Okay. Do you want to  
46 address the criteria that we follow so it will be for the  
47 record, Mr. Douville?  
48  
49 MR. DOUVILLE: No, I'll let Mr. Bangs do  
50 it.

1 CHAIRMAN ADAMS: Mr. Bangs, go ahead.  
2  
3 MR. BANGS: Thank you, Mr. Douville.  
4  
5 (Laughter)  
6  
7 CHAIRMAN ADAMS: It's just a proposal.  
8 Sorry for the mix-up. Anymore comments.  
9  
10 MR. BANGS: Call for the question.  
11  
12 CHAIRMAN ADAMS: The question has been  
13 called for. All in favor of that motion please signify  
14 by saying aye.  
15  
16 IN UNISON: Aye.  
17  
18 CHAIRMAN ADAMS: Opposed say nay.  
19  
20 (No opposing votes)  
21  
22 CHAIRMAN ADAMS: Motion carried. Thank  
23 you, Mr. Douville. You can have this back. Any other  
24 proposals that need to generate from here.  
25  
26 (No comments)  
27  
28 CHAIRMAN ADAMS: If not, Mr. Probasco.  
29 Mr. Bangs, you're back on with the MOU. Oh, we did that.  
30 Okay. Back to you, sir.  
31  
32 MR. PROBASCO: Thank you, Mr. Chair. Our  
33 next topic is customary and traditional use  
34 determinations. Again, this is a directive from the  
35 Secretaries to the Board to bring it back out to the  
36 Councils. This is your opportunity to weigh in on the  
37 C&T process. The Board is specifically looking and  
38 asking if there are needs for regulatory changes. It  
39 first wants to assess from the Councils what possibly  
40 those regulatory changes may be. There is no proposed  
41 rule dealing with C&T at this time. It's just the start  
42 of this process.  
43  
44 To date, more than 300 C&T determinations  
45 have been made through the Federal subsistence process.  
46 The decisions on C&T have been affirmed by the courts.  
47 In other words, even the ones that have been challenged,  
48 our process has been upheld in the courts.  
49  
50 At this point, the Board is interested in

1 what the RACs think about the existing process, so it's  
2 asking two very general questions. Is the process  
3 working for you? If not, what changes would you like to  
4 see. My job here is to take down those notes with the  
5 help of Robert and Tina and then we'd report that back to  
6 the Board and then the Board may, I want to underline  
7 may, make changes or they may just continue with our  
8 process.

9  
10                   Comments were made on the C&T process  
11 specifically addressing the eight criteria. Keep in mind  
12 that the Federal program only uses the eight criteria as  
13 a guideline. It's not like the State system where each  
14 of those criteria have to be met. They only use it as a  
15 guideline and then they review that and apply that to  
16 determine if a C&T determination will be granted or  
17 rejected.

18  
19                   To date, by far the majority of the  
20 requests have been accepted.

21  
22                   Mr. Chair.

23  
24                   CHAIRMAN ADAMS: Thank you, Pete, for  
25 emphasizing the fact that the Board only uses it as a  
26 guideline. So we have a committee that addressed this  
27 issue. Mr. Ackerman, do you want to go ahead and tell us  
28 what you guys came up with.

29  
30                   MR. ACKERMAN: Thank you, Mr. Chairman,  
31 and thanks to all the committee members here that worked  
32 on this.

33  
34                   CHAIRMAN ADAMS: Before you go any  
35 further, I really appreciate you taking that role.  
36 You're a new member, but I just felt you might have been  
37 able to handle this okay. So you had good committee  
38 members I'm sure, so thank you for taking that  
39 responsibility, Mr. Ackerman. I really appreciate that.

40  
41                   MR. ACKERMAN: Yes, thank you, Mr.  
42 Chairman. I'll read to you what we have come up with  
43 here. Of course, the Federal Subsistence Board has been  
44 tasked to review with RAC input the customary and  
45 traditional use determination process and present  
46 recommendations for regulatory changes. Our subcommittee  
47 has been tasked to address the following two questions.

48  
49                   One, is the current process working for  
50 you. Two, if not, how or what would you change.

1                   The subcommittee would like to state for  
2 the record that the Southeast RAC was provided with  
3 little or no information to make comprehensive comments.  
4 The subcommittee felt it would have been appropriate to  
5 have been provided at a minimum with the copy of the  
6 regulations regarding C&T determinations, a history of  
7 past Board actions taken on C&T determinations for the  
8 region and copies of the 13 public comments received on  
9 draft C&T policy from 2007.

10  
11                   The subcommittee has not been provided  
12 with substantial evidence to determine if the C&T  
13 determination process is working for the Southeast  
14 Region. However, we would like to acknowledge the  
15 following: ANILCA does not require that customary and  
16 traditional use determinations be made, nor that the  
17 eight factors be utilized in evaluating subsistence uses.

18  
19  
20                   The C&T determinations and the eight-  
21 factor analysis is a carryover in implementing  
22 regulations from when the State of Alaska managed  
23 subsistence and it was unknown how long the Federal  
24 government would maintain management authority. The  
25 State of Alaska is known to continue to have a strict  
26 interpretation on how the Federal Subsistence Board  
27 applies the eight-factor analysis and has sued over how  
28 those factors are applied.

29  
30                   Given that ANILCA does not require  
31 customary and traditional use determinations, the  
32 subcommittee would recommend that the SERAC consider  
33 this, recommending to the Federal Subsistence Board that  
34 they eliminate the current implementation, regulations  
35 for customary and traditional use determinations and task  
36 the Office of Subsistence Management with drafting  
37 regulations which are more suited to the Federal process  
38 of adhering to ANILCA.

39  
40                   Understanding that the Federal  
41 Subsistence Board is already considering a draft policy  
42 for making customary and traditional use determinations  
43 and if eliminating C&T determinations is not a  
44 recommendation the SERAC would like to make at this time,  
45 then the subcommittees would like to change that the  
46 SERAC consider the following with respect to making  
47 regulatory changes.

48  
49                   The regulations should state that the  
50 Federal Subsistence Board provide deference to RACs on

1 C&T determinations, modify 50 CFR 100-16(a). This  
2 regulation states the Board shall determine which fish  
3 docks and wildlife populations have been customary and  
4 traditional use for subsistence. These determinations  
5 shall identify the specific communities or areas use of  
6 specific fish stock and wildlife population.

7  
8                   Instead, we recommend that the  
9 regulations allow for rural residents to be allowed to  
10 harvest every and all species that they have  
11 traditionally harvested and used in their traditional  
12 past and current geographic areas. If an eight-factor  
13 approach should be continued, then the regulations should  
14 be modified to include language for a holistic approach  
15 rather than the strict interpretation the State of Alaska  
16 has applied to the eight-factor approach in the past.

17  
18                   CHAIRMAN ADAMS: Thank you, Mr. Ackerman.  
19 Very well done. Committee members. Questions or  
20 comments from people who have not served on the  
21 committee.

22  
23                   (No comments)

24  
25                   CHAIRMAN ADAMS: Mr. Bangs.

26  
27                   MR. BANGS: I would like to make a motion  
28 to adopt the committees' recommendations.

29  
30                   CHAIRMAN ADAMS: Thank you. Do I hear a  
31 second.

32  
33                   MS. PHILLIPS: Second.

34  
35                   CHAIRMAN ADAMS: Second by Patty.  
36 Questions on it. Mr. Bangs, you have a question.

37  
38                   MR. BANGS: Thank you, Mr. Chairman. I  
39 have a question for Mr. Probasco. What about the  
40 litigation and the lawsuits over C&T, is there a  
41 particular factor that brings those suits on or is there  
42 an underlying common denominator?

43  
44                   MR. PROBASCOS: Mr. Chair. Mr. Bangs. I  
45 think the main theme when C&T determinations have been  
46 challenged is how the Federal program, i.e. the Federal  
47 Board, utilizes the information and applies the eight  
48 criteria. Like I said earlier, the State has a strict  
49 compliance with the eight criteria whereas the Board  
50 looks at it holistically.

1                   The most recent case was the Chistochina  
2 case where the Board had made a broad C&T determination  
3 for a specific management unit for moose. The data that  
4 they relied on didn't encompass the entire management  
5 unit, only certain portions, but the Board felt, based on  
6 just those certain areas, it was enough justification to  
7 expand it to the entire unit because they recognized that  
8 when people hunt moose they just don't stay in that one  
9 area where the harvest was reported. They're hunting a  
10 much larger area.

11  
12                   So the key has been and the debate has  
13 been how the eight criteria have been applied. Again, the  
14 Board uses a holistic approach. The Board of Game, Board  
15 of Fish, uses a much stricter criteria.

16  
17                   Mr. Chair.

18  
19                   CHAIRMAN ADAMS: Thank you. Anymore  
20 questions.

21  
22                   (No comments)

23  
24                   MS. PHILLIPS: Call for the question.

25  
26                   CHAIRMAN ADAMS: The question has been  
27 called for. Thank you, Patty. All in favor of the  
28 motion to accept the committee's report signify by saying  
29 aye.

30  
31                   IN UNISON: Aye.

32  
33                   CHAIRMAN ADAMS: Opposed, please signify  
34 by saying nay.

35  
36                   (No opposing votes)

37  
38                   CHAIRMAN ADAMS: Motion is carried.  
39 Thank you. Thank you, Tim.

40  
41                   Mr. Larson, go ahead.

42  
43                   MR. LARSON: I'm assuming that it's the  
44 will of the Council to allow me to work with the  
45 subcommittee to draft up the final language and answer  
46 whatever questions we need to to put it in the form of a  
47 letter.

48  
49                   CHAIRMAN ADAMS: Absolutely. Let's move  
50 on. Rural determination.

1 MR. PROBASCO: Mr. Chair. I don't know  
2 what more we want to discuss in that. That's up to you.  
3 We went through the matrix. We debated the deference  
4 question. This is informational to let you know where  
5 the Board is working on as pertains to the Secretarial  
6 Review.

7  
8 Do you want me to go on?

9  
10 CHAIRMAN ADAMS: Let me see if there's  
11 any comments or questions from the Council. Merle, go  
12 ahead.

13  
14 MS. HAWKINS: Yes, Mr. Chair. I'd like  
15 to add that to our annual report, so make a motion to  
16 support the threshold going from the 7,000 community  
17 number to 11,000, the population threshold, so that could  
18 be added to the record to our annual report.

19  
20 CHAIRMAN ADAMS: Thank you very much,  
21 Merle, for bringing that up because, as Mr. Probasco  
22 said, it's still on the table yet and they haven't moved  
23 forward on it, so maybe we could help that process. Is  
24 there a second.

25  
26 MS. PHILLIPS: Second.

27  
28 CHAIRMAN ADAMS: Thank you. Seconded by  
29 Patty. Is there a comment.

30  
31 MR. PROBASCO: Just a clarification, Mr.  
32 Chair. Ms. Hawkins. I believe you're speaking to the  
33 actual petition and recommending that the Secretary  
34 complete that process.

35  
36 MS. HAWKINS: (Nods affirmatively)

37  
38 CHAIRMAN ADAMS: That's correct. Mr.  
39 Bangs.

40  
41 MR. BANGS: Thank you, Mr. Chairman. I'd  
42 like to see the Council look into this further and look  
43 at changing some of the criteria. For instance, the  
44 threshold or population. In my mind, I'm thinking that  
45 shouldn't be a criteria. The population doesn't dictate  
46 your use of subsistence or if the community is a  
47 subsistence oriented community, it doesn't matter how  
48 many people live there. I think this is one thing for an  
49 example that the Council should look at changing or  
50 recommend changes in the criteria used for determining

1 rural or nonrural.

2

3 Thank you.

4

5 CHAIRMAN ADAMS: Thank you for that, Mr.  
6 Bangs. Anymore comments. Mr. Wright.

7

8 MR. WRIGHT: Thank you, Mr. Chairman. I  
9 agree with Mr. Bangs. When you have different societies  
10 living within a community, then all of a sudden this  
11 community becomes -- I mean the people that are dependant  
12 on a resource for the existence of their being, there's  
13 something wrong with the law when you're kind of  
14 eliminating a people.

15

16 Thank you.

17

18 CHAIRMAN ADAMS: Thank you, Frank.  
19 Patty.

20

21 MS. PHILLIPS: Thank you, Chairman Adams.  
22 I speak in favor of the motion. Right now the Secretary  
23 has before him a petition that would increase the upper  
24 threshold from seven to eleven thousand. We can still  
25 move in the direction that Mr. Bangs and Mr. Wright have  
26 indicated through our deliberations at future meetings.

27

28 Thank you.

29

30 CHAIRMAN ADAMS: Thank you, Patty, for  
31 that. I like to use Ketchikan and Saxman as an example.  
32 If you separate the two communities and you look at  
33 Ketchikan, you look at the subsistence surveys that have  
34 taken place over the past few years when this issue was  
35 being hotly debated. You find that Ketchikan does have  
36 the characteristics of a subsistence community and I  
37 think that should be heavily weighed whether the  
38 population threshold is at a certain level or not. The  
39 characteristics of a community has to play a very  
40 important part in that process.

41

42 Anymore comments. Do you have a  
43 question, Mr. Hernandez.

44

45 MR. HERNANDEZ: Yeah, just another factor  
46 in this whole Saxman issue is just the fact that at some  
47 point a decision was made to include Saxman as being a  
48 part of Ketchikan and I guess I've never really  
49 understood what the process was for making that  
50 determination and I don't recall the Council having any

1 kind of input into that. I think that's a major problem  
2 in the whole situation, so maybe Mr. Probasco can just  
3 kind of remind us of what that process was that included  
4 Saxman as part of Ketchikan.

5

6 CHAIRMAN ADAMS: Go ahead, Pete.

7

8 MR. PROBASCO: Thank you, Mr. Chair. Mr.  
9 Hernandez. Just to clarify, this Council was very  
10 involved in the rural determination process and everybody  
11 is aware that that was a long, drawn-out process going  
12 through it.

13

14 Real briefly though, the process  
15 specifically addressing Saxman deals with communities  
16 that are aggregate. In other words, there was specific  
17 criteria that addressed communities that are in close  
18 proximity, share similar resources, share schools, where  
19 they work, their commute distance, et cetera. So when  
20 the Board looked at Saxman and Ketchikan, similar to what  
21 they did in other areas of the state, the question of  
22 Saxman was a group with Ketchikan and that's how they  
23 made that determination that Saxman and Ketchikan should  
24 be considered a nonrural community.

25

26 Mr. Chair.

27

28 CHAIRMAN ADAMS: Thank you, Pete. One of  
29 the other things that they determined is that they were  
30 connected with roads. As Pete already said, the Saxman  
31 kids went to school and they shopped in the same places  
32 and so forth, but those are some of the things that made  
33 them determine that they should be put together.

34

35 Do you have a follow up.

36

37 MR. HERNANDEZ: My follow up is, you  
38 know, I was on the Council when that decision was made or  
39 at least through most of that process, I think, and I  
40 don't recall the Council as having much of an input into  
41 that decision-making and I think that's the kind of thing  
42 that the Council needed to be involved in. I think we're  
43 kind of excluded and those are the kind of things that I  
44 think they should give us deference for. I think we're  
45 pretty qualified to weigh in on those kind of decisions.  
46 So that was my comment.

47

48 CHAIRMAN ADAMS: And your point is very  
49 well taken because, as I mentioned earlier, I think when  
50 the Board made that determination we didn't have that

1 input and it was taken -- Mr. Lee Wallace was there and  
2 he was taken by surprise. Came to that Board meeting  
3 completely unprepared to deal with it. I think there's  
4 a matter of process here that was kind of avoided and we  
5 need to be kind of watchful about that in the future.  
6 All said and done, maybe we could be a little bit more  
7 mindful of that in the future.

8

9 MS. PHILLIPS: Call for the question.

10

11 CHAIRMAN ADAMS: The question has been  
12 called for.

13

14 MR. LARSON: Mr. Chair.

15

16 CHAIRMAN ADAMS: Yes. It's getting late.  
17 Go ahead. The motion, as I understand it as stated, was  
18 to include the process to complete the petition in the  
19 annual report. That's the motion that's before the  
20 Council right now.

21

22 I would further take it to be the intent  
23 of the Council to include some of those conversations  
24 regarding providing the opportunity for commenting on  
25 decisions for the criteria. That's the motion before the  
26 Council right now is whether to include this in the  
27 annual report or not.

28

29 CHAIRMAN ADAMS: That point is well  
30 taken. I don't remember Merle addressing the fact that  
31 it should be in the annual report. If it's okay, we'll  
32 just go ahead and accept it in that manner.

33

34 MS. HAWKINS: That was in my motion.

35

36 CHAIRMAN ADAMS: Was it? Okay. Sorry.  
37 So the question has been called for. All in favor of  
38 that motion please say aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN ADAMS: Opposed say nay.

43

44 (No opposing votes)

45

46 CHAIRMAN ADAMS: Carried. Go ahead, Mr.  
47 Probasco.

48

49 MR. PROBASCO: Thank you, Mr. Chair.  
50 This should go fairly quickly. During the subsistence

1 program review the Federal program and the Board were  
2 critiqued on the use of executive sessions and AFN, AVCP,  
3 the Councils all commented that the Board should work  
4 towards minimizing the use of executive sessions. The  
5 Board agreed. The Board is looking at redrafting their  
6 policy that addresses when they go into executive  
7 session. To show where they're looking at when they have  
8 to go -- there are going to be times when they have to go  
9 into executive session either to deal with personnel  
10 issues or deal with lawsuits, but even in those  
11 situations they have committed to summarizing that  
12 executive session.

13

14 An example is on your agenda item C(2)  
15 where the Board has provided a summary of their January  
16 5th executive session. It's on Page 48. That gives you  
17 a flavor of how the Board intends to deal with and be  
18 much more transparent even when they have to go into  
19 executive session.

20

21 So, Mr. Chair, it's an informational item  
22 and I'm here to answer questions.

23

24 CHAIRMAN ADAMS: Questions anyone.

25

26 (No comments)

27

28 CHAIRMAN ADAMS: Okay, thank you. Tribal  
29 consultation.

30

31 MR. PROBASCO: Mr. Chair. This is a big  
32 one.

33

34 (Laughter)

35

36 MR. PROBASCO: So just bear with me. I  
37 have a little briefing here. Title VIII of ANILCA  
38 provides a foundational role for the 10 Regional Advisory  
39 Councils in the development of regulations guiding the  
40 taking of fish and wildlife on Federal public lands in  
41 Alaska. Deference to the Councils ensures that rural  
42 residents have a meaningful role in the management of  
43 fish and wildlife and subsistence uses.

44

45 To date, because of the foundational role  
46 of Councils in the Federal program, as well as the  
47 requirement by statute that the Board defer to Councils'  
48 recommendations, the Federal Subsistence Board has not  
49 explicitly consulted with the tribes during the  
50 development of regulations.

1                   The administration by presidential order  
2 has underscored the importance of tribal consultation  
3 across all governments. Consistent with the Secretaries  
4 of Interior and Agriculture's renewed emphasis on  
5 respectful relationships with the tribes, the Federal  
6 Subsistence Board would like to enhance our government to  
7 government consultation with tribes. The Federal Board  
8 is thus initiating steps to formally incorporate tribal  
9 consultation into the Federal Subsistence Management  
10 Program while maintaining the established role of the  
11 Councils.

12  
13                   Towards this end the tribes are invited  
14 to participate in the January 18th through the 21st, 2011  
15 Federal Board meeting. Invitations were sent to all  
16 Federally recognized tribes as well as the ANCSA  
17 corporations. The invitations were two-fold. Tribes  
18 were invited to provide comments on the fishery proposals  
19 and they were also invited to a meeting on the 21st of  
20 January to discuss development of a tribal consultation  
21 protocol for the overall Federal Subsistence Management  
22 Program.

23  
24                   Each Regional Advisory Council member was  
25 also sent a letter signed by the Board Chair explaining  
26 the Board's intended process and to assure the Councils  
27 of their continued vital role in the program. I believe  
28 you have a copy of this in your booklets. It's on Page  
29 46.

30  
31                   While the meeting on the 21st was an  
32 initial discussion session, the Board's goal is to work  
33 with tribes to develop this policy for the Subsistence  
34 Management Program. This must be consistent with  
35 Departmental policies. The meeting on the 21st was  
36 generally a listening session. OSM is preparing a  
37 summary of the main points raised and they will be  
38 distributed widely once completed. Development of the  
39 specific consultation mechanism will require further  
40 meetings with the Board, the tribes and the Councils.

41  
42                   The main themes that were expressed  
43 during this first session is tribal traditions in the use  
44 of fish and wildlife predate Western management systems.  
45 Knowledge is passed down through the generations. We  
46 need to listen to traditional knowledge. The Regional  
47 Councils, with all due respect, are not tribes. There is  
48 a necessity to consult meaningfully and directly with the  
49 tribes. The tribes need to be informed of the program  
50 developments early on. The tribes need to be a partner

1 in the process. Tribal participation in the Council  
2 process needs to be made explicit. The current meeting  
3 window provides an opportunity for the Councils to  
4 receive this update on tribal consultation and we're  
5 looking, i.e. the Federal Board, is looking for your  
6 feedback.

7  
8 The Alaska National Interest Lands  
9 Conservation Act does not provide rights to the tribes  
10 for the subsistence taking of fish and wildlife.  
11 However, because tribal members are affected by  
12 subsistence fishing, hunting and trapping regulations the  
13 Secretaries through the Board will provide Federally  
14 recognized tribes and Alaska Native corporations an  
15 opportunity to consult.

16  
17 With those briefing points, the theme  
18 before us -- when I say us, the Board and the Councils,  
19 is how do we take this Presidential directive to the  
20 various Federal agencies. How do we bring tribal  
21 consultation meaningfully into our process and still  
22 respect and adhere to the roles the Council plays in this  
23 process. The Board is looking for those comments from  
24 you. It's going to be a process that's going to take  
25 some time to develop. We're not going to complete it  
26 today or in the next few months, but this is the initial  
27 step and it's something we have to do collectively.

28  
29 Keep in mind that the task that's always  
30 been before Office of Subsistence Management is that any  
31 material presented to the Board to help them make their  
32 decision has to be presented to the Councils. So the  
33 Councils are looking at the same information the Board  
34 looks at when making their determinations. So now we  
35 have to figure out how to bring in the tribal  
36 consultation process, still respect that, but at the same  
37 time bring that consultation in a meaningful role to our  
38 process. Mr. Bangs.

39  
40 CHAIRMAN BANGS: Thank you, Mr. Probasco.  
41 Mr. Adams had to step out for a moment and asked me to  
42 cover for him. Is there any questions for Mr. Probasco  
43 or comments. Mr. Kookesh.

44  
45 MR. KOOKESH: Yeah, Mr. Bangs. I note on  
46 Page 46 of the letter and I'd like to go through the  
47 letter a little bit and follow up a little bit with what  
48 Mr. Probasco had talked about. I'm really taken by the  
49 first sentence, which says consistent with the Secretary  
50 of Interior and Agriculture renewed emphasis on

1 respectful relations with tribes, the Federal Subsistence  
2 Board would like to enhance our government to government  
3 consultation.

4

5           It goes further down to state in the  
6 second paragraph that the Federal Subsistence Board has  
7 not explicitly consulted with the tribes during the  
8 development of regulations, which follows up a little  
9 with what Mr. Probasco has said.

10

11           I also like the fact that the Federal  
12 Subsistence Board has invited tribes to join in the  
13 consultation process with both the Board and the RACs.  
14 They talk about using telephonic consultation on Page 47  
15 and also incorporation of written input. Although they  
16 recognize in their first paragraph on Page 47 that this  
17 approach may fall short of how tribes would like to  
18 consult with Federal officials on subsistence, it's their  
19 hope.

20

21           The second to last paragraph they talk a  
22 little more about ensuring more comprehensive and  
23 effective future tribal involvement because they envision  
24 a tribal government to government consultation should  
25 occur.

26

27           I have in front of me a motion concerning  
28 a recommendation for tribal consultation and I think it's  
29 in order that the motion -- I know that the Southeast  
30 Council values tribal consultation process and I suggest  
31 the following in a motion, that we maximize the benefit  
32 of the Council by, A, having a report of all relevant  
33 tribal consultations regarding subsistence that have  
34 occurred by the U.S. Forest Service since previous  
35 Council meetings and, B, that we have a place on the  
36 Federal Subsistence Board and RAC agendas at each FSB  
37 Council meetings for the tribes to consult with members  
38 of the Board that may be in attendance.

39

40           I don't know if I should have shared this  
41 earlier, but this is my motion.

42

43           CHAIRMAN BANGS: Is there a second.

44

45           MS. PHILLIPS: Second.

46

47           CHAIRMAN BANGS: The motion has a second.

48 Discussion. Ms. Needham.

49

50           MS. NEEDHAM: Thank you, Mr. Chair. I

1 was wondering if Mr. Kookesh could restate the first part  
2 of the motion, letter A. I didn't quite catch it and I'd  
3 like some clarification on it.

4

5 MR. KOOKESH: Sure. A states have a  
6 report of all relevant tribal consultation regarding  
7 subsistence that have occurred by the U.S. Forest Service  
8 since previous Council meetings.

9

10 And Mr. Larson could help me.

11

12 MR. LARSON: Yes, Mr. Chair. If I could,  
13 the Forest Service in the Southeast region is the primary  
14 Federal government contact with the tribes and during the  
15 course of their business they have, from one ranger  
16 district to the other, a number of times when they have  
17 undergone tribal consultation. However, that information  
18 is unknown to the Council, either the content or the  
19 frequency.

20

21 What Floyd is referring to is that it  
22 would be appropriate that the Council be informed of  
23 tribal consultations that occur outside this process.

