

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME II

7
8
9 Sitka, Alaska
10 September 27, 2012
11 9:00 a.m.

12
13
14 COUNCIL MEMBERS PRESENT:

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

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P R O C E E D I N G S

(Sitka, Alaska - 9/27/2012)

(On record)

CHAIRMAN ADAMS: (In Tlingit)

If everyone would take their seats we'll go ahead and get started here.

Thank you.

Good morning everyone. I hope you had a nice evening. I'd like to -- I got a request from Harvey here to find out how many -- he wants to know how many of the Council members are going to attend the potlatch this weekend, so if you could let us know by a show of hands.

(Teleconference interference - dialing)

MR. BANGS: This weekend?

CHAIRMAN ADAMS: Uh-huh.

MR. BANGS: We fly out Saturday, right.

CHAIRMAN ADAMS: No, it's through Saturday.

MR. KITKA: It's through Saturday.

CHAIRMAN ADAMS: But maybe, Robert, maybe you can let us know when everyone is going home.

MR. KITKA: It'll start at 1:00 o'clock on Friday and 1:00 o'clock on Saturday.

(Teleconference interference - dialing)

MR. LARSON: Could we just pause while I try to get this connected.

CHAIRMAN ADAMS: Okay, I'll be here.

(Pause)

MR. LARSON: Good morning people on the telephone, we are now in session at the Southeast Council meeting in Sitka.

1 Should we ask who's on the line?
2
3 CHAIRMAN ADAMS: Uh-huh.
4
5 MR. LARSON: Could we ask who is on the
6 telephone?
7
8 MS. KENNER: Pippa Kenner and Helen
9 Armstrong in Anchorage with the Office of Subsistence
10 Management.
11
12 CHAIRMAN ADAMS: Hi Pippa and Helen.
13
14 MR. LARSON: Welcome. Is there anybody
15 else on line?
16
17 MR. VANALEN: Ben VanAlen in Juneau with
18 the Forest Service.
19
20 MR. LARSON: Good morning, Ben.
21
22 (No comments)
23
24 CHAIRMAN ADAMS: Is that it, okay.
25
26 MR. LARSON: Thank you.
27
28 CHAIRMAN ADAMS: Going back to, you know,
29 Harvey's request to find out how many Council members are
30 going to be at the potlatch, you have our reservations
31 pretty well set for return home, right?
32
33 MR. LARSON: That's correct.
34
35 CHAIRMAN ADAMS: Okay. And most of us
36 were set to go -- I know I was set to go, I think
37 Saturday morning, or Saturday -- yeah, Saturday morning
38 and we're going to stay another day so I've changed my
39 hotel reservations to add on another day but I'll move my
40 Alaska Airlines, you know, reservation. But anyone else,
41 you know, interested in staying, he would like to know,
42 you know, for the sake of numbers.
43
44 MR. KOOKESH: May I say something?
45
46 CHAIRMAN ADAMS: Sure, help yourself.
47
48 MR. KOOKESH: Mr. Chairman. Is it
49 possible that you can like pull the mic towards you and
50 talk into the mic a little more.....

1 CHAIRMAN ADAMS: Sorry.
2
3 MR. KOOKESH:so we can hear.
4
5 CHAIRMAN ADAMS: Yeah.
6
7 MR. KOOKESH: If you want to have a side
8 bar with Robert Larson that we're not aware of that'd be
9 fine.
10
11 CHAIRMAN ADAMS: Okay, thank you.
12
13 MR. KOOKESH: For the good of the order,
14 please.
15
16 CHAIRMAN ADAMS: Okay. Can everyone hear
17 me well up there now, better, okay.
18
19 Okay, so no one's going to stay, uh, for
20 the event.
21
22 MS. HAWKINS: Well, I might but I'll need
23 to redo my ticket.
24
25 CHAIRMAN ADAMS: Yeah.
26
27 MR. KITKA: Yeah, I'd actually I would
28 need to know how many are staying through Saturday.
29
30 CHAIRMAN ADAMS: Yeah, he needs to know
31 how many are staying through Saturday. Okay, why don't
32 you get together with him afterwards and let him know.
33
34 Thank you.
35
36 We are going to take public and tribal
37 comments on non-agenda items, we'll do that first thing
38 this morning. So the first person, I hope you're here,
39 is Gale Marvin, are you here.
40
41 (No comments)
42
43 CHAIRMAN ADAMS: I don't see her. How
44 about Aaron. Aaron Bean.
45
46 (No comments)
47
48 MR. KITKA: Not here yet.
49
50 CHAIRMAN ADAMS: Jeff.

1 (No comments)
2
3 CHAIRMAN ADAMS: Is Jeff here.
4
5 (No comments)
6
7 CHAIRMAN ADAMS: Okay, it might be kind
8 of early.
9
10 Mr. Lang, are you here. Do you want to
11 testify when these proposals come forth or do you want to
12 do that now?
13
14 MR. LANG: Since they're all regarding
15 eulachons, there's another -- I'd like to do them all at
16 once.
17
18 CHAIRMAN ADAMS: Okay. You're welcome to
19 come and do that now if you would.
20
21 MR. KITKA: Jeff is here.
22
23 CHAIRMAN ADAMS: Is that him?
24
25 MR. KITKA: Yes, in the red shirt.
26
27 MR. LANG: Well, I'd like to.....
28
29 CHAIRMAN ADAMS: Okay.
30
31 REPORTER: Mr. Lang, come to the
32 microphone.
33
34 CHAIRMAN ADAMS: Mr. Lang, come to the
35 microphone over there.
36
37 MR. LARSON: Maybe I could make an
38 announcement.
39
40 CHAIRMAN ADAMS: Sure.
41
42 MR. LARSON: Mr. Chair. And for the
43 benefit of the residents of the rest of the audience,
44 that if you wanted to address the Council there are blue
45 cards at the front desk, we'd ask you to fill them out
46 and they'll be passed forward and put in the stack.
47 There's also -- every day we have a separate sign-up
48 sheet, so we would appreciate it if you could sign up
49 every day that you attend.
50

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you. Mr. Lang,
4 you are now on. Would you turn that thing on, please.

5

6 REPORTER: Here.

7

8 MR. LANG: Okay.

9

10 CHAIRMAN ADAMS: There you go.

11

12 MR. LANG: Yeah, good morning. Thank you
13 for adjusting your schedule so I could do all the
14 eulachon things at once.

15

16 If you'll remember yesterday I think you
17 were talking about consultation and I had a question
18 about consultation.

19

20 The reason I'm here today is Metlakatla
21 didn't even know about this meeting until two days before
22 the meeting. We found out about it by accident, we
23 weren't notified, we weren't -- we didn't get an agenda,
24 we didn't have anything. The original guy that was going
25 to come up here is the family that does the eulachon
26 fishing, is Louie Wagner and he had an emergency, he's
27 in the hospital now, he had a thyroid thing and they're
28 cutting it out and I don't know how serious it is but
29 he's in Anchorage now so I was asked to fill in. And I
30 come just without any reparation. The Council gave me
31 the authority to represent them but we didn't have a
32 chance to meet over any of this, with the natural
33 resources or the Council. I'm just here -- things are
34 going to come off the top of my head. I've done this
35 before with the eulachon thing, but the consultation
36 thing, the reason I brought it up is because we weren't
37 consulted. Whenever something like this happens we have
38 to come -- we feel like it's more of a confrontation, we
39 have to come and fight without, you know, because they
40 want to close the fishery, they want to adjust the limits
41 and they want to change the gear and we didn't even know
42 about any of this stuff. Except for the five gallon
43 thing, I do have a letter I gave to you about it, we had
44 a notification on that and we addressed it by letter.
45 But this meeting here, with me sitting here, we didn't
46 know about it, I came at the last minute. So that's what
47 I mean about the consultation.

48

49 I don't agree that we're here because you
50 consulted with us.

1 I have a fairly loud voice, I don't need
2 a microphone, I usually stand up and talk.

3

4 (Laughter)

5

6 MR. LANG: The Council -- the only thing
7 the Mayor told me to do is to just tell them, hey, this
8 is not -- we weren't consulted, we shouldn't be this far
9 along with the eulachon thing because the Unuk River and
10 the Tsimshians, we're the eulachon people, been doing it
11 for centuries.

12

13 And to come to a meeting, I came to
14 confront you over these issues, but I think rather than
15 do that because I'm not prepared, I'm just going to
16 comment as what I am. I'm the chairman of the tribal
17 association, I'm an appointed chair, I'm not elected. I
18 represent the Tsimshian Tribe and I'm their elder.

19

20 So today I'm just going to speak as an
21 elder and just describe the Tsimshian issue because I
22 have no background, hardly any to back up your proposals
23 here. We weren't prepared to do that -- I'm not prepared
24 to do that.

25

26 So the first issue is the Burroughs Bay.
27 I need to be -- someone has to tell me what the Burroughs
28 Bay gear limitation is. I didn't have -- we just got
29 this book when I walked in the door so I haven't been
30 able to -- I've tried reading it, would you please
31 describe to me what the first issue of Burroughs Bay gear
32 limit, or gear change or whatever it is deal, would
33 somebody let me know so I can kind of get it into the
34 record somehow.

35

36 CHAIRMAN ADAMS: Any Council member like
37 to address that?

38

39 (No comments)

40

41 CHAIRMAN ADAMS: Cathy, would you?

42

43 MS. NEEDHAM: (Shakes head negatively)

44

45 CHAIRMAN ADAMS: Mr. Larson, could you
46 explain his concern there.

47

48 MR. LARSON: Mr. Chair. I think Mr. Lang
49 is referring to Proposal FP13-20 that starts on Page 76
50 of your Council book.

1 MR. LANG: Yeah, that's the one.
2
3 MR. LARSON: Executive summary is
4 changing or restricting the gear. Actually identifying
5 those gears and restricting it to dipnet, hoop net and
6 cast net.
7
8 MR. LANG: Restricting it meaning within
9 the river there, you're not talking about seining outside
10 the river like they did commercially that one year?
11
12 MR. LARSON: That's correct. And under
13 Federal rules this proposal would not allow the use of
14 gillnets or seines in Federal public waters under State
15 rules -- Federal rules -- Federal subsistence rules.
16 This would not affect what would be allowed under State
17 rules, this is a Federal proposal.
18
19 MR. LANG: All right. Louie Wagner, the
20 fisherman, not only fishes -- we have 1,500 members that
21 live in Metlakatla and another 2,000 that do not live
22 there, that are members of Metlakatla, the Tsimshians, so
23 we have 3,500 people and they can't go up there and
24 dipnet. It's kind of insane, the reason Louie and them
25 do it is because they've been doing it for centuries.
26 They come with their boats and load it up and bring it to
27 people and distribute it. It's not a -- it looks like a
28 commercial entity but it's not. If you -- Louie's boat,
29 he's a fishpacker, not a seiner, he has a 65 foot plastic
30 boat, the price range starts at 750,000 on up, fuel is \$5
31 a gallon, plus. To fuel that boat up he needs to go to
32 the bank. It's not -- if he has to charge -- he has to
33 pay his way, he's got his family and he's got a crew, and
34 the people pay just a very small stipend and it's not a
35 real commercial issue but they can't do it without him,
36 they can't go up there and get enough to feed 3,000 --
37 and I'm just talking Metlakatla, I'm not talking -- they
38 also service Ketchikan, KIC. I don't know, how many
39 members do you have Robbie.
40
41 MR. SANDERSON: We have pretty close to
42 1,600 members that live in.....
43
44 REPORTER: Rob. Rob.
45
46 MR. SANDERSON: Oh, okay, sorry.
47
48 MR. LANG: That's why I needed him here,
49 yeah.
50

1 MR. SANDERSON: Yes, we have right around
2 1,600 members that in Ketchikan and our total enrollment
3 is pushing close to 6,000 -- 5,780, close.

4
5 MR. LANG: Then you throw in Ketchikan
6 and then we also -- when they have enough, service
7 Hydaburg, Klawock, Kasaan, and maybe even Craig.

8
9 So to limit them to a dipnet is almost
10 insane. A dipnet would be fine for one person and one
11 family if that's all that was needed, but when you're
12 feeding thousands of people, and the only way to get
13 there to get the eulachons out of the river is by an
14 outfit like Louie with all the -- spending his money and
15 they have the expertise and know how to do it. There's
16 no other way to do it. You can't get 3,000 people to go
17 up there and dip their share out, they couldn't afford
18 it. So it's kind of insane. It's almost a way to put us
19 out of business legally. You can't do it any other way.

20
21 See this right to fish is an inherent
22 right to the Tsimshian, we've been doing it for over
23 10,000 years. It wasn't given to us by the State or the
24 Federal government. It's not a permit they can give and
25 take away. And we've never joined the land claims or
26 anything like that. We've never signed any agreement,
27 there's nowhere you'll find the Tsimshian gave up
28 anything, those rights, we have those rights, we didn't
29 join the land claims, we didn't do anything. We still
30 have those rights. And by doing these simple little
31 things that look like, hey, we're doing a real good
32 thing, we're going to limit to dipnetting, you're putting
33 us out of business. You're actually cutting us off.
34 It's insane when you look at it from the Tsimshian point
35 of view. When you look at it as a personal issue, it
36 makes sense. You can't drive up there.

37
38 The other issue is that when the State
39 Fish and Game guy made his point here and showed the
40 pictures, air photos, they usually take air photos saying
41 how hard it is to get up the Unuk, it's a frozen in area
42 and it's a glacier fed stream, shallow. These guys go up
43 there a month ahead of time and wait for the ice to go
44 out. Because as soon as the ice goes out the eulachon
45 come. That's the first fish of the year. You all know
46 that. You older people know that. But they spend
47 sometimes a month to six weeks up there waiting for this
48 to happen.

49
50 So they also know about the wildlife.

1 And they have noticed that since commercial entity was
2 tried, the State gave some company in Ketchikan, I think
3 the high school or something like that, the right to
4 seine, because they wanted to make a commercial issue out
5 of it, dollar commercial issue, limited entry and stuff
6 like that, they fished it and they loaded up vans and
7 loads of frozen eulachon, they couldn't sell them because
8 they didn't have a market. They had the right to do it
9 because Fish and Game let them do it. They wasted it.
10 And from that time on you saw that chart, it went down.

11
12 Now, we're fighting back and they were
13 telling us that we're eating all the -- we're
14 overfishing, killing them off.

15
16 And not knowing that there was mining
17 going on. Rob, yesterday, made the point, you guys
18 didn't mention mines, and we didn't know about it until
19 this year and there is an issue brought up, there was SK
20 Mine was five miles north of a drainage into the Unuk on
21 the Canadian border, Canadian side of the border, they've
22 been mining for 12 years and those 12 years is also when
23 that chart went down to nothing. Now not only the
24 eulachons disappeared, the salmon disappeared. We don't
25 touch salmon in the river up there, we don't. We don't
26 even use -- go into any of the rivers anymore. But the
27 salmon disappeared to, why, and we think it's -- now we
28 think it's because of the chemicals that were coming from
29 that mine. That mine stopped four years ago and the
30 water might be clearing up a little now and we think
31 that's the reason the herring moved. The guy said he
32 didn't have a clue why they moved to an island, eulachons
33 do not go into island streams, they go to ice, they like
34 iced-based water, glacier fed rivers. They moved over to
35 George Inlet, which is right next to Ketchikan on
36 Revillagigedo Island, nobody knows why, because of that
37 mine thing, I think, now they're moving back. I don't
38 think they'll keep going back to George Inlet, we don't
39 know, but the Tsimshian believe that because of the ice,
40 they're tied to the ice, that the eulachons -- have never
41 been researched, they don't know why they don't want to
42 go back out, we think they live in the mud, that glacier
43 silt. Because when you get a fresh eulachon out of the
44 water, it looks like it's waxed on the outside. It's not
45 the oil part of it, but the body is -- it has that little
46 coating like wax on it, and we think they live in the
47 slime and they love that glacier silt. Yakutat, the
48 whole bay of Yakutat is covered with that. That's the
49 type of thing that they like to live in because it's rich
50 with food. The Tsimshian think that's where they live,

1 in the silt. But it's never been researched so we really
2 don't know. That's our theory. It's always been our
3 theory. We've been -- like I say, the Tsimshian go all
4 the way from Prince -- halfway down to Seattle to Queen
5 Charlotte Sound up by Little Wrangell, all the mainland
6 rivers are eulachon rivers, there's over 20 of them.
7 Nase and Malaspina are the hugest, biggest. That became
8 their Tsimshian headquarters. And we used the gold --
9 eulachons was our gold standard, we use it for trading up
10 and down, they're the first fish to come and we made the
11 oil out of it, it's smoked, and did the canoe thing up
12 and down the coast to trade it, extensively for thousands
13 of years. So we kind of know about eulachons. And we
14 should, you know, and the respect they had for it was
15 that the chief, no paddles will touch the water when
16 they're ready to -- eulachons are -- the herring are
17 ready to spawn. When the herring come, all the canoes
18 stay on the beaches until they're done and the chief
19 says, okay, now take some, that's the way they respected
20 it.

21

22 So we would never kill on purpose by
23 overfishing. We never have. And we believe that now
24 that Fish and Game should look into the thing that Rob
25 mentioned.

26

27 The Canadians said we test the water.
28 Every time we asked them -- they came to a meeting in
29 Ketchikan and they said -- we asked them, what about the
30 pollution, they said well we test the waters, we test the
31 waters. But they never told us the result of the test or
32 whether if it did have pollution, if they changed
33 anything; they never told us that. They just said we go
34 by a strict Canadian laws, like our EPA. We don't know
35 what those laws are. Are they strict. Apparently not
36 because they got mines up the -- all the way up and down
37 the coast. They don't have a roadless law. The only
38 reason they're not mining up there right now is because
39 the roads that the BC hydro are building through -- all
40 the way from BC all the way up to the Unuk run into
41 Tsimshian territory, Anuska, on the Nase and they won't
42 allow them to build the roads through their territory.
43 Not yet. They were going to discuss -- we were supposed
44 to discuss it this last month but one of the chiefs died
45 so maybe next week or the next two weeks, they want to
46 bring everyone in that's interested in the mining to meet
47 in Prince Rupert and talk about what we're going to talk
48 about now.

49

50 So mining is on our minds more than Fish

1 and Game and these little regulations that could put us
2 out of business. See I didn't know about that gear
3 regulation, I didn't know what it meant, and now I know
4 it would put us out of business. It would put Louie and
5 them out of business.

6
7 So we, respectively, because of -- you
8 remember two years ago when we first talked about this in
9 Anchorage with the main Board, you guys had already made
10 a recommendation to close it down and you couldn't change
11 it because it was your recommendation and we respected
12 that. Actually we don't want to fish if there's no fish
13 anyway. You know any fisherman is like that. We
14 respected that. Even though we asked them if the fish
15 showed up please leave it open, but the Forest Service
16 closed it down during the eulachon thing, prior to the
17 eulachon showing up, they were just closed down. We
18 didn't know why or we didn't know who had jurisdiction.
19 Who has jurisdiction over the river, the Forest Service,
20 the Park Service, the Board, who? It seems like every
21 time an issue like that comes up, the Natives are the
22 first ones to get shoved aside. If we took fish -- just
23 like the Natives on the Yukon now with the king salmon,
24 if they take fish they'll go to jail, and they didn't
25 kill them off. We didn't kill this off. And now we want
26 to discuss the mining thing.

27
28 But, I guess right now I have to ask you
29 to please, please do not change the recommended change of
30 gear limit because you just as well say goodbye, you
31 know, no more eulachons for you. To me, that's what I --
32 I recommend that on this issue, now that I know what it
33 is.

34
35 Anybody have any questions on that?

36
37 CHAIRMAN ADAMS: Thank you, Mr. Lang.
38 Does the Council.....

39
40 MR. LANG: Now, that's just the first
41 one. Yeah, that's just the first one.

42
43 CHAIRMAN ADAMS:any questions.
44 Pardon?

45
46 MR. LANG: That's just number 1.

47
48 CHAIRMAN ADAMS: Yeah, right. Okay. Any
49 questions. Just make sure your questions are directed to
50 the subject matter, okay.

1 MR. LANG: Yeah, Rob has something, go
2 ahead, Rob. This one's recording.

3
4 MR. SANDERSON: They got this one going
5 here. Thank you, Mr. Chair. Members of the RAC. My
6 name's Rob Sanderson, Jr., I'm Haida, I'm from the Haida
7 Nation.

8
9 Yesterday when I came up to speak I did
10 not give a proper introduction, I had just got off the
11 jet and I'm not much for flying, as much as I do, so.
12 Anyway I serve as the second vice-president for the
13 Tlingit-Haida Central Council, who I am representing here
14 today. I also serve as the vice-president of KIC. And
15 I do have permission to speak on this issue from the
16 Council at KIC.

17
18 Ketchikan Indian Community, we're pushing
19 close to 6,000 members right now. Roughly 1,600 to 1,700
20 live in Ketchikan, that's a pretty accurate number there.
21 A lot of people coming and going from our membership in
22 Ketchikan. One thing I would like to touch on is access
23 to the Unuk River area, which is approximately about 70
24 miles from Ketchikan. During that time of year we get
25 severe north, northwest windstorms, and you'd just as
26 well be out in the middle of Dixon Entrance when you're
27 in West Behm Canal. Our membership does not have the
28 types of boats to handle that kind of weather, not like
29 Louie, Mr. Wagner has. And some may look at Mr. Wagner's
30 fishery as a commercial operation but it is not. It is
31 an operation which helps feed a lot of people that do not
32 have access to the Unuk River.

33
34 I have to agree with my friend, Mr. Lang,
35 here, that the gear change is wrong.

36
37 We do not -- if you go in and look at
38 just exactly what type of boats or vessels our membership
39 possess, we don't have that many that have that kind of
40 boat to get up into there to access that fishery. So KIC
41 opposes that, and as well does Central Council.

42
43 Another important thing that we need to
44 really think about while we're on this subject here is
45 why are eulachon showing up in small quantities on Prince
46 of Wales Island up there in Carroll Inlet, you know, we
47 don't know that, but we have a pretty good hunch where
48 it's coming from, is from the mines along the BC border.
49 British Columbia's up for sale, if not it is for sale
50 pretty much. It's a lot of these Asian markets buying up

1 land there. Two of the largest open pit mines in the
2 world are going to be happening six miles behind our
3 border in Ketchikan, and if that is not alarming to any
4 of you then we have a problem. Two 800-foot retainer
5 dams are being -- going to be constructed to hold the
6 tailings from these mines. They're going to turn
7 mountains into ditches, huge ditches. And you take a --
8 you look at the Space Needle, 600-some feet high, you add
9 another 200 feet on it, that's an awesome, awesome mine
10 tailing pit. And we live in one of the most unstable
11 geographic areas in the world. You know, as a lot of you
12 know the geograp -- I mean the San Andreas Fault ends off
13 of the north end of the Queen Charlotte Islands. And we
14 get the heaviest rainfall in probably more than most
15 parts of the world here. And it takes thousands of years
16 for a lot of these different poisons that they break up
17 these -- to get into -- to get to the mineral extraction
18 part of the mining operations. As we all know, things
19 flow downhill. This will not only affect the Unuk River
20 but it'll affect a majority of the rivers along the
21 Canadian Southeast Alaska border, the Stikine, the Nase.
22 This is an alarming, alarming situation.

23

24 You know, if I was a permitholder, purse
25 seine or troller, gillnet permitholder I would be here at
26 this meeting asking a lot of questions and what can you
27 do to help us. And maybe there are things we can do to
28 meet you halfway. I know the KIC Tribal Council has been
29 heavily engaged in addressing this issue in mining on the
30 BC border. And it's not going away. They're already
31 building power stations, bridges. It's going to happen.
32 They've -- they're going to probably be up and
33 operational by 2017. I think it would be good to our
34 tribal members that are sitting in here to go back home
35 and talk to the respective tribes because this is just
36 not going to affect Ketchikan, Metlakatla, Prince of
37 Wales, it's going to affect everybody in Southeast
38 Alaska, not only in eulachons, but in all types of
39 fisheries. A majority of our fisheries here. Like Mr.
40 Lang said, you know, the salmon have not returned in a
41 lot of areas in a lot of these mainland rivers and
42 streams. He also mentioned the fact that the eulachon,
43 they're not island spawning fish.

44

45 So, you know, I live in Ketchikan, you
46 know, it's just a little ways away from the end of the
47 road system where these eulachons are trying to get up
48 this river system, and I've never heard nothing like that
49 in my life.

50

1 So I would encourage the RAC here to
2 start engaging with the powers that be to start
3 addressing the situation. It is clearly an international
4 issue with that border. So I would, again, extend my
5 hand out to the RAC, and if there's anything that I can
6 do, and any meetings that I attend on this issue -- I
7 believe we're having one, again, in Ketchikan coming up
8 soon, that's going to be addressing this so -- and, you
9 know, it is what it is, we need to keep an eye on it. We
10 talked about predator control, there, you know, eating
11 eulachons, you know, you got to understand that's been
12 their staple in their diet for thousands of years. I
13 don't believe that's playing anything into the demise of
14 this fish, you know, we -- they've been doing it for
15 thousands of years, longer than we have.

16
17 So, again, I'm really not going to touch
18 any more on this issue, just, please, you know, that's
19 really, really the main concern of the tribes down in the
20 lower southern part of Southeast Alaska. And they are
21 also mining up along the Taku, and it's affecting that
22 river too. And I'm hoping the northern tribes are
23 dealing with that. I believe DIA's addressing that
24 issue, and KIC's been engaged with DIA, Douglas Indian
25 Association on that. And so we do have our work cut out
26 for us and it's not going to be easy. Money, for the
27 people across the border, I mean it's all about the
28 bottom line and it's mainly Asian markets going in there
29 and extracting our -- I mean the resources, and we're
30 going to be on the bad end of the stick, though.

31
32 Mr. Chairman, I thank you for your time
33 and members of the RAC.

34
35 Thank you.

36
37 CHAIRMAN ADAMS: Thank you, Mr.
38 Sanderson. Appreciate your comments. And I really do
39 believe, you know, the power of local entities getting
40 together and addressing these issues. KIC, you know, you
41 mentioned is in that process as well.

42
43 But let me tell you the power of a
44 community. Many years ago, I don't know whether you --
45 you've all heard of the Windy Craigy Mine or not, but
46 it's up above the Klahini and Alsek River, they were
47 going to put in a real large copper mine in there. The
48 community got together, had public meetings, had those
49 people come in and told them we don't want it. And the
50 evidence that we gave there was, of course, you know, the

1 silt that was coming out of the Dangerous River and the
2 Alsek River, and we just demonstrated that if any of
3 those tailings, like you said, you know, and that San
4 Andreas Fault if we have a heavy earthquake, all of that
5 stuff is going to come down and it's going to enter into
6 the ocean and that's perfect evidence. You know, for
7 those reasons, you know, we were able to stop it and they
8 have never tried to come back again.

9

10 MR. SANDERSON: If I may, Mr. Chairman,
11 just add one more comment.

12

13 CHAIRMAN ADAMS: Sure.

14

15 MR. SANDERSON: The Central Council, as
16 well as KIC, Ketchikan Indian Community, we do not
17 opposing mining, we look for responsible mining.

18

19 CHAIRMAN ADAMS: Yeah.

20

21 MR. SANDERSON: And it's in our opinion
22 that the mining that's going to be happening behind the
23 border is very irresponsible and, you know, what if one
24 of those dams just ends up breaking, you know, we're
25 sitting ducks and it'll wipe everything out in that whole
26 ecosystem.

27

28 CHAIRMAN ADAMS: Uh-huh.

29

30 MR. SANDERSON: You know, in my opinion.
31 You know that may happen when we're well long gone from
32 this Earth because the life of that mine, I believe, Tom
33 or Merle, correct me, I believe is 50 years.

34

35 MR. LANG: Starting at 50, possible 100.

36

37 MR. SANDERSON: Possible 100. So, yeah,
38 well, if there is anything that I can provide the RAC on
39 the meetings that I've been to and the maps, I'll be glad
40 to share them, but I think we need to cooperate to get to
41 the bottom of this. We are -- the Ketchikan Indian
42 Community will be sending tribal representatives to meet
43 with the First Nations across the border. And there's a
44 lot of things that are on the plate that are going to be
45 affecting, not just the tribes, but all people in
46 Southeast Alaska that's happening behind there. So, you
47 know, we're just at the very beginning of this process,
48 it's going to go on for years, and so anything we can do
49 I really think this is one issue that we all need to work
50 together on.

1 Those are my comments, and I thank you.
2
3 CHAIRMAN ADAMS: Yes, and whatever you
4 guys come up with, whether it's with Central Council or
5 KIC, or, you know, a region as a whole, you know, we
6 would be interested in participating in whatever we can.
7
8 MR. SANDERSON: I'll leave my contact
9 information with you, Mr. Chair.
10
11 CHAIRMAN ADAMS: Thank you, very much.
12
13 MR. SANDERSON: Thank you.
14
15 CHAIRMAN ADAMS: I think Mr. Lang has a
16 couple more.....
17
18 MR. LANG: Yes. Before I go on to.....
19
20 CHAIRMAN ADAMS:before -- before we
21 go any further, Mr. Lang, I want you all to know that we
22 are, you know, entering our second day and maybe half a
23 day tomorrow, I hope not, but we need to get through the
24 agenda today as much as possible. And so if you can
25 respect our time, you know, we're willing to listen to
26 you but if you can just, you know, keep your comments
27 short and to the point we would really appreciate it.
28
29 Thank you very much, sir.
30
31 MR. LANG: Kind of hard to do when you're
32 talking about thousands of years.
33
34 CHAIRMAN ADAMS: Okay. Just a minute,
35 again, Mr. Ackerman has a question, right, okay, go
36 ahead.
37
38 MR. ACKERMAN: Yeah, just a comment,
39 observation. Thanks for remembering that I raised my
40 hand there.
41
42 But when you were talking about the
43 eulachons and a one vessel designated harvester is what
44 is happening here, the Federal government and the State
45 has to realize that, as Mr. Lang stated, not all of us
46 have the resources to go out and harvests these. Like
47 you said, it'd be pretty hard for 3,000 people to go out
48 and harvest these. What we have here is the designated
49 hunter/harvester, whether it be fish from the sea, or
50 moose in the forest. I am one of those people from my

1 region too and the pressure is unbelievable of the amount
2 of people that are asking me for the resource because I
3 have the boats and the abilities and the skills to
4 provide for these folks. So we have a sole source
5 harvester here. And what you are doing is providing the
6 food for these folks that can't go out there and get it
7 and the government and the State has to recognize this.
8 It's not just that you're out there for your own personal
9 fishing.

10

And the other thing too.....

11

12

CHAIRMAN ADAMS: Mr. Ackerman.

13

14

MR. ACKERMAN:I'd like to talk

15 about is.....

16

17

CHAIRMAN ADAMS: Do you have a question

18 that you'd have for Mr. Lang.

19

20

MR. ACKERMAN: Yeah, I was just

21 explaining.

22

23

CHAIRMAN ADAMS: Okay, would you please

24 ask the question.

25

26

MR. ACKERMAN: Right.

27

28

CHAIRMAN ADAMS: Thank you.

29

30

MR. ACKERMAN: I'll get off.

31

32

CHAIRMAN ADAMS: Go ahead, ask the

33 question.

34

35

MR. ACKERMAN: No, go ahead.

36

37

CHAIRMAN ADAMS: Okay. Floyd.

38

39

MR. KOOKESH: Well, just a followup to

40 what Tim was talking about. In Angoon we have what we

41 call community permit, community seines, excuse me.

42 Community seines where more than one group goes together

43 because -- not only because of the price of fuel, because

44 they're trying to catch as much as they can. In talking

45 to Clarence Jackson the other day he mentioned exceeding

46 permit numbers to help other people that couldn't come.

47 So I wonder where the -- you know, I understand the

48 process here and I see where you're going and I'd like us

49 to be there, too, and people need to start understanding

50

1 this process at \$6.30 a gallon, you're going to go get
2 some extra salmon for someone, it shouldn't be a crime.
3 The crime should be wanton waste. The crime should be
4 throwing bycatch away. That's where the crime should be.

5

6 Thank you.

7

8 CHAIRMAN ADAMS: Thank you. Anyone have
9 a question. We need to ask questions, not make comments
10 right now.

11

12 Go ahead, Mr. Lang.

13

14 MR. LANG: Okay. Some of the information
15 I brought up and passed out to you, it doesn't seem to
16 make much sense, but the mine that Rob is referring to is
17 bigger than the Pebble Mine that is designed to kill of
18 Bristol Bay, and the name of the outfit is Kersulfitz
19 Mitchell, I don't know where they're from but they're
20 British Columbia, Vancouver based, but they're not from
21 there but it's a huge thing. I want to finish addressing
22 this mine because of the chart. I brought a chart that
23 covers all the way from Taku down to the Nase and Skena
24 of all the mining proposals and it's an up to date chart.
25 I only brought one, I have several, and I can get more
26 copies. Because when we were at this meeting in
27 Ketchikan when this mining outfit made a public display
28 to let people know what they were doing, the only people
29 from the State, for the State Fish and Game, they had two
30 representatives there and the Forest Service, who
31 actually closed down the Unuk didn't even have any
32 representatives there, and when someone in the audience
33 asked the two guys from the State Fish and Game, what are
34 you guys doing about this and here -- and Rob can back me
35 up on this, the man got up and said we can't do anything
36 about it because it's in Canada and there's no law
37 against it but we're working with them. That's what he
38 said. Now, I don't know what he -- he said we can't do
39 anything but we're working with them.

40

41 (Laughter)

42

43 MR. LANG: Now, this is the first time we
44 heard about mining at that time and that was last winter,
45 right, Rob.

46

47 MR. SANDERSON: Yes.

48

49 MR. LANG: Last winter, yeah. So we
50 started researching it and we found out that there is a

1 law and some of the papers that I brought up are a
2 description of how Montana, the state, from the Governor
3 to the Legislature to all the tribes and the people
4 living on the river in Montana stopped a coal mine
5 operation on the BC side, I think it was BC, or it might
6 have been -- I don't know, the next -- anyway, they
7 stopped it and it went so high, as you'll see a letter in
8 there from Condoleezza Rice, which is the Secretary of
9 State, which Hillary Clinton is now, it actually went
10 that far, but it took the whole state, the Governor and
11 everybody against it. And in Alaska we don't get that.
12 There was nobody even there, the State Fish and Game said
13 they couldn't do anything, they weren't going to do
14 anything, the Forest Service wasn't even represented, and
15 as far as I know the Legislature, the Republican
16 Governor, wants to mine, they want the mines, they want
17 oil, they want to stop one river up north just to mine
18 coal and then when they're done mining they'll put the
19 salmon back.

20
21 Demi-Gods on Earth they are. But all for
22 money, dollar signs. See we aren't doing this for dollar
23 signs. I'm glad you guys brought that up. But it takes
24 dollars, a lot of dollars to live, the way we live now,
25 because in the old days the Indians didn't all live in
26 one city like they did, they lived in the fish camps.
27 They moved to where the eulachons were, where the herring
28 was, where the sockeyes came, when the dog salmon came in
29 the fall. That's how we lived. Now we live in one place
30 so we need this issue to go out and have people get
31 things for people that can't go.

32
33 So when you read -- you'll have to pass
34 that chart around to see what the law that makes sense,
35 it makes sense when you put it all together. And I'll
36 try to get you more -- maybe I'll get one for each one of
37 you, a chart like that, because we want to get the State
38 involved in it, too, to see whether we can get them
39 excited, or -- Rob's right, the whole thing seems like
40 nobody knew what was going on. There was -- we didn't
41 know, if we didn't know that there was mining there, no
42 one else seemed to know, there's no information. We want
43 to get that information out and we're going to meet in
44 Rupert within the next two weeks and they're setting it
45 up now to discuss that.

46
47 And that's what I wanted to say about the
48 mining. To me, the whole thing in Unuk happened because
49 of the SK Mine. And the fish will probably come back but
50 as soon as they come back they're going to build a bigger

1 one, biggest mine in the world probably, it's scary.

2

3 Because the Unuk River is not -- it's a
4 glacier fed -- there's a huge glacier up there but the
5 water doesn't run down over the ground it comes out at
6 different places from under water, so when you build a
7 dam, is the water going to go under and come up somewhere
8 else. That's how -- there's a place up there where
9 glacier water actually shoots out from under the ground
10 and goes into the river because it -- you know how --
11 like you said we're in an earthquake area full of cracks
12 and they want to put a huge dam, a holding dam two of
13 them there, using it for drainage.

14

15 So I want you to know all this so that we
16 change our position on -- not in a confrontation stage
17 anymore, I want us all to agree that there's something
18 wrong here and it's not -- we didn't eat all -- we didn't
19 overfish and the Fish and Game didn't -- probably didn't
20 even know that it was happening. In fact he admitted it
21 here, he didn't know why the eulachons moved, and I think
22 we're going to find out that it probably is from mining.
23 But we want to look into that.

24

25 That's all I have to say on the mining,
26 just get you up to speed on it. And I'd like to go on to
27 FP13-21, which is the.....

28

29 CHAIRMAN ADAMS: But before you do that,
30 Mr. Sanderson, did you have something in relation to what
31 he's saying on you wanted to comment on.

32

33 MR. SANDERSON: Yes, just a closing
34 comment, Mr. Chair.

35

36 Again, this is going to refer to the
37 mining in BC. You know, we all call Southeast Alaska
38 home, I think that we all -- again, this will be my
39 closing remark on this mining issue here, that we have a
40 responsibility to protect our children's future, you
41 know, they're not in no position to deal with this, we
42 are, you know. When I sit here at this table I'm
43 thinking of my two boys, you know, my boys are fishermen,
44 you know, and he's a pretty smart kid, he's going to be
45 going to school for marine biology, he's an A student at
46 K-High in Ketchikan, which is an extremely hard school to
47 get good grades in. I'm a single parent. And, again,
48 that saying is that we inherited this land and this water
49 from our children, we're borrowing it from them and we
50 need to take care of it and in a better state than they

1 gave it to us.

2

3 So that's my closing comments, Mr. Chair,
4 and I'm looking forward to working with each and everyone
5 of you and I think that the consultation process could be
6 a little better and I think that's something that we'll
7 continue to work on.

8

9 Thank you.

10

11 CHAIRMAN ADAMS: Gunalcheesh, Robert,
12 appreciate your comments. Go ahead, Mr. Lang.

13

14 MR. LANG: Yes, FP13-21 is the
15 recommendation from a person that has a cabin, I think,
16 up there in the Unuk. He doesn't live up there -- can't
17 live up there, it's too cold, but he hunts and fishes up
18 there, I guess. But he's recommending a five gallon
19 limit and it's tantamount almost to the same thing as the
20 gear limit, five gallons, are all 3,000 people going to
21 go up there and the KIC, 1,500 they'll go up there and
22 get five gallons at a time, it doesn't make sense.

23

24 I've addressed that issue with a letter
25 and I think you have a copy of it. And Louie also
26 addresses the issue about the person that's making, he
27 knows him personally, he knows his family, he doesn't
28 live up there, he lives somewhere else. But he is
29 granted -- he's White-non-Native and he was granted a
30 subsistence use permit. He asked for it because he said
31 he lived on the river, he has a cabin up there but he
32 doesn't live on the river. That's Louie's thing and he
33 -- there's a letter in there. I wish he was there, wish
34 him -- I wish he's able to make the next meeting.

35

36 But, anyway, that -- we're strictly
37 opposed to that because for the same -- the two almost go
38 together, 20 and 21 are cutting us off, so we recommend
39 that you do not recommend to the Federal Board because if
40 you do you can't change your vote again, like you did
41 last time, you had to vote against leaving the eulachons
42 open. So I'm not -- the Mayor told me to recommend that
43 the Council -- that all Metlakatla are against it, the
44 Tsimshian Tribe is against the five gallon bucket thing.
45 We recommend that you don't agree with it.

46

47 And that's all I have to say about that
48 right now.

49

50 CHAIRMAN ADAMS: Thank you. Thank you,

1 Mr. Lang.

2

3 Closing comment.

4

5 MR. SANDERSON: Thank you, Mr. Chair.

6 I'm going to respect the agenda today.

7

8 I, too, am going to go on record for the
9 Central Council and the Ketchikan Indian Community that
10 we do oppose this -- this is what it comes to nowadays,
11 so, the five gallon container per fisherman. Again, it's
12 all about access to the fishery and, you know, to put a
13 limit on just how many pounds a person can take out of
14 that area and not even being able to make it up there, it
15 makes it that much worse so on record we oppose that and
16 we'd hope that this RAC will look into it and put a
17 favorable proposal to the Federal Subsistence Board at
18 their next meeting on this issue.

19

20 So, again, it's all about access and, you
21 know, this has been a staple of our tribal member's diet
22 for tens of thousands of years and we hate to see that go
23 away and cut down to pretty much nothing.

24

25 Thank you.

26

27 CHAIRMAN ADAMS: And your testimony is,
28 you know, in the.....

29

30 REPORTER: Bert.

31

32 CHAIRMAN ADAMS: Your testimony, of
33 course, has been recorded into the record and we're going
34 to take that into consideration when we come to those
35 proposals. We appreciate your testimonies.

36

37 Gunalcheesh.

38

39 Thank you, very much.

40

41 MR. SANDERSON: Howa.

42

43 MR. LANG: That's all I have to say on
44 13-21.

45

46 Any more statements from the Board.

47

48 (No comments)

49

50 MR. LANG: Then the last one would be

1 FP11-18, closure, 1C, 1D. That's the Unuk area, the
2 whole area there.

3
4 You seen it, the guy made a presentation,
5 that's that whole Behm Canal area where the Unuk feeds
6 into.

7
8 We don't think closure is a management
9 issue. If you're going to consult with us, let's get
10 together and figure out how we're going to bring the runs
11 back to healthy runs, but closing it down, shutting it
12 down completely is not the way to manage anything. It's
13 how do we propagate it and if we have a weak run, do we
14 just get enough to eat or do we just leave it alone,
15 we've been doing that for centuries. Again, we know when
16 there's enough but we just never knew why the eulachons
17 move, now we think we do. We'd like to be part of the
18 process of managing it, not closing it down. And if not
19 fishing it is the issue, we'll be the first to agree to
20 that because we want to see it come back, that's our
21 history, that's our life, that's our tribe's life, it's
22 the heart of our Tsimshian Tribe, is the eulachon.

23
24 And by not consulting with us there's a
25 lot of mad people. I was mad too. I come up here -- but
26 now I'm trying to be the elder and tell you how to look
27 at it from the Tsimshian point of view. And we want to
28 be -- partake of the issues here and this, even me being
29 here today is not consulting. We don't consider --
30 because my council has to do the consulting. You have to
31 talk to my council, they have to agree, they have to
32 participate. And they've given me the authority -- I
33 very respect my council, very much, and I had to ask for
34 the authority and the Mayor had to grant it to me, just
35 to be talking here today. And all I can do is talk, I
36 can't -- I can only tell you what they tell me to say.
37 If I told you what I thought, then it'd be -- I would be
38 in trouble.