24

25 CHAIRMAN BANGS: Ms. Needham.

26

27 MS. NEEDHAM: Thank you, Mr. Chairman.  
28 Are you saying -- could you clarify, are you asking that  
29 of just tribal consultation or government to government  
30 with the Forest Service or are you including other  
31 agencies that may also occur with? For instance, Bureau  
32 of Indian Affairs, Environmental Protection Agency.

33

34 I mean I understand it's on issues  
35 related to subsistence, but I guess Fish and Wildlife  
36 Service, not just Office of Subsistence Management. I'm  
37 just wondering if -- because you used Forest Service in  
38 your example. I just wanted to know if we were  
39 discussing just -- getting information back on  
40 consultation with the Forest Service only or if other  
41 agencies would be included in that.

42

43 MR. LARSON: Mr. Chair. I think it's  
44 safe to say if the Forest Service would report on tribal  
45 consultations regarding subsistence, that they would be  
46 aware of tribal consultations by other government  
47 agencies and that would be included in that report. But  
48 I can only speak for the Forest Service, that they would  
49 provide that document.

50

1 CHAIRMAN BANGS: I have a quick comment.  
2 From what I understand your motion for tribal  
3 consultation in regards to Mr. Probasco's protocol as far  
4 as the transfer of information, this isn't going to  
5 circumvent the RAC process. It would go through the RAC.  
6 So all the information that would be presented to the  
7 Board would be reviewed by the RAC or at least we would  
8 be aware of it, right?

9

10 MR. KOOKESH: (Nods affirmatively)

11

12 CHAIRMAN BANGS: Thank you. So we have  
13 a motion -- oh, Merle.

14

15 MS. HAWKINS: I'd like to amend that to  
16 include other Federal agencies. I know Hoonah tribe  
17 consults with National Parks and I'm sure there's been  
18 other instances. I know the Forest Service is the main  
19 landholder, but National Parks does consult with Hoonah  
20 Tribe on subsistence issues. So I'd like to amend it to  
21 include other Federal agencies.

22

23 CHAIRMAN BANGS: So Ms. Hawkins is making  
24 a motion to amend.

25

26 MR. ADAMS: Mr. Chairman, I'll second  
27 that motion.

28

29 CHAIRMAN BANGS: It's been moved and  
30 seconded. Ms. Phillips.

31

32 MS. PHILLIPS: I don't have a handle on  
33 the motion that I seconded. There was quite a bit of  
34 meat to it. I'd like to be able to read it. I do better  
35 when I see it in front of me instead of just hearing it.

36

37 MR. DOUVILLE: Mr. Chair.

38

39 CHAIRMAN BANGS: Mr. Douville.

40

41 MR. DOUVILLE: Thank you, Mr. Chairman.  
42 We are amending a motion and I don't even understand the  
43 first motion. That has been put out here verbally and I  
44 haven't had a chance to review it. I'm not against any  
45 of it, but I want an honest chance to read the motion and  
46 the amendment over lunch and perhaps work on it, bring it  
47 back on the table after the break and then I could make  
48 better sense of it. Right now I don't feel comfortable  
49 because I don't hear everything quite clearly enough to  
50 understand it. I'd rather read it. With that I would,

1 at the appropriate time, make a motion to table it until  
2 after lunch so we have a proper opportunity to read it.

3

4 CHAIRMAN BANGS: Thank you, Mr. Douville.  
5 A point well taken. Mr. Larson is going to print the  
6 document and have a copy for us all. Did you want to  
7 take a break for a few minutes?

8

9 MS. PHILLIPS: Second to table.

10

11 CHAIRMAN BANGS: A motion has been made  
12 and it's been seconded, so we could take a vote.

13

14 Mr. Probasco.

15

16 MR. PROBASCO: Finish your motion.

17

18 CHAIRMAN BANGS: The motion on the floor  
19 is to table this until after lunch. All those in favor  
20 signify by saying aye.

21

22 IN UNISON: Aye.

23

24 MR. ADAMS: All those opposed nay.

25

26 (No opposing votes)

27

28 CHAIRMAN BANGS: Motion passes. We'll  
29 get this typed out and a copy to everybody so we can look  
30 at it over lunch. Mr. Probasco.

31

32 MR. PROBASCO: Thank you, Mr. Bangs. In  
33 addition to Mr. Kookesh's motion, I also want the Board  
34 to consider -- I want the Council to consider the Board's  
35 request on the process of tribal consultation. Where do  
36 you envision it being inserted into our subsistence  
37 process. That's another big issue that the Board is  
38 looking for your comment on how to actually bring this  
39 consultation process into our program and how would you  
40 envision implementing it.

41

42 Thank you, Mr. Chair.

43

44 CHAIRMAN BANGS: Thank you, Mr. Probasco.  
45 Any Council comments on that issue. Patty.

46

47 MS. PHILLIPS: Thank you, Chairman Bangs.  
48 I think it would be appropriate for us to learn what the  
49 comments were of the tribes before we answer that  
50 question.

1 Thank you.

2

3 CHAIRMAN BANGS: That's a very good  
4 point. Do we have comments from the tribes?

5

6 MR. PROBASCO: Mr. Chair. Ms. Phillips.  
7 I believe you're talking about the 21st meeting. For  
8 those in attendance I did hit the main points in my  
9 bullets and I can read those again. The meeting that was  
10 held on the 21st actually turned more into a listening  
11 session and the tribes expressing the importance of  
12 subsistence and to their traditional values and to their  
13 communities. What was lacking -- there was some, but  
14 there wasn't much direct input on how they envision  
15 tribal consultation to take place. I pulled out those  
16 bullets and I don't have anything in addition to add to  
17 that.

18

19 Mr. Chair.

20

21 CHAIRMAN BANGS: Thank you, Mr. Probasco.  
22 Ms. Phillips.

23

24 MS. PHILLIPS: Thank you. Those meetings  
25 were transcribed and I think it would be appropriate if  
26 we had a copy of those. The bullets you read, like I said  
27 about Mr. Kookesh's motion, I do better if I can read  
28 what those bullet points are.

29

30 Thank you.

31

32 CHAIRMAN BANGS: Very good point.

33

34 MR. PROBASCO: You want my talking  
35 points.

36

37 MS. PHILLIPS: Yes, please.

38

39 CHAIRMAN BANGS: Any other questions for  
40 Mr. Probasco.

41

42 (No comments)

43

44 CHAIRMAN BANGS: I think we'll move on.  
45 We have one more item for Mr. Probasco.

46

47 MR. PROBASCO: Mr. Chair. I talked about  
48 the summary already. We dealt with the chinook bycatch.  
49 There's a briefing that was presented yesterday. Mr.  
50 Larson has travel procedures, so I think I'm done until

1 we come back on tribal consultation.

2

3 CHAIRMAN BANGS: Thank you, Mr. Probasco.  
4 There's one other item that we haven't covered and that's  
5 the expansion of the Board. I had a motion I was  
6 supposed to make, but I can't make it unless Bert takes  
7 over as Chair.

8

9 CHAIRMAN ADAMS: A motion is in order.

10

11 MR. BANGS: Thank you, Mr. Chair. I'd  
12 like to make a motion to recommend to the Board that they  
13 include two members to be added to the Federal Board and  
14 those appointed should be RAC experienced or RAC members.  
15 The appointment would be a term two to three years and  
16 then they would be replaced by another RAC member from a  
17 different region, therefore rotating the membership  
18 throughout the state and they should be either Native or  
19 non-Native so that there's no discrimination.

20

21 Thank you.

22

23 MS. NEEDHAM: Second.

24

25 CHAIRMAN ADAMS: It's been moved and  
26 seconded. Discussion. Floyd.

27

28 MR. KOOKESH: Can I see that in writing?

29

30 (Laughter)

31

32 CHAIRMAN ADAMS: We can vote on it after  
33 you've had a chance to look at the language and stuff if  
34 that's okay with you, Mr. Kookesh. Okay. Yes.

35

36 MR. KOOKESH: Mr. Chairman. I was hoping  
37 the motion would be just to add two and then we could put  
38 the remarks in as we go along because I had some points  
39 when I was listening to Mr. Lohse, such as the Federally  
40 qualified, the RAC experience. You understand the  
41 process and are a user, provides for tribal input. Those  
42 kind of recommendations I'd like to see in there too.

43

44 CHAIRMAN ADAMS: So if I understand, you  
45 mean just to add to and through the deliberation of the  
46 Council we can add in all of these other issues. Is the  
47 maker of the motion willing to take that out and then do  
48 another one?

49

50 MR. BANGS: I would entertain amendments

1 or changes, but I would like everyone to see this in  
2 writing and we could do the same and take this up after  
3 lunch and amend it or change it from a document that we  
4 can all read.

5  
6 CHAIRMAN ADAMS: Okay. That's how we'll  
7 handle it. Archie, go ahead.

8  
9 MR. NIELSEN: Yes, Mr. Chairman. Mr.  
10 Bangs mentioned recruitment throughout the state. Are we  
11 talking about the entire state or just Southeast Alaska?

12  
13 CHAIRMAN ADAMS: Mr. Bangs.

14  
15 MR. BANGS: Thank you, Mr. Chair. Mr.  
16 Nielsen. My intention was to have one member from  
17 different RACs so we would have two RAC members from  
18 different regions involved at any given time and then  
19 they would be replaced by RAC members from other regions,  
20 so it's a continual learning experience for all the RACs  
21 in the state and we get the perspective on the Board from  
22 all the different regions and their RAC experience so  
23 they would understand the process.

24  
25 Thank you.

26  
27 CHAIRMAN ADAMS: Mr. Kookesh. I believe  
28 that Mr. Bangs motion is adequate enough and we could  
29 talk about it during deliberations when we vote on it  
30 later. So if that's okay, we'll handle it in that  
31 manner. Anymore comments. Patty.

32  
33 MS. PHILLIPS: Move to table the motion  
34 until lunch.

35  
36 MS. NEEDHAM: Second.

37  
38 CHAIRMAN ADAMS: All in favor say aye.

39  
40 IN UNISON: Aye.

41  
42 CHAIRMAN ADAMS: Opposed say nay.

43  
44 (No opposing votes)

45  
46 CHAIRMAN ADAMS: Motion carries. After  
47 lunch.

48  
49 MR. KOOKESH: I thought a motion to table  
50 doesn't need a second.

1 CHAIRMAN ADAMS: Well, we do it here.  
2 Pete. Is there a letter from Mr. Towarak that we need to  
3 be aware of?  
4  
5 MR. PROBASCO: Mr. Chair. I believe we  
6 have.....  
7  
8 CHAIRMAN ADAMS: Did we go through that  
9 already?  
10  
11 MR. PROBASCO: I think we've reviewed all  
12 of Mr. Towarak's letters and the Secretary's letters and  
13 we've done the chinook bycatch. I think we're on track.  
14  
15 CHAIRMAN ADAMS: While you're there, any  
16 comments or questions for Mr. Probasco while we've got  
17 him in the hot seat.  
18  
19 MR. PROBASCO: I do have one more thing.  
20  
21 CHAIRMAN ADAMS: One more thing. Go  
22 ahead.  
23  
24 MR. PROBASCO: Mr. Chair. Throughout  
25 this meeting and other meetings we've always talked about  
26 the concept of having a joint Council meeting with Mr.  
27 Lohse's Council, the Southcentral. We just can't have a  
28 joint meeting for the sake of having a joint meeting. It  
29 has to be issue driven. So I just wanted to share that  
30 with the Councils. I think there are issues that each  
31 Council shares, but we just can't say, well, we'd like to  
32 meet in Southcentral and Cordova and have a joint  
33 meeting. It has to be issue driven. For example, when  
34 we've had the Yukon Drainage Councils get together, the  
35 driving factor has been fishery regulations that has  
36 brought those Councils together. Mr. Chair, just keep  
37 that in mind as you go through that concept and be  
38 creative.  
39  
40 Thank you, Mr. Chair.  
41  
42 CHAIRMAN ADAMS: Oh shucks. We wanted to  
43 have a meeting just to have a meeting, didn't we, Ralph.  
44  
45 MR. LOHSE: I'd like to remind this  
46 Council that we do share a common interest in the  
47 Wrangell-St. Elias National Park. It affects both of our  
48 Councils. It affects the subsistence users from both of  
49 our Councils and it's totally possible that we can find  
50 a joint issue on the Wrangell-St. Elias National Park

1 that could bring both of these Councils together.

2

3 CHAIRMAN ADAMS: And we have been made  
4 aware that -- you know, Mr. Probasco and I think our  
5 coordinators have been addressing that so we can have a  
6 good excuse to have a joint meeting.

7

8 MR. PROBASCO: Thank you, Mr. Chair.  
9 When we do that, I just want it reflected on the record  
10 the purpose of the meeting. That keeps all of us where  
11 we're supposed to be.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN ADAMS: Yes. Patty.

16

17 MS. PHILLIPS: Thank you, Chairman Adams.  
18 The Fisheries Resource Monitoring Program is vital to  
19 both regions existence. If we could have a joint  
20 meeting, perhaps we could invite the Eyak Tribe to give  
21 a presentation on their Bairds Canyon Fisheries  
22 Monitoring Program. I understand it's a very successful  
23 program. Since fisheries is so important to us, that  
24 could be of common concern.

25

26 Thank you.

27

28 CHAIRMAN ADAMS: Thank you, Patty.  
29 Anymore comments.

30

31 (No comments)

32

33 CHAIRMAN ADAMS: Thank you, Pete.

34

35 MR. PROBASCO: Thank you.

36

37 CHAIRMAN ADAMS: You've been very patient  
38 with us. Why don't we take a break, a lunch break. Be  
39 back here at 1:00.

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN ADAMS: Okay, folks, we'll go  
46 ahead and get started here. Welcome back. I hope you  
47 had a real nice lunch and break and ready to finish up  
48 here very shortly, I hope. I forgot to mention the  
49 reason why Mr. Kitka isn't here is because -- as I said,  
50 he invited me out to dinner. He says, Bert, I'll invite

1 you out to dinner tonight if you'll excuse me tomorrow  
2 from the meeting. No, he didn't say that. But he did  
3 have to go to Juneau today for some legal issues and a  
4 gold medal.

5  
6 We've got a couple motions to go through  
7 here and then after that Michael Douville has asked to be  
8 excused for a while. He needs to get some business taken  
9 care of and get checked out before we get too far into  
10 the afternoon. So let's go ahead and bring up the tribal  
11 consultation issue. We have a motion that is prepared to  
12 be presented to us right now. Mr. Bangs.

13  
14 MR. BANGS: Mr. Kookesh.

15  
16 CHAIRMAN ADAMS: Mr. Kookesh, have you  
17 got the -- did you look at this, the wording and  
18 everything? Does that work for you?

19  
20 MR. KOOKESH: What are you looking for?  
21 Are you looking for a motion to bring the motion off the  
22 table?

23  
24 CHAIRMAN ADAMS: That's correct.

25  
26 MR. KOOKESH: Do you need me to make that  
27 motion?

28  
29 CHAIRMAN ADAMS: If you'd like to make  
30 that motion, sure.

31  
32 MR. KOOKESH: I make the motion.

33  
34 CHAIRMAN ADAMS: Is there a second.

35  
36 MR. DOUVILLE: Second.

37  
38 CHAIRMAN ADAMS: All right. It's back on  
39 the table. The motion regarding tribal consultation is  
40 before you right now. Mr. Larson, do you want to clarify  
41 something?

42  
43 MR. LARSON: Yes, Mr. Chair. During the  
44 break I took the handwritten notes from both Mr. Kookesh  
45 and for the tribal consultation motion and Mr. Bangs for  
46 the two new Board members motion, typed them up and  
47 distributed them. I took the liberty of making enough  
48 copies to share with every other person. If somebody  
49 needs an extra copy, I can print another one. I think  
50 there's seven copies of each of these, so we need to

1 share.

2

3 CHAIRMAN ADAMS: Thank you, Mr. Larson.

4 Go ahead, Floyd.

5

6 MR. KOOKESH: Mr. Chairman. When I made  
7 the motion, my motion was also to have it placed on the  
8 agenda of the Federal Subsistence Board. Not only our  
9 agenda, but also on the Federal Subsistence. I stated it  
10 when I made the motion originally. In process, it's not  
11 on the Federal Subsistence Board's agenda at all.

12

13 CHAIRMAN ADAMS: I'll believe you because  
14 I saw Tina nodding her head to that. Yes.

15

16 MR. DOUVILLE: Thank you, Mr. Chairman.  
17 I have read the motion on tribal consultation and I  
18 believe we're on the amendment. I support this written  
19 document being added to the main portion of it. It's  
20 okay with me.

21

22 CHAIRMAN ADAMS: Mr. Kookesh. Again, you  
23 want wording in here that says it should be for the  
24 Federal Subsistence Board as well, correct?

25

26 MR. KOOKESH: Mr. Chairman. That was in  
27 my original motion. It just didn't get written up into  
28 this, what you see in front of you.

29

30 CHAIRMAN ADAMS: Okay. I hear you. So  
31 what we need to do is make sure that it's in there, Mr.  
32 Larson.

33

34 MR. LARSON: Got it.

35

36 CHAIRMAN ADAMS: Okay. All right.  
37 What's the wish of the Council now.

38

39 MS. PHILLIPS: Chairman Adams.

40

41 CHAIRMAN ADAMS: Yes, ma'am.

42

43 MS. PHILLIPS: Are we on the amendment?  
44 What is the amendment? Remind me.

45

46 CHAIRMAN ADAMS: We have no amendment.

47

48 MS. PHILLIPS: Okay.

49

50 CHAIRMAN ADAMS: We're on the motion

1 right now, the main motion.

2

3 MR. KOOKESH: No amendment. It was  
4 clarification.

5

6 CHAIRMAN ADAMS: It was just a  
7 clarification, you know, to indicate that his original  
8 motion included the wording that we're talking about  
9 right now, so there's no amendment. What's the wish of  
10 the Council.

11

12 MR. BANGS: Question.

13

14 CHAIRMAN ADAMS: The question has been  
15 called for. All right. Thank you. The question has  
16 been called for to accept the motion regarding tribal  
17 consultation that Mr. Kookesh has worded up for us. All  
18 those in favor -- Mr. Wright, go ahead.

19

20 MR. WRIGHT: Mr. Chairman. Can we hear  
21 the motion again? I'm confused here.

22

23 CHAIRMAN ADAMS: Mr. Larson, would you  
24 please read the motion again.

25

26 MR. LARSON: Thank you, Mr. Chair. The  
27 motion is under consideration. It was distributed to  
28 every other Council member for sharing and it's titled  
29 motion regarding tribal consultation. The clarification  
30 made by Council Member Kookesh under Part B reads: There  
31 will be a place on the agenda at each Council and each  
32 Subsistence Board meeting for tribes to consult with the  
33 Subsistence Board.

34

35 That's the new corrected wording.

36

37 CHAIRMAN ADAMS: Okay. Thanks for that  
38 clarification. Is it clear now, Mr. Wright?

39

40 MR. WRIGHT: Thank you, Mr. Chairman. I  
41 was just looking at the first part. It says Southeast  
42 Council values tribal consultation and suggests. You  
43 know, the word suggests kind of seems to me kind of weak.

44

45 CHAIRMAN ADAMS: Do you have a stronger  
46 word?

47

48 MR. WRIGHT: Yes.

49

50 MR. LARSON: Mr. Wright. I would suggest

1 that since we are charged with making recommendations to  
2 the Board that we substitute suggests -- instead of  
3 suggests we use recommends.

4

5 Thank you.

6

7 MR. WRIGHT: Thank you.

8

9 CHAIRMAN ADAMS: That sounds okay.

10

11 MS. PHILLIPS: Chairman Adams.

12

13 CHAIRMAN ADAMS: Yes.

14

15 MS. PHILLIPS: If the B could be there  
16 shall be a place on the agenda at each Regional  
17 Subsistence Council meeting and at each Federal  
18 Subsistence Board meeting for tribes to consult with the  
19 Federal Subsistence Board or Federal Subsistence Council  
20 -- Council and Board, yeah. Just spell it out.

21

22 CHAIRMAN ADAMS: Yeah, that sounds okay.

23 All right.

24

25 MS. PHILLIPS: Call for the question.

26

27 CHAIRMAN ADAMS: The question has been  
28 called for. All those in favor please say yes.

29

30 IN UNISON: Yes.

31

32 CHAIRMAN ADAMS: Opposed say nay.

33

34 (No opposing votes)

35

36 CHAIRMAN ADAMS: Carried. Gunalcheesh.  
37 Thank you. The next motion item that we have before us  
38 is the one regarding the two Board members. So who is in  
39 charge of that one.

40

41 Mr. Bangs. Go ahead.

42

43 MR. BANGS: Thank you, Mr. Chair. I move  
44 to bring up for discussion the motion regarding the two  
45 new Board members.

46

47 MS. PHILLIPS: Second.

48

49 CHAIRMAN ADAMS: It's been seconded. It  
50 is now before us. Go ahead.

1 MR. BANGS: I'll read it into the record  
2 real quickly. It states the Southeast Council recommends  
3 that two new members be added to the Federal Subsistence  
4 Board and those appointed should be a person with  
5 experience serving on a Subsistence Regional Advisory  
6 Council. The appointments will be for a two year  
7 staggered term. Each appointment should be from a  
8 different region. Appointments should be made without  
9 regard to age or ethnicity.

10

11 CHAIRMAN ADAMS: Thank you, Mr. Bangs.  
12 Mr. Hernandez.

13

14 MR. HERNANDEZ: Thank you, Mr. Chairman.  
15 I guess I would propose some amendments to the motion.  
16 I personally feel the first condition, a person with  
17 experience serving on Regional Subsistence Advisory  
18 Council, in my opinion that might be too limiting a  
19 factor for the selection process. You may not always  
20 find people on an advisory council willing to serve in  
21 such a capacity.

22

23 Something that I would like to add as a  
24 proposal is the appointment should be essentially  
25 rotated throughout the state. I think it's kind of  
26 important that different regions get people appointed to  
27 the Board at various times and all the appointments don't  
28 end up coming from one region. With that as a factor  
29 that I think would be important, limiting it to Regional  
30 Advisory Council members could create a problem there if  
31 you're limiting the people available to serve. You may  
32 lessen the chance that somebody from your region would  
33 get appointed. For those reasons I think I would like to  
34 see the person with experience serving on a Regional  
35 Subsistence Advisory Council be deleted.

36

37 Also in the way of amendments, I think I  
38 would suggest that we state explicitly that this person  
39 should be a Federally qualified subsistence user as well.

40

41 Thank you.

42

43 CHAIRMAN ADAMS: Thank you, Donald. I  
44 just need to make a point that in the typed up version of  
45 the motion what was inadvertently left out was the issue  
46 that you addressed. This was in the original motion,  
47 that they would be replaced by another RAC member from a  
48 different region to rotate throughout the state. Is that  
49 kind of what you were addressing?

50

1 MR. DOUVILLE: Yes.  
2  
3 CHAIRMAN ADAMS: Okay. And it could be  
4 Native or non-Native. So it's already in the original  
5 motion, Mr. Hernandez. Merle.  
6  
7 MS. HAWKINS: That isn't what I heard him  
8 say, so maybe he could clarify. He's proposing to pull  
9 out -- that it would be a RAC member.  
10  
11 CHAIRMAN ADAMS: Okay. Was that your  
12 intention too, is to take it out of the RAC, take the  
13 requirement out of the RAC member -- as a RAC member?  
14  
15 MR. HERNANDEZ: That is correct, yes.  
16  
17 CHAIRMAN ADAMS: What's the feeling of  
18 the Council on that. Mr. Bangs and then Mr. Douville.  
19  
20 MR. BANGS: Thank you, Mr. Chairman. The  
21 reason why I feel it's important to use the RAC members  
22 is not only the experience that they can bring back to  
23 the RAC, but also this would make it so that it would  
24 rotate throughout the state rather than be isolated off  
25 in different -- you know, maybe not in Southeast. So if  
26 we did it by RACs and rotated it, we wouldn't have two  
27 representatives possibly from Southeast or two from --  
28 this way it would work itself to where it would rotate  
29 throughout the state.  
30  
31 Thank you.  
32  
33 CHAIRMAN ADAMS: Mr. Douville, Mr.  
34 Kookesh and then Mr. Needham. Go ahead.  
35  
36 MR. DOUVILLE: Thank you, Mr. Chair. I  
37 concur with Mr. Hernandez. I believe you make the pool  
38 too small for one and there are other qualified people  
39 that I believe -- like from the tribes and so on that  
40 need to have an opportunity for this. They may not have  
41 RAC experience, but it may be because -- for other  
42 reasons, but they are certainly qualified people that  
43 could serve in this position. I just feel like that  
44 requirement is too restrictive.  
45  
46 CHAIRMAN ADAMS: Thank you, Michael. Mr.  
47 Kookesh.  
48  
49 MR. KOOKESH: Yes, Mr. Chairman. I  
50 happen to agree with those two gentlemen because it

1 speaks to the other motion that we just passed. It's  
2 complimentary to what we just did. It makes tribal  
3 consultation go beyond us and that's the intent of the  
4 last motion was, was to be all-encompassing, to bring  
5 everybody in on this.

6  
7 The other thing I see is that -- I don't  
8 know about the two-year term because we're under a three-  
9 year term ourselves and if we start throwing two, three,  
10 three, two, we should just keep it the three. That way  
11 we don't confuse the issue. So that's my comments.

12  
13 CHAIRMAN ADAMS: Let me just address this  
14 first. In the original motion, Mr. Kookesh, Mr. Bangs  
15 just pointed out to me that it says two or three year  
16 term. So if that's sufficient, we'll just keep it like  
17 that or do you want to keep it at three, turn it from two  
18 to three?

19  
20 MR. KOOKESH: Well, I did say three. If  
21 I recollect a half a minute ago, then I said three, yeah.

22  
23 CHAIRMAN ADAMS: Mr. Douville.