39
40 (Laughter)

41
42 MR. LANG: It'd be a confrontation. But
43 I'm through being mad. We're not being mad. We want to
44 see this thing through and we'd like to get your thoughts
45 on to the whole idea of -- not only Southeastern Alaska
46 is under siege with mines, the Bering Sea with the oil
47 and gas things, and the Pebble Mine in Bristol Bay, and
48 actually the Governor made a proposal to cut a stream
49 down on Southwest Alaska, shut it down, mine coal for 20
50 years and then we'll open it up again and put the salmon

1 back. Actually made that kind of a recommendation. So
2 we're under siege and Rob is right, our grandchildren, or
3 our great-grandchildren are going to -- if we don't do
4 anything, are going to have to pay for this, they're
5 going to have to do it. Just like after the pulp mill
6 thing, and all the logging and everything, and now the
7 taxpayers are trying to reconstruct the things because
8 they logged down to the streams. We tried to tell them,
9 don't do it, but they did it. Now the companies that
10 mine, they take their money when they're done, they
11 leave, the government's got to pay to fix it up. And the
12 same thing with the trees and the salmon streams with the
13 -- when they logged the whole Prince of Wales, the
14 biggest island in -- the biggest island in the world,
15 they almost logged it down, ruined all the streams, and
16 now they're fixing it up and saying, hey, we're
17 wonderful, we know all about it, but the taxpayers now
18 are having to pay. That means our great-grandchildren
19 will be stuck if all our -- there'll be no such thing as
20 fishing anymore.

21

22 That was a good point he made and that's
23 the way we should be thinking. None of you should be
24 thinking -- or sitting here thinking about this year or
25 next year, you should be thinking about your
26 grandchildren.

27

28 So this closure thing, I didn't even know
29 it was in there, it's 11-18, it's a different issue. And
30 I think it said something on there -- where is it at?

31

32 UNIDENTIFIED VOICE: Page 118.

33

34 MR. LANG: Page 118. It said defer it.
35 What does that mean, FP11-18, deferred, what does that
36 mean?

37

38 CHAIRMAN ADAMS: Deferred.....

39

40 MR. LANG: Could somebody explain to me
41 what deferred means?

42

43 CHAIRMAN ADAMS: Deferred?

44

45 MR. LANG: Yeah.

46

47 CHAIRMAN ADAMS: Defer means it's going
48 to be put off, no action will be taken on it, it's going
49 to move forward.

50

1 MR. LANG: You're not going to do
2 anything with this?
3
4 CHAIRMAN ADAMS: We're not going to do
5 anything about it, yeah.
6
7 MR. LARSON: No, that's not.....
8
9 MR. LANG: At this meeting, but it stays
10 in the book?
11
12 CHAIRMAN ADAMS: Well, we will eventually
13 do something about it but it's kind of like postponing.
14 Why don't you go ahead and explain that, Mr. Larson.
15
16 (Laughter)
17
18 MR. LARSON: Thank you, Mr. Chair.
19 Proposal FP11-18 was considered by this Council two years
20 ago, so we're now in the FP13 cycle, the 2013 cycle.
21 This proposal was first brought before the Council two
22 years ago in the 2011 cycle. It was -- the
23 recommendation from the Council at that time was to
24 support. The Board deferred action on this proposal
25 until this cycle. So it's been deferred from the 2011
26 cycle to the 2013 cycle. So the Council will make a
27 recommendation at this meeting and it will be deliberated
28 by the Federal Subsistence Board in January, just like
29 all the rest of those proposals.
30
31 MR. LANG: In January, the Federal Board?
32
33 MR. LARSON: That's correct.
34
35 CHAIRMAN ADAMS: Yeah, see what happened,
36 Tom, is that, when Mr. Wagner and I think a couple other
37 people from Metlakatla came to the Board meeting and they
38 adamantly opposed this proposal, you know, because they
39 were going to -- because the Federal Subsistence Board
40 was going to consider it, but then the Board decided that
41 they would defer it and bring it back to this Council,
42 you know, for.....
43
44 MR. LANG: Oh, I remember, we asked
45 them.....
46
47 CHAIRMAN ADAMS:further
48 consideration.
49
50 MR. LANG:to not close it, if the

1 fish show up, please let us fish it.

2

3 CHAIRMAN ADAMS: Yeah.

4

5 MR. LANG: Then the Forest Service went
6 ahead and closed it anyway. So that had nothing to do
7 with the Board then, what the Forest Service did had
8 nothing to do with the Board?

9

10 CHAIRMAN ADAMS: Yeah, the Forest Service
11 does have a lot to do with the Board because they get
12 their direction from the Board. I think what the Forest
13 Service did, and correct me if I'm wrong, Robert, is they
14 did an emergency order on that particular issue.

15

16 MR. LANG: Because we couldn't determine
17 who had the authority to open or close or order closures,
18 it was confusing.

19

20 MR. LARSON: Can I just say one more
21 thing.

22

23 CHAIRMAN ADAMS: Okay.

24

25 MR. LARSON: Just to put this in context,
26 Mr. Lang, it was at the meeting, you were there, and Saul
27 Atkinson was there, Louie was there.....

28

29 MR. LANG: Yeah.

30

31 MR. LARSON:and the action of the
32 Board at that time was to defer the proposal until this
33 cycle so that the -- but the in-season manager is the
34 district ranger in Ketchikan and he used the authority
35 delegated by the Board to close, on an emergency basis,
36 the eulachon fishery each year since then.

37

38 MR. LANG: Yeah. That was the confusing
39 part is the Board.....

40

41 MR. LARSON: But this proposal is a
42 recommendation to close the regulation, not on an
43 emergency basis.

44

45 Thank you.

46

47 MR. LANG: So at this meeting right now
48 then can I address this issue or because it's deferred do
49 I have to do it at the Federal meeting?

50

1 CHAIRMAN ADAMS: What was your question
2 again, please?
3
4 MR. LANG: Can I make a recommendation
5 about this deal right now at this meeting right now?
6
7 CHAIRMAN ADAMS: On the emergency order
8 issue?
9
10 MR. LANG: Yeah, to oppose it. Since
11 it's deferred or if you're not going to do anything about
12 it.....
13
14 CHAIRMAN ADAMS: Yeah, we are going to do
15 something about it.
16
17 MR. LANG: Oh, you are.
18
19 CHAIRMAN ADAMS: We're going to do
20 something about it here at this meeting.
21
22 MR. LANG: Okay, then I will recommend
23 that you do not vote.....
24
25 CHAIRMAN ADAMS: What you're doing right
26 now, Tom, is you're making your recommendations and
27 everything.
28
29 MR. LANG: Yeah.
30
31 CHAIRMAN ADAMS: And then when we come to
32 the proposal we're going to address it, okay, today, I
33 hope.
34
35 MR. LANG: Okay. Then I can make my
36 recommendation then.
37
38 CHAIRMAN ADAMS: Not tomorrow, but today
39 I hope.
40
41 MR. LANG: Yeah, right now.
42
43 (Laughter)
44
45 MR. LANG: Don't do it.
46
47 CHAIRMAN ADAMS: Okay.
48
49 MR. LANG: Thank you.
50

1 CHAIRMAN ADAMS: Okay, we heard you. We
2 heard you.
3
4 MR. LANG: We're opposed to it.
5
6 CHAIRMAN ADAMS: Okay.
7
8 MR. LANG: Yeah, we're opposed to it,
9 yeah, thank you.
10
11 CHAIRMAN ADAMS: Gunalcheesh.
12
13 MR. LANG: Yeah.
14
15 CHAIRMAN ADAMS: Gunalcheesh.
16
17 MR. LANG: That's it.
18
19 CHAIRMAN ADAMS: You're excused. Okay,
20 Jeff, I'm not going to.....
21
22 MR. SANDERSON: Thank you.
23
24 CHAIRMAN ADAMS:try to pronounce
25 your name because I might goof it all up, you're next.
26 And, again, I just need to remind everyone, not
27 particularly Jeff, but, you know, we are going to start
28 getting pressed for time here as the day goes on so we
29 would appreciate it if you would respect our time.
30
31 Thank you.
32
33 MR. FELDPAUSCH: Mr. Chairman. Council.
34 Good morning, and I'll keep this brief.
35
36 On behalf of the Sitka Tribe, I would
37 like to request the Council's support for an agenda
38 change request that will be coming in front of the Board
39 of Fish at its October 9th through 11th meeting. This
40 request was submitted by Aaron Bean, who is a local
41 tribal citizen and hopefully will speak here again after
42 me here on the same issue. But it regards putting --
43 it's for a proposal that would require the State to add
44 herring to the State's foraged fish management plan.
45
46 Currently herring are the only foraged
47 fish species that are commercially harvested in Alaska,
48 but they're not listed on the State's foraged fish
49 management plan. There are exemptions in the management
50 plan that allows for herring fisheries but the plan

1 itself fails to mention or recognize herring as a foraged
2 fish.

3

4 I'm not sure if you've received the
5 agenda change request or if it was passed out to you or
6 not, but you could look down in Section 3 -- it's under
7 5 AAC 39.212, Section B, it defines, I believe the -- I
8 believe it defines the role, the Board defined role of
9 foraged fish in the management plan, herring fit that
10 role, at the same time biologists around the world
11 recognize herring as a foraged fish species.

12

13 This particular agenda change request has
14 received a letter of support from AFN, the Sitka Tribe
15 and in talking with Rosita Worl she was going to see if
16 she could get Sealaska to also write a letter of support
17 for this ACR. I'm not sure if that's gone through yet or
18 not. At the same time I know Aaron has collected several
19 hundred petition signatures in support of adding herring
20 to the foraged fish management plan. Adding herring to
21 this plan would be the first step, at least on a State
22 level towards a more conservative approach to managing
23 this fragile and irreplaceable ecological and cultural
24 keystone species.

25

26 Thank you.

27

28 CHAIRMAN ADAMS: Thank you, Jeff.
29 Questions anyone.

30

31 (No comments)

32

33 CHAIRMAN ADAMS: So you're asking us to
34 agree with the change to add herring to the agenda?

35

36 MR. FELDPAUSCH: Yes, Mr. Chairman.

37

38 CHAIRMAN ADAMS: Okay. So what's the
39 wish of the Council, we can take care of this pretty
40 quick.

41

42 MR. KITKA: Mr. Chair.

43

44 CHAIRMAN ADAMS: We can take care of it
45 right now. Yes.

46

47 MR. KITKA: Mr. Chair. I would make a
48 motion to what Jeff has asked that we support the tribe
49 in an agenda change to the Board of Fish.

50

1 CHAIRMAN ADAMS: Thank you, Harvey.
2
3 MR. BANGS: Second.
4
5 CHAIRMAN ADAMS: Who seconded it, Mr.
6 Bangs.
7
8 MR. BANGS: (Nods affirmatively)
9
10 CHAIRMAN ADAMS: Okay. Discussion
11 anyone.
12
13 (No comments)
14
15 CHAIRMAN ADAMS: All in favor say aye-
16 aye.
17
18 IN UNISON: Aye-aye.
19
20 CHAIRMAN ADAMS: Opposed, nay.
21
22 (No opposing votes)
23
24 CHAIRMAN ADAMS: Motion carries.
25 Congratulations and thank you very much.
26
27 MR. FELDPAUSCH: Thank you.
28
29 CHAIRMAN ADAMS: Gale Marvin, is she
30 here, I don't see here.
31
32 (No comments)
33
34 CHAIRMAN ADAMS: Aaron Bean. Okay, Mr.
35 Bean.
36
37 MR. BEAN: Mr. Chair. Members of the
38 Council. I was just going to make myself available for
39 any other questions you might have about the agenda
40 change request that I submitted to the Board of
41 Fisheries.
42
43 As Mr. Feldpausch has mentioned, you
44 know, they're obviously a keystone species. The State
45 needs to recognize that. And make no mistakes about it,
46 I did take out the exemptions for any commercial fishing
47 of the species so I want to be up front and forward with
48 that, too. History has shown that sac roe fishing is not
49 good for herring.
50

1 CHAIRMAN ADAMS: Okay. Questions,
2 anyone.
3
4 (No comments)
5
6 MR. BEAN: So, I guess, what I was
7 wondering is are you guys going to draft a letter maybe
8 or write a letter of support.
9
10 CHAIRMAN ADAMS: Yeah.
11
12 MR. BEAN: Okay.
13
14 CHAIRMAN ADAMS: Uh-huh.
15
16 MR. BEAN: Yeah, and if you could get
17 that to Jeff then it's the same, there's no real point in
18 having two of them.
19
20 CHAIRMAN ADAMS: When do you need it?
21
22 MR. BEAN: Well, they have the agenda
23 change request meeting on the 8th of October.
24
25 CHAIRMAN ADAMS: Okay, so we got time to
26 do it.
27
28 MR. BEAN: Oh, absolutely.
29
30 CHAIRMAN ADAMS: We can take care of that
31 at the end of this meeting, we take care of all letters
32 and all that kind of stuff and so it'll be in there.
33
34 MR. BEAN: Awesome, thank you.
35
36 CHAIRMAN ADAMS: Gunalcheesh.
37
38 MR. BEAN: Gunalcheesh.
39
40 CHAIRMAN ADAMS: Oh, Donald, do you have
41 a question.
42
43 MR. HERNANDEZ: Yeah. I was just
44 wondering, what's your intent with the agenda change
45 request, what are you actually asking for, when would you
46 like to see this all happen?
47
48 MR. BEAN: Well, I'm asking the Board of
49 Fisheries to acknowledge that herring are a foraged fish.
50 Their current management plan does not include herring so

1 -- and in the agenda change request I asked that they add
2 herring and that they remove exemptions for harvest. So
3 the commercialization of herring fishing at all, you
4 know, I mean that's not a realistic expectation, we all
5 know that, but it at least brings it to the table and it
6 starts the conversation and lets them know that people
7 are paying attention and reading these laws. I had no
8 idea -- in fact it was brought to my attention from Mr.
9 Johnstone, the Chairman of the Board of Fish, actually
10 mentioned it this spring in Ketchikan, so that's when I
11 found out.

12

13 MR. HERNANDEZ: Thank you.

14

15 CHAIRMAN ADAMS: Okay, thank you.

16

17 MR. BEAN: Thank you.

18

19 CHAIRMAN ADAMS: Okay. Let's move on
20 here. We're going to start Proposal 16, and then maybe
21 after the, you know, introduction of it is done with we
22 might want to take a break and get refreshed, so, Cal, go
23 ahead.

24

25 MR. CASIPIT: Thank you, Mr. Chair. For
26 the record my name is Calvin Casipit, I'm the subsistence
27 Staff biologist for the Forest Service in Juneau, Alaska.

28

29 I'll be presenting the Staff analysis for
30 FP13-16. Your executive summary begins on Page 24 and
31 the analysis itself begins on Page 25.

32

33 Proposal FP13-16 was submitted by Mike
34 Jackson of the Organized Village of Kake and he requests
35 the elimination of all requirements to remove fins to
36 subsistence caught salmon in the Southeastern and Yakutat
37 areas.

38

39 The proponent believes that removing fins
40 from subsistence caught salmon interferes with
41 traditional means of handling, processing and preserving
42 fish and it's an unnecessary burden on subsistence users
43 and the effectiveness of the requirement is outweighed by
44 the lawful use of subsistence caught salmon. He also
45 contends that Federally-qualified subsistence users are
46 burdened with a non-traditional and disrespectful
47 mutilation of their food.

48

49 The proposed -- the existing Federal
50 regulations for fin clipping appear there on Page 25 as

1 well as the proposed regulation and existing State
2 regulations.

3
4 Fin clipping regulations were adopted by
5 the Federal Subsistence Board from State subsistence
6 regulations in 1998. The fin clipping requirement for
7 the Southeastern Alaska and Yakutat areas were changed
8 from the dorsal fin to pelvic fin when the Federal
9 subsistence fisheries regulations were published in the
10 year 2000. In 2006, Proposal FP06-26 was submitted by
11 Mr. John Littlefield of Sitka requesting the elimination
12 of these fin clipping requirements in the Southeastern
13 Alaska and Yakutat areas. This Council supported the
14 elimination of those clipping requirements. However, the
15 Board, during its deliberations during its 2006 public
16 meeting adopted a modification to require clipping of
17 both lobes of the caudal fin instead of the pelvic fin
18 since testimony from the Council Chairman that pelvic
19 fins were important in processing salmon in the
20 Southeastern Alaska and Yakutat areas.

21
22 Federal subsistence fishing regulations
23 require the removal of fins of subsistence take in salmon
24 in Districts 1, 2 and 3 of the Yukon area, the Kenai
25 Peninsula, Bristol Bay, and upper Copper areas.

26
27 If this proposal is adopted it would have
28 no effect on State salmon subsistence marking
29 requirements. Indeed, most salmon harvested for
30 subsistence purposes in the Southeastern Alaska and
31 Yakutat areas are harvested under State permits and State
32 jurisdiction. The reason for clipping these fins of
33 subsistence harvested salmon is to prevent those fish
34 from entering the commercial market place. If this
35 proposal is adopted State and Federal regulations would
36 further diverge in both Southeastern and Yakutat areas.
37 In the Yakutat area there are commercial and subsistence
38 fisheries which occur simultaneously in the same areas
39 under State jurisdiction. In the Southeast Alaska area
40 State managed commercial and subsistence fisheries are
41 geographically and temporarily separated from Federal
42 subsistence salmon fisheries.

43
44 I wanted to bring this out a little bit.
45 Also is that when you consider where these fish are being
46 taken under Federal regulations it's generally in fresh
47 water, generally these fish are water marked, freshwater
48 marked by then. It's -- we've heard -- it would be --
49 we've heard various statements saying that processors
50 probably aren't going to buy freshwater marked sockeyes

1 anyway so that's, you know, you might want to think about
2 that.

3

4 Generally there's compliance with --
5 there has been general compliance by subsistence users
6 with marking fish. Also the concern of subsistence fish
7 entering commercial markets could be addressed by
8 requiring sport and commercial users to mark fish
9 although this option needs to be run through the Board of
10 Fish process, and not through the Federal Subsistence
11 Board process.

12

13 And, again -- and also the Stikine River
14 Federal subsistence salmon fishery would be affected by
15 this proposal and that subsistence users would not longer
16 be required to remove both lobes of the caudal fin of
17 these salmon when caught.

18

19 Our preliminary conclusion is to support
20 the proposal, FP13-16.

21

22 Federal subsistence salmon fisheries in
23 Southeastern Alaska are temporarily and geographically
24 separated from State managed commercial and subsistence
25 fisheries. The marking requirement does seem burdensome
26 and disrespectful to cultural life ways, and that the
27 subsistence sockeye harvest limits in Southeastern Alaska
28 area so low that it's not economically viable to sell a
29 household limit of sockeye after the time and cost of
30 harvesting them is considered as the proponent contends.

31

32 In addition, salmon caught in Federal
33 jurisdiction generally are of low or no value when
34 compared to salmon caught in State jurisdiction, that is,
35 marine waters.

36

37 And that ends my presentation. I'd be
38 happy to answer any questions.

39

40 CHAIRMAN ADAMS: Thank you, Cal. Any
41 questions of Cal on this particular proposal. Floyd.

42

43 MR. KOOKESH: I have a question. In
44 reading this proposal, it's my reading of this that most
45 of the fishing that is done by sport and commercial, it's
46 based on an honor system; is that correct?

47

48 MR. CASIPIT: Through the Chair. Mr.
49 Kookesh. There are no marking requirements for
50 commercial or subsistence caught fish under State

1 regulations so, honor system means sportfish doesn't get
2 sold or?

3

4 MR. KOOKESH: We're depending on each
5 others good hearts to do the right thing when it comes to
6 the fishery?

7

8 MR. CASIPIT: Well, I think everybody
9 should do the right thing when it comes to fishing and,
10 you know, there's a responsibility to provide for
11 conservation and that sort of thing, yeah.

12

13 MR. KOOKESH: Follow-up. And then it
14 goes on into that law enforcement had received a
15 complaint, is that hearsay or was there citations issued
16 in this process or is this just based on one complaint?

17

18 MR. CASIPIT: It's my understanding that
19 there was one -- that since the Federal -- since the
20 Federal implementation of subsistence fishing
21 regulations, there's been one complaint given to one of
22 our law enforcement officers in Yakutat about
23 commercially -- subsistence caught salmon entering a
24 commercial market place. Now what happened with that,
25 whether a citation was issued or whether somebody was
26 prosecuted, I couldn't answer that.

27

28 CHAIRMAN ADAMS: Any more questions.

29

30 (No comments)

31

32 CHAIRMAN ADAMS: Well, thank you, Cal.
33 Let's take a break and then we'll resume right after a 15
34 minute break.

35

36 MR. CASIPIT: Thank you, Mr. Chair.

37

38 (Off record)

39

40 (On record)

41

42 CHAIRMAN ADAMS: What I'm going to do is
43 turn my invisible gavel over to Mr. Bangs for a couple
44 proposals. So, Mr. Bangs, go ahead.

45

46 VICE CHAIR BANGS: Thank you, Mr.
47 Chairman. We're still on the proposal dealing with the
48 fin clip and we're down to agency comments.

49

50 Department of Fish and Game. Jennifer.

1 MS. YUHAS: Thank you, Mr. Chairman.
2 Jennifer Yuhas representing ADF&G for the proposals.

3
4 And on Proposal 13-16 the Department
5 opposes the removal of this requirement and that is
6 because we must uphold our current State policy, which
7 requires the clipping. It is the opinion of our
8 enforcement agents that although instances are infrequent
9 where attempts are made to sell subsistence caught fish,
10 that they believe that's because the marking requirement
11 exists. We have heard testimony as to who should mark
12 and who shouldn't mark, that could be taken up with the
13 Board of Fish and if the Board of Fish changes the who
14 should mark requirement, whether that's commercial, sport
15 of subsistence, then we would have to uphold whatever
16 that decision is, but, currently we require marking of
17 subsistence caught fish and believe that that contributes
18 to the low incidents of attempts to sell them and as
19 there is conservation concerns, we simply uphold that
20 policy and oppose this proposal.

21
22 *****
23 STATE OFFICIAL WRITTEN COMMENTS
24 *****

25
26 Alaska Department of Fish and Game
27 Comments to the Regional Advisory Council
28

29 Fisheries Proposal FP13-16: Rescind
30 marking requirements to remove both lobes of the caudal
31 (tail) fin for subsistence-caught salmon when taken in
32 Yakutat and Southeast Alaska areas.

33
34 Introduction:

35
36 The Organized Village of Kake submitted
37 this proposal to eliminate the regulations that require
38 federally-taken subsistence-caught salmon in the Yakutat
39 and Southeast Alaska areas to be marked by removing both
40 lobes of the caudal (tail) fin when the fish is taken.

41
42 Impact on Subsistence Users:

43
44 If this proposal is adopted, federal
45 subsistence users in the Yakutat and Southeast Alaska
46 areas would not be required to mark their
47 subsistence-caught salmon. However, federally-qualified
48 subsistence salmon users would put themselves at risk of
49 receiving a citation if they catch salmon on state or
50 private land and do not mark them as required by state

1 regulation.

2

3 The proponent maintains that requiring
4 the immediate clipping of fins from subsistence-caught
5 salmon when taken is not needed, is inconsistent with
6 customary and traditional practices, and is an unfair and
7 unnecessary burden on subsistence fishers. The
8 proponents question the effectiveness of the fin-clipping
9 requirement and suggest that the lawful use of
10 subsistence-caught salmon far outweighs the burden
11 subsistence fishers face when trying to immediately cut
12 fins from each salmon taken. In addition, they point out
13 that there are already regulations prohibiting the
14 commercial sale [_ .27(c)(J3)(i)] and purchase [_
15 .27(c)(13)(ii)] of subsistence-caught fish, the use of
16 subsistence-caught fish for bait [_ .27(c)(15)], and
17 the possession of subsistence-taken and sport-taken
18 salmon on the same day [_ .27(i)(J2)(viii) and _
19 .27(i)(13)(xi)]. Proponents also state that it is
20 unlikely that individuals would comply with this
21 fin-clipping requirement if they were planning some
22 unlawful use for their subsistence-caught salmon. This
23 regulation is disliked because it is difficult to cut
24 both lobes of the caudal fin from a live salmon
25 immediately after they are taken.

26

27 Proponents submitted this regulation
28 change to simplify federal subsistence fishing
29 regulations. The proposer reports that this fin-removal
30 requirement has been a confusing and troublesome
31 regulation for subsistence salmon users in the Yakutat
32 and Southeast Alaska areas and the cause of needless
33 enforcement citations in recent years.

34

35 If this proposal is adopted, subsistence
36 users could be detrimentally affected by unethical users
37 who catch fish under the premise of subsistence uses only
38 for resale, which would, in turn, remove those fish from
39 subsistence uses.

40

41 Impact on Other Users:

42

43 Without a marking requirement, commercial
44 salmon buyers would be unable to differentiate between
45 commercially-caught salmon and subsistence-caught salmon,
46 and may inadvertently sell a subsistence resource. The
47 original intent of this fin-clipping regulation was to
48 help minimize the commercial sale of subsistence-caught
49 salmon and the mixing of subsistence-caught fish with
50 fish from other fisheries. Unregulated and unenforceable

1 commercial sales from subsistence fisheries could
2 potentially reduce the quantity of fish available for
3 spawning escapement and/or for subsistence uses.

4

5 Opportunity Provided by State:

6

7 Under state regulations, subsistence is
8 the priority consumptive use and salmon may be harvested
9 throughout most of the Yakutat and Southeast Alaska
10 areas. State subsistence fishing opportunity is directly
11 linked to abundance and is not restricted unless run size
12 is inadequate to meet escapement needs.

13

14 Conservation Issues:

15

16 There are no stocks of concern in
17 Southeast Alaska at this time.

18

19 Enforcement Issues:

20

21 Without a marking requirement,
22 enforcement officers would be unable to differentiate
23 between commercially-caught salmon and subsistence-caught
24 salmon, and may inadvertently allow for sale of
25 subsistence-caught salmon to the commercial market
26 without prosecution. The original intent of this
27 fin-clipping regulation was to help minimize commercial
28 sale of subsistence-caught salmon and mixing of
29 subsistence-caught fish with fish from other fisheries.

30

31 State regulations require
32 subsistence-taken salmon in the Yakutat (5 AAC 01.690)
33 and Southeast Alaska (5 AAC 01.740) areas all be marked
34 by immediate removal of the dorsal fin when taken.
35 Passage of this proposal would put federal regulations in
36 conflict with existing state regulations for marking of
37 subsistence-taken salmon.

38

39 Jurisdiction Issues:

40

41 The Federal Subsistence Board does not
42 have the authority to regulate nonfederally-qualified
43 users participating in fisheries on waters outside of
44 federal subsistence jurisdiction. While standing on
45 state and private lands (including state-owned submerged
46 lands), or when fishing on state-managed marine waters
47 persons must comply with state law and cannot harvest
48 under conflicting federal regulations. Enforcement
49 difficulties and user confusion -- concerning where and
50 how federal regulations that are different than state

1 regulations apply -- will result unless detailed maps and
2 explanations specific to the area are provided.

3

4 Other Issues:

5

6 On state or private lands or on
7 state-managed marine waters where federal subsistence
8 fisheries are not authorized to occur, the federal board
9 does not have authority to supersede to state commercial
10 and subsistence fisheries regulations unless a full
11 closure is required for a conservation purpose within
12 water of claimed federal jurisdiction. Proposed changes
13 to state commercial and subsistence fisheries must be
14 submitted to the Alaska Board of Fisheries.

15

16 In 2005, the Southeast Regional
17 Subsistence Advisory Council supported a similar proposal
18 (FP06-26), but it was opposed by the Interagency Staff
19 Committee and Federal Subsistence Board. Federal staff
20 opposed the proposal because the marking requirement is
21 effective in preventing illegal sales of
22 subsistence-caught fish. Federal law enforcement has
23 also received a number of complaints from the public
24 that illegal sale of unmarked fish was occurring.
25 Passage of proposals FP06-26 and/or FP13-16 would make
26 the situation worse.

27

28 Recommendation: Oppose.

29

30 VICE CHAIR BANGS: Thank you, Ms. Yuhas.
31 Is there any questions.

32

33 Donald.

34

35 MR. HERNANDEZ: So is there anywhere in
36 the State where sport caught fish are required to be
37 marked for the same reason, that worried about sale of
38 sport caught fish into the commercial market?

39

40 MS. YUHAS: Through the Chair. I am
41 unaware of an instance at this time. I can research that
42 and I recall previously having to do so fishing 20 years
43 ago but have not followed the issue and didn't come
44 prepared to answer so I haven't researched whether we do
45 or not at this time. I'd have to look through our
46 regulations.

47

48 MR. HERNANDEZ: Is the State aware of any
49 sport caught salmon or halibut that's commercially sold
50 in the Lower 48?

1 MS. YUHAS: Through the Chair. The State
2 may be aware but I did not research this question and I
3 am not personally aware.

4
5 MR. HERNANDEZ: Is the State aware of what
6 the laws are in other states concerning sale of sport
7 caught fish in individual states?

8
9 MS. YUHAS: Through the Chair. I am sure
10 someone at the State is aware of what the other states
11 have for laws, probably within the Department of Law,
12 but, again, that is not a question that I came prepared
13 to ask [sic] so I did not research the information and I
14 have no answer, unfortunately.

15
16 MR. HERNANDEZ: Mr. Chairman. I would be
17 interested to know the answer to some of these questions.
18 I hear, anecdotally, that it is perfectly legal in some
19 states to sell sport caught fish and there has been a
20 question asked of how much of all these huge quantities
21 of fish that get shipped out of the state, Southeast
22 Alaska, every year might end up in the commercial market
23 in the Lower 48. And, you know, if there's a problem
24 with commercially sold fish that don't come from the
25 commercial catch that might be something to look into.
26 The incidents of subsistence caught fish that end up in
27 the commercial market seems to be very small or non-
28 existent but there could be quite a bit that ends up
29 being sold outside of the state of Alaska. So I would
30 like to find out some answers to those questions, if it's
31 possible at some point. Maybe not at this meeting but at
32 some point.

33
34 MS. YUHAS: So through the Chair, what
35 I'd like to propose is clarifying the questions so that
36 I may do some research and answer the RAC in a letter to
37 the Chairman, so that you have an answer prior to the
38 upcoming Federal Subsistence Board meeting if that would
39 be acceptable.

40
41 (No comments)

42
43 MS. YUHAS: You know that would give me,
44 I don't expect it'd take more than a couple weeks to, you
45 know, the end of the month to get an answer back to you
46 but I'm not prepared right now and it sounds like you
47 need the information before the Board meeting so, you
48 know, if that would be acceptable I'd just like to
49 clarify the three questions I think I heard so you get
50 the correct answer.

1 VICE CHAIR BANGS: Yeah, I think that
2 would be very helpful.

3
4 MS. YUHAS: So the first question, and
5 I'm looking through the Chair to Mr. Hernandez for
6 clarification as I go through these, the first thing to
7 be -- do we mark sport caught fish anywhere in the state;
8 the second is, are we area of illegal sale of sport
9 caught fish to the commercial market; and the third is
10 what are the laws in other states regarding the sale of
11 sport caught fish to the commercial market.

12
13 So I'll consider that an action item
14 that's deliverable to you folks as soon as I find the
15 answers out once I go back to the office.

16
17 VICE CHAIR BANGS: Okay, thank you. Any
18 other questions.

19
20 CHAIRMAN ADAMS: Mr. Chairman. I have a
21 question.

22
23 VICE CHAIR BANGS: Bert.

24
25 CHAIRMAN ADAMS: Jennifer, as you might
26 know, you know, Yakutat is pretty much different than
27 Southeast Alaska, and I can see an advantage of where
28 these fins can be removed in Yakutat because there are
29 instances when commercial and subsistence fishing takes
30 place at the same time. It's -- I'll give you an
31 example, if the sockeye and the cohos, you know, if they
32 meet their goal, you know, of escapement, then Fish and
33 Game will open up to subsistence and it'll be through the
34 whole week, and, you know, I'm just wondering -- and I
35 think Cal had made a little bit of reference to it, but
36 I wonder if you might have any more concrete evidence,
37 you know, of any violations that were noted by the Fish
38 and Game enforcement officer?

39
40 MS. YUHAS: I do not have in my
41 possession a list of citations that were issued, nor am
42 I aware of specific instances personally.

43
44 CHAIRMAN ADAMS: Okay, thank you. I'll
45 reserve my comments until we're in deliberation.

46
47 Thank you.

48
49 VICE CHAIR BANGS: Thank you, Bert. Is
50 there any other questions. Frank.

1 MR. WRIGHT: Yeah, Mr. Chair. You know,
2 sometimes I get a large quantity of salmon for the
3 community and, you know, how sometimes you get a thousand
4 fish and it's a subsistence set that I make in Excursion
5 Inlet and so I don't have time to be cutting fins or, you
6 know, things like that, so is there a provision somewhere
7 that takes care of that issue?

8
9 MS. YUHAS: Through the Chair. I am not
10 aware of an exemption provision, which sounds like what
11 the question is, what I'm aware of is the Board of Fish
12 can modify the type of clipping or marking based on
13 testimony that they hear at that meeting. And so if
14 there's an easier way to mark them, if there was a
15 different type of something to do or if there was a
16 request that others were made to mark the fish rather
17 than the subsistence fishermen, the Board of Fish can
18 modify that, but I'm not aware of an exemption to the
19 existing marking requirement.

20
21 MR. WRIGHT: Okay, follow-up.

22
23 VICE CHAIR BANGS: Yes.

24
25 MR. WRIGHT: Yeah, because I'm -- one
26 time we had a meeting here and they were talking about
27 the things that I was doing and someone just made a joke,
28 oh, you're breaking the law, so I'm just trying to make
29 sure that, you know, when I get issued a permit that I'm
30 going to be okay.

31
32 So, thank you.

33
34 VICE CHAIR BANGS: Thanks, Frank. Any
35 other questions.

36
37 (No comments)

38
39 VICE CHAIR BANGS: Hearing none, thank
40 you, Jennifer.

41
42 Okay, Federal agencies. Is there any
43 Federal agency reports or comments.

44
45 (No comments)

46
47 VICE CHAIR BANGS: Native, tribal,
48 village.

49
50 (No comments)

1 VICE CHAIR BANGS: Any InterAgency Staff
2 Committee comments.
3
4 (No comments)
5
6 VICE CHAIR BANGS: Advisory Group
7 comments.
8
9 (No comments)
10
11 VICE CHAIR BANGS: Neighboring Regional
12 Councils, local Fish and Game Advisory Committees.
13
14 (No comments)
15
16 VICE CHAIR BANGS: National Park Service.
17
18 (No comments)
19
20 VICE CHAIR BANGS: Okay, Mr. Larson, is
21 there any written comments.
22
23 (Pause)
24
25 VICE CHAIR BANGS: Any written public
26 comments.
27
28 MR. LARSON: Mr. Chair. There are no
29 public written comments on FP13-16.
30
31 VICE CHAIR BANGS: Thank you, Mr. Larson.
32 Is there any public testimony. Is this where you wanted
33 to speak, Bert.
34
35 CHAIRMAN ADAMS: You want me to go up
36 there.
37
38 (Laughter)
39
40 VICE CHAIR BANGS: No, it's fine.
41
42 CHAIRMAN ADAMS: If it's okay I'll do it
43 here.
44
45 VICE CHAIR BANGS: Yes, please.
46
47 (TELECONFERENCE disconnect)
48
49 CHAIRMAN ADAMS: Did I just do that.
50

1 MR. LARSON: We'll fix it.
2
3 CHAIRMAN ADAMS: Okay. You know, I just
4 made a brief comment earlier about, you know, the
5 instances when commercial and subsistence fishing took
6 place in Yakutat at the same time, and I explained why.
7
8 I see a benefit for subsistence users
9 making -- applying, you know, this rule, they don't have
10 to take both lobes but what I've taught -- done myself
11 and taught my family is to take that one in the back,
12 very back, you know, the caudal lobe. And it's just
13 automatic now. And, you know, if a Fish and Game officer
14 comes he'll know that that's a subsistence caught fish,
15 and you can't go and sell it commercially because they
16 won't take it if that's absent.
17
18 Again, you know, as I said earlier.....
19
20 (TELECONFERENCE redialing)
21
22 CHAIRMAN ADAMS:there were some
23 instances when they've had real good runs of sockeyes,
24 real good runs of cohos, the escapement is satisfied and
25 so the Fish and Game would allow subsistence and
26 commercial fishing to take place. In other words, the
27 subsistence fisherman could be fishing right next or
28 above a commercial fisherman. And there needs to be a
29 system and I think this is a good one, whereby, you would
30 know.....
31
32 (TELECONFERENCE redialing and connecting)
33
34 (Pause)
35
36 CHAIRMAN ADAMS:you know whether it
37 is subsistence or commercial caught fish when -- or a
38 subsistence caught fish when you remove that fin. I
39 don't think it's, you know, I don't think you need to
40 remove both of them but one of them would do it in my
41 opinion.
42
43 So that's my comment, Mr. Chairman, thank
44 you.
45
46 VICE CHAIR BANGS: Thank you, Bert. Is
47 there any other public testimony.
48
49 (No comments)
50

1 VICE CHAIR BANGS: Hearing none, would
2 the Council -- Mr. Ackerman.
3
4 MR. ACKERMAN: Yeah, Mr. Chair, if I
5 could comment also on Don's statement about the halibut.
6
7 VICE CHAIR BANGS: Mr. Ackerman, we're
8 going to go into deliberation and that might be a more
9 appropriate time, we're in public testimony right now.
10
11 MR. ACKERMAN: Okay.
12
13 VICE CHAIR BANGS: Okay. So we'll go
14 into Council deliberation, I'd entertain a motion.
15
16 Ms. Needham.
17
18 MS. NEEDHAM: Before a motion is put
19 on the table I have a question, if we're actually going
20 to try to defer this pending information that's coming
21 back from the State or if we're going to move and go
22 through the proposal and come up with a recommendation
23 without having the information that the State's going to
24 be providing back to us.
25
26 VICE CHAIR BANGS: That's whatever the
27 Council's wishes are.
28
29 MR. LARSON: We need a motion.
30
31 VICE CHAIR BANGS: Yes, I think we do
32 need a motion first before we can move on with any
33 further discussion.
34
35 Don.
36
37 MR. HERNANDEZ: I'll put it on the table.
38 So I'll make a motion that we adopt Fisheries Proposal
39 13-16.
40
41 MR. KOOKESH: Second.
42
43 VICE CHAIR BANGS: It's been moved and
44 seconded. Discussion.
45
46 Don.
47
48 MR. HERNANDEZ: I guess in regard to
49 Cathy's question there, I guess the questions I was
50 asking the State there, that's probably more for future

1 consideration. I guess the issue of whether or not
2 there's sort of a double-standard between what sport
3 caught and what subsistence caught is something we might
4 want to address in the future but I don't necessarily
5 think it's something that would -- we have to get into
6 for this specific proposal.

7

8 VICE CHAIR BANGS: Thank you, Don. Any
9 discussion.

10

11 Cathy.

12

13 MS. NEEDHAM: Thank you, Mr. Chair. You
14 know one of the things that we need to consider as
15 Council members, under our justification, is how the
16 proposal impacts subsistence users and what I'm hearing
17 from the proponent, which is a tribe in Kake, and
18 subsistence users out of that region, is that they feel
19 that clipping fins is creating an unnecessary burden to
20 them, and then what I'm hearing from -- out of the
21 community of Yakutat is that fin clipping is actually
22 maybe even protecting their fishery, and it seems that
23 they're -- it seems like this particular action of fin
24 clipping or having to do fin clipping on subsistence
25 caught fish is conflicting across the region. I don't
26 know if there's anyone else on the Council that can kind
27 of attest for their communities to get a better feel for
28 how fin clipping, you know, like Mr. Wright, obviously
29 stated earlier that he had a question about whether or
30 not he should -- if there's a provision to not have to
31 fin clip and stuff and so, you know, I don't know if
32 there are other communities, is it an undue burden for
33 other communities as well or is it working. I'd like to
34 get a feel from the group here to get a better idea
35 across the region how this proposal is affecting
36 subsistence users.

37

38 VICE CHAIR BANGS: Thank you, Cathy. Mr.
39 Kitka and then Mr. Kookesh.

40

41 MR. KITKA: Thank you, Mr. Chair. For
42 discussion when it was brought up before us before by
43 John Littlefield, one of the reasons for not wanting fin
44 clipping was undue bacteria entering into where the fin
45 was cut off. It was determined that the little fin in
46 the back, it was very possible it didn't get down into
47 the meat when they cut it off and it was better that way.
48 But I really think like Frank Wright, is I really don't
49 think there's a need for fin clipping in most of our
50 region. A lot of us will go out and catch fish for other

1 people and we'll take the permits and we'll get maybe
2 four or five permits together and get enough fish for
3 those people, but it is an undue burden to start fin
4 clipping and the cause of bacteria entering into the
5 system might be a big thing.

6

7 Thank you.

8

9 VICE CHAIR BANGS: Thank you, Mr. Kitka.

10 Mr. Kookesh.

11

12 MR. KOOKESH: Yes, and Mr. Kitka is
13 right, the issue has been raised before and there is the
14 issue of contamination from sand bringing your fish from
15 Federal waters into State waters, dragging them through
16 the water and having all of that mud there and it does
17 create a problem especially when you're trying to keep
18 the quality in your product, which we all tend to take a
19 lot of pride in, by the way. So I just want to let you
20 know that I do support this proposal.

21

22 VICE CHAIR BANGS: Thank you. Bert.

23

24 CHAIRMAN ADAMS: Yeah, and if we
25 remember, you know, the original requirement was to take,
26 what you call, the fin off of the top back and I think
27 that's where the contamination issue, you know, became a
28 concern. So I think it was Mr. Littlefield who came up
29 with the idea that maybe if you took the smaller one, you
30 know, the caudal fin, toward the end of the tail of the
31 fish would be more appropriate and that way, you know, no
32 contamination will take place.

33

34 I think, you know, for Yakutat, you know,
35 this doesn't -- this proposal doesn't affect other areas
36 in Southeast Alaska, except for Yakutat, when we do have
37 those two user groups fishing, coinciding one with
38 another, and so I'm trying to address how we can maybe
39 just make it applicable to Yakutat, you know, and then
40 leave the rest of it, you know, as it is.

41

42 I'm just trying to think, but if anyone
43 has an idea, please, help me.

44

45 VICE CHAIR BANGS: Thank you, Mr. Adams.
46 It was pointed out to me that the regulation is separated
47 in regulation, that it's separated out so that would be
48 very possible to do without too much; it separates
49 Yakutat out from the rest of Southeast.