24  
25 MR. DOUVILLE: I believe Mr. Kookesh said  
26 three and I agree with that number.

27  
28 CHAIRMAN ADAMS: Uh-huh.

29  
30 MR. DOUVILLE: Just as a suggestion to  
31 appoint and find these members, I believe there's an  
32 excellent process that's being used to select us as RAC  
33 members. I would think that this process would follow a  
34 similar sort of thing. To me that's -- and that person  
35 would be appointed for three years and you'd do the same  
36 thing perhaps from a different region. I'm going to have  
37 to go soon here.

38  
39 I just wanted to make my comments.

40  
41 CHAIRMAN ADAMS: Thank you. So we'll  
42 just go ahead and make it three. Cathy.

43  
44 MS. NEEDHAM: Thank you, Mr. Chairman.  
45 Prior to opening this discussion when I was thinking  
46 about how I would make comments regarding these two seats  
47 I was in support of recommending to the Federal  
48 Subsistence Board that they pull from Regional Advisory  
49 Councils as well, as the motion states. My reasoning for  
50 doing that was that under Section .805 Regional Advisory

1 Councils give a meaningful voice for rural residents and  
2 I felt that that understanding of the process and  
3 experience of how Regional Advisory Councils work would  
4 give a voice on the Federal Subsistence Board and they  
5 would know what was going on in their region and so I  
6 liked and support the idea of it rotating throughout  
7 regions to give it broader diversity.

8  
9 In listening to some of the discussion  
10 that's happened subsequently, I understand the valid  
11 point of having it be a Federally-qualified subsistence  
12 user and I'd like to recommend or at least have us think  
13 about perhaps we could recommend to the Federal  
14 Subsistence Board that they -- almost like when you're  
15 going to college or getting a job and you have different  
16 criteria for work. Like we want it to be from a Regional  
17 Advisory Council, but somebody that's a Federally-  
18 qualified user that has a likened experience in the  
19 process, like maybe two years of experience in the  
20 process or being involved in the process would also  
21 qualify.

22  
23 I'm not sure if that makes sense or needs  
24 additional explanation, but it might get around -- it  
25 might actually serve the purpose of the greater  
26 discussion that we're having here by keeping both --  
27 having them pull from RACs as well as addressing the  
28 Federally-qualified users as being qualified people for  
29 potential Board seats.

30  
31 CHAIRMAN ADAMS: So are you in support of  
32 the two gentlemen's over here contention that it should  
33 be not necessarily from Regional Advisory Councils but  
34 from subsistence users as a whole?

35  
36 MS. NEEDHAM: Well, I guess my confusion  
37 is coming from the fact that instead of discussing it and  
38 then deciding what amendments we're going to have, we're  
39 just kind of making amendments as we go, so I'm not  
40 exactly sure what the motion currently reads, so I was  
41 offering my comments that I would have had prior to  
42 amending the motion that was on the table.

43  
44 CHAIRMAN ADAMS: So do you want to make  
45 an amendment?

46  
47 MS. NEEDHAM: I don't know what I would  
48 be amending at this point.

49  
50 (Laughter)

1 CHAIRMAN ADAMS: I don't think so either.  
2 Merle.  
3  
4 MS. HAWKINS: Was the amendment motion  
5 seconded? Okay, that's a problem.  
6  
7 CHAIRMAN ADAMS: No, we haven't made any  
8 amendments to it yet. Patty -- or Donald.  
9  
10 MR. HERNANDEZ: Thank you, Mr. Chair. I guess I  
11 was intending to put this forward as an amendment to the  
12 motion. We've had a lot of discussion on it, but I don't  
13 know if we actually had a second.  
14  
15 CHAIRMAN ADAMS: I think we pretty much  
16 discussed it to death, so why don't you go ahead and make  
17 the motion and then we'll get a second and move on.  
18  
19 MR. HERNANDEZ: My motion is, working  
20 from the typed page that we have here, which is titled  
21 motion regarding two new Board members, my amendment  
22 would be to strike the first sentence, which reads a  
23 person with experience serving on a Subsistence Regional  
24 Advisory Council be one of the criteria and I would add  
25 a sentence which says that the person should be a  
26 Federally-qualified subsistence user.  
27  
28 MR. BANGS: I'll second that.  
29  
30 CHAIRMAN ADAMS: It's been moved and  
31 seconded. Everyone okay with that. Discussion. Go  
32 ahead.  
33  
34 MR. BANGS: Thank you, Mr. Chair. I can  
35 see that this would add to the pool and I agree with  
36 that. I would like to keep that each appointment should  
37 be from a different region and that way it would allow a  
38 rotation and it would allow us to move around the state.  
39  
40 CHAIRMAN ADAMS: I don't see any  
41 reason.....  
42  
43 MS. HAWKINS: Bert.  
44  
45 CHAIRMAN ADAMS: Go ahead.  
46  
47 MS. HAWKINS: I would speak against the  
48 amendment. If it's a RAC member, we have 100 to 130  
49 people to choose from. Of course, not everyone is  
50 interested in doing that. Even for us on the board it's

1 hard to keep track of the history of everything that  
2 happens and if they're not on a RAC, they're not going to  
3 get the emails we get from our coordinator and they're  
4 not going to have the knowledge, the historical knowledge  
5 and know how issues are resolved. This Federal/State  
6 thing can be so complex and if you pull someone in who  
7 isn't aware of the history, then you throw them into the  
8 Federal Subsistence Board, they're not going to have the  
9 knowledge necessary to know which way to go. So that's  
10 why I speak against it.

11  
12 CHAIRMAN ADAMS: Thank you for your point  
13 of view, Merle. Is there any other comments. Mr. Donald  
14 Hernandez.

15  
16 MR. HERNANDEZ: Thank you, Mr. Chairman.  
17 I guess I would like to defend my proposal amendment.  
18 From my experience on the Council here I agree with Merle  
19 that, yes, it is pretty important that somebody that goes  
20 to the Board should be very familiar with our process.  
21 RAC members and people with experience on the RAC, not  
22 necessarily current RAC members, would be very strong  
23 candidates.

24  
25 Also the meetings I've attended I see a  
26 lot of the same faces here being involved. Every time we  
27 come to Sitka we have a lot of tribal participation in  
28 our meetings and in Ketchikan I know we have a lot of  
29 tribal participation and Juneau. I know there's people  
30 that are pretty familiar with the system that not  
31 necessarily have served on the RACs, so I really don't  
32 think that would be too much of a limiting problem.

33  
34 Thank you.

35  
36 CHAIRMAN ADAMS: Rebuttal.

37  
38 MS. HAWKINS: Maybe we could come to a  
39 compromise and maybe it could be a person with experience  
40 or serving on a Subsistence Regional Advisory Council.  
41 That would be one solution. My stance is still the same  
42 that people on the Southeast RAC are going to have  
43 knowledge of the Federal Subsistence Board process.

44  
45 As an example, even this morning you  
46 weren't familiar with the rural status that Ketchikan had  
47 gone through because it was mostly handled from the  
48 tribal side. The tribe is the one that pushed for rural  
49 status and then they had to appeal it and so it is  
50 important for both to be involved in the process and be

1 knowledgeable.

2

3 CHAIRMAN ADAMS: Thank you. John. Pete,  
4 you had a comment.

5

6 MR. PROBASCO: Go ahead, John.

7

8 CHAIRMAN ADAMS: I'll get John first and  
9 you next.

10

11 MR. YEAGER: Thank you, Mr. Chairman.  
12 One thing, thinking outside the box a little bit, is I  
13 think the Federal Subsistence Board would be a natural  
14 growth and potential for a RAC member. It would be a  
15 next step for them that wants to explore and expand their  
16 experience and expertise. So I would look at that as an  
17 opportunity for RAC members. Would it be feasible to  
18 open applications to RAC members first for these two  
19 positions and if no one takes that, then we would default  
20 to an open application process.

21

22 Thank you.

23

24 CHAIRMAN ADAMS: That's a possibility.  
25 Pete, do you want to address that, please.

26

27 MR. PROBASCO: Yes, Mr. Chairman. I did  
28 want to address the process. The process for selecting  
29 Regional Advisory Council members, you're all very  
30 familiar with it. You fill out a form, that form goes  
31 forward and it goes to a panel, the panel interviews each  
32 applicant and then it goes before the Board and then the  
33 Board makes a recommendation to the Secretaries, who then  
34 vet the names and then they go through a review process  
35 and then ultimately people are selected.

36

37 The process for the Chair is much  
38 different. The selection process for the Chair occurs at  
39 the Secretarial level. They make contacts through their  
40 channels for a potentially interested candidates. They  
41 put together a list, they work through that list, develop  
42 a short list and then that list is vetted with the  
43 process that goes through D.C. and ultimately they come  
44 up with a name.

45

46 So you have two different processes and  
47 I didn't want the Council talking about these two  
48 additional Board members that you were thinking would go  
49 through a very similar process as RAC member selections.  
50 You can make that recommendation, but right now they're

1 different.

2

3

Mr. Chair.

4

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Thank you.

CHAIRMAN ADAMS: We do have an amendment on the floor right now, so if we could deal with that, vote on it and then if there needs to be other amendments made we can handle it in that manner as well. Oh, I'm sorry, Patty. The sun is shining so bright on you I can't see you.

MS. PHILLIPS: I have a halo.

(Laughter)

MS. PHILLIPS: Okay. Mr. Chair. I speak in favor of the amendment. If we're going to require a Federally-qualified subsistence user, then we have members of this Council who do not meet that criteria, so we will need to expand that pool that we have that the Secretary will have to choose from.

CHAIRMAN ADAMS: Mr. Bangs.

MR. BANGS: Thank you, Mr. Chair. I have a question for Mr. Probasco. If we recommend several different options, like for instance what I suggested in my original, will that be in the record that they would review as one of the comments made by the RAC or are we to specify by what we vote on as a whole are the

1 recommendations we want or how is this going to work? I  
2 was reading some of the other RACs and it sounded like  
3 they just had a bunch of different ideas that were down.

4

5 Thank you.

6

7 MR. PROBASCO: Mr. Chair. Mr. Bangs.  
8 The latter is true. Some Councils elected to list out  
9 issues to be considered. You're going down the path  
10 where you're making recommendations that the Council  
11 agrees upon. Right now you're down a path of a motion,  
12 amending that motion. If your original language that was  
13 in the motion gets amended, that original language goes  
14 away.

15

16 Mr. Chair.

17

18 CHAIRMAN ADAMS: So we're on the  
19 amendment. Let's deal with that right now. You can vote  
20 it up or down and proceed from there. So what's the wish  
21 on the amendment. Anymore discussion. Ready for the  
22 question.

23

24 MS. PHILLIPS: Call for the question.

25

26 CHAIRMAN ADAMS: The question has been  
27 called for. All in favor of that amendment. Would you  
28 please -- you've got the writing there. Review it for  
29 us, Mr. Bangs.

30

31 MR. BANGS: Thank you, Mr. Chair. The  
32 amendment is to remove experienced serving on a Regional  
33 Advisory Council, replacing those words with a person who  
34 is a Federally-qualified subsistence user.

35

36 CHAIRMAN ADAMS: Okay. So that's what  
37 we're voting on. That's the amendment part. All in  
38 favor of that motion to amend please say aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN ADAMS: Opposed say nay.

43

44 IN UNISON: Nay.

45

46 CHAIRMAN ADAMS: Let's do a vote. Mr.  
47 Kookesh. Let's do a hand raise. No? Do a vote? Our  
48 secretary isn't here, so Mr. Bangs would you serve as our  
49 secretary right now.

50

1 MR. KOOKESH: Bert.  
2  
3 CHAIRMAN ADAMS: Go ahead.  
4  
5 MR. KOOKESH: Mr. Chairman. When I  
6 recommended three, was that another amendment to be voted  
7 on?  
8  
9 MR. LARSON: Mr. Chair. My understanding  
10 was a clarification of the original motion. It was in  
11 there as two or three. He meant it to be three, so I've  
12 made that correction as three.  
13  
14 CHAIRMAN ADAMS: We can't seem to find  
15 the -- oh, right there. You can use mine.  
16  
17 MR. BANGS: Okay. We're going to take a  
18 roll call vote here. Mr. Ackerman.  
19  
20 MR. ACKERMAN: Yes.  
21  
22 MR. BANGS: Mr. Wright.  
23  
24 MR. WRIGHT: No.  
25  
26 MR. BANGS: Ms. Phillips.  
27  
28 MS. PHILLIPS: Yes.  
29  
30 MR. BANGS: Mr. Douville is not here.  
31 Mr. Kitka is not here. Mr. Adams.  
32  
33 CHAIRMAN ADAMS: No.  
34  
35 MR. BANGS: Mr. Kookesh.  
36  
37 MR. KOOKESH: Yes.  
38  
39 MR. BANGS: Mr. Hernandez.  
40  
41 MR. HERNANDEZ: Yes.  
42  
43 MR. BANGS: Mr. Nielsen.  
44  
45 MR. NIELSEN: Yes.  
46  
47 MR. BANGS: Ms. Hawkins.  
48  
49 MS. HAWKINS: No.  
50

1 MR. BANGS: Mr. Yeager.  
2  
3 MR. YEAGER: No.  
4  
5 MR. BANGS: Mr. Bangs. No. Ms. Needham.  
6  
7 MS. NEEDHAM: No.  
8  
9 MR. BANGS: It failed 6 to 5.  
10  
11 CHAIRMAN ADAMS: Thank you.  
12  
13 MR. LOHSE: Mr. Chair.  
14  
15 CHAIRMAN ADAMS: Mr. Lohse, go ahead.  
16  
17 MR. LOHSE: If I'm not out of line  
18 talking at this point in time, I'd like to just tell you  
19 what -- we recognized at our Council that all of this  
20 discussion was important for them and so, while we didn't  
21 make a motion like you guys are doing, we did ask that  
22 the complete transcript be incorporated into our report.  
23 Even if you make a motion you have the ability to do that  
24 so that the fact that you had some of these alternatives  
25 and some of these other discussion would be presented to  
26 them too.  
27  
28 CHAIRMAN ADAMS: Thank you. A transcript  
29 indeed should be included with the motion.  
30  
31 Pete, did you have anything to add?  
32  
33 MR. PROBASCO: I would concur with what  
34 Mr. Lohse says, that you can have a discussion of issues  
35 that were discussed in making this motion, which would  
36 cover Mr. Bangs' question earlier.  
37  
38 CHAIRMAN ADAMS: Thank you. So now folks  
39 we're on the main motion. Once again. Mr. Larson, go  
40 ahead.  
41  
42 MR. LARSON: Mr. Chair. I do have a  
43 question regarding interpretation of the main motion. It  
44 appears to me the main motion recommends that any member  
45 appointed to one of these three-year terms not be  
46 reappointed to another term. If that is the case, I  
47 could see where that is not clear maybe to every person  
48 reading this and I would suggest if that's the Council's  
49 intention that we add one more sentence and it says  
50 explicitly that the two new members will not be subject

1 to reappointment.

2

3 MS. PHILLIPS: No.

4

5 CHAIRMAN ADAMS: Is that the consensus of  
6 the Council?

7

8 MR. LARSON: Mr. Chair. We need to be  
9 clear on this point because if it's not the will of the  
10 Council that each person from a region serves a three-  
11 year term and then that position is appointed in a  
12 different region, then we need to go back and change --  
13 in my version here it's item three, each new appointment  
14 may be from a different region. So you can't have both  
15 of those things in the same motion or the same  
16 instructions.

17

18 CHAIRMAN ADAMS: Okay. Floyd.

19

20 MR. KOOKESH: Mr. Chairman. After  
21 thinking about this, it would seem it would be in the  
22 best interest of our region not to be voting up and down  
23 on all of these points and just put them out there.  
24 After thinking about what we're doing, we're limiting  
25 ourselves and we're being so structural, so Robert's Rule  
26 about it. We're not going to get anything good out of  
27 this. We should just be throwing everything out on the  
28 table and get all we can.

29

30 Thank you.

31

32 That's after thinking about it.

33

34 CHAIRMAN ADAMS: Yeah, I see where you're  
35 coming from. I thought that after all of those other  
36 issues were brought before us and then I heard that  
37 there's going to be a motion, that we'd go through all of  
38 these just like that, but it's not turning out that way.  
39 So what's the wish of the Council then? What do you want  
40 to do? Mr. Bangs, go ahead.

41

42 MR. BANGS: Thank you, Mr. Chairman. I  
43 would like to allow for comments around the Council and  
44 all those comments be recorded and submitted as ideas  
45 from the RAC that recommendations from different members.  
46 Don't vote them up or down. Let the Federal Board decide  
47 which makes sense to most effective appointments to those  
48 seats.

49

50 Thank you.

1 CHAIRMAN ADAMS: Okay. Yes, Patty.  
2  
3 MS. PHILLIPS: We have a motion on the  
4 table, so how do we eliminate it?  
5  
6 CHAIRMAN ADAMS: We do have a motion. We  
7 have to act on it one way or another.  
8  
9 MR. BANGS: Mr. Chairman. I would  
10 suggest we vote it down and start over and just go around  
11 and get ideas and move on.  
12  
13 Thank you.  
14  
15 CHAIRMAN ADAMS: Okay.  
16  
17 MS. PHILLIPS: Call for the question  
18  
19 CHAIRMAN ADAMS: The question has been  
20 called for. All in favor of that motion please say aye.  
21  
22 (No aye votes)  
23  
24 CHAIRMAN ADAMS: Opposed say nay.  
25  
26 IN UNISON: Nay.  
27  
28 CHAIRMAN ADAMS: Motion is defeated. So  
29 let's go ahead and do what Mr. Bangs has suggested, take  
30 comments from all of the Council members, have that  
31 recorded and then that will be submitted to the Board.  
32 Let's start with Patty.  
33  
34 MS. PHILLIPS: Mr. Chair. I move that  
35 the entire transcript of this topic of discussion be sent  
36 to the Federal Subsistence Board.  
37  
38 MR. BANGS: Second.  
39  
40 CHAIRMAN ADAMS: Thank you. Let's go  
41 ahead and open it for discussion now. Mr. Bangs.  
42  
43 MR. BANGS: Thank you, Mr. Chair. I  
44 think one of the recommendations that I feel strongly  
45 about is that they should rotate the appointments around  
46 the state to different regions so that all of the whole  
47 state can be eventually represented on the Federal Board.  
48 I think they should be experienced in the subsistence  
49 process, the way the RAC coordinates information with the  
50 Federal Board and not limit it to RAC members, but they

1 should use experience as criteria for choosing them. And  
2 I think it would be a good idea to have a term and then  
3 not reappointed so this rotation could become more  
4 effective.

5

6 Thank you.

7

8 CHAIRMAN ADAMS: Thank you, Mike.

9 Anymore comments. Tim.

10

11 MR. ACKERMAN: Thank you, Mr. Chairman.  
12 Yeah, I would think opening it up and accepting  
13 applications from all interested parties and also given  
14 the opening also as well to any other RAC members if they  
15 so decide to move into the Chair. I think they should  
16 just open it up and just start accepting applications  
17 statewide. Give everybody a chance.

18

19 That's my comment.

20

21 CHAIRMAN ADAMS: Thank you. Anyone else.

22 Donald.

23

24 MR. HERNANDEZ: I guess my comment would  
25 be I think it's important that the appointments do get  
26 distributed throughout the state and I think it would be  
27 important in the final decision on this that they come up  
28 with some means to accomplish that. I guess I can see  
29 where another possibility might be that somebody who  
30 leaves the Board for whatever reason, that seat is not  
31 reappointed to that same region as another possibility.  
32 They may not necessarily have to resign after three  
33 years, but at least if a seat becomes vacant it not be  
34 filled from the same region. That would be a good  
35 opportunity to spread it around, would be my suggestion.

36

37 CHAIRMAN ADAMS: Patty.

38

39 MS. PHILLIPS: I think the seats should  
40 be Federal-qualified subsistence users and I think they  
41 should be able to serve consecutive terms. Mr.  
42 Demientieff was in the Chair position for numerous years  
43 and very effective and that institutional knowledge helps  
44 that effectiveness.

45

46 Thank you.

47

48 CHAIRMAN ADAMS: Thank you, Patty. Fred

49 -- Floyd.

50

1 MR. KOOKESH: Brad -- I mean Bert. I  
2 like the idea, Mr. Chairman, of term limits and the  
3 ability to be fired is an excellent idea, but I also want  
4 to be sure there is RAC experience and the person  
5 understands this process and is a user. I believe that's  
6 what we're really looking for. And I like the idea of  
7 tribal input and Robert's Rules of Order experience is a  
8 must preferred.

9  
10 Thank you.

11  
12 CHAIRMAN ADAMS: Okay. Mr. Wright.

13  
14 MR. WRIGHT: Thank you, Mr. Chairman.  
15 One of the things that I think makes an effective Board  
16 is some continuity. I've been on this Board for a few  
17 years, since '04, and I'm still learning on how this  
18 process goes. I kind of wonder about if a person's term  
19 comes up and then we decide we're going to pick him for  
20 another region -- from another region, then the  
21 continuity is breaking. So I believe that a person's got  
22 to be a Federally-qualified person. It's like taking a  
23 crewmember off the boat and putting a greenhorn on there.  
24 I have a lot of greenhorns that want to go fishing with  
25 me but I won't take them because my crew is so -- you  
26 know, they understand what's going on. So I'm wondering  
27 how it would work if all of a sudden we decide we're  
28 changing crews.

29  
30 Thank you.

31  
32 CHAIRMAN ADAMS: Thank you, Frank.  
33 Cathy.

34  
35 MS. NEEDHAM: Thank you, Mr. Chairman.  
36 I'd like my comments to reflect that I think the Federal  
37 Subsistence Board should set selection criteria that  
38 includes an understanding of the process, experience with  
39 the process and I agree that it should be a Federally-  
40 qualified user.

41  
42 I also would support the idea of having  
43 appointments come from different regions and staggering  
44 that so that it rotates through the regions so that  
45 there's representation across the state.

46  
47 CHAIRMAN ADAMS: Thank you. Who hasn't  
48 spoke yet? Go ahead, Merle.

49  
50 MS. HAWKINS: I think the person selected

1 should be able to communicate with the Councils and with  
2 users throughout the state. I think that's really  
3 important.

4  
5 Thank you.

6  
7 CHAIRMAN ADAMS: Thanks. Floyd. Don't  
8 talk with your mouth full.

9  
10 MR. KOOKESH: I'm actually not supposed  
11 to be eating these things. To back up what I said a  
12 couple days ago, I'd like to see a Native preference  
13 because I believe that's what the intent of the two seats  
14 is.

15  
16 CHAIRMAN ADAMS: All right. John.

17  
18 MR. YEAGER: Thank you, Mr. Chair. I  
19 would like to reiterate that I think an opportunity for  
20 RAC members first would be one consideration. I'd like  
21 to think that experience lends itself to effectiveness.  
22 On one hand a RAC could lose a member, but on the other  
23 hand the Federal Board could gain a very experienced  
24 person that might help with the continuing business of  
25 that Board as well.

26  
27 That's all.

28  
29 Thank you.

30  
31 CHAIRMAN ADAMS: Thank you, John.  
32 Archie.

33  
34 MR. NIELSEN: Thank you, Mr. Chairman.  
35 I agree with Mr. Wright. The transition period between  
36 one board and another board takes time. The Sitka Tribe  
37 of Alaska, we have our set rules. Basically everything  
38 is almost the same. Robert's Rules of Order, protocols.  
39 But to learn Title VIII and all its infinity takes times.  
40 As anything else, it takes time. It's not an easy  
41 transition. I find myself, my gosh, I'm way off in left  
42 field by myself. You have to listen. You've got to  
43 analyze.

44  
45 Thank you, Mr. Chairman.

46  
47 CHAIRMAN ADAMS: And let it be known that  
48 Mr. Wright is always right.

49  
50 (Laughter)

1 CHAIRMAN ADAMS: Floyd.  
2  
3 MR. KOOKESH: There is no criteria in  
4 place that says if you're a RAC member and you get  
5 selected you have to step down. There's none, right?  
6  
7 CHAIRMAN ADAMS: No.  
8  
9 MR. KOOKESH: There shouldn't be. That's  
10 my point.  
11  
12 CHAIRMAN ADAMS: I'm in favor of  
13 selecting from the RACs. That's what Wrangell-St. Elias  
14 Subsistence Resource Commission advocated for. Mainly  
15 because you've got the experience there. In order to  
16 become a member of the RAC you have to be a Federally-  
17 qualified subsistence user. You have to have all that  
18 knowledge and information. You're pretty much familiar  
19 with the process already. It probably wouldn't be too  
20 much of a problem to step right into that position. The  
21 idea of rotating it is also a plus. That's my comment  
22 and the extent of it. I think it should come from the  
23 RAC, the appointment should come from the RACs.  
24  
25 MR. WRIGHT: Call for the question.  
26  
27 CHAIRMAN ADAMS: The question has been  
28 called for. All in favor -- Pete, you have something to  
29 say.  
30  
31 MR. PROBASCO: Mr. Chair. We don't have  
32 a motion.  
33  
34 CHAIRMAN ADAMS: Oh, we're just  
35 commenting. Okay, we're just commenting. Sorry.  
36  
37 MS. PHILLIPS: There was a motion.  
38  
39 CHAIRMAN ADAMS: But it was taken off the  
40 table.  
41  
42 MS. PHILLIPS: No.  
43  
44 CHAIRMAN ADAMS: Oh, the motion was to  
45 accept the comments. You're right. That is a motion.  
46 All in favor say aye.  
47  
48 IN UNISON: Aye.  
49  
50 CHAIRMAN ADAMS: Opposed say nay.