50

1 Mr. Ackerman.

2

3 MR. ACKERMAN: Yeah, we also have the fin
4 clip regulation up there and what we're under is a State
5 fishery up there in our subsistence activities. The
6 thing about us up there is that when you're in a 16 foot
7 skiff and you got 30 to 30-some fish in the boat and
8 you're in seas two and a half to three feet, after you
9 pull your net in and you got to have all your paperwork
10 done, all your fins clipped before you can leave the
11 fishing area in general, so it's kind of a hinderance to
12 us to try to do our paperwork and the wind and waves and
13 everything out there, so either way, I asked the same
14 question to the enforcement officer when we were talking
15 about fin clipping and stuff and I questioned who
16 actually got cited for that in our area there but they
17 didn't have the answer either, but we're under the same
18 with the State of Alaska in our fisheries there.

19

20 VICE CHAIR BANGS: Thank you, Tim. Any
21 other discussion about this proposal.

22

23 Frank.

24

25 MR. WRIGHT: Thank you, Mr. Chair. You
26 know this summer when we were seining and someone, you
27 know, we got some sockeyes and one of the guys on the
28 tenders asked -- told us, you know, you're getting over
29 a dollar a pound for that and one of my crewmen said,
30 well, one jar is a heck of a lot more than a dollar a
31 pound thing to us in the winter. You know, whenever we
32 go to Hoktaheen or anything like that, what we try to do
33 is we try to get rid of as much weight as we possibly can
34 so we're butchering the fish out there before we start
35 running because, you know, you take the heads off, the
36 guts out and you try to get as much as you can get out of
37 it, and so to be forced to do something that we've always
38 done because we want to take the subsistence fish home,
39 is, you know, it just doesn't seem necessary to the
40 Tlingit people. Our people have always done this for
41 years because like I said the fish is a lot more valuable
42 than, you know, trying to sell it. You know, I just
43 don't believe that if you're going to be out there
44 subsisting and, you know, we as a Tlingit people, don't
45 like this word, subsistence, because it's a traditional
46 and cultural thing. But to be forced to do something,
47 you know, that we've always done is not, you know, within
48 our culture. But like I said, one salmon, you know,
49 makes a heck of a lot more food for us during the winter
50 than it does -- and clipping is not one of our things.

1 Gunalcheesh.

2

3 VICE CHAIR BANGS: Thank you, Frank. Mr.
4 Kookesh. Mike. Mr. Douville.

5

6 MR. DOUVILLE: Thank you, Mr. Chairman.
7 I do support the proposal.

8

9 For one it's not customary and
10 traditional to cut the fins off your fish that you're
11 taking home. Subsistence is the oldest fishery that we
12 know of, before anybody could remember, catching
13 subsistence fish, and it's the smallest catch, by far, in
14 the state. It's much smaller than sport and certainly
15 smaller than commercial. We have another fishery, which
16 is halibut, which we don't have to cut any fins off it
17 and it works fine, there's no problem. I mean if you're
18 going to make the effort to go get 20 subsistence
19 sockeye, it takes a lot of effort, gas and so long to do
20 it you're not going to sell those fish. And besides
21 that, in most cases, you need a CFEC permit to do so
22 anyway.

23

24 So I intend to support this proposal.

25

26 VICE CHAIR BANGS: Thank you, Mr.
27 Douville. Mr. Kookesh.

28

29 MR. KOOKESH: Yeah, one final comment.
30 The State of Alaska should try to understand our fishery,
31 like Mike said, this is a customary and traditional thing
32 and we don't cut those fins off, the State of Alaska
33 should try to come back into compliance with the way we
34 do this, instead of allowing us to eat contaminated fish.
35 This proposal is not only applicable to Yakutat's fresh
36 water, a lot of Angoon residents do this also in Federal
37 waters, harvest their salmon. They don't all do it but
38 a lot of it gets done that way.

39

40 I am supporting this proposal.

41

42 Thank you.

43

44 VICE CHAIR BANGS: Thank you, Floyd.

45

46 Don.

47

48 MR. HERNANDEZ: Thank you. I can see
49 where it makes a lot of sense for the State to require
50 fin clipping in their fisheries. I'm sure they'll

1 continue to have that as a requirement. In most Federal
2 areas I can see a strong argument for not needing to fin
3 clip your fins, however, perhaps like Mr. Adams was
4 pointing out, it may be an appropriate thing to do in the
5 Yakutat area and I think we do have leeway here. There
6 is, in the existing Federal regulations on Page 25 --
7 there is a separate regulation for the Southeast Area and
8 for the Yakutat area. I might entertain a motion here
9 where we amend this proposal so that fin clipping is only
10 required in the Yakutat area.

11
12 So I'll put that forward as a motion to
13 amend.

14
15 VICE CHAIR BANGS: Is there a second.

16
17 MR. DOUVILLE: Second.

18
19 VICE CHAIR BANGS: Okay, the amendment
20 has been seconded to separate the Yakutat area from the
21 proposal so that -- so now what you're saying is
22 Southeast Alaska would be exempt from fin clipping,
23 except for the Yakutat area.

24
25 MR. HERNANDEZ: Right, that would be
26 correct.

27
28 VICE CHAIR BANGS: Any discussion on the
29 amendment.

30
31 CHAIRMAN ADAMS: Yeah, thank you. I was
32 just trying to figure out how to word this myself, but,
33 thank you, Donald, for doing it. It takes me off the
34 hook and I'm going to vote in favor of that amendment.

35
36 Gunalcheesh.

37
38 VICE CHAIR BANGS: Thank you, Bert. So
39 any more discussion on the amendment.

40
41 MR. KITKA: Call for the question.

42
43 VICE CHAIR BANGS: The question's been
44 called, all those in favor of the amendment to remove
45 Yakutat from the proposal, respond by saying aye.

46
47 IN UNISON: Aye.

48
49 VICE CHAIR BANGS: Those opposed, nay.

50

1 (No opposing votes)
2
3 VICE CHAIR BANGS: Motion carries to the
4 amendment. Now, back to the main motion, is there any
5 more discussion.
6
7 Merle.
8
9 MS. HAWKINS: Yeah, I would support the
10 main motion. Because I'm not a fisher person, I have to
11 depend on other people to get my fish for me so any way
12 to make it easier for them to do that would be good. And
13 also having three sisters that don't live in the area
14 where our clan originated from and even I don't live
15 there but I also share my fish with them so it's very
16 important for us and any way to make it easier, because
17 it's not easy for these people to go out and get this
18 fish because they have to run a long way and so I do
19 support it.
20
21 VICE CHAIR BANGS: Thank you, Merle.
22 Anyone else.
23
24 Bert.
25
26 CHAIRMAN ADAMS: One more comment and,
27 you know, this proposal, you know, is a State regulation
28 as well, okay. When you talk about Yakutat and, you
29 know, Federal waters, you know, begins at mean high
30 waters which is quite a ways up and I think there's very
31 few people who fish in Federal waters in the Yakutat area
32 so I just wanted to make that comment, you know, this
33 might turn out to be very insignificant but helpful, you
34 know, for the future.
35
36 Thank you.
37
38 VICE CHAIR BANGS: Thank you, Bert. Any
39 other comments.
40
41 John.
42
43 MR. YEAGER: Thank you, Mr. Chair. I
44 feel that the fin clipping, for one, it protects the
45 resource and also it keeps the subsistence caught fish
46 heading in the direction it was intended to, it takes the
47 temptation out of possibly taking those fish and trying
48 to sell them and I just think that it keeps with the
49 intent of providing for subsistence users that possibly
50 cannot get out there. And the subsistence halibut

1 continues to be brought up as an issue, that is becoming
2 quite a viable market, which is a problem for a lot of us
3 out there so I do not want to see that happen with
4 salmon.

5
6 Thank you.

7
8 VICE CHAIR BANGS: Thank you for that,
9 John. Any other discussion.

10
11 Frank.

12
13 MR. WRIGHT: Yeah, just one more comment,
14 thank you, Mr. Chair.

15
16 I remember a few years back when there
17 were some kids walking down the street with salmon and,
18 you know, and then a fish cop comes and takes it away
19 from them, so when you have young, young people
20 practicing their way of life, you know, real happy taking
21 a fish home but not knowing the regulation of clipping a
22 fish it's -- I think those kids were heartbroken because
23 they had something that they were taking home but, you
24 know, fish cop came and took it away. So when you got a
25 community that you want your young people to be wanting
26 to practice something that is always been a tradition of
27 a community, you know, I don't think young people that
28 don't know the law -- I know that famous saying ignorance
29 is no excuse but, you know, I think putting a burden on
30 people, our young, young people that want to do something
31 to feed their family is not necessary.

32
33 Thank you.

34
35 VICE CHAIR BANGS: Thank you, Frank. Any
36 other comments.

37
38 (No comments)

39
40 VICE CHAIR BANGS: Hearing no comments,
41 we'd entertain someone to call the question.

42
43 Mike.

44
45 MR. DOUVILLE: Thank you, Mr. Chairman.
46 I'll just make one more comment.

47
48 I believe it's an unnecessary burden
49 because they're small amounts of fish. Just to give you
50 an example of subsistence as opposed to sport, we have a

1 resort -- waterfall resort which has made the claim that
2 they have shipped out over a million pounds in one year
3 of sport caught fish, so if there's room for misconduct
4 it would certainly lie in that sector.

5
6 VICE CHAIR BANGS: Thank you, Mr.
7 Douville. Any other comments.

8
9 Mr. Kitka.

10
11 MR. KITKA: Thank you, Mr. Chair. I know
12 that Mike made mention of it earlier that we need a
13 commercial license and the permits that come with it to
14 be able to sell this fish and that should be enough for
15 anybody within the state to look at without having to put
16 a burden on subsistence users.

17
18 Thank you.

19
20 MR. KOOKESH: Question.

21
22 VICE CHAIR BANGS: Question's been called
23 for. So we're on Proposal FP13-16, amended to take
24 Yakutat out of the proposal, all those in favor respond
25 by saying aye.

26
27 IN UNISON: Aye.

28
29 VICE CHAIR BANGS: All those opposed, say
30 nay.

31
32
33 MR. YEAGER: Nay.

34
35 VICE CHAIR BANGS: Okay, we have one, so
36 the motion passes. The proposal.

37
38 Okay, so now we're going to move on to
39 FP13-17.

40
41 Mr. Casipit.

42
43 MR. CASIPIT: Thank you, Mr. Chair.
44 Again, for the record my name is Calvin Casipit, I'm the
45 subsistence Staff biologist for the Forest Service in
46 Juneau.

47
48 The executive summary for FP13-17 appears
49 on Page 30 and the Staff analysis begins on Page 31.

50

1 Proposal FP13-17 was submitted by Mr.
2 Mike Jackson of the Organized Village of Kake. He
3 requests that unless noted on the Federal subsistence
4 fishing permit there would be no harvest limits for
5 salmon that are handled without the use of refrigeration,
6 freezing or ice in the Southeastern and Yakutat areas.
7

8 The proponent believes that having no
9 limits on salmon handled without refrigeration, freezing
10 or ice better recognizes the traditional practices of
11 some users and better recognizes the subsistence priority
12 for those users.
13

14 I just wanted to note that after
15 publication of this proposal, the proponent asked to
16 modify his proposal to make it clear that no harvest
17 limits would apply for salmon if handled without
18 refrigeration, freezing or ice, harvest limits -- harvest
19 permits would also not apply. This analysis discusses
20 the aspects of the proposal as originally proposed and
21 published since this is the version presented for public
22 review. The proponent could provide comments on their
23 proposal at this meeting to change that if they so
24 desired.
25

26 The existing Federal regulations for the
27 Yakutat and Southeastern Alaska area regarding the take
28 of salmon are repeated for you on Pages 31 and 32, as
29 well as you can see the proposed regulation on Page 33,
30 basically what would be added unless noted on a Federal
31 subsistence fishing permit. The harvest limits of this
32 section do not apply for salmon that are transported,
33 processed and stored without use of refrigeration,
34 freezing or ice prior to consumption.
35

36 The Federal Subsistence Board adopted
37 FP05-24, which specifies the limits for sockeye salmon as
38 provided for in adjacent State subsistence or personal
39 use fisheries and if a harvest limit is not established
40 for the State subsistence or personal use fisheries the
41 possession limit is 10 sockeye and the annual harvest is
42 20 sockeye per household for that stream. So basically
43 based on the proposal as written, basically any harvest
44 limits specified in regulation -- in the Federal
45 regulations would not apply if you're transporting,
46 processing and storing without refrigeration, freezing or
47 ice. So we have that issue with sockeye, wherever
48 they're not listed on a Federal permit. In addition that
49 it also appears -- the regulations also specify harvest
50 limits for the Stikine River fishery. We also specify

1 harvest limits in regulation for coho salmon throughout
2 Southeast Alaska. So all those, as long as you're not
3 using refrigeration, ice or freezing, basically for those
4 fisheries these harvest limits would not apply.

5
6 Table 1 shows on Page 35 shows reported
7 harvest of various species by communities throughout
8 Southeast Alaska. And you can see those numbers there,
9 fairly small numbers when you compare it to the amount of
10 fish that are being taken in State subsistence fisheries.

11
12 We do have a cultural background section
13 beginning on Page 34, and it talks about how people
14 preserve, use and preserve salmon historically and
15 contemporarily and it kind of lays out some information
16 for you there.

17
18 The effects of the proposal.

19
20 This proposal has an extremely broad
21 scope and it's impossible to analyze all the possible
22 effects given that there are about 330 sockeye systems
23 and roughly 3,200 coho systems in Southeast Alaska.
24 There would likely be many unintended consequences due to
25 lack of specificity in the proposal and it's also unclear
26 if establishing different harvest limits based on how the
27 catch is processed after it's taken is within the
28 authority of the Board and this Council.

29
30 The proposed regulation would have little
31 effect in the Yakutat area since there are no salmon
32 harvest limits in regulation. Harvest limits are only on
33 State or Federal subsistence permits and those limits are
34 written in on Federal permits by the Federal manager
35 commensurate with the individual users need and the
36 conservation of the resource. The proposed regulation
37 would have no effect on the Southeastern Alaska area for
38 chinook salmon except the Stikine River or pink and chum
39 salmon limits since there are no limits for those species
40 listed in regulation or on Federal permits. This
41 regulation would also have effect on most sockeye systems
42 since those limits are listed on Federal permits and
43 sockeye systems that are not managed by reg -- and
44 sockeye systems that do not have a harvest limit listed
45 on the permit are managed by the general regulation that
46 I was talking about, which is 10 daily and 20 per
47 household, an annual limit of 20 per household. So
48 basically for all the sockeye systems that aren't listed
49 on a permit that would fall into this proposal. For coho
50 salmon harvest, again, those are specified in regulation

1 so, again, those coho salmon regulations would not apply
2 if refrigeration, freezing or ice is used.

3
4 Again, the top priority of managers is to
5 insure the conservation of the resource consistent with
6 sound recognized principles of fisheries management.
7 Through the Fisheries Resource Monitoring Program we
8 conduct stock assessments throughout the region. This is
9 helpful to us for helping establish harvest limits and
10 thinking about harvest opportunities for subsistence
11 users. This regulation would not apply to the monitored
12 sockeye systems since those harvest limits are specified
13 on permits.

14
15 The vast majority of our coho and sockeye
16 systems are not monitored for escapement. Where there
17 are no stock assessments salmon harvest must be managed
18 more conservatively. FRMP funding has diminished over
19 the last five years and that is a trend that is likely to
20 continue. It is unlikely that stock assessments would
21 expand sufficiently to identify if conservation concerns
22 are being created by this proposal, especially for coho
23 salmon. Managers use seasons, gear types and harvest
24 limits to control salmon harvest to insure conservation
25 of the resource and to distribute the available harvest
26 amongst multiple subsistence users. Harvest limits are
27 not imposed to limit cultural practices, they're used to
28 control harvest based on productivity of each system,
29 balanced with harvest pressure. Low harvest limits are
30 placed on streams that produce low numbers of salmon and
31 are of high harvest pressures. Without harvest limits as
32 tools, managers would be forced to limit gear types,
33 reduce the season or add individual systems to Federal
34 permits. This proposal would increase the risk of
35 conservation concerns in unmonitored systems, which would
36 negatively affect subsistence users.

37
38 For species which are prolific and for
39 which there are no conservation concerns, typically pink
40 and chum salmon, no harvest limits are imposed by Federal
41 regulation. This proposal would also complicate law
42 enforcement as it would require tracking the fish until
43 they are preserved to insure that no refrigeration,
44 freezing or ice was used in the process.

45
46 Our preliminary conclusion is to oppose
47 Proposal FP13-17.

48
49 This proposal has an extremely broad
50 scope and is impossible to analyze all the possible

1 effects of approximately 330 sockeye and 3,200 coho
2 systems in Southeast Alaska. Additionally, changing the
3 limits on the Stikine River would have US/Canada Treaty
4 implications and we would have to go through that process
5 as well. Again, our priority is to insure conservation
6 of the resource consistent with sound recognized
7 principles of management -- fisheries management, and
8 most coho and sockeye systems are not monitored for
9 escapement. Where there are no conservation or use
10 concerns such as pink and chum salmon there are currently
11 no harvest limits. Managers use seasons, gear types and
12 harvest limits to control salmon harvest to insure
13 conservation of the resource and to distribute the
14 available harvest among multiple subsistence users.
15 Without harvest limits as tools, managers may be forced
16 to limit gear types, reduce or close seasons or add
17 individual systems to our Federal permits. This proposal
18 would increase the risk of conservation concerns in
19 unmonitored systems, which would negatively affect
20 subsistence users. This would also complicate law
21 enforcement because of the tracking needs to insure that
22 no refrigeration, freezing or ice was used in processing.

23
24 With that I'd be happy to answer any
25 questions.

26
27 VICE CHAIR BANGS: Thank you, Mr.
28 Casipit. Any questions for Cal.

29
30 Mr. Hernandez.

31
32 MR. HERNANDEZ: So in reading the
33 analysis, I guess I was a little bit confused Cal when
34 you -- I mean you stated that the proponent asked to
35 modify the proposal, but yet it's my understanding that
36 your analysis was written to address the proposal without
37 his modification; is that correct?

38
39 (TELECONFERENCE redialing and connecting)

40
41 MR. CASIPIT: That's correct. The way
42 this proposal is written it analyzes the proposal as
43 submitted, which is removing -- basically not applying
44 these harvest limits -- or basically the harvest limits
45 don't apply if you're using freezing, refrigeration or
46 ice for harvest limits in regulation. His modification
47 was to extend that even to harvest limits listed on
48 permits. I didn't analyze that part of it.

49
50 MR. HERNANDEZ: Yeah, right, so I was

1 trying to figure out how big of a change that
2 modification would make and how the whole process would
3 work. So I think -- I don't know if you addressed it
4 very well in your analysis of just how many instances
5 there would be where the harvest limits are noted on the
6 Federal subsistence permit. Could you clarify that a
7 little bit, how many instances are there where the limits
8 are listed on the Federal permits.

9
10 MR. CASIPIT: For most of the sockeye
11 systems, which are used by subsistence users, we list the
12 harvest limits on the permit. This proposal, as written,
13 wouldn't affect that. What this proposal, as written,
14 affects is basically all the sockeye systems that aren't
15 listed on the permit where we have this general 10/20
16 rule for sockeye systems that don't appear on the permit.
17 It also would affect the Stikine River fishery because
18 all those are in regulation -- all those limits are in
19 regulation. It also would affect all the coho fisheries
20 because -- the Federal coho fishery because the coho
21 limits are in regulation, not on permits.

22
23 VICE CHAIR BANGS: Any other questions
24 for Cal.

25
26 (No comments)

27
28 MR. CASIPIT: Thanks.

29
30 VICE CHAIR BANGS: Ms. Yuhas.

31
32 MS. YUHAS: Thank you, Mr. Chairman.
33 Jennifer Yuhas, Alaska Department of Fish and Game. And
34 our comments can be found starting on Page 39 of your
35 Board book.

36
37 We also oppose this proposal for many of
38 the same reasons that Mr. Casipit just articulated.
39 Based on conservation concerns. While there are no
40 stocks of concern in Southeast Alaska at this time,
41 without harvest limits it's anticipated that many of the
42 small sockeye salmon stocks throughout Yakutat and
43 Southeast areas could be expected to increase and
44 increase beyond sustainable levels. Currently harvest
45 limits are in place for varying stocks and varying
46 species to sustain harvest. that's to limit what is
47 being harvested. What someone does with that after it's
48 harvested is of very little concern to the State, whether
49 it's iced, not iced, dried, fried, baked or smoked,
50 that's the user's business. We only manage how many fish

1 are being taken out of the water for sustainability.

2

3

4

STATE OFFICIAL WRITTEN COMMENTS

5

6

7 Alaska Department of Fish and Game
8 Comments to the Regional Advisory Council

9

10 Fisheries Proposal FP13-17: Eliminate
11 harvest limits for subsistence-caught salmon in the
12 Yakutat and Southeast Alaska areas.

13

14

Introduction:

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This proposal by the Organized Village of
Kake would eliminate harvest limits in the Yakutat and
Southeast Alaska areas for subsistence-caught salmon
transported, processed, and stored without use of
refrigeration prior to consumption.

The proponent states this proposal
better recognizes the subsistence priority need of
subsistence users with strong customary, traditional, and
economic dependence on salmon resources. These
subsistence users fish where there are fish and take only
what they need (i.e., what they can eat fresh or put away
for future consumption by drying, salting, smoking, or
canning). They do this without waste and without ice,
refrigeration, or freezers. They depend on subsistence
salmon for food and this is their way of life .

Impact on Subsistence Users:

If this proposal is adopted, federal
subsistence users would have no harvest limits for
subsistence-caught salmon in the Yakutat or Southeast
Alaska areas. The proponent anticipates federal
subsistence users would benefit from alleviation of
harvest limits since citations from enforcement officers
for harvest limit violations when engaged in customary
and traditional (C&T) fishing for salmon would not occur.

However, the potential unintended
negative impacts imposed upon subsistence users by the
adoption of this regulation could reasonably manifest in
the loss of sustainability of the resource as some
federally-qualified subsistence users with less knowledge
of the history of the resource may unfortunately exploit
the resource without restraint.

1 Impact on Other Users:

2

3 In the event of an unsustainable
4 exploitation of this resource, all users would suffer.

5

6 Opportunity Provided by State:

7

8 Under state regulations, subsistence is
9 the priority consumptive use and salmon may be harvested
10 throughout most of the Yakutat and Southeast Alaska
11 areas. State subsistence fishing opportunity is directly
12 linked to abundance and is not restricted unless run size
13 is inadequate to meet escapement needs.

14

15 Conservation Issues:

16

17 There are no stocks of concern in
18 Southeast Alaska at this time.

19

20 Without harvest limits on the many small
21 sockeye salmon stocks throughout the Yakutat and
22 Southeast Alaska areas, harvests in subsistence fisheries
23 would be expected to increase and could increase beyond
24 sustainable levels. In that instance, for locations
25 where salmon escapement data is available, State of
26 Alaska fishery managers would report stock status to the
27 Alaska Board of Fisheries (BOF) and request stock of
28 concern designation. Action plans would be developed
29 that would either reduce or preclude any further harvest
30 for significant periods of time until each stock in
31 question is rebuilt to a sustainable level.

32

33 Enforcement Issues:

34

35 Federally-qualified subsistence salmon
36 users may put themselves at risk of receiving a citation
37 if they catch salmon on state or private land or on
38 state-managed marine waters and do not comply with terms
39 specified on their subsistence fishing permits. Passage
40 of this proposal creates divergent federal and state
41 regulations which are difficult for enforcement and a
42 burden to users.

43

44 Jurisdiction Issues:

45

46 The Federal Subsistence Board does not
47 have the authority to regulate the nonfederally-qualified
48 users participating in fisheries on waters outside of
49 federal subsistence jurisdiction. While standing on
50 state and private lands (including state-owned submerged

1 lands), or when fishing in state-managed marine waters,
2 persons must comply with state law and cannot harvest
3 under conflicting federal regulations.

4
5 Enforcement difficulties and user
6 confusion -- concerning where and how federal regulations
7 that are different than state regulations apply -- will
8 result unless detailed maps and explanations specific to
9 the area are provided.

10
11 Other Issues:

12
13 On state or private lands or
14 state-managed marine waters where federal subsistence
15 fisheries are not authorized to occur, the federal board
16 does not have authority to supersede to state commercial
17 and subsistence fisheries regulations unless a full
18 closure is required for conservation purpose within water
19 of claimed federal jurisdiction. Changes to state
20 commercial and subsistence fisheries must be submitted to
21 the BOF for coordination. The federal program currently
22 provides for designated fishers to harvest for others
23 above their personal limit. Users who expect a plentiful
24 harvest who wish to share above their established amounts
25 reasonably necessary for subsistence have this option
26 available to them to avoid citation.

27
28 Recommendation:

29
30 Oppose. Subsistence harvest limits are
31 necessary. When there is a harvestable surplus, harvest
32 limits are designed to provide for user s needs and
33 establish guidelines to prevent unnecessary waste of the
34 resource. During lean years, harvest limits may need to
35 be reduced or eliminated in order to protect the
36 resource.

37
38 VICE CHAIR BANGS: Thank you. Are there
39 any questions for Jennifer.

40
41 (No comments)

42
43 VICE CHAIR BANGS: Thank you. Are there
44 any Federal agency comments.

45
46 (No comments)

47
48 VICE CHAIR BANGS: Native, tribal or
49 village.

50

1 (No comments)
2
3 VICE CHAIR BANGS: InterAgency Staff.
4
5 (No comments)
6
7 VICE CHAIR BANGS: Advisory Group
8 comments.
9
10 (No comments)
11
12 VICE CHAIR BANGS: Neighboring Regional
13 Councils, local Fish and Game Advisory Committee.
14
15 (No comments)
16
17 VICE CHAIR BANGS: National Park Service.
18
19 (No comments)
20
21 VICE CHAIR BANGS: Okay, Mr. Larson, is
22 there a summary of written testimony.
23
24 MR. LARSON: Yes, Mr. Chairman.
25
26 (Pause)
27
28 MR. LARSON: The Southeast Alaska
29 Fishermen's Alliance have a comment in opposition. That
30 can be found on Page 41 of your Council book.
31
32 They oppose the proposal as written but
33 it's -- anyway, they oppose it.
34
35 Thank you.
36
37 VICE CHAIR BANGS: Thank you, Mr. Larson.
38 Is there any public testimony on this proposal. Bert,
39 did you have comments for this proposal?
40
41 CHAIRMAN ADAMS: Sure. As outlined, you
42 know, in the analysis here, I see where there is a
43 conservation concern but let me just make this little
44 comment here about what do we do in Yakutat.
45
46 You know, my family and I we go out and
47 we subsistence fish on Saturdays, sometimes Fridays, 48
48 hours after the commercial has closed for the week then
49 subsistence opens and then we can fish through Friday and
50 Saturday. But we are used to removing that back dorsal

1 fin, or, you know, caudal fin right off the bat, it's
2 something that I kind of taught my family, you know, a
3 long time ago and it's just automatic now. But we also,
4 you know, gut and clean the fish and then we place them
5 on ice and, you know, we take them home and we allow them
6 to sit in the ice for a day and I found that, you know,
7 if there are any -- you know, sockeye do have worms in
8 them, I found that if there are any worms in them, that
9 they have a tendency to remove themselves, you know,
10 under the ice pack so then we are assured, you know, that
11 we get good clean salmon for processing and then we'll
12 smoke, or can or whatever. But I just wanted to, you
13 know, assure you that, you know, in Yakutat we use the
14 refrigeration like ice right away and that's about the
15 extent of my comment, Mr. Chairman.

16

17 Thank you.

18

19 VICE CHAIR BANGS: Thank you, Mr. Adams.
20 Just for clarification, Mr. Adams, requested to be able
21 to speak as a member of the public so that's the reason
22 why he was giving his comments.

23

24 Any other public testimony.

25

26 CHAIRMAN ADAMS: Mr. Chairman.

27

28 VICE CHAIR BANGS: Bert.

29

30 CHAIRMAN ADAMS: And I'm going to oppose
31 this proposal. I'll vote no against this proposal.

32

33 VICE CHAIR BANGS: Thank you, Mr. Adams.
34 Is there any other public testimony.

35

36 (No comments)

37

38 VICE CHAIR BANGS: Okay, hearing none,
39 we'll go into Council deliberation. We need to entertain
40 a motion to put it on the floor.

41

42 Mr. Adams.

43

44 CHAIRMAN ADAMS: I move that we accept
45 FP13-17.

46

47 MR. KOOKESH: FP.

48

49 VICE CHAIR BANGS: Do I have a second.

50

1 MR. KITKA: I'll second it.
2
3 VICE CHAIR BANGS: Okay, Mr. Kitka
4 seconded it.
5
6 Discussion.
7
8 CHAIRMAN ADAMS: As the maker of the
9 motion I saw, you know, through the analysis that maybe
10 there is a conservation concern. I think there is enough
11 data that showed that there probably was enough to
12 demonstrate the conservation concern. I have no problems
13 with adversely affecting subsistence or non-subsistence
14 users, however, I feel that the comments I made earlier
15 that I am going to vote no against this proposal.
16
17 Thank you.
18
19 VICE CHAIR BANGS: Thank you, Mr. Adams.
20 Any other discussion.
21
22 (No comments)
23
24 VICE CHAIR BANGS: Is someone going to
25 call for the question.
26
27 MR. KITKA: Question.
28
29 VICE CHAIR BANGS: The question's been
30 called for on FP13-17. All those in favor of the
31 proposal respond by saying aye.
32
33 MR. ACKERMAN: Aye.
34
35 MR. KOOKESH: Aye.
36
37 VICE CHAIR BANGS: All those opposed,
38 nay.
39
40 IN UNISON: (Nay)
41
42 VICE CHAIR BANGS: Okay, motion fails,
43 two in favor. Okay, I will turn the gavel back over to
44 Mr. Adams.
45
46 CHAIRMAN ADAMS: Mr. Bangs, you're
47 welcome to go into the next proposal, I'll take over
48 after lunch.
49
50 (Laughter)

1 VICE CHAIR BANGS: Okay. Okay, we're
2 going on to FP13-18/23.

3
4 MR. REEVES: Thank you, Mr. Chairman.
5 Council. For the record my name's Jeff Reeves, US Forest
6 Service.

7
8 The executive summary of this proposal is
9 found on Page 42 in your materials and the analysis can
10 be found on Page 44.

11
12 Proposal FP13-18 was submitted by this
13 Council and it requested that household harvest limits be
14 placed on individual streams within the Prince of Wales
15 and the Kosciusko Island subsistence steelhead fisheries.
16 It also asked that the overall harvest quota from those
17 fisheries be removed.

18
19 Proposal 13-23 was submitted by James See
20 and it requested that the household -- that household
21 harvest limits be placed on the Klawock River in these
22 same fisheries.

23
24 The proponent of 18 believes that the
25 proposal is going to address potential conservation
26 concerns where a single stream might be subjected to a
27 higher harvest rate. The proponent's intent to provide
28 additional conservation or preventing a person from
29 taking their entire harvest limit from any one stream and
30 then using the designated fishing permit system to take
31 more multiple limits from the same stream. The proponent
32 also believes that the overall harvest quotas for the
33 winter and the spring fisheries could be removed with the
34 proposed reduction in the household harvest limits if
35 they were imposed on particular drainages.

36
37 The proponent of FP-23 believes that his
38 proposal is necessary to provide for conservation of
39 steelhead in the Klawock River and that this would also
40 -- could affect the overall Federal subsistence fishery.
41 Clarification with the proponent, he stated that although
42 he's concerned particularly about the Klawock River, he
43 did believe that the same type of strategy could benefit
44 other Prince of Wales drainages if the same type of
45 regulation was put into place on those drainages. This
46 proponent is also supportive of subsistence fishing
47 opportunity for steelhead and he believes that the
48 proposal would provide for conservation while allowing
49 continued subsistence opportunity on Prince of Wales
50 Island. Unlike the Council's proposal, he is not seeking

1 to remove the overall harvest quota.

2

3 Both of these proposals are a result of
4 a situation that occurred during the 2011 winter
5 steelhead fishery on the Klawock River.

6

7 Typically steelhead harvest from the
8 Prince of Wales drainage are kind of managed for a 10
9 percent harvest based on what's estimated to return to
10 that system. And the potential issues that arose were a
11 result of fishing off of the designated fishing permit.
12 That permit allows Federally-qualified users to fish and
13 to harvest any specie of fish on behalf of another
14 Federally-qualified user and that that fisher may fish
15 for any number of subsistence users but cannot have any
16 more than two harvest limits in their possession at any
17 one time. Although the specific subsistence fishery
18 permits are issued to a household, the designated fishing
19 permit is issued to an individual. Several individuals
20 from a same household were noted harvesting multiple
21 household limits the same day on the Klawock River and,
22 although this legal under the terms of the designated
23 fishing permit, the potential to easily overharvest from
24 the drainage before managers, or the in-season manager
25 could act, now basically had increased dramatically.

26

27 This situation that happened within the
28 winter fishery was discovered right at the end of the
29 fishery so it resulted in the Federal in-season manager
30 implementing that special action that was talked about
31 yesterday that reduced the harvest limit from the Klawock
32 for the spring fishery and also removed -- or prohibited
33 the use of bait to allow for further harvest opportunity,
34 but providing for conservation at the same time.

35

36 The history of this fishery goes back to
37 2002 when the Board adopted Proposal FP03-25 and the
38 following year in 2003 the Board adopted 04-33 which
39 added Kosciusko into it. The fisheries are broken into
40 two defined seasons, they're operated under separate
41 permits and they have individual harvest limits for those
42 specific fisheries. The direction to these fisheries was
43 that the fisheries would be closed when a harvest cap was
44 reached. The harvest cap in the winter fishery was 100
45 fish, the spring fishery was to be 600 minus what was
46 taken in the winter fishery. Typically harvest reports
47 are due within 15 days of completion of a harvest limit
48 or 15 days from the end of the season. And rather than
49 implementing separate regulations by drainage in our
50 specific regulation book, the Board put direction that

1 any permit conditions or systems that were to receive any
2 extra protection was to be determined by the local
3 Federal manager in consultation with Fish and Game and
4 then to be put on the permit. Since 2003 there have been
5 some additional conditions put on the permit, you can
6 find those on -- there's a copy of a permit on Page 57 in
7 your booklet, and it would be on the back half of the
8 permit.

9

10 The spring fishery initially started off
11 with 76 permits being issued in its first season and
12 during -- in 2003, and then after that, from about 2004
13 to 2005, the average amount of permits issued in the
14 fishery has been about 55. Since 2008, though, that
15 effect has increased and the average number of permits
16 issued is 73. Harvest has averaged about 29 steelhead
17 per season. You can find summary of steelhead harvest
18 and permit activity for the spring fishery in Table 1,
19 which is on Page 52.

20

21 The winter fishery also began in 2003 and
22 harvesting effort, typically, until recent, has been very
23 low. You can find the statistics of it and the permit
24 statistics in Table 2, which is on Page 53. This fishery
25 is typically -- it's been greatly affected by weather so
26 snow can hamper access to a lot of locations. And that
27 is kind of what we believe might have been the reason why
28 the Klawock actually got hit a lot harder this past
29 winter than other years, was the effort was concentrated
30 to the Klawock, since the Klawock is accessed by paved
31 road that is taken care of by DOT during winter.

32

33 Both of these proposals, they could be
34 addressed as special restrictions on the permit.

35

36 The Craig and the Thorne Bay district
37 rangers are delegated as the managers to implement these
38 special restrictions. And like I said, if you look on
39 the permit you see that there has been situations where
40 there is special conditions. These are typically smaller
41 systems that it was felt that effort would be -- you
42 know, that the populations were smaller so we wanted to
43 reduce harvest out of them right off the bat. Dealing
44 with the concerns expressed by Proposal 23, you could
45 easily deal with it, it's just one system that you might
46 add to that list that's there. By trying to list all the
47 74 drainages on Prince of Wales that Proposal 18 requests
48 for, it might be a little bit more problematic.

49

50 If these proposals are adopted they

1 definitely would add additional restrictions to the
2 Federal subsistence harvest of steelhead in both of the
3 fisheries. Although the proposals would reduce the
4 amount of steelhead that a household would harvest from
5 a specific drainage, they would not affect the annual
6 harvest that the permit does allow for. While reduced
7 harvest limits by the drainage may provide for a more
8 equitable distribution of harvest opportunity amongst
9 Federally-qualified users, there could be a reduction in
10 numbers of fish received by recipients that may have to
11 use the designated fishing provisions. So specifically if
12 they wanted someone to fish drainage X, obviously now
13 opportunity for how many could be harvested would be
14 reduced.

15
16 The proposals will not affect the
17 sportfishery.

18
19 Adoption of Proposal 13-18 would remove
20 the fishery harvest quota as currently defined in
21 regulation. The quota was established by the Board in
22 2002 and was intended to keep harvest within the levels
23 estimated by household harvest surveys from the late
24 1990s. Recent household harvest surveys have been
25 completed and suggest that steelhead harvest -- or
26 steelhead used by household is only about 45 percent of
27 that actual quota and Federal permit reports indicate
28 that harvest numbers are far lower than those quotas and
29 it's only about five to eight percent of that quota. So
30 these quotas may not be needed.

31
32 The conclusion is to support Proposal 18,
33 but to oppose Proposal 23.

34
35 Implementing household harvest limits by
36 specific drainages will provide for conservation of
37 individual steelhead stocks while still providing for
38 subsistence opportunity. Adoption of 18 is supported
39 since it would set the annual household harvest limits to
40 specific drainages within the Prince of Wales and
41 Kosciusko Island fisheries, and it would include the
42 Klawock River which is the focus of Proposal 23. They
43 actually provide for conservation by preventing a person
44 or designated fisher from taking entire harvest limits
45 from any one given stream, which could easily push that
46 system beyond desired harvest levels. Although harvest
47 limit by individual stream will be reduced, the action
48 will not reduce the overall household harvest limit for
49 the fishery. An opportunity will still exist to harvest
50 any additional steelhead from those other streams. The

1 overall harvest quota from the fisheries is not as
2 important as the overall steelhead harvest by the
3 drainage and conservation of the individual streams will
4 be provided for by implementing these annual household
5 limits by drainage thus removing the overall need for the
6 harvest quota. And, additionally, both Federal in-season
7 managers will -- they still have the delegation to
8 implement any special action should there be any further
9 problems in the fishery or any other foreseen
10 circumstances that exist.

11
12 That concludes my presentation and I'll
13 be open to answer questions.

14
15 VICE CHAIR BANGS: Thank you, very much.
16 Are there any questions of Jeff.

17
18 Mr. Kookesh.

19
20 MR. KOOKESH: Earlier you mentioned we
21 believe; how accurate is we believe, is that based on a
22 science, you mentioned something about DOT in Klawock,
23 how accurate of a science is that or is that something
24 you're going further into or is -- or as opposed to we
25 know.

26
27 MR. REEVES: We really don't know what
28 pushed all the effort to the Klawock. So I guess when I
29 said the statement, we believe, that was coming from
30 discussions with the in-season manager, with fishermen on
31 the ground, all that, that why was there so much effort
32 on the Klawock. So the Klawock sits along the paved
33 highway which, with snow, is plowed, so access to the
34 river was a lot easier. A lot of the other drainages are
35 accessible by logging roads, which are not maintained
36 when it snows. So that was what I was trying to say when
37 that portion came up. The in-season manager, basically
38 he felt, let's get a hold of this problem right now,
39 let's allow opportunity, you know, and let's reduce what
40 potential could happen especially if we did overharvest
41 it. So does that help?

42
43 (No comments)

44
45 VICE CHAIR BANGS: Ms. Needham.

46
47 MS. NEEDHAM: Thank you, Mr. Chair.

48
49 Mr. Reeves, you stated that your analysis
50 acknowledges that these proposals were brought forth

1 based on basically an abuse of designated fishing permits
2 on the Klawock River, and I'm curious if you have found
3 other abuses on other systems by other communities or if
4 this is just a Klawock River specific issue at this time?

5
6 MR. REEVES: Mr. Chair. Ms. Needham.
7 This was the first time that we saw this happen. There
8 was an in-season action in 2006 where on Cable Creek the
9 harvest of well over, I believe it was 10 steelhead was
10 noted, and, again, it was one of those situations where
11 we had to look at what was this magic harvest number and
12 so we had to take action. Now we don't know if that was
13 related to designated fishing or not. The designated
14 fishing provisions and the permit specific to doing it is
15 -- the permit itself is a newer piece of paper.
16 Originally what it was was the previous steelhead permit
17 allowed for that activity to occur, and so it didn't --
18 it didn't identify itself as this is an activity. The --
19 what got noted this year was when this, say this piece of
20 paper got discovered was that it wasn't a household
21 permit, it was an individual permit, so what got brought
22 forth was the fact that, okay, now we have multiple
23 individuals obviously doing this action, which is, you
24 know, fine, however, the level of harvest that was
25 occurring from it then threw us into a situation where,
26 you know, we have basically been given direction to
27 manage for these things, these streams and to try to
28 manage the harvest, which we, you know, during the course
29 of the fishery we try to contact users, you know, we try
30 to get a grasp on what's happening across the island.
31 And so it just -- it opened the eyes of everybody to
32 realize, you know, with -- or how this all played out was
33 that this harvest from the winter fishery potentially
34 almost ate up half of the so-called magic number that we
35 had to manage for. So it did set a chain of events going
36 that -- I remember Mr. Douville brought forth concerns
37 about it at the spring meeting which is then, when, you
38 know, the whole proposal got started. And as you know
39 Mr. See is also a local user that uses -- I mean he saw
40 the same thing and literally -- I mean he submitted the
41 same type of proposal.

42
43 So is that.....

44
45 MS. NEEDHAM: Thank you, Mr. Chair. So
46 to kind of follow up, I'm trying to understand if by
47 closing this loophole in the designated permit, whether
48 or not that limits -- places limits on other communities
49 on Prince of Wales or if we should just be looking at
50 this as a specific Klawock or small system based issue

1 where there are conservation concerns. And my
2 understanding is that, you know, with the example of
3 Cable Creek, that's managed as a small system and so
4 those in-season actions can cover when a particular
5 system is having too many fish harvested out of it. But
6 if you expand that out to a community and I'll use, and
7 just because I'm familiar I'll use Hydaburg as an
8 example, if, you know, we're talking about proposing to
9 close this loophole in the designated permitting system
10 for the Klawock River, but does that adversely affect
11 Hydaburg use -- use patterns?

12
13 MR. REEVES: Mr. Chair. Ms. Needham. I
14 don't know if that would adversely affect, you know, say
15 Hydaburg and their use patterns.