1 (No opposing votes)

2

3 CHAIRMAN ADAMS: Carried. Thank you,  
4 folks. Are you done, Pete?

5

6 MR. PROBASCO: Well, with Tina and  
7 Robert's help we have a long report to get to the Board.

8

9 CHAIRMAN ADAMS: Thanks. Okay. Whew,  
10 let's move on. Mr. Lorrigan, are you still with us? I  
11 want to recognize sitting up there in a chair Mr. John  
12 Littlefield. John, after Mr. Lorrigan we'd like to have  
13 you come down and make some comments, okay?

14

15 Go ahead, Jack.

16

17 MR. LORRIGAN: Thank you, Mr. Chairman.  
18 My name is Jack Lorrigan and for the record I'm here on  
19 personal leave for this. I'm the owner/operator of the  
20 fishing vessel Matie W and when I get to owner operate it  
21 I have to be careful about the fish I catch. I'm talking  
22 about the chinook bycatch and I wanted to get into the  
23 record some of the feelings I've been hearing around the  
24 docks about the latest numbers that came out of the Gulf  
25 of Alaska and give you a perspective of what I'm hearing  
26 anyway. I'm also the subsistence seat on the local  
27 advisory committee.

28

29 If legal fishing as a trawler and we  
30 catch one fish under 28 inches and we get caught with it,  
31 we get to go talk to a judge about it. We could lose our  
32 permit, we could lose some money, we could lose some  
33 time. We might even lose our boat depending on the mood  
34 of the court.

35

36 The trawl fleet is able to catch  
37 thousands upon thousands of kings of all sizes, all age  
38 classes and there's not much done about it. They have a  
39 cap. It's gotten to the point that you're all aware of  
40 that the people on the Yukon are fighting with each other  
41 and fighting with Canada over who gets how much fish and  
42 how much fish get to go by before somebody gets to fish  
43 it and mesh size and all that.

44

45 From my understanding they've done a  
46 genetic study of some of the samples. That's on the  
47 boats that are observed. The vessels under 60 feet  
48 aren't being observed, so there's probably a higher  
49 number. They found that the majority of those fish are  
50 coming from Western Alaska, Kotzebue, Yukon, Koyukuk, so

1 those people are feeling it more than we will, but that  
2 was a one-time sample.

3  
4 Next time they take a sample there might  
5 be a significant portion of Southeast Alaska/British  
6 Columbia/Washington fish, just depending on where they're  
7 dragging or what they run into and what time.

8  
9 I would encourage the Council to support  
10 some ideas of requiring some of those fish be retained  
11 and they go into a food bank so those people have  
12 something. If they can't get them in their own nets,  
13 maybe they can get them from a food bank or some kind of  
14 charity. If they're going to catch these fish, they  
15 should be responsible for them other than dumping them.  
16 The same for halibut. It's affecting a lot of user  
17 groups down the line.

18  
19 There are other alternatives, but it  
20 doesn't seem to be getting fixed and we've had this huge  
21 bycatch. So I just wanted to forward some of the  
22 frustrations to the Council. Thanks.

23  
24 CHAIRMAN ADAMS: So noted and you're on  
25 record, Mr. Lorrigan, so thank you. Any questions,  
26 comments. Mr. Wright.

27  
28 MR. WRIGHT: Thank you, Jack. I was just  
29 thinking about that yesterday, what do they do with the  
30 fish, do they just dump them overboard. Like the  
31 rockfish, now we have to bring them in because they're  
32 dead anyway. When you've got king salmon that are going  
33 to be dumped overboard -- if I did that, that's wanton  
34 waste. If I got caught doing that salmon fishing, that's  
35 wanton waste. Anything you dump overboard that is dead  
36 is wanton waste. You know, king salmon, you put it on  
37 your deck, you try to put it back in the water, you watch  
38 it just belly-up and go down because they're such a  
39 fragile fish.

40  
41 I was wondering about their report  
42 yesterday, what they do with the fish. I like your  
43 suggestion of at least giving it to some food banks or  
44 communities that need the fish instead of dumping it. I  
45 mean it's sick.

46  
47 Before the requirement of having redfish  
48 I remember black cod used to be running down and I see  
49 one time there was a boat and he was rockfishing and he  
50 was behind us because we were shaking. We didn't have

1 room for redbfish. He was just picking up what we got.  
2 So he was fishing behind us, hooking onto the fish. So  
3 after the State made it mandatory to bring them in I felt  
4 better.

5  
6 But I agree with you that it shouldn't  
7 be, but it is.

8  
9 Thank you.

10  
11 CHAIRMAN ADAMS: Do you want to respond,  
12 Jack? Go ahead.

13  
14 MR. LORRIGAN: Yes, sir. Thank you, Mr.  
15 Chair. Mr. Wright. That brings up another point that if  
16 we get caught with said undersized fish and we go to  
17 court, that's an unequal and unfair application of law  
18 that I would hazard would be even unconstitutional if  
19 somebody pursued it far enough.

20  
21 We get in trouble for the same crime from  
22 the same pool of fish and the burden on us is heavier  
23 because it's treaty violation. Well, why isn't it a  
24 treaty violation for them. Those fish are going to  
25 Canada too. If they're going in the Yukon or if they're  
26 going up the Alsek or the Dangerous, those fish are  
27 Canada bound for the most part and they're being  
28 intercepted too. If they're coming further south, you  
29 know, Canada, Washington, Oregon, California, those fish  
30 have a treaty protection and we have to live by it.

31  
32 Thank you.

33  
34 CHAIRMAN ADAMS: Thank you. Donald, go  
35 ahead.

36  
37 MR. HERNANDEZ: Thank you, Mr. Chair. I  
38 think Mr. Lorrigan has a real excellent idea there. I  
39 think it should be a requirement that all these fish be  
40 retained. I think I could probably speak for a lot of  
41 subsistence users that they would much rather be catching  
42 fish than getting fish from a food bank and probably in  
43 a lot of instances they probably wouldn't accept food  
44 from a food bank, but I think there's a lot of  
45 opportunity out there for these fish going to school  
46 lunch programs, elderly housing programs, homeless  
47 shelters.

48  
49 I think there's a lot of opportunity to  
50 distribute these fish and I think the catchers should pay

1 for the processing costs. I think it should be part of  
2 their cost of doing business. If they're going to have  
3 incidental catch, that they have a cost associated with  
4 it and maybe that would be an incentive for them to try  
5 and lessen their incidental catches. I'm sure all that  
6 fish could be well used.

7

8 CHAIRMAN ADAMS: Thank you. Go ahead.

9

10 MR. LORRIGAN: Mr. Chairman. Thank you,  
11 Mr. Hernandez. Rumor has it that we're in for some hard  
12 economic times. Those fish are already caught. Why not  
13 use them. They're already on board, they're already  
14 dead. They're on board, they're actually looking at them  
15 to see them and then ploosh, ploosh, ploosh, they go back  
16 overboard. Make it a cost of operating like you say. It  
17 can be a tax write-off if they have to, but at least  
18 bring those fish to port and get them in the food chain  
19 somehow.

20

21 Thank you.

22

23 CHAIRMAN ADAMS: That's a very good  
24 point. I'd just like to comment as well. You mentioned  
25 where some of those salmon are going, you know, headed to  
26 like the Alek. To meet my subsistence needs I target a  
27 certain number of Dry Bay king, which goes up the Alek.  
28 To me, they're just as good as the Copper River kings  
29 because they have to build up that energy and the fat and  
30 everything to make that long trip. So I haven't met my  
31 needs for the Dry Bay king this past year. Maybe half  
32 what I normally get.

33

34 So I'm just wondering if there is some  
35 connection there. Maybe they are getting those king  
36 salmon that are supposed to be Alaska bound. I think  
37 maybe this year I'll probably have a pretty good idea  
38 what I catch this year and probably make some  
39 determination on that. Anyhow, I just thought I'd share  
40 that with you.

41

42 Mr. Lohse, go ahead.

43

44 MR. LOHSE: Thank you, Bert. I just  
45 would like to share some of the things that I learned on  
46 these trawl fisheries that I didn't know before until all  
47 this came up and we've been digging into it. There's a  
48 difference between the trawl fishery and the Western Gulf  
49 of Alaska and the trawl fishery in the Bering Sea. One is  
50 the size of the boats that are being used.

1                   We talk about saving the fish in the  
2 Bering Sea and from what I gather from talking to people  
3 we have to remember that they're catching trawls that  
4 have got 100,000 pounds in there or more. The salmon  
5 aren't in very good shape.

6  
7                   In the Bering Sea today they have -- I'll  
8 call it a politically motivated, putting some into food  
9 banks and stuff like that, but they're taking their  
10 pollock that's up there and they're turning it into  
11 surimi or minced fish and we haven't really come up with  
12 a good way to take king salmon that have been in the same  
13 trawl and turn them into an edible product that people  
14 want. Most of them are in pretty rough shape.

15  
16                   The ones on the Gulf of Alaska are in  
17 smaller boats. They usually go straight into RSW and  
18 they're delivered to plants. At this point in time, they  
19 don't have any kind of a program to make use of those  
20 fish and I think there would be a much more potential to  
21 actually get fish that were usable out of it.

22  
23                   But the problem comes that any time you  
24 make it so that these fish are usable and they're used,  
25 then that gives them I'll say more political clout to  
26 continue what they're doing because after all we're  
27 making use of this fish. It's kind of a whitewash thing.  
28 Where those same fish, if they were protected, would  
29 actually be better for more people in the long run.

30  
31                   So be aware that even if they end up  
32 using them for a food bank the product is not what you  
33 and I associate with king salmon. Maybe Dry Bay is as  
34 good as Copper River, but both of them would be a far cry  
35 from what comes out of a pollock net.

36  
37                   (Laughter)

38  
39                   CHAIRMAN ADAMS: At least we agree on  
40 that one.

41  
42                   MR. LORRIGAN: Mr. Chairman. Thank you,  
43 Mr. Lohse. Well, if we're going to go that way, then  
44 lower the cap or make it something that is prohibitive  
45 for them. Right now I understand there's not much of a  
46 fine process. That they don't get fined for any of this  
47 stuff. If we move to that, that that fine be paid  
48 directly to the Department of Treasury and not to the  
49 local managing agency, I would want it to sting a little  
50 bit. If it stings us, then it should sting them too.

1 I'm not trying to be adversarial, but there has to come  
2 a point where fair is fair.

3

4 Mr. Chairman.

5

6 CHAIRMAN ADAMS: Thank you, Jack. Tim.

7

8 MR. ACKERMAN: I've been waiving here for  
9 about 30 minutes.

10

11 (Laughter)

12

13 CHAIRMAN ADAMS: I'm sorry. Did you know  
14 that I was ignoring you?

15

16 (Laughter)

17

18 MR. ACKERMAN: Yeah, I know. All in all,  
19 you really have a good point there. What we have here is  
20 two user groups. He is being treated differently under  
21 the fisheries as being under the law at all times and  
22 being fined and the whole nine yards if he, in fact, is  
23 caught with an illegal king salmon on his net. Fishing  
24 out of season for king salmon, he gets heavy fines. Like  
25 he said, he could get his boat taken away.

26

27 And then we've got the draggers, the  
28 trawlers offshore dragging up big numbers of king salmon  
29 and not being under the enforcement of the fisheries.  
30 It's almost as if they're exempt from the enforcement.  
31 Under any fisheries I would believe you would have to  
32 treat any user group the same.

33

34 Now the draggers would probably be in  
35 here if I was corking them off and intercepting their  
36 fish. Maybe they would come in here and start  
37 complaining about me corking them off as the gillnet  
38 fishery somebody corks you off. So I would think that  
39 being exempt from any of the fishery laws pertaining to  
40 the king salmon take, I think it would only be fair if  
41 they would be put under a certain amount of pressure to  
42 be treated equally on the fisheries enforcement because  
43 the king salmon stocks.

44

45 I also saw that the dog salmon were a  
46 bycatch. What's the bycatch on halibut. Pacific cod,  
47 all the other species that are involved. You've got the  
48 mid trawl, you've got the deeper trawls and what is the  
49 actual numbers of all species that these trawlers are  
50 taking is what I would like to see. It would be real

1 interesting to see. That's my comment there.

2

3 Thanks.

4

5 CHAIRMAN ADAMS: Thank you. Thank you,  
6 Jack.

7

8 MR. LORRIGAN: Thank you, Mr. Chairman.  
9 I'll defer the balance of my time to a very qualified  
10 local subsistence user, former chairman and my coho  
11 brother, John Littlefield.

12

13 CHAIRMAN ADAMS: All right. (In Tlingit)  
14 Welcome, John. I know you know how to use that turn off  
15 button.

16

17 MR. LITTLEFIELD: Yes, I do. Thank you,  
18 Mr. Lorrigan, for those kind words. Also thank you, Mr.  
19 Chairman, for recognizing me. It's good to see the  
20 Council here, about half the Council I know and served  
21 with. I'm glad you didn't get kicked off after three  
22 years.

23

24 (Laughter)

25

26 MR. LITTLEFIELD: Anyway, I wanted to  
27 thank the Council members, those that sent me cards and  
28 words of encouragement. The last year and a half I was  
29 kind of sick, but on the second of this month I got the  
30 final test and I'm cancer free.

31

32 (Applause)

33

34 MR. LITTLEFIELD: Now if my arthritis  
35 would just cooperate. It's good to see you, Floyd, your  
36 new appointment and all of you. I had a bunch of  
37 comments, my own comments that I'll probably submit on  
38 that C&T, but I think you guys are going in the right  
39 direction. By the way, it's also good to see this young  
40 man over here, Mr. Ralph Lohse. An excellent chair.  
41 It's good to see you. I didn't really have anything to  
42 say. Good luck. You're doing a good job. Like I said,  
43 thank you for all the thoughts. I'll take any questions.

44

45 CHAIRMAN ADAMS: Thank you, John. It's  
46 good to hear about your health, that you're fully  
47 recovered. I have a daughter-in-law that's going through  
48 the same process about the same time you did and in  
49 February she got a clean bill of health as well, so the  
50 system is working. I know what you had to go through, so

1 it takes a lot of courage and I just want to express my  
2 appreciation to you for hanging in there and going  
3 through all of that terrible chemo and radiation and all  
4 that stuff. It's a terrible thing, I know.

5  
6 I'm glad to see you here.

7  
8 MR. LITTLEFIELD: Thank you, Mr. Chair.  
9 I was 160 pounds in June. I haven't been that since I  
10 was in eighth grade, I believe.

11  
12 CHAIRMAN ADAMS: Being the former Chair,  
13 I've always said that I'm trying to fill big shoes and I  
14 still am. Okay. Let that be put on the record. Mr.  
15 Bangs.

16  
17 MR. LITTLEFIELD: I read the transcripts  
18 once in a while.

19  
20 MR. BANGS: Thank you, Mr. Chair. I just  
21 wanted to remind Mr. Littlefield that we have open seats  
22 occasionally on the Council.

23  
24 MR. LITTLEFIELD: So I heard. Actually  
25 you can make a comment on the two seats that are coming  
26 up. You can say they be restricted to a former Chairman  
27 that lives in Sitka.

28  
29 (Laughter)

30  
31 MR. LITTLEFIELD: But, no, I think you  
32 guys are headed in the right direction. It needs to be  
33 someone that's a Federally-qualified user. You could end  
34 up with three people from Anchorage on there and I think  
35 that's important. It shows diversity all over Alaska.  
36 Everywhere in Alaska is represented. I think it might  
37 even be a good idea to say that the three, the Chairman  
38 and the two Board members, they can't all come from the  
39 same place. I mean that's a matter of fairness.  
40 Southeast Alaska with its vast Federal lands certainly  
41 needs a seat at that table. So I think you guys are on  
42 the right track there.

43  
44 Thank you.

45  
46 CHAIRMAN ADAMS: Thank you, John. Mr.  
47 Kookesh has a question or a comment.

48  
49 MR. KOOKESH: Mr. Littlefield. I just  
50 took a quick scan of our book and we never really had

1 anybody from Sitka Tribe give us an actual update about  
2 what's occurring with the fishery. Is it possible to tap  
3 your wealth of knowledge and wisdom and give us some idea  
4 of the fishery in Sitka as a former Chair.

5  
6 MR. LITTLEFIELD: Matter of fact I'm  
7 giving a talk on that Monday. You'll have to stay till  
8 Monday. Actually I have Mr. Baines, who sits in on a lot  
9 of the herring committees and is also a Council member  
10 who would be probably better able to address that. I can  
11 tell you I did see some sea lions today right in front of  
12 my house. First time. You can't push herring along.  
13 They'll do it when they're ready and they're not ready,  
14 but sunshine will bring it out. Mr. Baines might be the  
15 proper person to answer that or Mr. Kitka and he's where  
16 I was yesterday.

17  
18 CHAIRMAN ADAMS: Thank you, John.

19  
20 MR. LITTLEFIELD: Thank you all. I'll  
21 welcome you to Sitka and say goodbye to you.

22  
23 (Laughter)

24  
25 CHAIRMAN ADAMS: Gunalcheesh.

26  
27 MR. LITTLEFIELD: Come again.

28  
29 CHAIRMAN ADAMS: Okay. Next item is  
30 travel update procedures. Our coordinator will do that.  
31 You have that information in your packet and then there's  
32 also a handout that was distributed earlier today.  
33 Robert, go ahead and skim over that if you would right  
34 now.

35  
36 MR. LARSON: Thank you, Mr. Chair. Very  
37 quickly. There's been some issues with travel and  
38 Council members sort of going around proper procedure.  
39 Not on this Council but in other Councils. OSM wanted to  
40 include this statement and a reminder that if -- there's  
41 a process and procedure in place for changing your  
42 travel. If you want to change your travel and you want  
43 us to pay for it, then we need to do it. If Council  
44 wants to pay for their own travel, then they're perfectly  
45 capable of doing that. That's what we're here for, is to  
46 assist you in making your travel arrangements, so let us  
47 do our job.

48  
49 The other item is that some of the travel  
50 regulations are changing somewhat. At the fall Council

1 meeting, just a heads up, they're going to try to get  
2 their vouchers organized and we're the same way, but it  
3 may be that the -- let me say exactly what it says.  
4 Travel vouchers for the fall meetings may be delayed.  
5 What that means is you'll have -- providing that we go  
6 through the process on the front end, you'll get the 75  
7 percent on the front end, but the travel voucher process  
8 you may have some extra time, more than what you're used  
9 to, to get the final voucher process.

10

11 We'll do what we can to make sure that  
12 everybody gets their original per diem on time. What  
13 that means is that we'll have to make up our minds about  
14 our travel arrangements well in advance of the meeting,  
15 but we can do that. That's all I have to say on that  
16 subject.

17

18 CHAIRMAN ADAMS: Thank you, Robert. Any  
19 questions about travel.

20

21 (No comments)

22

23 CHAIRMAN ADAMS: Okay. Let's go. I've  
24 got item number D here, Alaska Department of Fish and  
25 Game, review of recent actions by the Alaska Board of  
26 Game. I want to welcome Jennifer. I had a chance to meet  
27 her at the Federal Subsistence Board meeting and I think  
28 we've become good friends.

29

30 Anyhow, welcome.

31

32 MS. YUHAS: Thank you, Mr. Chairman. I  
33 notice you just have one agenda item on here, so if it's  
34 okay with you my plan was to give a quick introduction,  
35 a brief general report on the status of our program,  
36 address the agenda item and then try the best I can to  
37 address all the things that Member Kookesh put on the  
38 plate in the form of questions. If I don't finish my  
39 plate when I'm done, you can let me know what I didn't  
40 finish.

41

42 CHAIRMAN ADAMS: I do need to make a  
43 comment though, Jennifer. Appreciate you sitting  
44 patiently there all the last couple days just waiting for  
45 you to come forth and do your report.

46

47 Go ahead.

48

49 MS. YUHAS: Thank you, Mr. Chairman. For  
50 the record, my name is Jennifer Yuhas. I am the

1 State/Federal subsistence liaison team leader, which is  
2 a very long way to say that you'll be seeing me at these  
3 meetings instead of Ms. Cunning, who you've seen several  
4 times over the years. You've also had George Pappas  
5 attend some of your meetings. Our core team consists of  
6 myself as the team leader, George Pappas is our fish  
7 liaison and newly hired Glenn Stout, who was an area  
8 biologist in Galena for the Department, as our wildlife  
9 liaison.

10

11 Mr. Pappas really did want to come to  
12 this meeting, but I have to let the members know that  
13 when I was first hired I got a very gracious email from  
14 your Chair. He's the only RAC member who did this, but  
15 the very first day my hire was announced I got a welcome  
16 to the program and I'd like to personally invite you to  
17 attend my meetings, so I told George I have to go to that  
18 meeting.

19

20 So, Mr. Chairman, our team is complete  
21 for the first time in five years. This position has been  
22 vacant three times over the last two years and it's taken  
23 us three years to actually get a full time wildlife  
24 liaison in place. So I can expect that you'll be seeing  
25 hopefully a higher level of service as we relate to the  
26 program.

27

28 The agenda item that you placed on here  
29 was a Board of Game review and I really think that Robert  
30 Larson did a very good job of providing a synopsis. I  
31 made some handouts that should be distributed that show  
32 all of the Board of Game actions at the last two meetings  
33 in case you're curious. Unless you have specific  
34 questions I wasn't going to burden your time with that  
35 since you've already spent quite a bit of time developing  
36 your proposals and looking at the synopsis.

37

38 Also included the recent call for  
39 proposals for both the Board of Game and the Board of  
40 Fish. The Board of Game proposal mentions two areas, but  
41 there's also some statewide applications that the  
42 Southeast RAC might want to look at because the statewide  
43 applications for furbearers and trapping and some other  
44 issues might impact you.

45

46 I got a little nervous here at my first  
47 RAC meeting and I forgot to go through my thank yous. I  
48 wanted to also thank the tribal house and the landowners  
49 for this very nice meeting hall. My only complaint is  
50 that screen doesn't let us see the panels behind the

1 members while we're in the meeting.

2

3 I also wanted to thank the Staff for  
4 organizing the trip that we took out to the Makhnati  
5 Island and the spawning grounds. I've been hearing about  
6 that area for a long time and this Board has had  
7 deliberations on the necessity of field trips. I really  
8 thought that was a professionally valuable trip. Not  
9 just to see the spawning grounds but to see it with  
10 everybody hearing the same information at the same time  
11 and I appreciate that we had the members from the Sitka  
12 Tribe there to narrate and explain some things that we  
13 probably wouldn't have got on a different boat ride. So  
14 thank you for that.

15

16 With regards to some of the questions  
17 that have been raised, Mr. Wright gave a word yesterday  
18 that really rang true to me and I'm going to try to  
19 pronounce this. The Chairman said even though I'm not  
20 Tlingit that it's okay for me to do that. The word was  
21 (in Tlingit) and he was explaining about working  
22 together.

23

24 That's what my program does as we relate  
25 from the Department to the Federal Subsistence Board.  
26 Our goal is to work together through this process. It's  
27 not always comfortable and sometimes we have to bring a  
28 complaint. Either we produce a proposal and the RAC says  
29 at a Federal Board meeting don't adopt that proposal and  
30 then we have to go through the process of saying that  
31 we've been grieved, similar to the way that Senator  
32 Kookesh has had to say to the State that he's been  
33 grieved.

34

35 As we work through the process of trying  
36 to (in Tlingit), sometimes we have to go through  
37 disagreements. Sometimes we agree, sometimes we  
38 disagree, but that's what the process is for and I think  
39 that all of that is healthy.

40

41 I don't want to spend too much time  
42 rambling, but I do want to say that I have a great deal  
43 of respect for Senator Albert Kookesh. He wears a lot of  
44 different hats as an elected official, as an AFN chair  
45 and as a subsistence user. Right now he simply has to  
46 bring a complaint. He's always put those things on the  
47 record, but he's always treated the people around him  
48 like a human being. He's never growled at me in the  
49 hallway. He puts those things on the record, he has to  
50 be fervent about them, and then he still says why don't

1 you come down to my office and I'll show you how to call  
2 a moose with a dollar bill.

3

4 (Laughter)

5

6 MS. YUHAS: So he's able to separate  
7 those things. There was some questions raised by Member  
8 Kookesh about the case and specifically about how the  
9 Administrative Procedures Act applies to that. I did  
10 some checking and really I'm not able to interpret the  
11 court's ruling on the Administrative Procedures Act. I  
12 understand that that's not my role to try to interpret  
13 that and explain why they did what they did anymore than  
14 I can explain why the Senator did what he did. I have to  
15 leave that up to those parties.

16

17 However, we do have an obligation to  
18 eliminate confusion for the users when we can. So the  
19 question was raised what will the limit be. I've checked  
20 with our managers. For now the published limit of 15 is  
21 the limit that will be standing. Should that limit be  
22 increased due to abundance, there will be every effort  
23 made to publicize, to make phone calls, to make sure that  
24 the users are informed that the limit is increased. For  
25 the time being, the limit stands at 15 this year and I  
26 hope that eliminates some of the confusion.

27

28 There's some question with regard to the  
29 MOU with the Sitka Tribe and in the handouts I provided  
30 both the MOU and the letter of termination. The State  
31 chose to terminate the MOU and hopefully the letter can  
32 speak for itself. There is not an effort to reinstate  
33 the MOU at this time. But I was encouraged to hear the  
34 member from Sitka Tribe say that he thought the  
35 correspondence and the communication was satisfactory to  
36 him as we worked through this without the MOU.

37

38 I guess this is the part, Mr. Chairman,  
39 where I get to say please don't ask me any hard  
40 questions.

41

42 CHAIRMAN ADAMS: Does anybody have any  
43 hard questions to ask of Jennifer? Did you say you'd be  
44 able to answer hard questions?

45

46 MS. YUHAS: I will give every attempt to  
47 answer hard questions to the best of my ability, Mr.  
48 Chairman.

49

50 CHAIRMAN ADAMS: Okay, thank you. I have

1 a different policy. I don't answer hard questions.  
2 Floyd.

3  
4 MR. KOOKESH: The last time we had a  
5 meeting I asked George, Mr. Pappas, if he could come down  
6 and speak to us about the eulachon mess, the eulachon  
7 issue, the one in Haines. I don't expect you to have the  
8 answers since George was the one who was supposed to  
9 carry this forward, but I was curious about how that all  
10 came to be and what the end result was. Because when you  
11 look at the picture, it didn't look good.

12  
13 MS. YUHAS: Through the Chair. Are you  
14 referring to the stranding incident?

15  
16 MR. KOOKESH: (Nods affirmatively)

17  
18 MS. YUHAS: Could I have just a moment to  
19 grab some materials?

20  
21 CHAIRMAN ADAMS: Sure. So, Mr. Kookesh,  
22 we have that issue under discussion under item other, so  
23 I guess we can eliminate that from that part of the  
24 agenda when she gives her information.

25  
26 (Pause)

27  
28 MS. YUHAS: Thank you for the delay, Mr.  
29 Chairman. I actually discussed this with Staff at the  
30 break and we weren't sure if we should bring that for my  
31 presentation or if we should wait. So I appreciate that.  
32 Just give a second for the maps to be passed out.

33  
34 I was provided some maps of the area in  
35 question and the synopsis of the question is whether or  
36 not construction caused the eulachon stranding. After  
37 speaking with our habitat division and some of our  
38 biologists, we're under the impression that this was  
39 episodic and something that was not human caused and  
40 something that we could not control. We understand that  
41 it's happened more than once and there's quite a volume  
42 of eulachon that were stranded in the flooding incident.

43  
44 CHAIRMAN ADAMS: I see that. What  
45 happened there? I seem to remember vaguely about it, but  
46 I can't remember the details.

47  
48 MS. YUHAS: A synopsis of the details is  
49 that there was some assertion or question as to whether  
50 or not the construction at the airport caused the

1 stranding.

2

3 CHAIRMAN ADAMS: Okay.

4

5 MS. YUHAS: Our Habitat Division has  
6 researched this and has told us that they cannot conclude  
7 that the construction at the airport caused the  
8 stranding, that stranding had occurred before that as  
9 well. After their investigation, that was the  
10 conclusion.

11

12 CHAIRMAN ADAMS: Okay. So can we expect  
13 this to happen again then?

14

15 MS. YUHAS: Mr. Chairman. I believe that  
16 we have no expectations. We didn't expect it to happen  
17 the first two times. Since we haven't identified a source  
18 of the stranding, we don't have an expectation. It would  
19 have been simple if we could have identified that the  
20 source was the construction, then we'd have something we  
21 could mitigate. Since we identified that we couldn't  
22 conclude that the construction was a source.

23

24 CHAIRMAN ADAMS: Tim.

25

26 MR. ACKERMAN: Yeah, Mr. Chairman, if I  
27 could comment on this.

28

29 CHAIRMAN ADAMS: Sure. You bet.

30

31 MR. ACKERMAN: I was the one that took  
32 the pictures of the eulachons and the stranding there.  
33 In my entire lifetime of fishing up there since I was a  
34 young kid I can never remember another episodic stranding  
35 if you will.

36

37 Now the name Yendestakyeh, that's the  
38 village that was originally there. The name Yendestakyeh  
39 means a back eddy, a back flow. Now this is our  
40 traditional area where we have fished for thousands and  
41 thousands of years.

42

43 The first thing that altered the back  
44 flow here in this particular area was the construction of  
45 the airport. If you follow the road here where it curves  
46 right by the airport, that is the original beach line.  
47 That's where they carried John Muir up in his canoe, up  
48 into Yendestakyeh.

49

50 Now that was the first thing they did,

1 was they filled in for the airport there as you see it,  
2 right where the arrow points to the dike there now. The  
3 history of this area -- you know, we've used this for  
4 subsistence for thousands and thousands of years. Now,  
5 when they built this dike in there, that was the second  
6 blow to this sensitive subsistence area. The dike did  
7 not parallel the runway or parallel the river.

8  
9                   If you'll notice in the picture, it  
10 angles out quite a ways. What that did was the silt  
11 backed up against the barrier of the dike and started  
12 backfilling in and it changed the course of the river,  
13 which the river now diverts away from this particular  
14 area. Right off of that point there where our  
15 traditional fishing ground is, it's about 10 feet deep.

16  
17  
18                   Now last summer they did not return to  
19 this area. When that particular stranding happened,  
20 which was off of the golf course down here -- see now  
21 when you change the hydrology of the area, the stream  
22 flow, river flow is not moving the silt out of the area  
23 as fast as it used to. So these particular fish  
24 evidently thought possibly that they were in the main  
25 stream and the tide washed out and the biomass was  
26 stranded on the flats there.

27  
28                   Anyway, this is just my opinion on this  
29 particular area here. This isn't the only instance of  
30 somewhere where they have changed a subsistence area if  
31 you will. I had other communications with someone up  
32 north that they had built a harbor or something that they  
33 changed the flow of the river. Yeah, this really has had  
34 some effects on the people up there that subsist on this.

35  
36                   We have to go along the dike 100 yards  
37 out to get to the eulachon. For about two years in a row  
38 the eulachons didn't show up on the other side there and  
39 we were still trying to figure that out as well as the  
40 biologists. The eulachon is a whole different fish that  
41 they don't know a lot about. Anyway, I'll leave it at  
42 that. Thanks.

43  
44                   CHAIRMAN ADAMS: Thank you, Tim. One of  
45 the things that I found out about eulachon is they don't  
46 go back to the rivers in which they were spawned or the  
47 areas they originated from and that the habitat has a lot  
48 to do with it. So it appears to me like with the silt  
49 and everything being stirred up there it might have  
50 altered the habitat. I think that had a lot to do with

1 it. Anymore questions, comments. Mr. Wright.

2

3 MR. WRIGHT: I just have kind of a  
4 question, I guess. I mean why aren't there any birds  
5 there? I mean you would see eagles or seagulls or ravens  
6 or something just feeding off of this stuff, so I'm just  
7 curious why.

8

9 CHAIRMAN ADAMS: I don't know the answer  
10 to that question. Tim.

11

12 MR. ACKERMAN: This is an indigenous  
13 point of view if you will. I'm not a scientist by far.  
14 I find State agencies, government agencies, including  
15 archaeologists in their theory of the Beringia land  
16 bridge, they refuse to ask us our oral history and the  
17 people of the North America continent was a good one.  
18 You know, we all came across the Beringia land bridge.  
19 You know, they don't ask us where we came from. They  
20 know where we came from and oral history tells a story,  
21 but it's a pretty long one.

22

23 Anyhow, we were the ravens and the eagles  
24 that were out on the river flats picking up these  
25 eulachons. The best eulachons to a seagull is a eulachon  
26 that is swimming fresh in the water. So, yeah, they  
27 didn't come down and consume these. We were the only  
28 ravens and eagles out there on the riverbed shoveling  
29 these things up and hauling them to our pits. So, yeah,  
30 they left us alone and we salvaged what we could of the  
31 biomass. But, yeah, they prefer fresh eulachon in the  
32 river, water.

33

34 CHAIRMAN ADAMS: I'm just like a raven  
35 and an eagle then. I like them fresh myself. Let me  
36 see.

37

38 Anymore comments, questions.

39

40 Floyd.

41

42 MR. KOOKESH: Mr. Chairman. What you  
43 just heard Mr. Ackerman give us was a traditional  
44 ecological knowledge. We need to value that. I believe  
45 there's some merit to this. I just wonder what the  
46 impacts are when something like this occurs. This is not  
47 natural, right? This is not considered natural in the  
48 eyes of the local knowledge expert. So I'm just hoping  
49 this isn't going to continue. I don't know what to say.

50

1                   But I really wanted to bring the issue  
2 out so that we can have an idea if there was someone  
3 responsible and what the outcome is going to be.  
4  
5                   Thank you.  
6  
7                   CHAIRMAN ADAMS: Thank you. Anyone else  
8 have a question or comment. Go ahead, Patty.  
9  
10                  MS. PHILLIPS: Thank you. I'm curious to  
11 know what your impressions are of our meeting and what  
12 you'll be reporting back.  
13  
14                  MS. YUHAS: What I'll be reporting back  
15 is really as much as I could copy down, as fast as I  
16 could with my pen that will probably be short notes of  
17 the transcript. My ears work. My hand might not write  
18 as fast, but I tried to capture all of the different  
19 comments and all of the different opinions on things. The  
20 general discussion.  
21  
22                  My impression of your meeting is that you  
23 have a very engaged group. I see a lot of people that  
24 have done a lot of homework. Not just showing up to the  
25 meeting to kind of hear what you might be talking about,  
26 but very engaged people and I really appreciate some of  
27 you taking the time to do the human to human contact.  
28 Even Member Phillips teasing me a little bit on the boat  
29 yesterday.  
30  
31                  (Laughter)  
32  
33                  MS. PHILLIPS: I do that.  
34  
35                  (Laughter)  
36  
37                  CHAIRMAN ADAMS: Thank you. Anybody  
38 else.  
39  
40                  (No comments)  
41  
42                  CHAIRMAN ADAMS: Jennifer, we hope we see  
43 you again.  
44  
45                  MS. YUHAS: Thank you very much.  
46  
47                  CHAIRMAN ADAMS: Thank you. Okay. We're  
48 down to Item No. E other.  
49  
50                  I think we covered the eulachon mess, Mr.

1 Kookesh, through this discussion here. Are you satisfied  
2 with the Administrative Procedure Act that was also.....

3

4 MR. KOOKESH: (Nods affirmatively)

5

6 CHAIRMAN ADAMS: Okay. We want to bring  
7 that up again. So lets talk about the State fish  
8 proposals. Mr. Larson, please enlighten my memory about  
9 that if you would.

10

11 MR. LARSON: Mr. Chair. The Southeast  
12 finfish, and that includes commercial, personal use,  
13 subsistence and sport, the open period for proposals is  
14 now and it closes on April 8th. If the Council or any  
15 individual wishes to propose a change to the Southeast,  
16 Yakutat and Southcentral area State regulations regarding  
17 finfish, this is the time they could do it. To the best  
18 of my knowledge -- well, I could just tell you I've had  
19 no communications with anybody from the Regional Council  
20 to draft a regulatory proposal change for the State  
21 Board.

22

23 CHAIRMAN ADAMS: So if there's any of you  
24 who want to bring that up now, let's do it. Satisfied  
25 everyone? Mr. Lohse.

26

27 MR. LOHSE: Mr. Chair. If it's agreeable  
28 to you, one of the issues that I was hoping to bring  
29 before this Council is the same issue I brought before  
30 Council members in our Council and I've been bringing  
31 before tribal members every place I go. Just plain  
32 individuals every place I go. It deals with the  
33 proposals that are coming due and proposals that need to  
34 be made.

35

36 And, again, like Mr. Larson said, I'd  
37 like to remind you all that the only option we have for  
38 changing things is to put proposals in. Whether they  
39 come from the Council or from individuals or whether they  
40 come from tribes or any other organization, it's the only  
41 way we have to change the way things are.

42

43 Everywhere I go I hear the same thing.  
44 I heard Mr. Nielsen say the same thing about the same  
45 problems that I hear in Southeastern, that I hear in  
46 Southcentral, that I hear in the Interior, that I hear on  
47 the Kenai. Every place I go I hear the same thing. If  
48 you'll allow me 10 minutes, Bert, I'd like to go through  
49 it and I'd like to recommend that you, as individuals,  
50 Council members and members of tribes, think about

1 getting some proposals in to the Fish and Game.

2

3 I'll start by just saying when I came to  
4 Alaska in 1966 I went out to the Aleutian Peninsula to  
5 teach school and the first day I was out there, I like to  
6 fish, I went out fishing and I went out to catch some  
7 fish, and I came back with some dolly varden trout.  
8 That's the first time that I learned how important salmon  
9 was in Alaska. Because I came back and they said, oh,  
10 you didn't catch any fish. I said sure I did, I caught  
11 some fish. No, you didn't catch any fish. I said I  
12 caught some fish. They said, no, that's not a goddick  
13 (ph). A goddick is fish. You got a goddick biak (ph).  
14 Those aren't fish. To the people that lived out there  
15 fish was salmon.

16

17 When I get up in the Interior, I find out  
18 that the word for food in the Native languages up there  
19 is salmon. Salmon is the mainstem of our subsistence  
20 resources in the state of Alaska. More salmon is  
21 consumed than all the rest of the game. Salmon is the  
22 basis for life. When we first moved into the Chitina  
23 area, I got acquainted with a little old lady. She was  
24 over 100 at that time and she talked about the fish on  
25 the Copper River. Her comment on salmon was, when salmon  
26 were late in the spring people died. That was just all  
27 it. And I've never forgot that. I see how important  
28 salmon is to rural Alaska.

29

30 We have a need to protect that salmon for  
31 future generations. We have a need to protect it for  
32 your kids and my kids and our grandkids and our great  
33 grandkids. One of the main places that I see the problem  
34 with salmon -- I see three issues really, but one of the  
35 main places is I see the fact that we in Alaska do not  
36 protect our spawning grounds. We absolutely do not  
37 protect our spawning grounds. We allow all kinds of  
38 utilization on our spawning grounds.

39

40 I have some ideas on it. What I've done  
41 is I've given these ideas to other people and I say if  
42 you want to put these in your own words, put a proposal  
43 in. Let's show that there's interest in these ideas from  
44 all kinds of people. Let's get proposals before the  
45 Board so they have to consider them.

46

47 This is a proposal that Cordovans put in  
48 a long time ago. We put a proposal in a lot time ago and  
49 we got Eyak Lake and all of its subsidiaries --  
50 tributaries, we got it closed to the taking of salmon

1 because we recognized it as a salmon spawning area. But  
2 then we tried to do the same -- that was a long time ago,  
3 then politics have changed.

4  
5 We tried to do the same thing to protect  
6 our salmon spawning grounds above the road. We say,  
7 okay, let's allow fishing below the road down to  
8 saltwater, but all the upstream from the Copper River  
9 Highway upstream on the road on the flats should be  
10 closed to salmon fishing because these are the spawning  
11 grounds that our fish use. It didn't pass.

12  
13 We have seen a massive influx in people.  
14 We've seen a massive impact on our spawning grounds. And  
15 we've seen exactly what Mr. Nielsen was talking about.  
16 We've seen people come for two weeks. I personally  
17 talked to one at the airport and he was leaving with 11  
18 boxes of silver salmon fillets after a 10-day fishing  
19 trip. We've seen that kind of impact on our salmon  
20 spawning grounds.

21  
22 I would like to see that at least we  
23 recognize on Federal land that salmon is the chief  
24 subsistence resource and if salmon is a priority, then on  
25 Federal land -- at least on Federally managed waters we  
26 should do the best that we can to protect our salmon  
27 spawning grounds. Shallow water, deep water, if we know  
28 they're there.

29  
30 I had some rough ideas written out on how  
31 to write that up, but I think everybody here is good  
32 enough at seeing what the issue is and come up with a way  
33 to write something for a proposal to the Federal  
34 Subsistence Board and the State to protect the salmon  
35 spawning grounds in the State of Alaska.

36  
37 Another one that we have, and Mr. Nielsen  
38 hit it real solid, is that we have a finite number of  
39 qualified rural subsistence users in the state of Alaska.  
40 We actually have a finite number of commercial fishermen.  
41 That finite number is regulated by time, area and gear  
42 and all this kind of thing, so we have good data on  
43 what's caught, so we can regulate seasons on that.

44  
45 We have an infinite number of  
46 non-resident sportfishermen promoted by everybody from  
47 Cabelas to -- I think I was reading something the other  
48 day, our state government is talking about having a booth  
49 in Las Vegas to promote access to Alaska. All of us have  
50 our horror stories. I'll just share one of the ones that

1 hit me this last fall.

2

3 We all know about the red hat in the  
4 morning, the green hat in the afternoon and the black hat  
5 at night and the misuse of a law that was written for  
6 Alaskans so that we could preserve fish so we'd have food  
7 for the winter and how it's being misused by a lot of our  
8 non-resident fishermen.

9

10 But I accosted one of these on one of the  
11 streams outside of Cordova this fall and I just happened  
12 to know him good enough that I could talk to him and it  
13 was his third limit for the day and I just basically  
14 asked him what did he think he was doing and his comment  
15 was, what's the matter, these are all going to die  
16 anyway. We forget that the people are coming from  
17 someplace else. They're used to fishing hatchery fish.  
18 They have no concept that a fish resource is finite. The  
19 concept that there's a bag limit for a reason. There's  
20 a possession limit for a reason. It isn't part of their  
21 concept. I've had German fishermen, talking to them.  
22 (In German). I've had German fishermen talk to me that  
23 were here and they were bragging about the fact that they  
24 were going to take enough fish home to pay for the trip.

25

26 The funny thing is -- or not the funny  
27 thing, the sad thing is I don't just see that myself. I  
28 hear that everywhere I go. I hear that on the Gulkana,  
29 I heard that on the Russian, I hear that down on the  
30 Kenai Peninsula, I heard it here in Southeastern.  
31 Everywhere we go in the state this is a problem.

32

33 The problem comes because we wrote a law  
34 that allows us as Alaskans to preserve fish so they're  
35 not part of the bag limit so that we can keep them in our  
36 freezer over the course of the winter or in our jars or  
37 something like that. It was never meant to apply to  
38 somebody who is a non-resident coming and sportfishing  
39 for the weekend. It was never meant that you could catch  
40 fish, take them to the local processor or like one of the  
41 ones I came across take them back to your camp where  
42 you've got a freezer and a vacuum packer and vacuum pack  
43 them and freeze them. Like Mr. Nielsen said, after a nice  
44 fishing trip, go out with eight containers of fish.

45

46 So I have some ideas on that one. One is  
47 I think that law needs to be changed. That law should  
48 not apply to anybody except Alaskans. That should not be  
49 a law that applies to non-residents. Non-residents ought  
50 to be allowed to go out of the state of Alaska with

1 either a daily bag limit or a possession limit of fish  
2 and there ought to be a tag or a shipping permit on the  
3 back of their license that they can fill out to accompany  
4 their fish and a report that goes to the State of Alaska.

5  
6 The other thing is, if you go to  
7 California and try to transport fish out of California,  
8 one of the things you have to do is your fish has to be  
9 in a form that you can tell how many fish there are and  
10 with a piece of skin on it so you can tell what the  
11 species of the fish is. That ought to apply to Alaska.

12  
13 Another thing, when people come to the  
14 state of Alaska to go hunting, they can buy a hunting  
15 license. What does that give them the right to hunt if  
16 they're non-residents? Small game. Unimportant things.  
17 What happens if they want to go hunt one of our Sitka  
18 black-tailed deer? Costs them a \$250 tag. Deer, from my  
19 people that I know in Minnesota, are a pest. They're not  
20 really a trophy. For them to come up and pay \$250 for a  
21 tag to shoot a deer they'd think that was ridiculous.

22  
23 But a king salmon is a trophy and halibut  
24 is a trophy, but they also have great subsistence and  
25 economic value to the people in Alaska and we give them  
26 away with a \$35 license. Every halibut, every king  
27 salmon that leaves the state of Alaska should have to  
28 have a trophy tag hooked onto it. They should have to  
29 buy a trophy tag the same as you buy a trophy tag for a  
30 deer.

31  
32 If we do some things like this, we could  
33 still allow the fishing to take place. We can allow them  
34 to have the experience, but we can do that without  
35 robbing our state of the resource that we have. These  
36 boxes of fish that go out robs the state of its raw fish  
37 tax for lack of a better way of putting it. They weren't  
38 meant to be done that way.

39  
40 I think these are things that we need to  
41 think of as individuals, we need to think of as tribes,  
42 we need to think of as Councils and we need to not wait  
43 for somebody else to put the proposals in. We just need  
44 to put proposals in. And if they come from the tribes,  
45 they carry more weight than they do if they come from  
46 individuals. This is the kind of thing as we look at the  
47 future of salmon in the state of Alaska, I think we're  
48 going to have to wake up and start looking at it.

49  
50 Another one that I would put in is on

1 Federal waters. If there's not sufficient fish for a  
2 subsistence fishery, there's not sufficient fish for a  
3 sport fishery. If there's not sufficient fish for a  
4 consumptive fish fishery, then there's definitely not  
5 sufficient fish for a catch and release fishery because  
6 all of them have mortality. So if you're going to have  
7 a catch and release fishery, it should have a limit on it  
8 just like a sport fishery or a subsistence fishery. What  
9 that is, I don't know. We're capable to work together to  
10 figure out what that is.

11  
12 I have another horror story. This was a  
13 friend of a friend. He brought his friends down, they  
14 went down to the little river below Cordova and the guy  
15 was bragging about the fact. Oh, man, after the first  
16 day's fishing, I fished from 6:00 o'clock in the morning  
17 till 8:00 o'clock at night and my arms were just wore off  
18 and I know I caught over 200 cohos. Well, if he caught  
19 over 200 cohos, the odds are pretty good that he probably  
20 killed more than what the limit was. Even using the  
21 smallest amount of mortality and he affected these fish  
22 for their future spawning.

23  
24 Catch and release to the Interior  
25 Athabaskans is called ingee (ph). It's a taboo. It's  
26 culturally repulsive and almost all of your Interior and  
27 Northern Native populations it's a culturally repulsive  
28 practice. Being that at least on Federal waters for the  
29 sake of our Native population and our subsistence users  
30 we should look at this and say at least regulate it to  
31 the point where it doesn't impact our fisheries resource.

32  
33 Again, these are things that can come  
34 from the kind of organizations that all of you deal with.  
35 So I'm encouraging you and everybody I come in contact  
36 with if we're going to save the salmon in the state of  
37 Alaska we need to wake up and we need to do something  
38 about some of these important issues and the only way  
39 we'll do something is if we put proposals in. It needs  
40 to be in front of the Board. It needs to be in front of  
41 the Boards. I'll put it that way.

42  
43 Thank you, Bert, for allowing me to rant  
44 and rave for a little while.

45  
46 CHAIRMAN ADAMS: Thank you for ranting  
47 and raving. We appreciate it, Ralph. Anything else that  
48 we need to talk about on fish proposals.

49  
50 MR. ACKERMAN: If I could comment on his

1 -- yeah, real good listening to your -- salmon habitat  
2 enhancement is what we call it when we shoot seals that  
3 are working over the fry. It's a good point. I seen in  
4 Auke Bay harbor they've got these big floating  
5 breakwaters and these big 10 foot X 10 foot square  
6 openings in the center of the breakwater. In the  
7 wintertime the seal will school up the fry and the smolt  
8 into these square openings in the dock and so the fry are  
9 up underneath the dock in this big 10-foot-wide hole, so  
10 it contains the fries and then they come up and wipe them  
11 out. It's unbelievable. I've seen them working the  
12 docks for years.

13

14 Another interesting thing that I've been  
15 doing in the salmon enhancement in the Chilkoot River  
16 where we fish, we have thousands of fish hooks in this  
17 river, so we go through in our chest waders when the  
18 river gets low and we take out all the fish hooks and  
19 beer cans and everything associated with fishing. We've  
20 been trying to keep this river section clean. It's about  
21 a mile. But when you introduce thousands of hooks in  
22 there and if they're not cleaned up or if they're not  
23 readily easily available to pick out of the water, what  
24 you do is you change the chemical makeup of the water  
25 with all these introduced metals that are on these fish  
26 hooks as they corrode and oxidize in this water. Real  
27 interesting. Thousands of hooks in there.

28

29 That one in the Russian River where they  
30 pulled that log out and there was just thousands and  
31 thousands of hooks on it. What you do is you're changing  
32 the chemical composition with these fish hooks being left  
33 in the river. We pull out different fish hooks in  
34 various stages of corrosion. Very interesting up there.

35

36 We have Fish and Game where they actually  
37 pounded steel piling all the way across the Chilkoot  
38 River. For years the locals have been trying to get them  
39 to remove these pilings out of the stream bed, the  
40 spawning beds. The reason being, I pointed out to them  
41 numerous times is that they're just steel piling.  
42 There's no protective coating on them, so they're  
43 deteriorating in the salmon spawning beds. There's folks  
44 in here -- you know what iron bacteria is. Is there  
45 people in here that know what iron bacteria is? It's in  
46 streams. I'm sure the Fish and Game is real familiar  
47 with it.

48

49 When the steel piling corrodes in the  
50 salmon spawning beds, it's turning the whole spawning

1 beds full of iron bacteria and they're turning a brick  
2 red underneath. You can take samples down below these  
3 steel pilings in the salmon beds and it's changing the  
4 water that these salmon are spawning in. It could be  
5 taking the oxygen out of where the salmon lay their eggs  
6 and destroying the eggs.

7  
8 So all this is what I call  
9 environmentally sensitive subsistence area and all this  
10 metal that's introduced into this river and is left there  
11 is changing the salmon habitat. It's just my concern and  
12 we're trying to correct it. When you talk about salmon  
13 enhancement, taking care of the spawning beds is exactly  
14 what we do and it's a volunteer basis what we're doing.  
15 But we're well aware of it and we're trying to correct  
16 the situation. So, yeah, we have a bunch of volunteers  
17 that pick up fish hooks out of the river. So thanks for  
18 bringing that to attention.

19  
20 CHAIRMAN ADAMS: Thank you, Tim. Mr.  
21 Bangs.

22  
23 MR. BANGS: Thank you, Mr. Chairman. Is  
24 the intent of this discussion about fisheries proposals  
25 is that spurred by -- I think this coming winter is this  
26 cycle for finfish for the Board of Fish. Will we have  
27 time if we were to generate a proposal we could go over  
28 it at our next meeting and still meet the deadline?