16
17 What the proposal, at least the
18 recommendation is trying to do, is to take the -- you
19 know designated fishing is very important and that is
20 understood and, you know, if it was salmon where you
21 have, you know, maybe thousands coming in at a time with
22 a little bit more liberal harvest limits it's easier to,
23 you know, to allow somebody to designate, with steelhead,
24 on the other hand, we're having to micro-manage the
25 harvest that are coming out, it's felt that, you know,
26 this -- by lowering the limit per system would still
27 allow for designated harvest opportunity. We're just,
28 you know, it would have to potentially spread it out over
29 more -- or more neighboring systems.

30
31 You know, it's kind of one of those it's
32 kind of hard to actually physically answer that question
33 but I can see the perceived notion that, oh, are we
34 taking away designated fishing. And, no, that's not the
35 intent. The reduced harvest limits are more to assure
36 conservation for a drainage and the steelhead populations
37 within it.

38
39 MS. NEEDHAM: So to address the point,
40 subsistence harvesters would even spread it out over
41 other systems, does that, for other communities, possibly
42 create an undue burden for subsistence users to, you
43 know, a household would be able to harvest out of a
44 nearby system but then they would have to go pay for gas
45 or a boat ride to another system in order to get
46 additional steelhead. I guess that's kind of where my
47 concern is coming from.

48
49 MR. REEVES: Mr. Chair. Ms. Needham.
50 That could possibly, you know, depending on the

1 household. Prince of Wales has, I believe it's 70-some
2 steelhead drainages on the island so there is other
3 opportunity. Maybe not all of them are easily accessible
4 for one particular community but the drainages are spaced
5 out. You know, and that does become the decision of both
6 the Council and the Board is to, you know, what level
7 should this go to, should it be specific to only the
8 Klawock because that's where the potential problem is, or
9 -- and when you look at Table 1 in the spring fishery you
10 do see where harvest is definitely directed to, Klawock
11 is, you know, definitely one on the high list but that
12 list has been slowly growing. So people have been, you
13 know, spreading out where they're harvesting fish.

14
15 The other key in these tables that you
16 will see is that the average fish per permit has only
17 been about two fish. So if that's the case do we reduce
18 the household harvest limit when -- especially when those
19 limits were based off of previous household use surveys,
20 no, I don't think so. But, you know, are we potentially
21 overly restricting if we were to put this type of
22 conservation measure in play, you know, perhaps the
23 permits are telling us, you know, no, we're not, we don't
24 know, but -- so I guess, you know, it would depend
25 probably on your household and what their feeling is and
26 how far they think they need to travel to go to access
27 subsistence steelhead. But, you know, if the road
28 systems are open though, there are a number of locations
29 that you can easily get to.

30
31 VICE CHAIR BANGS: Mr. Hernandez.

32
33 MR. HERNANDEZ: Thank you. I got a more
34 basic question. What determines a household as opposed
35 to an individual. Do you just strictly go by addresses,
36 or do you have to determine, okay, I don't know how it's
37 done in the small communities where you have extended
38 households and what not, so how does the regulation read.

39
40 MR. REEVES: Mr. Chairman. Mr.
41 Hernandez. The regulation -- there is no specific
42 regulation to household but it is -- it's defined as a
43 definition in the Federal regulations and that definition
44 reads:

45
46 A group of people residing with the same
47 residence

48
49 Your qualification to determine where you
50 are is based on like your physical primary residence, a

1 number of factors like that, which those are basically
2 determined when the permit's issued. And there is,
3 typically on the permit, it's listed as household members
4 who are authorized to fish the permit so you would write
5 them in.

6

7 Does that help or is it still fairly
8 vague?

9

10 MR. HERNANDEZ: Well, it probably does
11 get a little vague in a small community, you know, what
12 represents a household and if we're going to start
13 managing by households as opposed to individuals, I mean
14 there could be a lot of confusion there. I'm not sure if
15 that's how we want to go, I'll have to think about it.

16

17 VICE CHAIR BANGS: Any other questions.

18

19 Ms. Needham.

20

21 MS. NEEDHAM: Thank you, Mr. Chair. This
22 is an easy one, I think.

23

24 (Laughter)

25

26 MS. NEEDHAM: The analysis states that
27 Fisheries Proposal 13-18 would remove the harvest quota,
28 is that the 600 fish limit that was established for
29 Prince of Wales overall, and by eliminating that quota it
30 means that number is no longer in the regulation?

31

32 MR. REEVES: Mr. Chairman. Ms. Needham.
33 Yes, that is correct.

34

35 VICE CHAIR BANGS: Anyone else.

36

37 (No comments)

38

39 VICE CHAIR BANGS: Thank you. Jeff.
40 Alaska Department of Fish and Game, Ms. Yuhas.

41

42 MS. YUHAS: Thank you, Mr. Chairman.
43 Jennifer Yuhas, Alaska Department of Fish and Game. And
44 our comments can be found starting on Page 58 of your
45 Board book.

46

47 We have a neutral recommendation for both
48 of these proposals, however, I would like to direct the
49 members to Page 60 on the last paragraph. We do have a
50 couple of concerns regarding the shift that could occur

1 to some of the smaller streams if this change is made.
2 And there are two provisions that would allow us to
3 support the proposal rather than be neutral. And those
4 are, a cap to the harvest of steelhead on larger river
5 systems for 10 percent of the annual escapement and a
6 harvest limit of greater than five fish on small systems.
7 And those two provisions would allow us to support it,
8 but we have a neutral recommendation at this time. We do
9 not issue a permit for subsistence steelhead, although
10 the use occurs incidentally and is reported.

11

12

13

STATE OFFICIAL WRITTEN COMMENTS

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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

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The proponents state this proposal seeks

1 to address a local concern that under the existing
2 regulation a single stream may be subjected to high
3 subsistence harvest rates. This proposal is designed to
4 prevent a user from taking their entire household harvest
5 limit from one stream. It is also designed to prevent
6 users who fish for others with a designated harvest
7 permit from taking multiple household limits from one
8 stream.

9

10 Impact on Subsistence Users:

11

12 If this proposal is adopted, individual
13 federal subsistence users and users who fish for others
14 with a designated harvest permit would not be allowed to
15 take their entire winter or spring season steelhead trout
16 harvest limit from the same drainage on Prince of Wales
17 and Kosciusko islands.

18

19 Impact on Other Users:

20

21 The department continues to be concerned
22 with conservation of vulnerable steelhead populations in
23 small streams in Southeast Alaska. The department
24 believes that some limited harvest could occur on most
25 streams but harvest opportunities should be focused on
26 the larger monitored streams that support more robust
27 steelhead populations. Dispersing the subsistence
28 steelhead harvest amongst smaller streams could
29 negatively impact anglers and subsistence users that may
30 already be fully utilizing these smaller streams.

31

32 Opportunity Provided by State:

33

34 In the Southeast Alaska area, state
35 regulation 5 AAC 01.716 (a)(15) provide for subsistence
36 harvest of steelhead trout in Section 3-B in waters east
37 of a line from Point Ildefonso to Tranquil Point and in
38 waters of Warm Chuck Inlet north of a line from a point
39 on Hecata Island at 55 44 N. lat., 133 25 W. long. to
40 Bay Point, and in Section 3-C in waters of Karheen
41 Passage north of 55 48 N. lat. and east of 133 20 W.
42 long. and in waters of Sarkar Cove and Sarkar Lakes. The
43 department does not issue a subsistence fishing permit
44 for the taking of steelhead trout in the Southeast Alaska
45 area, but steelhead trout taken incidentally by gear
46 operated under the terms of a subsistence permit for
47 salmon are legally taken and possessed for subsistence
48 purposes. The holder of the subsistence salmon permit
49 must report any steelhead trout taken in this manner on
50 his or her permit calendar (5 AAC 01.730 (i)).

1 Conservation Issues:

2
3 Most steelhead populations in Southeast
4 Alaska receive an annual escapement of 200 or fewer fish,
5 and only a handful of systems regularly receive
6 escapements over 500. Nearly all of Southeast Alaska
7 steelhead populations are difficult or impossible to
8 accurately assess or monitor on a regular basis. Without
9 basic specific stock status information, steelhead
10 populations in Southeast Alaska need to be managed
11 conservatively and may only be sustained with very low
12 harvest rates of 10 percent or less. The annual harvest
13 of steelhead in Southeast Alaska between 1982 1991
14 averaged 3,461; in 1992 the department issued Emergency
15 Orders closing 24 streams to harvest. Department
16 managers believe that this level of harvest could not be
17 sustained and these harvest levels may have contributed
18 to declines in steelhead abundance that lead to the
19 conservative management strategies adopted by the Board
20 of Fish in 1993. Levels of harvest opportunity provided
21 by past state and current federal regulations cannot be
22 sustained in absence of an intensive stock assessment
23 program. Steelhead are known to return to 331 freshwater
24 systems in southeast Alaska (ADF&G 2001)1. Of these 331
25 systems, there are 87 river systems known to contain
26 steelhead on Prince of Wales Island (Harding and Jones
27 1993)2. The small size of most steelhead stocks makes
28 them susceptible to negative impacts through habitat
29 degradation or over fishing (Lohr and Bryant 1999)3.
30 Small populations are at greater risk of extinction than
31 large populations because of demographic, environmental,
32 and genetic uncertainties, and they are more susceptible
33 to natural catastrophes (Meffe and Carroll 1994)4.

34
35 Snorkel counts are conducted annually by
36 the department to monitor steelhead escapements in a
37 number of index systems dispersed across Southeast
38 Alaska. These snorkel surveys do not estimate total
39 escapement but provide a peak annual escapement count for
40 each system or a relative index of abundance. Based on
41 these snorkel counts the relative abundance of steelhead
42 throughout Southeast Alaska and on Prince of Wales Island
43 was generally higher than average between 2003 and 2007,
44 but since 2008 have generally declined and are at or near
45 average levels. There are systems where steelhead
46 escapement still remains below historic levels (Harding
47 and Coyle 2012)5. The department believes that the
48 current conservative sport fish regulations provide for
49 sustainability of steelhead stocks while allowing for a
50 limited harvest opportunity. The lack of data on these

1 stocks has hampered efforts to assess the potential
2 effects of directed subsistence harvest and prevents the
3 refinement of federal regulations that, when coupled with
4 conservative state sport fishing regulations would ensure
5 adequate conservation and allow for expanded subsistence
6 harvest opportunities.

7

8 Enforcement Issues:

9

10 Enforcement difficulties and user
11 confusion concerning where and how federal regulations
12 that are different than state regulations apply will
13 result unless detailed maps and explanations specific to
14 the area are provided.

15

16 Jurisdiction Issues:

17

18 The Federal Subsistence Board does not
19 have the authority to regulate the non-federally
20 qualified users participating in fisheries on waters
21 outside of federal subsistence jurisdiction.

22

23 Other Issues:

24

25 During its spring 2012 meeting the
26 Southeast Subsistence Regional Advisory Council discussed
27 that the household limit was the original intent of a
28 previous proposal submitted during the 2010 cycle, and
29 the change would need to be proposed this regulatory
30 cycle to address the discrepancy. It is unclear to
31 department managers why the annual caps for the winter
32 and spring fisheries were deleted as that was not
33 specifically mentioned by the proposer.

34

35 On state or private lands where federal
36 subsistence fisheries are not authorized to occur, the
37 federal board does not have authority to supersede to
38 state commercial and subsistence fisheries regulations
39 unless a full closure is required for conservation
40 purpose within water of claimed federal jurisdiction.
41 Changes to state commercial and subsistence fisheries
42 must be submitted to the Alaska Board of Fisheries for
43 coordination.

44

45 This proposal could limit the subsistence
46 harvest on some systems which would provide additional
47 conservation. However, the department is concerned that
48 if adopted, this proposal could shift subsistence
49 steelhead harvest to the smaller and more vulnerable
50 steelhead populations. The department could support this

1 proposal if measures were put into place that would cap
2 the harvest on individual systems and not shift harvest
3 to the smaller systems without adequate monitoring, such
4 as: * a cap to the harvest of steelhead on larger river
5 systems to < 10% of annual escapement, and * a harvest
6 limit to <5 fish on small systems.

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Recommendation: Neutral.

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STATE OFFICIAL WRITTEN COMMENTS

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Alaska Department of Fish and Game
Comments to the Regional Advisory Council

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Fisheries Proposal FP13-23: Reduce
Klawock River/Prince of Wales Island steelhead harvest
limits.

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21

Introduction:

22
23

This proposal, submitted by James See of
Craig, AK, reduces the seasonal harvest and possession
limit for Klawock River in the Prince of Wales and
Kosciusko islands steelhead trout fishery. Proposed
changes include:

24
25

For the winter season (Dec. 1 last day of
Feb.), Season Harvest and Possession Limit, 2 steelhead
trout, per household * Insert new text (However, only 1
(one) steelhead may be harvested from Klawock River.)
after household .

26
27

For the spring season (Mar. 1 May 31),
Season Harvest and Possession Limit, 5 steelhead trout,
per household
* Insert new text (However, only 2 (two) steelhead may
be harvested from Klawock River.) after household .

28
29

The proponent states The reported number
of fish taken is way below the actual number taken. I
have seen the run strength seriously reduced in the last
6 years. I have [also] seen evidence of many fish taken
(discarded gills etc.) that indicate that many more fish
were harvested than reported. In periods of low water
the fish stop in 2 main holes in the Klawock River and I
have seen people use bait to take 8 steelhead trout in a
day which completely empties the hole of fish. No more
steelhead trout will move into that hole until the next

1 tide or until the water level changes.

2

3 Impact on Subsistence Users:

4

5 If this proposal is adopted, individual
6 federal subsistence users would not be allowed to take
7 their entire winter or spring season steelhead trout
8 harvest limit from Klawock River on Prince of Wales and
9 Kosciusko islands.

10

11 Impact on Other Users:

12

13 The department continues to be concerned
14 with conservation of vulnerable steelhead populations in
15 small streams in Southeast Alaska. The department
16 believes that some limited harvest could occur on most
17 streams, but harvest opportunities should still be
18 focused on larger monitored streams that support more
19 robust steelhead populations. Dispersing subsistence
20 steelhead harvest amongst smaller streams could
21 negatively impact anglers and subsistence users that
22 already use these smaller streams.

23

24 Opportunity Provided by State:

25

26 In the Southeast Alaska area, state
27 regulation 5 AAC 01.716 (a)(15) provide for subsistence
28 harvest of steelhead trout in Section 3-B in waters east
29 of a line from Point Ildefonso to Tranquil Point and in
30 waters of Warm Chuck Inlet north of a line from a point
31 on Hecata Island at 55 44 N. lat., 133 25 W. long. to
32 Bay Point, and in Section 3-C in waters of Karheen
33 Passage north of 55 48 N. lat. and east of 133 20 W.
34 long., and in waters of Sarkar Cove and Sarkar Lakes.
35 The department does not issue a subsistence fishing
36 permit for the taking of steelhead trout in the Southeast
37 Alaska area, but steelhead trout taken incidentally by
38 gear operated under terms of a subsistence permit for
39 salmon are legally taken and possessed for subsistence
40 purposes. The holder of the subsistence salmon permit
41 must report any steelhead trout taken in this manner on
42 his or her permit calendar (5 AAC 01.730(i)).

43

44 Conservation Issues:

45

46 Most steelhead populations in Southeast
47 Alaska receive an annual escapement of 200 or fewer fish,
48 and only a handful of systems regularly receive
49 escapements over 500. Nearly all Southeast Alaska
50 steelhead populations are difficult or impossible to

1 accurately assess or monitor on a regular basis. Without
2 basic specific stock status information available,
3 fisheries managers believe that steelhead populations in
4 Southeast Alaska need to be managed conservatively and
5 may only be sustained with very low harvest rates of 10
6 percent or less. History has shown that levels of
7 harvest opportunity provided by past state and current
8 federal regulations cannot be sustained in absence of an
9 intensive stock assessment program. Steelhead are known
10 to return to 331 freshwater systems in Southeast Alaska
11 (ADF&G 2001)¹. Of these 331 systems, there are 87 river
12 systems known to contain steelhead on Prince of Wales
13 Island (Harding and Jones 1993)². The small size of most
14 steelhead stocks makes them susceptible to negative
15 impacts through habitat degradation or overfishing (Lohr
16 and Bryant 1999)³. Small populations are at greater risk
17 of extinction than large populations because of
18 demographic, environmental, and genetic uncertainties,
19 and they are more susceptible to natural catastrophes
20 (Meffe and Carroll 1994)⁴.

21
22 Snorkel counts are conducted annually by
23 the department to monitor steelhead escapements in a
24 number of index systems dispersed across Southeast
25 Alaska. These snorkel surveys do not estimate total
26 escapement but provide a peak annual escapement count for
27 each system or a relative index of abundance. Based on
28 these snorkel counts the relative abundance of steelhead
29 throughout Southeast Alaska and on Prince of Wales Island
30 was generally higher than average between 2003 and 2007,
31 but since 2008, snorkel counts have generally declined
32 and are at or near average levels. There are systems
33 where steelhead escapement still remains below historic
34 levels (Harding and Coyle 2012)⁵. The department
35 believes that current conservative sport fish regulations
36 provide for sustainability of steelhead stocks, while
37 allowing for a limited harvest opportunity. The lack of
38 data on these stocks has hampered efforts to assess
39 potential effects of directed subsistence harvest and
40 prevents refinement of federal regulations that, when
41 coupled with conservative state sport fishing
42 regulations, would ensure adequate conservation and allow
43 for expanded subsistence harvest opportunities.

44

45 Enforcement Issues:

46

47 Enforcement difficulties and user
48 confusion concerning where and how federal regulations
49 that are different than state regulations apply will
50 result unless detailed maps and explanations specific to

1 the area are provided.

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Jurisdiction Issues:

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Other Issues:

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Recommendation:

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VICE CHAIR BANGS: Thank you. Any

questions.

1 (No comments)
2
3 VICE CHAIR BANGS: Thank you. Are there
4 any Federal agencies.
5
6 (No comments)
7
8 VICE CHAIR BANGS: Native, tribal,
9 village or any other.
10
11 (No comments)
12
13 VICE CHAIR BANGS: InterAgency Staff.
14
15 (No comments)
16
17 VICE CHAIR BANGS: Advisory group
18 comments.
19
20 (No comments)
21
22 VICE CHAIR BANGS: Neighboring Regional
23 Councils, local Fish and Game Advisory Committees.
24
25 (No comments)
26
27 VICE CHAIR BANGS: National Park Service.
28
29 (No comments)
30
31 VICE CHAIR BANGS: Any written comments,
32 Mr. Larson.
33
34 (Pause)
35
36 MR. LARSON: Mr. Chair. There are no
37 written public comments.
38
39 VICE CHAIR BANGS: Thank you, Mr. Larson.
40 Any public testimony.
41
42 (No comments)
43
44 VICE CHAIR BANGS: We'll move into
45 deliberation. Entertain a motion.
46
47 Mr. Adams.
48
49 CHAIRMAN ADAMS: Mr. Chairman. You know,
50 I just kind of want to know -- I think what I'll do

1 anyhow is make a motion. The only thing is I'm going to
2 make a motion that is recommended by the OSM, their
3 preliminary conclusions, and their recommendation was to
4 support with modification and so I move and this is
5 how the modification should read:

6
7 You must possess a subsistence fishing
8 permit to take salmon, trout, grayling
9 or char

10
11 Yes, sir.

12
13 (Pause)

14
15 CHAIRMAN ADAMS: Oh, we're on 13-18, he
16 says.

17
18 (Laughter)

19
20 CHAIRMAN ADAMS: I'm going to suspend
21 that, sorry, I was on the wrong proposal.

22
23 (Laughter)

24
25 CHAIRMAN ADAMS: So my mistake, that's
26 why I should be back there.

27
28 (Laughter)

29
30 VICE CHAIR BANGS: So what is your
31 motion?

32
33 CHAIRMAN ADAMS: I'm not going to make a
34 motion at this point because we're on -- I am on 18.

35
36 (Pause)

37
38 VICE CHAIR BANGS: We're on FP13-18 and
39 23.

40
41 CHAIRMAN ADAMS: 13-18 and 23, okay. I'm
42 not going to -- I'll just suspend anything that I've said
43 so far and go over to 13-18.

44
45 VICE CHAIR BANGS: Thank you, Mr. Adams.
46 Anyone else.

47
48 (Laughter)

49
50 VICE CHAIR BANGS: Ms. Needham.

1 MS. NEEDHAM: Mr. Chair. I move to adopt
2 Fisheries Proposal 13-18 as written.

3
4 VICE CHAIR BANGS: Do we have a second.

5
6 MR. DOUVILLE: I'll second it.

7
8 VICE CHAIR BANGS: It's been moved and
9 seconded to adopt Proposal FP13-18. Any discussion.

10
11 (Pause)

12
13 VICE CHAIR BANGS: Ms. Needham.

14
15 MS. NEEDHAM: Thank you, Mr. Chair. When
16 we're looking at proposals we have our four criteria and
17 I actually think that this proposal addresses some of the
18 conservation concerns regarding steelhead, however, I
19 still am a little bit wary about whether or not -- I know
20 it was put forth to address something specific that
21 happened on one system and I think it actually addresses
22 that. We haven't heard any evidence from other
23 communities that it might create an undue burden on
24 subsistence users but unfortunately my get and
25 understanding of subsistence on Prince of Wales tells me
26 that it could, it might, OSM Staff analysis, in the
27 questions that I asked said that it might but it --
28 there's no real evidence that it will.

29
30 So I'm still a little bit undecided and
31 I'd like to hear from other Council members, maybe
32 especially those on Prince of Wales Island, about whether
33 or not they think that other communities, households
34 within other communities may be adversely affected by
35 this proposal.