29  
30 MR. LARSON: Mr. Chairman. No. The  
31 deadline is April 8th of this year. If the Council  
32 wanted to generate a proposal, we could do that. If not,  
33 there's opportunity for individuals to submit proposals  
34 after this meeting. But it's April 8th this year.

35  
36 MR. BANGS: Thank you, Mr. Chairman. Mr.  
37 Larson. Not to take up any more time. I know it's  
38 getting late, but I had thought about making --  
39 generating a fisheries proposal by myself, but if the  
40 Council would be interested it's simply a proposal to  
41 address a lot of the issues that you raised in an annual  
42 bag limit for non-residents for all species of salmon.  
43 We have with king salmon. I'd like to extend that annual  
44 bag limit to non-residents for other species. Just  
45 throwing it out there for the Council, but I thought  
46 about drawing that proposal up myself.

47  
48 CHAIRMAN ADAMS: What's the Council's  
49 wish? You just want to let Mr. Bangs carry it forth from  
50 here for us?

1 (Council nods affirmatively)  
2  
3 CHAIRMAN ADAMS: Ms. Phillips.  
4  
5 MS. PHILLIPS: Should that be a motion?  
6  
7 CHAIRMAN ADAMS: Do you want to put it  
8 into a motion? Okay. Go ahead. Do you want to make the  
9 motion?  
10  
11 MR. BANGS: Thank you, Mr. Chairman. I  
12 want to make a motion that the Council supports a  
13 proposal putting forth to the Board of Fish at the next  
14 regulatory cycle for finfish that we impose a non-  
15 resident bag limit on all species of salmon to be  
16 determined by the Board.  
17  
18 CHAIRMAN ADAMS: Do I hear a second.  
19  
20 MS. PHILLIPS: Second.  
21  
22 CHAIRMAN ADAMS: Seconded by Ms.  
23 Phillips. Discussion. John.  
24  
25 MR. YEAGER: Thank you, Mr. Chairman.  
26 Possibly in the wording of that you may want to  
27 differentiate or add the non-resident, non-guided or  
28 guided. You might want to include both of those. If  
29 we're talking about sustainability of the resource,  
30 there's just as much happening with the non-guided sector  
31 as there is the guided sector. I also feel it would be  
32 worth making it statewide. I hope that would be the  
33 original intent of that proposal and not just area  
34 specific.  
35  
36 One thing I would like the Council to  
37 keep in mind is that with the limitations set on the  
38 guided charter industry, there will be significant  
39 businesses go under by the end of this year. Mine might  
40 be included. So we should keep that in mind as far as  
41 the impact on the species that we're addressing here  
42 because the impact could be somewhat less significant  
43 over the next couple of years.  
44  
45 Thank you.  
46  
47 CHAIRMAN ADAMS: Would you accept that as  
48 a friendly amendment, the guided and non-guided issue?  
49  
50 MR. BANGS: Thank you, Mr. Chairman. If

1 we worded it just non-resident period it would cover both  
2 guided and non-guided. That was my intention.

3

4 CHAIRMAN ADAMS: Okay, John?

5

6 MR. YEAGER: (Nods affirmatively)

7

8 CHAIRMAN ADAMS: All right. Any further  
9 discussion.

10

11 MS. PHILLIPS: Call for the question.

12

13 CHAIRMAN ADAMS: The question has been  
14 called for. Just go over it again for us if you would,  
15 Mr. Bangs.

16

17 MR. BANGS: Thank you, Mr. Chairman. The  
18 motion is to generate a proposal from the Southeast  
19 Regional Advisory Council requesting the Board of  
20 Fisheries to put in place an annual bag limit on all  
21 species of salmon -- king salmon, by the way, is already  
22 an annual limit, but I'd like to include the other  
23 species of salmon to have an annual bag limit for  
24 non-residents.

25

26 Thank you.

27

28 CHAIRMAN ADAMS: Mr. Hernandez, go ahead.

29

30 MR. HERNANDEZ: I guess my one question  
31 would be how would that annual bag limit be determined?  
32 Who would determine that? Do you have any suggestions as  
33 to what it would be or how that would be determined?

34

35 CHAIRMAN ADAMS: Mr. Bangs.

36

37 MR. BANGS: Yes, that would be determined  
38 through the input and response by advisory committees,  
39 people that show up at the Board meetings, and all  
40 parties, stakeholders would come to an agreement on what  
41 that number should be and then the Board would make the  
42 decision. That would be my interpretation of what would  
43 happen.

44

45 CHAIRMAN ADAMS: Did somebody else have  
46 their hand up.

47

48 (No comments)

49

50 CHAIRMAN ADAMS: Ready to vote.

1 MS. PHILLIPS: Call the question.  
2  
3 CHAIRMAN ADAMS: The question has been  
4 called for. All in favor please say aye.  
5  
6 IN UNISON: Aye.  
7  
8 CHAIRMAN ADAMS: Opposed say nay.  
9  
10 (No opposing votes)  
11  
12 CHAIRMAN ADAMS: Thank you. Right about  
13 now it's time to -- we would have a break by now, but  
14 we've only got a few more things on the agenda. Would  
15 you like to just keep on going and end a little bit early  
16 and get the agenda behind us so we can get ready to go  
17 home. Okay, let's go ahead.  
18  
19 The next thing then would be -- oh, we've  
20 got a hearing issue. Did you bring that up, Floyd, as an  
21 item under other.  
22  
23 MR. KOOKESH: Mr. Chairman. I don't know  
24 where my notes are from the other day. I wrote them  
25 somewhere. I would like to hear from Sitka Tribes on the  
26 hearing issue.  
27  
28 CHAIRMAN ADAMS: Mr. Baines.  
29  
30 MR. BAINES: Thank you, Mr. Chair.  
31 Council members. I'm Mike Baines. I'm the tribal vice-  
32 chairman at the Sitka Tribal Council. At John  
33 Littlefield and Woody's encouragement I'll come up and  
34 tell you a little bit about what our concerns are with  
35 herring in Sitka.  
36  
37 First of all, I'd like to put in a plug.  
38 We're having a 50/50 raffle at the Sitka Tribe. Our  
39 staff is putting on a kids herring derby, a fun little  
40 activity, and they're doing a 50/50 raffle to raise the  
41 prizes. They're trying to raise \$1,250 for the prizes,  
42 which means the winner would win \$1,250 if we sell the  
43 amount of tickets they want.  
44  
45 The Sitka Tribe has a herring committee  
46 that advises the council on herring issues and there's  
47 about seven or eight members that show up regularly.  
48 They've been coming for years. The council passed a  
49 motion to send a letter to enforcement for them to  
50 enforce rules against non-residents gathering subsistence

1 -- well, herring eggs in this instance, and they're  
2 getting paid as well. The boat and crew are getting paid  
3 by a local Sitka organization. There's been a little bit  
4 of -- and a boat locally, so it might come up to your  
5 town because the boat also delivers herring eggs to other  
6 communities.

7  
8 I hope you pass it on to your communities  
9 that we recognize that herring eggs have always gone to  
10 other communities. That wasn't our intent to keep them  
11 from shipping the herring eggs to other communities, but  
12 just for enforcement to enforce the rules against non-  
13 residents.

14  
15 There's also a huge GHL or quota for the  
16 herring this year in the sac roe fishery. That's a big  
17 issue because I think in about three of the last six  
18 years we've had a very poor subsistence herring egg  
19 season or gatherings. We do a survey. The State of  
20 Alaska helps us do a survey with subsistence herring egg  
21 gatherers and in three of the last six years we've had  
22 very poor herring egg gathering seasons. In all of those  
23 years the sac roe -- the fishery has harvested record  
24 amounts of herring. So we're always concerned about that.

25  
26 Sitka Tribe is also spearheading a study  
27 funded by the Bureau of Indian Affairs and Heather Woody,  
28 she's been here every day except when I need her she's  
29 not here. She's kind of spearheading that. She's our  
30 herring biologist. There are participants from quite a  
31 few agencies, like the State of Alaska. There's about a  
32 dozen agencies participating in that.

33  
34 Somebody mentioned Board of Fish  
35 proposals. Our herring committee has recommended three  
36 proposals from the tribe so those will go to tribal  
37 council first before we submit them. I'm also on the  
38 Fish and Game Advisory Committee and the herring  
39 committee has asked me to bring a proposal straight to  
40 the advisory committee, so those will be coming up  
41 hopefully.

42  
43 I guess that's it. I'd be open to  
44 questions if anybody has any.

45  
46 CHAIRMAN ADAMS: Thank you, Mr. Baines.  
47 Any questions. Donald.

48  
49 MR. HERNANDEZ: Thank you, Mr. Chairman.  
50 Yeah, Mr. Baines, I was just wondering can you kind of

1 generally tell us what your proposals are dealing with at  
2 the Board of Fish.

3

4 MR. BAINES: Well, I remember one of them  
5 because we're hoping to reverse a decision that the Board  
6 made at their meeting a couple years ago, which was to  
7 allow the Fish and Game management biologist to count the  
8 herring in Salisbury Sound, which is at the north end of  
9 Kruzof Island. They passed a regulation that allows them  
10 to count the fish up there when they determine the GHLL  
11 for Sitka Sound. So that's the one I remember. I don't  
12 remember what the other two are.

13

14 One we're going to send directly to the  
15 AC is to set up a subsistence -- not a subsistence zone,  
16 but a sanctuary zone for herring. I'd have to get back  
17 to you on the other two.

18

19 CHAIRMAN ADAMS: Okay. Thank you.  
20 Follow up.

21

22 MR. HERNANDEZ: Yes. That sanctuary zone  
23 you mentioned, I think I talking to some folks on the  
24 boat ride yesterday. It was probably Harvey, actually,  
25 was telling me about it. Would that essentially be this  
26 core area that we also had a map distributed there that  
27 kind of showed your core subsistence area? Is that the  
28 idea for the sanctuary, that that would -- are you asking  
29 for that to be a closed area or have some kind of special  
30 consideration?

31

32 MR. BAINES: Mr. Chair. I think that's  
33 the idea. There are several areas where we've always  
34 gotten herring eggs because it's close to town and  
35 there's no sand and gravel and mud that would get in the  
36 herring eggs and we've just always gotten the herring  
37 eggs, our best herring eggs. I think that was the idea  
38 to keep the fishermen from those areas.

39

40 CHAIRMAN ADAMS: One more.

41

42 MR. HERNANDEZ: Just one more comment.  
43 The Council may not have proposals prepared by April 8th,  
44 but I think we probably -- I'm not sure exactly the  
45 timing, but we probably will have a chance to comment at  
46 our next meeting and put input in on other proposals I  
47 would hope. I'll just remind we'll probably take a close  
48 look at proposals the Sitka Tribe is proposing and  
49 hopefully we'll be able to support those at our next  
50 meeting.

1 CHAIRMAN ADAMS: If you could forward  
2 those proposals to our coordinator, then we'll have it  
3 for the next meeting.

4  
5 MR. BAINES: Sure.

6  
7 CHAIRMAN ADAMS: Thank you. Anymore.  
8 Robert.

9  
10 MR. LARSON: Mr. Chair. Yes, I would  
11 like to remind the Council that there will be an agenda  
12 item at our meeting in Wrangell that will have comments  
13 for all of the proposals that were made to the Board of  
14 Fisheries. So there will be adequate time. There will  
15 be quite a bit of work on the Staff part prior to that  
16 meeting regarding Board of Fish proposals, so you'll have  
17 access to those.

18  
19 CHAIRMAN ADAMS: Okay. Thanks. Thanks,  
20 Mr. Baines. Appreciate it. Oh, you're not done.

21  
22 Mr. Wright has a question for you.

23  
24 MR. WRIGHT: Thank you, Mr. Chairman.  
25 You mentioned something about stopping a boat from coming  
26 over to Hoonah and saying something about he was getting  
27 paid from somewhere, but when this boat Julia K had come  
28 over the past two years even I had offered money for fuel  
29 and he would always say no, we're not taking any money.  
30 I've seen other people try to offer him money and he  
31 would always refuse to take any money. So I'm just  
32 curious if this is the boat that did Hoonah a great  
33 service and I'm not sure what other communities he went  
34 to, but I think some of our people are going to be  
35 disappointed that he's not coming back again this year.  
36 You said something about enforcement. Is enforcement  
37 going to be stopping him from doing this anymore?

38  
39 MR. BAINES: Mr. Chair. I don't know  
40 what happened after we sent the letter, if they talked to  
41 the boat or the owner or what. I don't know what happened  
42 after we sent the letter.

43  
44 CHAIRMAN ADAMS: Do you have follow up.

45  
46 MR. WRIGHT: Thank you, Mr. Chairman. I  
47 know there's going to be enforcement and I know the boat  
48 is not going to be coming, so I'm just going to have to  
49 tell people who stopped him from coming because our  
50 community really liked it when he came because the first

1 time he came he was amazed at the amount of people that  
2 had come down to the boat. He had stacked his deck  
3 completely full, probably within an hour, hour and a  
4 half, the whole deck was empty and the people really  
5 enjoyed that. Last year there was another Hoonah boat  
6 that came over and got eggs and then he came in again the  
7 last year and the same thing. So I'm just curious what  
8 I'm supposed to say because people are going to ask me.  
9 You know, the first time he came in they contact me, so  
10 I just told about two people and within an hour the whole  
11 town knew about it.

12

13 Thank you, Mr. Chairman.

14

15 MR. BAINES: Thanks, Mr. Chair. I was  
16 hoping not to have to get into all the politics and  
17 stuff, but the organization that pays the boat really  
18 fights us tooth and nail on subsistence issues and I  
19 think that's another reason we sent the letter.

20

21 CHAIRMAN ADAMS: I've heard a little bit  
22 about that. Thanks. We have a short question here.

23

24 MR. ACKERMAN: Just listening to him, we  
25 have two types of things happening right now. We have  
26 the boat that hauls the eggs and just gives them away for  
27 free in different communities and then we have the boats  
28 that haul the eggs to the communities and takes a fuel  
29 subsidy to get it there, so that's just a little bit of  
30 what's going on in his proposals.

31

32 Thank you.

33

34 CHAIRMAN ADAMS: Thank you, Tim. Go  
35 ahead.

36

37 MR. KOOKESH: Yeah, Mr. Chairman. I just  
38 talked to a harvester who's like a provider for our  
39 people from Sitka and he informed me that he was  
40 approached yesterday by a non-native who said I had my  
41 son follow me to Juneau and take pictures of you while  
42 you distributed eggs and that you're selling them. So  
43 I'm wondering -- this is an individual, not law  
44 enforcement. But information like that, will it affect  
45 the outcome of what this non-Native wants where he  
46 doesn't want the Natives to be distributing it among  
47 their people, which is something we've done forever.

48

49 I mentioned earlier that we view Sitka  
50 herring eggs as Alaska's resource because this stuff goes

1 all the way up to the Interior, to communities like  
2 Marshall. Sitka people aren't the only ones that eat  
3 them. What I'm wondering is the person is being  
4 threatened because they're being providers for our  
5 people. I'm at a loss that there seems to be a fine line  
6 here about bartering and selling. I've never seen rich  
7 herring egg providers.

8  
9 We have a gentleman in Angoon who people  
10 give him money for his fuel costs so he can come here and  
11 stay here. Sitka is not an expensive place to come here  
12 and to set branches. I don't know if we've ever sat down  
13 and did what the actual cost would be for a person. But  
14 when that boat comes back to Angoon it's a community  
15 event. So do we start threatening them so that people  
16 that want herring eggs -- you know, we don't take herring  
17 eggs just to, to use one term, piss off the non-Native  
18 community. We take herring eggs because it's what we  
19 want to eat and it's something we look forward to eating.  
20 I'm wondering is this person supposed to be afraid that  
21 he's becoming a target and he needs to stop doing what  
22 we've done before 1492, something to that effect.

23  
24 I'm just wondering where this is going to  
25 go. It can't stop because the people that he provides to  
26 in Juneau all take it. Those herring eggs don't go to  
27 waste. You can take a truckload of herring eggs to  
28 Juneau and it will be gone. I can tell you for a fact  
29 that years ago Alaska Marine Highway did not allow  
30 anymore boxes to be put on unless -- this was before 911.  
31 Coming to Angoon unless there was somebody traveling with  
32 that. And there's a load limit. We used to get a lot --  
33 the ferry would come to Angoon from Sitka and would bring  
34 us all herring eggs.

35  
36 Now because of the scare tactics of the  
37 commercial fisheries or law enforcement, State of Alaska,  
38 we're curtailing something that's a part of our  
39 lifestyle. I know for a fact that even I have stopped  
40 enjoying it the way I used to because it's almost a crime  
41 and it shouldn't be like that. People shouldn't be  
42 writing letters to anybody. People shouldn't be  
43 threatening anybody.

44  
45 Somebody was telling me when I got here  
46 that a load -- I think it was on the boat yesterday that  
47 a load of herring came in and the Japanese rejected it,  
48 so it was all dumped. That's wanton waste. That should  
49 be counted against their limit.

50

1 I'm just wondering. If you go -- a lady  
2 just lost her husband. What is she supposed to do in  
3 Angoon? They loved herring eggs. Is she supposed to run  
4 her boat over -- this is a good example. Bring her boat  
5 over, have knowledge of the area, purchase fuel, stay in  
6 the hotel, eat in the restaurants, keep her product  
7 refrigerated, fly in. What are we supposed to do?

8  
9 What I'm wondering, my question goes back  
10 to, is this a crime for someone to be distributing it to  
11 our people because we all can't come here with our boats.  
12 I know for a fact that I have a 26-footer. I could take  
13 eight people and run -- carry eight people in the beach  
14 seine and run to Basket Bay and come back with all my  
15 coolers full in my boat and save all these other people  
16 all this expense. Does that make me a criminal too?

17  
18 Because, you know, it gets down to the  
19 economy of scale. It's like -- I don't know who in the  
20 public process said that, maybe 1970, you should only use  
21 one rod per person. When they said that, price of fuel  
22 was probably 35 cents a gallon, one rod per person. Now  
23 fuel is \$4.54 in Angoon and rising. One rod per person.  
24 You've got to be kidding when we're going to stick by  
25 that standard with the price of fuel being what it is.

26  
27 On the idea too -- I'm jumping a little  
28 ways. The idea that someone was asking -- the motion we  
29 just made for a proposal, what standard are we going to  
30 apply. Why don't we apply it to that 15 per household  
31 like they do in Angoon. I just had a conversation with  
32 a young lady here, Jennifer. Let's go to the household  
33 standard that they're applying to Angoon for  
34 non-residents. You're only allowed 15 silvers per  
35 household. That's it. Not per person, per day. It  
36 needs to go that way.

37  
38 So what do we do? What are we going to  
39 do about it? What is Sitka Tribes doing? I know that  
40 this is our, not only their battle also, but I'm asking  
41 him the question. But we need to stand united beside our  
42 harvesters, the same way we need to stand behind our  
43 community seines.

44  
45 MR. BAINES: Mr. Chair. A couple of  
46 those issues came up with the tribe. George Ridley, who  
47 recently passed away a few weeks ago, he asked if the  
48 tribe should take a stance on selling of herring eggs, so  
49 we sent that to the herring committee and the herring  
50 committee said, just like somebody said, nobody is going

1 to get rich selling herring eggs. It's a huge time  
2 consuming and labor intensive task to even get herring  
3 eggs, so the herring committee recommended that the  
4 council not take any action, so it was on the council's  
5 agenda and that's what we did. We decided to not take  
6 any stance on the selling of herring eggs. I think Mr.  
7 Littlefield brought it up that there was a court case  
8 that set a precedent that allows people to sell up to a  
9 certain amount of herring eggs as far as cash value. I  
10 think it was a little over \$12,000 or something. 22,000  
11 pounds, I guess. Did you have something else?  
12

13 MR. KOOKESH: I just wonder is there an  
14 effort out there to stop harvesters from being providers  
15 for our Native community and if it is, who is it? And is  
16 it a crime?  
17

18 MR. BAINES: Not that I know of, but  
19 we're constantly fighting the industry and the Fish and  
20 Game on even -- we think there is issues caused by the  
21 fishery. It's all just because of all the test setting  
22 and fishing close to our herring egg gathering areas that  
23 scares the herring away and that kind of thing. I don't  
24 think anybody has lately tried to stop us from getting  
25 traditional foods.  
26

27 One thing I will say is we were up for  
28 review on our rural status a few years back, which is a  
29 Federal thing, but if we ever lost our rural status, our  
30 tribal attorney said the next thing someone would do is  
31 petition the State to declare Sitka a non-subsistence  
32 zone and that would have an impact on our herring egg  
33 gathering. So we're always looking at that rural status  
34 thing.  
35

36 CHAIRMAN ADAMS: Thank you, Mr. Baines.  
37 We're going to go into the next item on the agenda, Item  
38 No. 14, the election of the officers.  
39

40 I'm going to turn it over to our  
41 coordinator for that. Mr. Larson.  
42

43 MR. LARSON: Thank you, Mr. Chair. At  
44 this time we have an election of officers. The way we're  
45 going to do business is that I will entertain nominations  
46 for a new chairman. Once we have a vote and select a new  
47 chairman, then he immediately takes over responsibilities  
48 as Chair and will preside over the elections for the vice  
49 chair and the secretary.  
50

1                   You'll notice that the election of  
2 officers takes place at the end of the meeting. That's  
3 been the tradition for the Southeast Council. At this  
4 point I will entertain nominations for chairman of the  
5 Southeast Advisory Council. Mr. Bangs.

6  
7                   MR. BANGS: Thank you, Robert. I'd like  
8 to nominate Bert Adams for Chair.

9  
10                  MS. HAWKINS: Second it.

11  
12                  MR. LARSON: Thank you. The process is  
13 that if there are other nominations then we'd like to  
14 hear them. The process is that if there are other  
15 nominations, then we'd like to hear them. The first  
16 person -- we'll vote on them in order of the first person  
17 to get a majority vote as our new Chairman.

18  
19                  Are there any other nominations for  
20 Chairman.

21  
22                  (No comments)

23  
24                  MR. LARSON: Not hearing any, then a vote  
25 is unnecessary and Mr. Adams is going to be our new  
26 Chairman for the next year.

27  
28                  Congratulations, Bert.

29  
30                  CHAIRMAN ADAMS: Thank you, Mr. Larson.  
31 The new/old Chairman. So we'll go ahead with the vice  
32 chair nominations. Nominations are opened up for the  
33 vice chair. Any nominations, please. Go ahead, Donald.

34  
35                  MR. HERNANDEZ: Thank you, Mr. Chairman.  
36 I'd like to nominate Mike Bangs for vice chair.

37  
38                  CHAIRMAN ADAMS: Mike Bangs has been  
39 nominated. Any other nominations.

40  
41                  (No comments)

42  
43                  CHAIRMAN ADAMS: Hearing none, I declare  
44 Mike Bangs the vice chairman. Okay. The next officer we  
45 need to take care of is the secretary. The floor is now  
46 open for nominations for secretary.

47  
48                  Mr. Bangs.

49  
50                  MR. BANGS: Thank you, Mr. Chair. I

1 nominate Harvey Kitka for secretary.

2

3 CHAIRMAN ADAMS: Harvey Kitka has been  
4 nominated. Any other nominations.

5

6 (No comments)

7

8 CHAIRMAN ADAMS: Hearing none, we'll  
9 declare Harvey Kitka as the secretary for the RAC this  
10 year. We can take care of that order of business is over  
11 now. Thank you. Thank you very much for your confidence  
12 again. I look forward to another great year for this RAC  
13 and I'm really happy that we have a full contingent of  
14 people serving on it. Thirteen people. We haven't had  
15 that in a long time.

16

17 Let's go into other business. We need to  
18 confirm the date and location of the fall 2011 meeting.  
19 It's going to be in Wrangell and it's slated for  
20 September 27 to 29. If that's okay with the Council.  
21 Mr. Larson, go ahead.

22

23 MR. LARSON: Mr. Chair. The schedule for  
24 the fall meetings can be found on Page 59. The only  
25 correction to the calendar that's on Page 59 is that the  
26 Eastern Interior meeting is October 11th through the  
27 13th. That does not affect the tentative meeting of the  
28 Southeast Regional Council, which is now scheduled for  
29 Wrangell September 27th through the 29th.

30

31 Thank you.

32

33 CHAIRMAN ADAMS: Donald.

34

35 MR. HERNANDEZ: Mr. Chairman. I was  
36 hoping to get your attention before we moved on to this.  
37 According to my recollection, I think we missed one piece  
38 of business that Mr. Douville had asked at the start of  
39 the meeting be added to the agenda. That would be the  
40 issue dealing with the outfitter guide permitting process  
41 that's going on in the Prince of Wales Island. He asked  
42 for a letter of support.

43

44 I just wanted to draw your attention to  
45 that.

46

47 CHAIRMAN ADAMS: Thank you. Let's finish  
48 this calendar issue and then we'll go back to that. So  
49 okay with Wrangell?

50

1 MS. PHILLIPS: Mr. Chair. Do we need a  
2 motion?  
3  
4 CHAIRMAN ADAMS: Yes.  
5  
6 MS. PHILLIPS: I move that we schedule  
7 our fall meeting for Wrangell September 27th through  
8 September 29th.  
9  
10 MR. BANGS: Second.  
11  
12 CHAIRMAN ADAMS: It's been moved and  
13 seconded. Any discussion.  
14  
15 (No comments)  
16  
17 MS. PHILLIPS: Call for the question.  
18  
19 CHAIRMAN ADAMS: The question has been  
20 called for. All in favor say aye.  
21  
22 IN UNISON: Aye.  
23  
24 CHAIRMAN ADAMS: Opposed nay.  
25  
26 (No opposing votes)  
27  
28 CHAIRMAN ADAMS: Motion carries. We need  
29 to go back to the winter schedule. You can turn to Page  
30 60 of your book and there's the window of opportunity in  
31 there. You'll want to talk about time and place.  
32  
33 Mr. Bangs.  
34  
35 MR. BANGS: Thank you, Mr. Chairman. We  
36 had discussed the possibilities of going to Angoon to  
37 honor Mr. Kookesh's invite and I would offer that as a  
38 primary place for our winter meeting but with uncertainty  
39 of travel and arrangements and approved place to stay for  
40 us and all that, I would offer a back up if that doesn't  
41 work. I thought Prince of Wales might be a back up.  
42 We haven't been there in a while. That was my idea.  
43  
44 I'd like to hear what the Council has to  
45 say.  
46  
47 CHAIRMAN ADAMS: What do you think,  
48 Council.  
49  
50 MS. PHILLIPS: Second.

1 CHAIRMAN ADAMS: Angoon with Prince of  
2 Wales as a backup. Sounds good. Mr. Kookesh.  
3  
4 MR. KOOKESH: Mr. Chairman. Angoon has  
5 hosted it and we've never had any problems hosting, so I  
6 don't know where that problem comes from the logistics  
7 thing.  
8  
9 CHAIRMAN ADAMS: Okay. So we did have an  
10 invite from you at our previous meeting, so we'd like to  
11 accept that invitation.  
12  
13 MR. HERNANDEZ: I was just wondering, do  
14 we know what the OSM travel restrictions or whatever,  
15 criteria, is a means of travel that we'd be likely using  
16 getting to Angoon, are there any problems there with the  
17 new travel policies that were briefed on earlier?  
18  
19 CHAIRMAN ADAMS: Pete, do you want to  
20 come down and answer that.  
21  
22 MR. PROBASCO: Mr. Chair. Mr. Hernandez.  
23 As far as Angoon being the place of a future Council  
24 meeting, that's fine. What we run into is lodging. Some  
25 places don't go through the proper procedures to register  
26 with Federal government in order to house Council  
27 members, so that would probably be the only limiting  
28 factor, but you have time where Robert and Melinda could  
29 work with the housing, hotels, bed and breakfasts, to get  
30 them registered.  
31  
32 CHAIRMAN ADAMS: Thank you, Pete. We'll  
33 put our sleeping bags over in Floyd's house. Mr. Larson.  
34  
35 MR. LARSON: Mr. Chair. Pete is  
36 absolutely correct. If that is the will of the Council,  
37 then we'll have a report by our September meeting on the  
38 suitability of Angoon and facilities for both the meeting  
39 place and lodging.  
40  
41 CHAIRMAN ADAMS: Good. Mr. Bangs.  
42  
43 MR. BANGS: Thank you, Mr. Chair. I also  
44 would recommend or offer to the Council that we have the  
45 meetings towards the end of the month. Usually the  
46 weather is better at the end of March.  
47  
48 That's just a consideration.  
49  
50 MR. KOOKESH: Bert.

1 CHAIRMAN ADAMS: Floyd.  
2  
3 MR. KOOKESH: The best thing you can do  
4 is not to hold it during Gold Medal Week because no one  
5 will be there, but there will be a lot of room by then.  
6  
7 CHAIRMAN ADAMS: I agree with that. When  
8 is Gold Medal? Is it always during this particular week?  
9  
10 MS. HERNANDEZ: It's always the same  
11 week.  
12  
13 CHAIRMAN ADAMS: Donald.  
14  
15 MR. HERNANDEZ: Thank you, Mr. Chairman.  
16 I wasn't thinking about Gold Medal, but I know this  
17 meeting here has been later generally than what we've  
18 been meeting. Earlier in the month is more typical. I  
19 know there's a few of us here that are involved in  
20 fisheries that this time of year is starting to cut into  
21 our fishing time a little bit. I was hoping to get back  
22 to an earlier meeting schedule myself. I think Mr.  
23 Douville was also in talking to him. I know weather  
24 considerations are a factor especially getting out to the  
25 harder to reach communities. I certainly remember our  
26 trip to Kake, which I really enjoyed being in Kake, but  
27 I think everybody would agree that travel was a bit  
28 difficult. That was, I believe, in February. I think I  
29 would like to propose maybe the first week in March and  
30 we could always attempt it and hope the weather is good.  
31  
32 MR. LARSON: Mr. Chairman.  
33  
34 CHAIRMAN ADAMS: Mr. Larson, go ahead.  
35  
36 MR. LARSON: Mr. Chair, I should have  
37 piped up a little earlier here in the discussion.  
38 Regarding Staff travel and participation, we don't like  
39 to have too many meetings of the Councils in the same  
40 week. During March 5th there's already two Councils  
41 meeting at the same time, so that would not be a good  
42 week for us. However, the subsequent week, the week of  
43 March 12 would seem more appropriate for scheduling this  
44 so we don't have conflicts with other Council members.  
45  
46 CHAIRMAN ADAMS: Do we know if Gold Medal  
47 is going to be the week following, the week of March  
48 19th?  
49  
50 MR. LARSON: Mr. Chair. I'm getting some

1 thumbs up from the back of the room that Gold Medal will  
2 likely be the same time period next year as it is this  
3 time period, so the week of the 12th would not interfere  
4 with Gold Medal.

5  
6 CHAIRMAN ADAMS: Okay. So on our way  
7 back from our meeting we could stop and go to the Gold  
8 Medal. Mr. Hernandez, go ahead.

9  
10 MR. HERNANDEZ: So then I'd like to put  
11 that forward as a motion that we meet the week of March  
12 12th.

13  
14 CHAIRMAN ADAMS: Okay. The week of March  
15 12th in Angoon. Okay. Whose got a second.

16  
17 MR. BANGS: I'll second.

18  
19 CHAIRMAN ADAMS: Seconded by Mr. Bangs.

20  
21 MS. PHILLIPS: Call for the question.

22  
23 CHAIRMAN ADAMS: The question has been  
24 called. All in favor say aye.

25  
26 IN UNISON: Aye.

27  
28 CHAIRMAN ADAMS: Opposed nay.

29  
30 (No opposing votes)

31  
32 CHAIRMAN ADAMS: Motion is carried.  
33 Thank you.

34  
35 Donald.

36  
37 MR. HERNANDEZ: I was just talking to the  
38 coordinator here. He missed our discussion there about  
39 that topic. Yes, at the start of the meeting Mr.  
40 Douville asked that in other business we -- I think he  
41 asked for some action by the Council in regards to -- I  
42 guess it's a policy review by the Craig Ranger District  
43 is going through right now on developing policy in  
44 regards to outfitter guide use on Prince of Wales Island.

45  
46 Essentially what Mr. Douville was  
47 requesting was a letter of support from the Council to  
48 the Craig City Council that had put input in on this  
49 policy review and what their request was that there be a  
50 geographical area, essentially a key subsistence area in

1 the Craig vicinity that they wanted to be out of bounds  
2 for any outfitter or guide use for deer hunting.

3  
4 So apparently there's already a letter  
5 from the Craig Community in support of this action and he  
6 would ask that the Council support the city's letter.

7  
8 CHAIRMAN ADAMS: Thank you, Donald.  
9 What's the wish of the Council. Floyd.

10  
11 MR. KOOKESH: Where's the letter?

12  
13 CHAIRMAN ADAMS: We don't have a letter  
14 drafted yet, but what he's asking is that we write a  
15 letter supporting. Mr. Bangs.

16  
17 MR. BANGS: Thank you, Mr. Chairman. I  
18 could be mistaken, but I think where's the letter we're  
19 supposed to support?

20  
21 CHAIRMAN ADAMS: Do we have a letter, Mr.  
22 Larson?

23  
24 MR. LARSON: Mr. Chair. Yes, I have an  
25 email that I believe contains the resolution from City of  
26 Craig regarding outfitter guide usage near the city of  
27 Craig. I don't have it printed. I haven't read it, but  
28 I did just look at it here on my email. I think I could  
29 produce that pretty quickly if that was the Council's --  
30 if the Council wanted me to do that.

31  
32 MS. PHILLIPS: Mr. Chair.

33  
34 CHAIRMAN ADAMS: Patty.

35  
36 MS. PHILLIPS: I'd like to move on to  
37 another agenda item while he's producing that resolution.

38  
39 CHAIRMAN ADAMS: And then another letter  
40 that we need to do while you're doing that, Mr. Larson,  
41 is the sea otter response letter.

42  
43 Go ahead. We'll move on.

44  
45 MS. PHILLIPS: Mr. Chair. The request  
46 for reconsideration. I move to have the request for  
47 reconsideration put back into the operations manual for  
48 the RAC.

49  
50 CHAIRMAN ADAMS: Do I hear a second.

1 MR. KOOKESH: Second.

2

3 CHAIRMAN ADAMS: Second. It's open for  
4 discussion. Now one of the things I've found -- go  
5 ahead, Mr. Bangs.

6

7 MR. BANGS: Thank you, Mr. Chair. The  
8 more I looked into this RFR and realizing the purpose of  
9 it, I think it's our job to review requests and support  
10 requests for the affected parties, but to make requests  
11 on behalf of those parties is -- I don't think that's  
12 where the Council fits in. I think we need to help the  
13 affected parties generate a request. The request comes  
14 from them and it comes to the Council for support, then  
15 goes to the Board. So I can see -- in that light, that's  
16 why it's not in our book. That's not our job. Our job  
17 is to support and to help the affected parties generate  
18 requests. Anyway, that's just my understanding.

19

20 Thank you.

21

22 CHAIRMAN ADAMS: Patty.

23

24 MS. PHILLIPS: Was my motion seconded?

25

26 MR. KOOKESH: Yes.

27

28 MS. PHILLIPS: I could withdraw it and  
29 ask to move to assist communities with RFRs. Would the  
30 second agree to that?

31

32 MR. KOOKESH: I'll withdraw it.

33

34 CHAIRMAN ADAMS: I'm convinced also,  
35 Patty, that that's probably the way we should go. It  
36 would probably be more powerful to support a community  
37 with their efforts to do RFRs and to assist them as well  
38 with any technical or legal issues that they might not be  
39 able to handle on their own. They have agreed that this  
40 would be a good way for us to handle our RFRs rather than  
41 having us do it on our own.

42

43 Mr. Larson, go ahead.

44

45 MR. LARSON: Mr. Chair. Thank you for  
46 letting me interject myself here. I'm questioning the  
47 need for a motion to direct the Staff to do what the  
48 Staff is supposed to do anyway. It is our expectations  
49 as a Staff to assist either individuals or groups of  
50 communities to work with our program. If that includes

1 writing and assisting them in doing an RFR, then that's  
2 what our expectation is and we're fully prepared to do  
3 that. We don't need any other direction than that.

4  
5 Thank you.

6  
7 CHAIRMAN ADAMS: Patty, go ahead.

8  
9 MS. PHILLIPS: Thank you, Mr. Chair. It  
10 was just an agenda item I had written down. Thank you  
11 for the discussion. I do have other agenda items.

12  
13 CHAIRMAN ADAMS: Okay. So what we'll do  
14 is we'll just take that off. It was a motion.

15  
16 MS. PHILLIPS: We withdrew it.

17  
18 MR. KOOKESH: We withdrew it.

19  
20 CHAIRMAN ADAMS: So that's what we'll do.  
21 Let me say that I fought valiantly on behalf of RACs  
22 doing RFRs. I think we came to a good compromise here.

23  
24 Thank you.

25  
26 Other agenda items.

27  
28 Go ahead.

29  
30 MS. PHILLIPS: Mr. Chair. We had public  
31 testimony from Jeff Fabor asking the Council to approve  
32 a letter to the North Pacific Fisheries Management  
33 Council in support of one of the alternatives -- no,  
34 asking for an analysis of the Gulf of Alaska halibut  
35 bycatch. Is the Council willing to write a letter of  
36 support asking the North Pacific Council to analyze the  
37 halibut bycatch?

38  
39 CHAIRMAN ADAMS: I don't see any reason  
40 why not. Council, okay? Floyd.

41  
42 MR. KOOKESH: As long as it's  
43 specifically tailored to subsistence.

44  
45 CHAIRMAN ADAMS: Okay. So be done. Any  
46 other agenda items.

47  
48 MS. PHILLIPS: Yes, Mr. Chair. I have  
49 one more item. That's concerning Staff. The SERACs 2010  
50 annual report topic No. 4 confirms the need as identified

1 in ANILCA Section .805(b) the Secretary shall assign  
2 adequate qualified Staff to the RACs. Number 4,  
3 developing policy affecting the management of subsistence  
4 resources. A legitimate role of the Council. This  
5 Council is in favor of management planning for fish and  
6 wildlife and would like to have a leadership role in  
7 developing plans for the Southeast Region, the need for  
8 adequate Staff support was highlighted in the 2009 annual  
9 report. The Council requests the Board provide  
10 instruction or a protocol to request Staff support if and  
11 when the Council would like to initiate wildlife and  
12 fisheries management plans and policy discussions.

13

14 AFN, in its January 7th, 2010 letter to  
15 the Secretary of Interior recommends an analysis of  
16 Federal hiring practices in Alaska at US Fish and  
17 Wildlife Service, OSM, NPS, BLM, BIA and the Forest  
18 Service to determine whether there are inherent barriers  
19 to the hiring of Alaska Natives and address the cause of  
20 underrepresentation of Alaska Natives within the  
21 agencies.

22

23 Furthermore, Title VIII administrative  
24 provision Section 1308 local hire. The Secretary shall  
25 establish a program under which any individual who has  
26 special knowledge or expertise concerning natural or  
27 cultural resources shall be considered for selection.  
28 Section 1318, State Cultural Assistance Program, in  
29 furtherance of the need to protect and interpret for the  
30 public benefit cultural resources, the Secretary may  
31 provide advice, assistance and technical expertise in the  
32 preservation of cultural resources.

33

34 ANILCA .801, the continuation of the  
35 opportunity for subsistence uses by rural residents is  
36 essential for Native physical, economic, traditional and  
37 cultural existence and to non-Native physical, economic,  
38 traditional and social existence. .803 subsistence uses  
39 means the customary and traditional uses.

40

41 The RAC wants to retain the hope of  
42 sustaining the cultural component of ANILCA and its ties  
43 to subsistence. I recommend that the agencies,  
44 specifically the National Park Service, retain Alaska  
45 Native Staff who provide necessary support to the RAC in  
46 its deliberations.

47

48 Diane McKinley brings to the subsistence  
49 process a level of expertise that is grounded in a  
50 cultural perspective needed to accurately represent

1 Alaska Native and rural concerns. Her professional and  
2 technical expertise is of great service to the SERAC and  
3 to other RACs. She knows which background material,  
4 public testimony, comments in transcripts and other  
5 communication materials RACs have or are discussing.  
6 Thus she is able to provide reference materials for  
7 effective RAC discussions. Retaining Ms. McKinley will  
8 continue the effective communication improvements that  
9 flow from the RAC to the Federal Subsistence Board.

10

11 I would ask that the RAC write a letter  
12 of support for retaining Ms. Diane McKinley at the  
13 National Park Service.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Thank you, Patty, for  
18 that. I fully support that idea. What's the wish of the  
19 Council.

20

21 MS. HAWKINS: I'll second her motion.

22

23 CHAIRMAN ADAMS: Was that a motion?

24

25 MS. PHILLIPS: Yes. I move to write a  
26 letter of support recognizing Diane McKinley and the  
27 professional/technical expertise she brings to the RAC.

28

29 CHAIRMAN ADAMS: Seconded by Merle.  
30 Periodically the job that she does terminates and it gets  
31 renewed on occasion. I think what Patty is trying to do  
32 is make it a permanent position. Mr. Kookesh.

33

34 MR. KOOKESH: Mr. Chairman. She also  
35 included some great Title 13 material that we should be  
36 including to back up our request. I really believe that  
37 is very relevant, the material she just cited.

38

39 MS. PHILLIPS: Mr. Chair.

40

41 CHAIRMAN ADAMS: Patty.

42

43 MR. PHILLIPS: Mr. Chair. The reason I  
44 included Section 1308 and 1318 is that it relates to  
45 cultural aspects of ANILCA. All too often agencies want  
46 to put subsistence into a box. You know, a box to look  
47 into. Our culture is going away and we need to make it  
48 a living, breathing, dynamic, ongoing thing. That's what  
49 ANILCA is intended to be. So that's why I inserted those  
50 references.

1 Thank you.  
2  
3 CHAIRMAN ADAMS: Thank you, Patty. Got  
4 a motion on the floor. Anymore comments.  
5  
6 (No comments)  
7  
8 MR. BANGS: Question.  
9  
10 CHAIRMAN ADAMS: The question has been  
11 called. All in favor signify by saying aye.  
12  
13 IN UNISON: Aye.  
14  
15 CHAIRMAN ADAMS: Opposed nay.  
16  
17 (No opposing marks)  
18  
19 CHAIRMAN ADAMS: Motion is carried.  
20 Thank you, Patty. Cathy, you had an issue on bear claws.  
21 Go ahead.  
22  
23 MS. NEEDHAM: Thank you, Mr. Chair.  
24 Actually it's sea otters. I just wanted to bring the  
25 Council's attention. Again, I know we all received a  
26 copy of the response letter from the U.S. Fish and  
27 Wildlife Service regarding our letter we sent to them  
28 last year. We never got an opportunity or a chance to  
29 speak about how we felt or put onto the record our  
30 impression of the letter that we received back and  
31 whether or not we were going to take any further action  
32 of the Council. I don't necessarily have a motion on  
33 what action to take, but I would like it to be stated for  
34 the record that I don't believe the letter we received  
35 addressed at all any of the points that we put in our  
36 original letter to the U.S. Fish and Wildlife Service.  
37  
38 If I did have to make a recommendation --  
39 I mean I do think that we're getting into this process  
40 where we're passing letters back and forth and not really  
41 getting anywhere and maybe that is just where it needs to  
42 lay at this point. But we put a lot of time and  
43 discussion into the sea otter issue and it just seems  
44 like we should ask for the courtesy of a response, for  
45 them to actually go through and address the bullet items  
46 that we have in our original letter.  
47  
48 Thank you.  
49  
50 CHAIRMAN ADAMS: Okay. So do you want us

1 to respond with another letter?

2

3 MS. NEEDHAM: I'm just asking if it's the  
4 wish of the Council to take any further action at this  
5 time. My main point was I wanted to put into the record  
6 that this letter response that we received didn't seem to  
7 address anything that we've asked them to -- any  
8 recommendations that we've given to them.

9

10 CHAIRMAN ADAMS: Thank you, Cathy. Pete,  
11 go ahead.

12

13 MR. PROBASCO: Thank you, Mr. Chair.  
14 Actually a couple of your Council members we were  
15 discussing the response to your letter. Being the U.S.  
16 Fish and Wildlife Service rep here, I can bring the  
17 message back to Regional Director Geoff Haskett that the  
18 Council would like his Staff to review -- you don't have  
19 to draft another letter is what I'm saying. Review the  
20 letter that was originally sent and specifically address  
21 the points raised. I can carry that message if so  
22 directed.

23

24 CHAIRMAN ADAMS: We would really  
25 appreciate that, Pete, without any further letters going  
26 back and forth, so thank you.

27

28 Then there's a bear claw issue. Tim, did  
29 you have something too?

30

31 MR. ACKERMAN: Was that on your agenda  
32 earlier? I heard you mention it.

33

34 CHAIRMAN ADAMS: Yeah, we talked about it  
35 already. It was in my report and it's in the packet, I  
36 think, as well. Okay. All right. Anything else here.  
37 We're getting pretty close, folks.

38

39 The outfitter guide letter. While you're  
40 looking at that, I got a little note here from Diana. If  
41 you would come down, Ms. McKinley, and make your  
42 comments. We're just about ready to do our closing  
43 comments, so please do. You can bring Mr. Capra with you  
44 too. I really appreciate you sitting there all -- Jim  
45 comes down to all of our meetings and I say this over and  
46 over. He sits there patiently waits, comes in and makes  
47 a two-minute presentation and then he's done. Go ahead.

48

49 MR. CAPRA: Thank you, Mr. Chairman.  
50 Council members. Jim Capra with Glacier Bay National

1 Park and Preserve. I have three really short issues.  
2 One that I bring before the Council every year, every  
3 meeting if I have any kind of update, and that's for the  
4 collection of gull eggs by the Hoonah people. The Park  
5 has finished the environmental compliance part of their  
6 work and the gull egg collection will go forward. It  
7 requires a change in law before that can happen for the  
8 eggs to be collected in Glacier Bay Park proper.

9  
10 Right now it sits in Washington waiting  
11 to be enacted as a law, so it is done. I've talked to  
12 our tribal liaison today and he doesn't have great hopes  
13 that it will grind through the Congress and be signed  
14 into law by this spring, but the work is done. It has to  
15 get through Washington now.

16  
17 Mr. Chairman is also my chairman in the  
18 work we're doing on the celebration for the Gunaxoo clans  
19 coming back to Dry Bay. I hope he'll mention that later,  
20 but the Park Service and Forest Service have worked  
21 rather hard to get the Gunaxoo people back to Dry Bay for  
22 the first time in many years in large numbers.

23  
24 I hope, Mr. Chairman, you'll make a plug  
25 for that also.

26  
27 Lastly, I was asked by the superintendent  
28 of Sitka National Historical Park to mention that this is  
29 the end of the 100th year of Sitka National Historical  
30 Park, the oldest National Park in Alaska. They will be  
31 raising a week from this Saturday a pole that was carved  
32 by Tommy Joseph, which is in the process of being carved.  
33 You can go see it right now. Celebrating the 100th  
34 anniversary. Later that day there will be a celebration  
35 of the survival march from the fort site to Peril Strait.  
36 The superintendent, Randy Larson, asked me to please, if  
37 anybody is there, please come and see the new pole. If  
38 you're still here, come to the Park next weekend and get  
39 involved with what's going on there.

40  
41 That concludes my comments unless there's  
42 any questions there.

43  
44 CHAIRMAN ADAMS: Thank you, Jim.  
45 Questions of Mr. Capra.

46  
47 MS. HAWKINS: Comment.

48  
49 CHAIRMAN ADAMS: Comment. Go ahead.

50

1 MS. HAWKINS: Yeah, that was nice to hear  
2 about returning the people to Dry Bay. The only reason  
3 I'm familiar with the history is from Bert's information  
4 on his website, but also one of my Ketchikan elders, she  
5 actually lives in Saxman now, but Mary Elizabeth.....

6  
7 (Machine malfunction)

8  
9 CHAIRMAN ADAMS: Thank you, Tina. Okay.  
10 Mr. Wright.

11  
12 MR. WRIGHT: Thank you, Mr. Chair. I  
13 remember when we were taking care of business getting  
14 that gull egg thing ready and I'm hoping it comes through  
15 this year because we're running out of people that will  
16 even eat the eggs now because the elders are passing on.

17  
18 I remember being up there at Marble  
19 Island and all the other islands, a little kid running  
20 around up there. Kids would be crazy running alongside  
21 the cliffs and everything. We always figured you're just  
22 going to fall in the water anyway. I'm glad that it's  
23 coming about. It's going to be a celebration when it  
24 does. It's one of the things that keeps people alive is  
25 to practice what they've eaten and what they  
26 traditionally have done for thousands of years. I'm  
27 hoping that the young people can feel it when they go  
28 back up there and feel what it's about.

29  
30 I can't go fishing in there because I  
31 wasn't around, I wasn't there when the qualifying years  
32 were there. I remember when I was up there hand-trawling  
33 and the moon was out and I was listening to the birds at  
34 nighttime and I'll never forget that. But I can't go  
35 there anymore because of Federal law. It takes part of  
36 my life away. Adding the herring eggs back into so our  
37 people can go back is at least a little bit us practicing  
38 who we're supposed to be.

39  
40 Gunalcheesh.

41  
42 CHAIRMAN ADAMS: Thank you, Mr. Wright.  
43 Anymore comments. Diane, do you have anything to say.

44  
45 MS. MCKINLEY: Just a couple quick  
46 comments. Thank you, Chairman, and RAC Council. The  
47 last time I spoke before you was over in Hoonah and it  
48 was regarding tribal consultation and gathering of plants  
49 and we did finish up that consultation. We did get good  
50 input. It's still in the process. I'm sure you'll hear

1 more about it. I'm very excited about the tribal  
2 consultation taking place at the DOI level and all the  
3 various agencies. Some are still asking for input on the  
4 policies while others are going full bore with tribal  
5 consultation.

6

7  
8 Recently I went to the Alaska Forum on  
9 the Environment and Forest Service, Beth Middleton, Steve  
10 Kessler and a couple others did an excellent listening  
11 session on sacred sites and I was very -- I admired that  
12 process with the listening session. So we have a lot of  
13 resources that kind of overlap with this program. At  
14 that sacred sites listening program there was a lot of  
15 Southeast representation. Those kind of listening  
16 programs also need to take place at the local regional  
17 level. Subsistence came up quite a few times. I  
18 encourage this RAC to stay involved in giving their input  
19 on tribal consultation at different levels of the  
20 agencies and different agencies and the DOI level.

21

22 My next comment is more personal and it's  
23 more about the rapport I've established and just the  
24 level of satisfaction I get in coming to the Southeast  
25 RAC meeting and having a statewide rapport with our  
26 different Native organizations. So that's been the high  
27 point of working with National Park Service and I'm just  
28 happy to be here and I just want to say gunalcheesh and  
29 (in Tlingit).

30

31 CHAIRMAN ADAMS: Gunalcheesh for your  
32 dedicated service, Diane. We appreciate you being down  
33 here too. We recognize, as Patty had already mentioned,  
34 the work that you do. We wish you well in the future and  
35 we look forward to your continued visits to our meetings.

36

37 Go ahead.

38

39 MS. MCKINLEY: I'm very optimistic, so  
40 I'm not going to say goodbye. I do enjoy working in the  
41 Federal program with subsistence. Prior to this job I  
42 worked for an ANCSA regional corporation and I can say I  
43 honestly don't feel the benefits and satisfaction that I  
44 have felt working on the subsistence program and it's a  
45 joint effort, it's a learning effort and I've had very  
46 good mentors along the way. Bill Thomas, John  
47 Littlefield, Dolly Garza, Mary Rudolph and just many of  
48 the people sitting here. Floyd Kookesh, he wasn't going  
49 to just give me fish, he was going to teach me and make  
50 me get out there and work hard and process it. If my job  
51 ends soon, it's not going to end my advocacy and

1 subsistence use. So thank you.

2

3 CHAIRMAN ADAMS: Thank you for that. Any  
4 comments, questions to ask of Diane or Jim.

5

6 (No comments)

7

8 CHAIRMAN ADAMS: Gunalcheesh both of you.  
9 Got a comment, Floyd. Go ahead.

10

11 MR. KOOKESH: Diane, she can keep walking  
12 away because I'm not expecting a response back from her.  
13 One time Diane missed her flight to Angoon and I called  
14 her and I said where are you. Everybody is on the dock  
15 waiting for you. She was worried, but we had actually  
16 just got back when I called. We fish 4:00 in the morning  
17 and get back as soon as we can. She got back and she  
18 said do you think you can send me the fish and I said no.  
19 I said come out and get it. I told my cousin Ross about  
20 it, that Diane called and said do you think you can send  
21 me the fish, and Ross said you should have told her, no,  
22 wait, we'll smoke it first. We made her come out. You  
23 come out and you cut your own fish. She picked up what's  
24 called an Athabaskan cut too.

25

26 CHAIRMAN ADAMS: I'm going to have Mr.  
27 Bangs explain a letter from the City of Craig. I haven't  
28 had a chance to go over it. Would you please, Mr. Bangs.

29

30 MR. BANGS: Thank you, Mr. Chairman. I  
31 think most of the Council has hopefully read the letter.  
32 They're requesting, which Mr. Douville explained, the  
33 area that they want to reserve for the local use for deer  
34 harvest in the Craig area because of the increasing  
35 outfitter/guide influx into the area. What he was  
36 requesting is supporting this letter explaining the  
37 reasons for the request to close this area to outfitter  
38 guide hunting. It's the proximity around the  
39 Craig/Klawock area.

40

41 I would make a motion to send a simple  
42 letter of support in regards to supporting this letter  
43 for the continued subsistence harvest of deer in the  
44 Craig/Klawock area.

45

46 Thank you.

47

48 There's a motion. Is there a second.

49

50 MS. NEEDHAM: Second.

1 CHAIRMAN ADAMS: It's been moved and  
2 seconded. Mr. Kookesh.  
3 MR. KOOKESH: Mr. Chairman. I've only  
4 read the letter once, but I'm starting to see this -- the  
5 way I look at it is I see this as a proposal. I get the  
6 impression there was a conservation concern. So I was  
7 wondering, are we going about it in a different way or  
8 are we going about it still in the same way because I see  
9 this as a conservation concern all of a sudden.  
10  
11 CHAIRMAN ADAMS: Donald.  
12  
13 MR. HERNANDEZ: If you'd allow me to  
14 respond to Mr. Kookesh.  
15  
16 CHAIRMAN ADAMS: I will allow you to do  
17 that.  
18  
19 MR. HERNANDEZ: Mr. Douville, Mr. Bangs  
20 and I, we had a bit of a discussion on this and it's kind  
21 of a different situation. We're trying to avoid this  
22 possibility of getting into conservation concerns and  
23 proposals. This is a new thing. Nobody has really seen  
24 this before. Essentially outfitters and guides taking  
25 people out on chartered deer hunting trips in Southeast  
26 Alaska. It hasn't really occurred much before and it's  
27 just starting to happen.  
28  
29 What we have here is the Forest Service  
30 is developing a policy. It's a policy that they will  
31 implement that will possibly mitigate any future impacts  
32 of this new activity. We have a chance to weigh in on  
33 policy decisions. I think that's an important part of  
34 our function. If we weigh in on this now and put input  
35 into it, it could very well avoid having to deal with a  
36 lot of proposals in the future, which would entail  
37 conservations concerns and the like. So I think this is  
38 an important thing for the Council to do.  
39  
40 Also, I was going to propose as a part of  
41 this letter that the Council would support the idea that  
42 is essentially put forward here. It's also kind of a new  
43 idea. This recognizes that there are core subsistence  
44 use areas surrounding communities. Our trip yesterday  
45 around Sitka Sound. We were given a map of what the  
46 Sitka Tribe considers the core subsistence herring spawn  
47 area around Sitka. I think that's a concept that the  
48 Council ought to get behind. There are core areas.  
49  
50 We deal with issues, unit-wide issues

1 quite often, but lots of times these issues can be  
2 resolved if we look at where the most intensive harvest  
3 takes place for communities and sometimes maybe we can  
4 protect those areas and avoid future conflict. So, yeah,  
5 I think this is an important thing for the Council to do.

6

7 Also as a part of this letter I would  
8 also suggest that maybe there could possibly be other  
9 communities on Prince of Wales Island that would also be  
10 sending similar letters and the Council should just  
11 support the concept of protecting core subsistence areas  
12 around communities to excessive use by non-resident  
13 hunters.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Anymore comments.

18

19 (No comments)

20

21 CHAIRMAN ADAMS: We have a motion on the  
22 floor.

23

24 MS. PHILLIPS: Call for the question.

25

26 CHAIRMAN ADAMS: The question has been  
27 called for. All in favor please say aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN ADAMS: Opposed say nay.

32

33 MR. KOOKESH: Nay.

34

35 CHAIRMAN ADAMS: One nay. Thank you.  
36 Motion is carried. Folks, it's Item No. C toward the end  
37 of the agenda there, nominate Transboundary River Panel  
38 member. Mr. Larson, would you elaborate on that a little  
39 bit more for us, please.

40

41 MR. LARSON: Thank you, Mr. Chairman. At  
42 one point, and it was several years ago now, the Council  
43 expressed an interest in how members of the Transboundary  
44 River Panel were nominated and selected and whether or  
45 not there was an opportunity for a member of the Council  
46 or a designee to be appointed.

47

48 As it turns out, a member, although it's  
49 not a designated seat, it's usually referred to as the  
50 subsistence seat, is up for reappointment next December.

1 It's currently held by a resident of Yakutat, Gary Gray.  
2 If the Council would like to weigh in on that, the  
3 members are selected by the governor. Nominations are  
4 sent to the governor's office for review and evaluation.  
5 I'm not suggesting that's a good use of anybody's time,  
6 but that was the direction of the Council at the time and  
7 now it's appropriate for that time of the year is to have  
8 that discussion again so you could decide whether or not  
9 you're interested in that topic.

10

Thank you.

11

12

13 CHAIRMAN ADAMS: Thank you, Mr. Larson.  
14 What do you think, Council? Do you want to have somebody  
15 from this body be on that Council?

16

17

Mr. Bangs.

18

19

MR. BANGS: Thank you, Mr. Chairman. We  
20 discussed it before and if I remember right I think we  
21 felt it was important that someone from Southeast and  
22 maybe the Yakutat area would serve well as a subsistence  
23 member to fill that seat. If the Council would like to  
24 have somebody from this body, I would definitely support  
25 that and I would nominate -- actually I volunteer Don  
26 Hernandez.

27

28

CHAIRMAN ADAMS: Donald, what's your  
29 response to that.

30

31

MR. HERNANDEZ: Well, you know, actually,  
32 it must have been about three years ago now I did put in  
33 an application for nomination on that board. I don't  
34 know what their process is, but after I put in my  
35 nomination and I checked to confirm that they had  
36 received it and I never heard any feedback from them one  
37 way or another. I assumed I was not appointed, but I  
38 never heard back from them. At this point, I don't think  
39 I would care to put in for another nomination. I don't  
40 really care to devote the time. Sorry.

41

42

CHAIRMAN ADAMS: If it's the Council's  
43 wish to have a member of this body be on there, is there  
44 someone who would like to be on there?

45

46

(No comments)

47

48

MR. LARSON: Mr. Chair, may I say one  
49 more thing.

50

1 CHAIRMAN ADAMS: Sure.

2

3 MR. LARSON: I should say one thing about  
4 the makeup of the current Transboundary River Panel.  
5 They have been very supportive of our program and very  
6 open with us to work with our program. If there's  
7 changes to the fishery that the Council has thought  
8 necessary, then every one of those, no matter who their  
9 affiliation was, have tackled that project and made it  
10 happen. I don't think there's any deficiencies in the  
11 panel composition the way it is right now. Anyway,  
12 that's that.

13

14 CHAIRMAN ADAMS: Thank you, Mr. Larson.  
15 If you remember when we had our meeting in Yakutat, Gary  
16 Gray was there, so we had an opportunity to hear him.  
17 However, I think it should be a matter of protocol to  
18 have him come to these meetings, you know, as often as  
19 possible to give a report. If you can make note of that,  
20 Mr. Larson, maybe we can send an invitation out to them  
21 to have Mr. Gray or whoever is in that position to come  
22 to our future meetings.

23

24 With that we are about ready to adjourn  
25 here, folks. What I would like to do is have every  
26 Council member just give some short closing remarks.  
27 We'll start with Mr. Kookesh over there and work on down  
28 the line.

29

30 Floyd, go ahead.

31

32 MR. KOOKESH: Mr. Chairman. The one  
33 thing that we didn't really hear about that is out there  
34 is the replacement for Carl Jack, the liaison, and I was  
35 wondering if we were going to get an update on that  
36 because we did talk about supporting Diane and the need  
37 for having more of our Native people involved in the  
38 process. It's already showing in the Federal Subsistence  
39 Board. So I was wondering if we could get an update and  
40 also if that opportunity is there that we advocate for  
41 Ms. McKinley to have a role in that process based on that  
42 1308.

43

44 CHAIRMAN ADAMS: I don't know where that  
45 is now. Pete, would you like to make a comment on that,  
46 please.

47

48 MR. PROBASCO: Thank you, Mr. Chair. The  
49 question is the status of the Native liaison for the  
50 Office of Subsistence Management. The position has been

1 vacant since Carl Jack retired. What people may not be  
2 aware of is the budget situation that we're currently  
3 under for this fiscal year and future fiscal years.  
4 Right now we don't have a budget. We're working under a  
5 continuing resolution and we're not sure where we will  
6 land.

7  
8 What I can say is that the past two years  
9 our Federal program has either been targeted for  
10 potential zeroing out for funding or substantial  
11 reductions. So at this point in time until I get a solid  
12 budget I'm reluctant to fill any of my vacancies until we  
13 see where we land. Because you don't want to bring  
14 somebody on that's brand new and then go through a RIF,  
15 reduction in force. Those that are newer to the program  
16 are the first to go. I hope we don't get to that point,  
17 but the position is purposely being held until we figure  
18 out where we're at in our budget situation.

19  
20 Thank you.

21  
22 CHAIRMAN ADAMS: Thank you, Pete. I hope  
23 you'll keep us updated on that particular position so  
24 that we can make some comments on that in the future.  
25 Floyd.

26  
27 MR. KOOKESH: So maybe it might be a good  
28 idea to purposefully hold her in your mind. That's my  
29 recommendation based on what Ms. Phillips told us.

30  
31 CHAIRMAN ADAMS: Go ahead.

32  
33 MR. PROBASCO: Mr. Chair. I think all of  
34 you are quite familiar with hiring procedures  
35 particularly within State and Federal government. It has  
36 to go through a process where the application is open.  
37 We can't discriminate in the hiring process, but I think  
38 the title of the position speaks for itself if you follow  
39 what I'm saying. So you can encourage a person to apply.  
40 No guarantees, no pre-selections can occur on my part.

41  
42 Mr. Chair.

43  
44 CHAIRMAN ADAMS: That's understandable,  
45 Pete. Thank you.

46  
47 MR. KOOKESH: Just a closing comment. I  
48 just can't see how we can't not have a Native liaison for  
49 the Federal Subsistence Board. It doesn't make sense.  
50 It misses the whole intent or the purpose of Native

1 liaison. That's my comment. I'll allow other people to  
2 be able to make comments. I just wanted to bring it up,  
3 sir.

4

5 That's my comment.

6

7 Thank you.

8

9 CHAIRMAN ADAMS: Thank you very much.  
10 Archie. You can talk about what your impression of the  
11 meeting was and any other things that you want to bring  
12 up at this point.

13

14 MR. NIELSEN: I just want to know if you  
15 can sign me back in the jail, Mr. Chairman.

16

17 CHAIRMAN ADAMS: I'll be happy to do  
18 that.

19

20 MR. NIELSEN: It's called a work release.

21

22 (Laughter)

23

24 MR. NIELSEN: I would like to thank the  
25 Board, each and every one, for coming to our little  
26 community here. For me, I've been on several boards and  
27 commissions. This is a humbling one. This is one that  
28 will take time to learn. Right now I'm on the learning  
29 curve and I like it. I really do. It throws a little  
30 twist into the word subsistence. It makes you think  
31 about, all right, what are we doing here.

32

33 Because of that I hope you all have a  
34 safe trip back home and God bless you on your trip home.

35

36 Thank you.

37

38 CHAIRMAN ADAMS: Gunalcheesh. Cathy, go  
39 ahead.

40

41 MS. NEEDHAM: Thank you, Mr. Chairman.  
42 I'm amazed at how much business we took care of in the  
43 last couple of days. It's impressive and I'm excited  
44 that we have a full Council now and I think that the fact  
45 that we got through such a packed agenda together shows  
46 the strength of this Council and I am encouraged to  
47 continue to work together and work effectively in the  
48 future.

49

50 Thank you.

1 CHAIRMAN ADAMS: Thank you, Cathy. Tim.  
2  
3 MR. ACKERMAN: Mr. Chairman, thank you.  
4 It's been a real experience here, learning just what this  
5 is all about and what's happening. I was going to be  
6 real quiet, but as you can tell.....  
7  
8 (Laughter)  
9  
10 MR. ACKERMAN: But I enjoyed it and next  
11 time if you could schedule it a little bit into the  
12 herring when they actually do spawn I would appreciate  
13 that.  
14  
15 CHAIRMAN ADAMS: We did our best and I  
16 offered to recess this meeting until they started coming  
17 again.  
18  
19 (Laughter)  
20  
21 MR. ACKERMAN: Great. Thanks everybody.  
22  
23 CHAIRMAN ADAMS: Mr. Bangs.  
24  
25 MR. BANGS: Thank you, Mr. Chairman. I'd  
26 just like to thank the Council for confidence for  
27 electing me again to vice chair. I hope I can do the job  
28 that you guys deserve. I'd also like to thank the Sitka  
29 Tribe for offering up this beautiful place to meet. This  
30 is one of the nicer places that we're able to meet in.  
31 This is really nice.  
32  
33 Anyway, thanks again.  
34  
35 CHAIRMAN ADAMS: Thank you. And Mr.  
36 Capra asked me if I would talk a little bit about the  
37 Gunaxoo meeting forthcoming in May. That would probably  
38 take, you know, another whole day to share with you the  
39 tremendous amount of work that we have been doing down in  
40 the Dry Bay area. In a nutshell, what we have done over  
41 the past 12, 13 years is sought out historical sites that  
42 pertain to the L'uknax.adi, L'ukaax.adi and the  
43 Shangukeide people, which I call the Gunaxoo Kwaan  
44 people.  
45  
46 This area is where Raven in our stories  
47 did most all of his creations. He caused (in Tlingit) to  
48 come out of the water and (in Tlingit) to come out of the  
49 water and these two mountains at one time were married  
50 and then as they had children the mountains that grew in

1 between them separated them until now they are 200 miles  
2 apart from each other. The only time that they can see  
3 each other is on a real clear day. But the land in  
4 between there is what we call (in Tlingit).

5  
6 And then it is here, down in the Gunaxoo  
7 area, where he pulled in this large canoe that had a  
8 house on it and he pulled it up on the beach and he let  
9 out all the animals and the birds and the fishes and all  
10 of the wildlife. Then he took that house off and he  
11 placed it upon the banks of the Akwe River. This was the  
12 beginning of the village of Gus'eix and eventually in  
13 that particular area there were seven tribal houses that  
14 were constructed there.

15  
16 The names of some of those were the (in  
17 Tlingit) or Far Out House, the very first one because he  
18 pulled it in from far out in the ocean. And then there's  
19 Whale House, (in Tlingit), Frog House, Boulder House,  
20 Sleepy House, Mountain House, Sea Lion House. All of  
21 these seven houses that we were told about by the elders  
22 many, many years ago have been found. Half of them are  
23 eroded into the river already, but through a lot of  
24 archeological investigation we were able to document and  
25 record those seven tribal houses.

26  
27 In 1909 there was the last potlatch held  
28 in the Dry Bay area and they rebuilt some of those tribal  
29 houses from Akwe and rebuilt them in Dry Bay. One of  
30 them was the Frog House and we found that one, I think it  
31 was 2005 or 2007. There's two more that we are still  
32 looking for. The Canoe Prow and Thunderbird House. We  
33 hope we can locate them this summer.

34  
35 The real purpose of the celebration is to  
36 commemorate the archaeological work that we have done  
37 there. The Yakutat Tlingit Tribe in the past has worked  
38 with the National Park Service and the Forest Service to  
39 fund these meetings down there and we make it a point to  
40 have it every two years. Each year we've gone down there  
41 we've discovered some new and amazing things.

42  
43 There's supposed to be two Russian canons  
44 in the village of Gus'eix. We haven't found them yet,  
45 but we know they are there just from the elders oral  
46 history.

47  
48 So what this has done, folks, is it  
49 really -- what has taken to me is oral history and  
50 archaeology and they have come together and have

1 developed a real powerful statement about our history and  
2 culture and that's what we're going to be celebrating  
3 this spring.

4

5                   It used to be that we would take 15, 20  
6 people down there at a time over the years, but for this  
7 particular celebration we're talking maybe a couple  
8 hundred people. We're going to fund 75 people through  
9 grants that will allow them to have transportation from  
10 Yakutat to Tribe A and then back. However, those who  
11 want to go will have to find their own way to Yakutat.

12

13                   It's something that we are looking  
14 forward to or planning. I used to work as a committee of  
15 one and now we have 12 committees working on this project  
16 and Diane is one of them and Jim Capra is another. It's  
17 just going to be a real big celebration. Let me say  
18 this. The last drum beats that were heard in Gunaxoo was  
19 in 1909 and this year we are going to hear the drum beats  
20 there again and really look forward to that.

21

22                   Just to follow Mr. Capra's encouragement  
23 to talk about that -- like I said, I could stay here all  
24 day and talk about it because I was involved in it ever  
25 since I was a little boy up until now and a tremendous  
26 amount of work is being done right now to make this thing  
27 happen.

28

29                   We're going to have the dancers come down  
30 there, we're going to open it up with an opening song and  
31 then they're going to have the fire dish where the three  
32 different clans are going to be able to go through that  
33 ceremony where they name all of the people from their  
34 clans that have passed away and then they're going to  
35 burn the food. And just have a great time down there.  
36 We hope the weather is going to be in our favor. It has  
37 been in the past, so we hope it's going to be good again.

38

39                   I just wanted to share that with you and  
40 let you know this is happening. It's an opportunity for  
41 the young people to reconnect with their history and  
42 their ancestral fishing and hunting grounds and their  
43 culture. I'm just going to leave it at that right now.

44

45                   I want to thank you for having the  
46 confidence in having me be your Chair again. Like I  
47 said, I have a lot of shoes to fill. First one is, of  
48 course, old Bill Thomas. Remember him? The great work  
49 that he had accomplished while he was here on this earth.

50

1 I remember when John Littlefield  
2 resigned. I was really, really sad about that. I was  
3 heading back home and I was waiting at the airport after  
4 coming from Saxman and overnighing in Juneau and I was  
5 waiting at the airport to catch my airplane and here  
6 comes Big Bill and he was in that walker. He came up  
7 that elevator and he looked over at me and he said, hi,  
8 Bert, you look like you lost your best friend. So I  
9 explained to him that Mr. Littlefield had resigned his  
10 position. I just couldn't think of anyone who could fill  
11 in that seat. And he kept on walking by and he says, oh,  
12 Bert, don't worry, he said there's a lot of good chairs  
13 on that Council.

14  
15 So I leave that same message with you.  
16 There is good chair people in here. So when you think  
17 that I am no longer useful, please feel free to put  
18 someone else in here. I want to thank Mr. Bangs and Mr.  
19 Kookesh for serving in that position in the past. Thank  
20 you for your confidence. Our next meeting I'll give you  
21 a report on our Gunaxoo celebration.

22  
23 Mr. Hernandez, go ahead.

24  
25 MR. HERNANDEZ: Thank you, Bert. Yeah,  
26 I just want to thank the folks in Sitka here and Sitka  
27 Tribe for hosting and providing this beautiful building.  
28 I think this is also one of my favorite places to come  
29 and meet. I got a lot of benefit out of the field trip  
30 we had. I think that really helped to kind of clarify in  
31 my mind just seeing the area that's involved and getting  
32 a good appreciation for really how important all these  
33 little spawning spots are to the local folks trying to  
34 get their subsistence harvest and actually seeing the  
35 places involved really helped to give me a good idea of  
36 the importance of this area.

37  
38 My thanks to the folks that were on the  
39 trip from the Sitka Tribe doing all the tour guiding,  
40 especially Mr. Duncan. He was particularly informative  
41 I thought. I look forward to the next meeting.

42  
43 Thank you.

44  
45 CHAIRMAN ADAMS: Thank you, Donald. John

46  
47 MR. YEAGER: Thank you, Mr. Chairman.  
48 For me this was a huge learning experience. The week  
49 that I got my letter for appointment to the Council I  
50 also got selected for the SERA Board, so that was a huge

1 undertaking in itself, being selected for both of these.  
2 I never expected that. Now I have to double up and  
3 they're very big organizations and councils, but I'm very  
4 proud to serve on both of them. I enjoyed working with  
5 everyone here. I think we have a great diversity and I  
6 think it's going to be fun to work with everyone. I  
7 appreciated being in Sitka and look forward to having  
8 everybody in Wrangell.

9

10 CHAIRMAN ADAMS: Thank you, John. We  
11 look forward to that too. Merle.

12

13 MS. HAWKINS: Yeah, I thought it was a  
14 very successful meeting. We got the work done. It  
15 always amazes me that we get through the agenda and get  
16 everything done. Just looking forward to getting back to  
17 my Haida village surrounded by the city.

18

19 (Laughter)

20

21 CHAIRMAN ADAMS: I like that Merle, thank  
22 you. Mr. Wright.

23

24 MR. WRIGHT: Thank you, Mr. Chair.  
25 Congratulations. This town brings memories back because  
26 when I was a kid where this building sits used to be an  
27 elementary school. I'll never forget it because when I  
28 was in second grade they kicked me out of school. Ms.  
29 Rose. I still remember the teacher's name.

30

31 (Laughter)

32

33 MR. WRIGHT: She said I did something I  
34 know I didn't do. I wouldn't admit it. Anyway, I enjoy  
35 coming here and we got business done and we got a lot  
36 more to do. I'm glad to be here.

37

38 Gunalcheesh.

39

40 CHAIRMAN ADAMS: Gunalcheesh. Patty.

41

42 MS. PHILLIPS: Thank you, Chairman Adams.  
43 Congratulations on your reappointment as Chair or  
44 reelection as Chair. Thank you to the Sitka Tribes of  
45 Alaska for the hospitality. Mr. Frederick Archie  
46 Nielsen's father, Peter Nielsen, was my godfather in the  
47 Russian Orthodox Church, so I was glad to meet him. I  
48 appreciate working with the new members. They're  
49 bringing a great talent to this board.

50

1 I look forward to working with all of you  
2 in the future.

3

4 Thank you.

5

6 CHAIRMAN ADAMS: Thank you, Patty. Last,  
7 but not least, Mr. Ralph Lohse. We really appreciate you  
8 coming down here, sir. We look forward to that joint  
9 meeting. I think we've got a pretty good agenda items  
10 that will accommodate that. Go ahead.

11

12 MR. LOHSE: Thank you, Mr. Adams. I'm  
13 looking forward to sitting next to you at the next Board  
14 meeting that we attend and I really do thank you for the  
15 invitation. I've wanted to come here for a long time.  
16 I can remember some of the first meetings that I attended  
17 when Bill Thomas was there and I was really impressed  
18 with what came out of Southeastern. I've tried to take  
19 some lessons from him and I've tried to take some lessons  
20 from you. Some of them have worked and some of them  
21 haven't.

22

23 You've got quite a country down here.  
24 This is really amazing to me. I sometimes wonder why  
25 Cordova isn't here with Southeastern instead of in  
26 Southcentral. We have an awful lot that's very very  
27 similar and a lot to share. With that in mind, that may  
28 be what will be able to bring us together for a meeting  
29 there sometimes. I was thinking the sea otter thing if  
30 nothing else.

31

32 I have to say that I'm extremely jealous  
33 of all the beautiful cedar that I see in this house right  
34 here. I talked wood with one of your members while I was  
35 here and I really appreciate good wood and this is  
36 beautiful. It's a beautiful place to meet, it's  
37 beautiful country and I really enjoyed the people I've  
38 had a chance to talk to. I hope we get the opportunity  
39 again. Thank you muchly.

40

41 CHAIRMAN ADAMS: Thank you, Ralph. Tina,  
42 do you have anything to say?

43

44 REPORTER: (Shakes head negatively)

45

46 (Laughter)

47

48 CHAIRMAN ADAMS: All right. Until the  
49 next time in Wrangell this meeting is adjourned.

50

1  
2  
3  
4  
5  
6

Thank you very much everyone.

(Off record)

(END OF PROCEEDINGS)