36
37 VICE CHAIR BANGS: Thank you, Cathy. Any
38 comments from Prince of Wales residents.

39
40 Mr. Douville.

41
42 (Laughter)

43
44 VICE CHAIR BANGS: Mr. Hernandez.

45
46 (Laughter)

47
48 VICE CHAIR BANGS: I think you guys are
49 the only -- do you guys have any comments about what Ms.
50 Needham's concerns are?

1 MR. HERNANDEZ: I'm still looking this
2 over. It's kind of a tough one here as to what the
3 ramifications would be to adopting this proposal.

4
5 I know for the residents on the north end
6 winter fishery is not a factor. Our roads are closed, we
7 can't get anywhere. There's no road maintenance up
8 there. It wouldn't affect us at all. Spring fishery,
9 difference between being able to harvest five fish per
10 household and being able to take only two of those fish
11 from a particular drainage I would say would not be an
12 adverse impact to anybody that I know.

13
14 There's ample opportunity in the spring
15 to travel to different systems if you did want to harvest
16 more than two and get the five fish per household limit.
17 But there does seem to be a particular concern to the
18 Klawock River, so I think I'm going to have to defer to
19 Mr. Douville and see if he has any more specific
20 information for us on the Klawock River.

21
22 VICE CHAIR BANGS: Thank you, Don. I
23 think Harvey has a question.

24
25 MR. KITKA: Thank you, Mr. Chair. My
26 only question was, and I don't know whether this is --
27 who it would be addressed to, but is there any
28 limitations on how many sportfishermen can take, a number
29 of fish out of each stream and whether they're regulated
30 by household and anything like that. The restrictions on
31 subsistence, it seems like we've already got enough
32 restrictions.

33
34 VICE CHAIR BANGS: Would that question be
35 best addressed by Ms. Yuhas?

36
37 MS. YUHAS: Mr. Chairman. It'd probably
38 be appropriately addressed by Ms. Yuhas, it'd be best
39 addressed once she's had time to finish punching up the
40 regulations on her iPhone.

41
42 VICE CHAIR BANGS: Should we break for
43 lunch and then come back and that'll give everybody some
44 time.

45
46 CHAIRMAN ADAMS: Yeah, Mr. Chairman, if
47 I might, apologize for the boo-boo I made a little while
48 ago. You know, it's human to make a mistake but it takes
49 a computer to really foul things up, I'm on the right
50 proposal now. So let's take this up after lunch if we

1 could, please.

2

3

Thank you.

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VICE CHAIR BANGS: Okay. Mr. Larson.

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VICE CHAIR BANGS: Thank you.

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MR. DOUVILLE: 18.

VICE CHAIR BANGS: Yeah, just 18. Are

1 there any other comments on this proposal.

2

3 Mr. Douville.

4

5 MR. DOUVILLE: No.

6

7 (Laughter)

8

9 VICE CHAIR BANGS: Mr. Douville.

10

11 (Laughter)

12

13 MR. DOUVILLE: What this proposal does is
14 it spreads the opportunity for households, more
15 households to participate in the winter steelhead fishery
16 or any part of the fishery. With the designated fishing
17 permit, one person could virtually catch the winter quota
18 in like three days if the fishing was good by being able
19 to take two fish from any given stream. This would limit
20 it to one fish per household and it would just spread the
21 opportunity out per household from any of these streams
22 is where it's going. There's not a conservation concern
23 or it's just kind of an effort, I guess, if you will, to
24 give more households an opportunity to harvest a fish
25 from the most popular place in the winter, which is
26 Klawock.

27

28 VICE CHAIR BANGS: Thank you, Mr.
29 Douville. Do you want to read the justification into the
30 record?

31

32 MR. DOUVILLE: No.

33

34 (Laughter)

35

36 VICE CHAIR BANGS: Any other discussion.

37

38 (No comments)

39

40 VICE CHAIR BANGS: Would someone like to
41 read the justification.

42

43 (Laughter)

44

45 VICE CHAIR BANGS: Mr. Hernandez.

46

47 MR. HERNANDEZ: I have a question first.
48 Are we considering 18 and 23 together or are we going to
49 deal with them separately?

50

1 VICE CHAIR BANGS: I think 18 is what's
2 on the floor.
3
4 Any other comments.
5
6 (No comments)
7
8 VICE CHAIR BANGS: So we're ready to vote
9 then. A call for the question then.
10
11 CHAIRMAN ADAMS: Call for the question,
12 Mr. Chairman.
13
14 VICE CHAIR BANGS: The question's been
15 called for on Proposal FP13-18. All those in favor say
16 aye.
17
18 IN UNISON: Aye.
19
20 VICE CHAIR BANGS: All those opposed nay.
21
22 (No opposing votes)
23
24 VICE CHAIR BANGS: Motion passes. Okay,
25 I'm going to turn the meeting back over to Mr. Adams.
26
27 CHAIRMAN ADAMS: Thank you, Mr. Bangs for
28 a job well done.
29
30 Okay, now the next proposal is -- do you
31 want to do 23, because it looks like we'll be able to
32 handle that one in very short order. Let's go ahead and
33 do 23.
34
35 The recommendation, of course, was to
36 adopt 18 and not 23. Go ahead, Mr. Bangs.
37
38 VICE CHAIR BANGS: Thank you, Mr.
39 Chairman. I move to adopt FP13-23.
40
41 CHAIRMAN ADAMS: Thank you. Do we have
42 a second. Go ahead.
43
44 (Pause)
45
46 MR. DOUVILLE: Thank you, Mr. Chairman.
47 It hasn't been seconded, but I believe the action on 18
48 takes care of 23.
49
50 CHAIRMAN ADAMS: The recommendation was,

1 of course, to adopt 18 but not 23, so I think you're
2 right and assuming that that was taken care of already,
3 so, Mr. Bangs.

4
5 VICE CHAIR BANGS: I will make a motion
6 to take no action then.

7
8 CHAIRMAN ADAMS: Okay, that's a good one,
9 is there a second to that.

10
11 MR. DOUVILLE: Second.

12
13 MR. KITKA: I'll second it.

14
15 CHAIRMAN ADAMS: All right, what's the
16 wish of the Council.

17
18 MR. WRIGHT: Question.

19
20 CHAIRMAN ADAMS: Question's been called
21 for, all in favor say aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN ADAMS: Opposed, same sign.

26
27 (No opposing votes)

28
29 CHAIRMAN ADAMS: Okay. Motion carries.
30 Down to -- let's see, Mr. Larson, when do we have
31 scheduled for the ETJ to take place and the MOU, if you
32 might, because we're supposed to do those this afternoon.
33 Jennifer is leaving and so we need to take care of these
34 as soon as possible and I was wondering if you had a
35 timeframe for the ETJ?

36
37 MR. LARSON: Mr. Chairman. I think the
38 general consensus, based on our previous discussions and
39 what I've heard is after our afternoon break would be a
40 good time to discuss ETJ issues.

41
42 CHAIRMAN ADAMS: Okay. Let's move on to
43 No. 19 now, please. Who's going to do that one?

44
45 VICE CHAIR BANGS: We're done with 19.

46
47 MR. LARSON: We've done 19 already.

48
49 CHAIRMAN ADAMS: We did 19, okay, so then
50 we're going over to 20.

1 Okay, Mr. Reeves.

2

3 Again, I just need to, you know,
4 emphasize the fact that our time is going to be pretty
5 precious this afternoon so we need to try to move the
6 agenda along as quickly as we possibly can so we can get
7 as much done today as possible. I know that the ETJ is
8 going to take up a lot of time, as well as the MOU, so if
9 we can get as many of these proposals done, you know,
10 before that happens that would make me pretty happy.

11

12 Thank you.

13

14 (Pause)

15

16 CHAIRMAN ADAMS: After hearing Jeff and
17 Mr. Larson, you know, caucusing over here, we're going to
18 do 11-18, the one that I was trying to address earlier.
19 So let's go to that one first, and, Jeff, go ahead.

20

21 MR. REEVES: Thank you, Mr. Chairman.
22 Council members. For the record my name's Jeff Reeves,
23 US Forest Service.

24

25 The executive summary for this proposal
26 is found on Page 118 of your materials, the analysis
27 begins on Page 119.

28

29 Deferred Proposal FP11-18 was submitted
30 by this Council and it asks that all waters draining into
31 Sections 1C and 1D be closed to the harvest of eulachon
32 to all users.

33

34 The eulachon populations in this area,
35 which there's a map on Page 121 that shows the breakdown
36 of all the subdistricts, or the sections in District 1,
37 it's on Page 121. The populations of eulachon in this
38 area have been at critically low levels and for a number
39 of years there's been no harvestable surplus, because of
40 that both State and Federal managers had been closing the
41 area yearly to the harvest of eulachon since 2006.

42

43 The proposal was initiated because if
44 stock sizes were at that level it seemed like the few
45 options available to try to rebuild it would, for
46 conservation, was -- there wasn't very many other options
47 than closing it down. The intent of the proposed
48 regulation was to provide clear direction to the public
49 that that area would be closed to all fishing for
50 eulachon by all users.

1 This proposal was originally before the
2 Federal Subsistence Board at their January 2011 meeting,
3 however, during public testimony residents -- several
4 residents from Metlakatla expressed concern that they
5 didn't know that the Board was going to be addressing
6 this proposal of such -- of that type of nature where it
7 would close the subsistence eulachon fishery. So
8 following testimony the Board deferred action and
9 requested that before this proposal was revisited that
10 any future closures be accomplished through the special
11 action process; that the Forest Service still try to
12 continue to monitor the eulachon returns to the area, and
13 that before any closure was to take place that there be
14 some discussions with the affected tribes.

15
16 So in order to continue to provide for
17 the conservation recovery of Unuk River eulachon, this
18 year in 2012, a special action was implemented by the
19 Federal in-season manager which closed the Federal waters
20 that drained into the entirety of District 1. The
21 Federal action was implemented to coincide with a closure
22 that was issued by the State that covered the same area.
23 Prior to this year all the other closures had only
24 affected Sections 1C and 1D. But after that unexpected
25 return of eulachon in Carroll Inlet last year and there
26 was some documented harvest on the return there was
27 concerns over that the area, Carroll Inlet, fell under
28 personal use provisions, so there was no permit
29 requirement under either State regulations or because of
30 the area defined under Federal regulations, there was no
31 permit requirement, that this year's closure, to be more
32 conservative, was to cover the entire fishing district.

33
34 Prior to implementation of that action,
35 Forest Service personnel did consult with the Organized
36 Village of Saxman, with the Ketchikan Indian Community
37 and the Metlakatla Indian Community, with their tribal
38 councils to inform them of what was upcoming. Forest
39 Service personnel met in Saxman on the 6th of February,
40 in Metlakatla on the 7th, and the initial meeting with
41 Ketchikan Indian Community was mid-February, however that
42 meeting was cancelled but rescheduled to mid-March and
43 Forest Service personnel did attend. A big note was that
44 Metlakatla Council members did indicate support for
45 yearly action as needed, but they were very reticent to
46 closing the Unuk indefinitely under regulation. The
47 other two tribes didn't really express any concern or
48 identify any particular hot questions to Forest Service
49 personnel at their meetings.

50

1 Obviously there's been a long history of
2 local use of eulachon from the Unuk and prior to 1969
3 that use was poorly documented. From 1969 to present
4 Unuk eulachon have been harvested under State managed
5 commercial fishery provisions up until the year 2000 and
6 also under State personal use and subsistence provisions.
7 In 2005 after -- or excuse me, 2001 after the State
8 commercial fishery had closed, there was effort that did
9 switch over to Federal management and fishing effort
10 under a Federal permit. And the Federal -- the people
11 who typically harvested in the Federal fishery were
12 pretty much the same individuals that had been
13 participating at the tail end of the State managed
14 commercial fishery. The majority of the harvest that's
15 reported in Table 1, which you'll see on Page 124, the
16 good portion of that harvest has typically been taken by
17 seine net gear.

18
19 So I addressed earlier that in 2011 that
20 eulachon returned to a number of areas within District 1.
21 The Unuk River was one of them, the Wilson and Blossom
22 Rivers had a small showing of eulachon and also two
23 locations within Carroll Inlet. All the State and
24 Federal fisheries were closed pre-season on the Unuk in
25 2011, there was some harvest that occurred in the Wilson
26 and Blossom Rivers and also from Carroll Inlet and
27 Carroll Creek. As I said earlier there was no real
28 permit requirement required so the actual harvest from
29 there are unknown, but observed harvest from Carroll
30 Inlet waters were estimated at a minimum of 5,000 pounds.

31
32 There's no documented harvest this year
33 due to both the State and Federal managers closing the
34 area.

35
36 So rather than implementing a closure in
37 regulation the intent of this proposal could be addressed
38 by yearly special actions that have been done since 2006
39 by the delegating in-season manager, and yearly closures
40 obviously as needed, they wouldn't require Board action
41 to resume fishing opportunity, if the stocks were deemed
42 healthy enough and if we continue to see an improvement
43 in the returns in the area over time.

44
45 Although current regulations require
46 Federal subsistence fishing permit to take eulachon from
47 Sections 1C and 1D, expanding the permit requirement for
48 the entirety of District 1 will provide for additional
49 conservation since what's being noted now and what we're
50 seeing is that eulachon aren't really honing to one

1 particular stream is what it's appearing. Like I said,
2 the genetic analysis of those Carroll Inlet fish from
3 last year showed that they were pretty much genetically
4 identical to those returning to the Unuk.

5
6 If adopted the proposal would prohibit
7 the harvest of eulachon from any fresh water draining
8 into Sections 1C and 1D. If the proposal was passed as
9 written and if eulachon returns did improve, basically it
10 would take Federal Subsistence Board action to reopen it
11 through a proposal process or through the special action
12 request that would have to then be submitted to the
13 Federal Subsistence Board. And should they be closed, in
14 accordance with Board policy, is that, any closure has to
15 be reviewed by the Board every three years while the
16 closure is in regulation.

17
18 Because of the nature of eulachon to also
19 spawn sometimes in the lower portions of the streams,
20 eulachon may be available to harvest within the inland
21 water portions of the stream under Federal jurisdiction,
22 also as well -- also as the portions of the stream that
23 are in marine water in State jurisdiction. So with
24 overlapping jurisdictions in these fishing areas,
25 management actions will have to be coordinated with State
26 managers to be completely affected, and closing the area
27 to all users could facilitate the development of future
28 regulations, however, that type of action would not
29 affect State actions in adjacent waters, marine and
30 inter-tidal waters.

31
32 So right now the new OSM conclusion is to
33 support 11-18 with modification but this means that the
34 modification is to not implement a closure in Federal
35 regulation but to expand Federal subsistence fishing
36 permit requirements from Sections 1C and 1D to include
37 all of District 1. So the modified regulation you will
38 see is in the middle box on Page 118 in the executive
39 summary. So what would happen is the Sections 1C and 1D
40 would be stricken and District 1 would replace that
41 language.

42
43 Although this area would provide clear
44 direction -- or closing the area would provide clear
45 direction that there would be no eulachon fishing allowed
46 in Federal jurisdiction, local tribal governments and
47 Federally-qualified subsistence users have expressed a
48 preference for the yearly in-season action as needed by
49 the Federal in-season manager rather than having a
50 closure by regulation. If Board action closed the area

1 by regulation, action to reopen would have to occur
2 through a special action request or a regulatory proposal
3 process to allow for resumption of subsistence fishing
4 opportunity should those populations of eulachon rebound
5 to a level with a harvestable surplus.

6
7 Since 2011 eulachon have been returning
8 to the other drainages in the district where permits have
9 not been required under State or Federal regulation. So
10 expanding the permit requirement to the entire District
11 is going to provide for accountability of eulachon
12 harvest and could be the platform used to design permit
13 stipulations for eulachon conservation, should
14 subsistence fishing effort resume.

15
16 This concludes my presentation and I'll
17 answer any questions.

18
19 Thank you.

20
21 CHAIRMAN ADAMS: Questions anyone, for
22 Jeff.

23
24 Mr. Hernandez, you have the floor.

25
26 MR. HERNANDEZ: I guess what I'm
27 wondering is what criteria are you going to use to open
28 up the fishery again? Just as an example, you gave us a
29 PowerPoint yesterday and you had aerial photos, we saw
30 schools of fish, in your opinion, were there enough fish,
31 do those -- did what you saw last year, would that have
32 constituted enough fish to have an opening and how are
33 you going to assess when it will be time to fish on that
34 system again, I haven't heard that.

35
36 MR. REEVES: Mr. Chairman. Mr.
37 Hernandez. Actual numbers of fish was, like what we saw,
38 I mean really hard to get a grasp on it. Obviously the
39 fishery's been managed by harvest in pounds. If you want
40 a rough conversion they estimate like 12 to 14 eulachon
41 in a pound. So when you're looking at large -- you know,
42 1,000 pounds could potentially be anywhere from what 12
43 to 14,000 individual fish so, you know, how you count
44 that, I don't know.

45
46 My thoughts would be that, you know, over
47 the -- what I said in the recommendation yesterday was,
48 obviously two years does not a recovery make. So we
49 would want to take probably the first step of making sure
50 that we see returns over a life history of eulachon

1 before we would even want to ponder something like that.
2 Then I believe that if we got to that point the in-season
3 manager would probably want to consult with tribes,
4 obviously like Metlakatla, and probably try to I'd say
5 work on what would be a feasible plan to resume fishing.
6 You know there's -- Canada's -- it's noted -- in Canada
7 it's felt that some of those stocks might have been
8 overfished to the point they weren't ever recoverable.
9 And, you know, why -- some folks down there thought well
10 maybe it's the gear type we used and stuff like that, so
11 we'd have to, I would think, look at all the available
12 evidence and try to figure out a way to do that.
13 Obviously we'd all have to go into it with the attitude
14 that we may have to agree to disagree but ultimately we'd
15 have to make the decision on what's good for the stocks
16 first.

17

18 MR. HERNANDEZ: Follow up.

19

20 CHAIRMAN ADAMS: Follow up, go ahead.

21

22 MR. HERNANDEZ: On Table 1, I notice in
23 the past history there were a number of years where there
24 was no harvest, were there closures in those years, do
25 you know, or was that just due to conditions there was no
26 harvest.

27

28 MR. REEVES: Mr. Chairman. Mr.
29 Hernandez. I was in diapers in the early part of the
30 table there so I wouldn't know.

31

32 (Laughter)

33

34 MR. REEVES: My understanding that some
35 of those years were ice conditions on the river, didn't
36 allow fishing, however, I don't -- like the period of '86
37 to '89, even there, I don't really know exactly the
38 details of four consecutive years. If there's someone
39 else that might know I would gladly love to have them
40 answer the question. But I do know some of the years
41 were -- was unfit fishing conditions.

42

43 MR. HERNANDEZ: One more quick question.
44 I know it's in the literature here, but what's the life
45 cycle, the spawn cycle again on those?

46

47 MR. REEVES: Mr. Chairman. Mr.
48 Hernandez. Typically an eulachon is capable of spawning
49 at three years of age. I believe the age data from the
50 Unuk was a variance of like three to five was a typical

1 age pattern, so three, four and five year olds. There
2 might have been a handful of six, but I don't have the
3 data right here in front of me.

4
5 CHAIRMAN ADAMS: Thank you. Anyone else.

6
7 Tim, go ahead.

8
9 MR. ACKERMAN: Yeah, I got a question on
10 the -- Mr. Chairman. I have a question now, this was a
11 commercial seine activity that was brought to the fishing
12 area there with the eulachon where they seined them up,
13 all of them, and then the stock started collapsing; is
14 that right?

15
16 MR. REEVES: Mr. Chairman. Mr. Ackerman.
17 My understanding is originally the State did manage -- it
18 has a commercial fishery and perhaps the State could
19 expand more on the actual history of that. What I do
20 know is that in 2000 after they did shut down and then
21 Federal permit -- or there was -- the Board approved a
22 Federal fishery, there was a shift by some individuals to
23 it because the Federal Program did allow for customary
24 trade.

25
26 CHAIRMAN ADAMS: Anyone else.

27
28 Mike.

29
30 MR. DOUVILLE: Is any of these fish
31 caught in the non-Federal water, in Carroll Inlet?

32
33 MR. REEVES: Mr. Chairman. Mr. Douville.
34 The Carroll Inlet situation, the majority of the large
35 harvest that was known was documented -- if you look at
36 the map you'll see right in the middle of the map is
37 Falls Creek, and Falls Creek is actually -- that would
38 actually -- it's a tidal cove where a hydro electric
39 plant sits and that was where the majority of the harvest
40 did occur. I do know of a small harvest of maybe about
41 five pounds that did occur in the Carroll Creek, or was
42 listed as Carroll River. The majority of the Carroll
43 harvest occurred in what would be probably State waters.

44
45 MR. DOUVILLE: Say that again.

46
47 MR. REEVES: The tidal cove -- well,
48 Falls Creek is -- you could -- there's a creek that comes
49 out of a lake but it's a high -- higher elevation, it
50 comes down in and the hydro electric plant uses the water

1 for cooling for energy production and then there's an
2 outflow from the power building and it drains right in --
3 there's a cove, and as far as I know the cove is unnamed.
4 But the tide water comes in and out of there, and that's
5 where a large portion of those fish in 2011 showed up and
6 so they were easily seined and dipnetted in there. So
7 like I say that area there, if you were to walk out on
8 the grounds it's highly doubtful that you could ever call
9 that above the mean high tide line or under what would be
10 defined as Federal jurisdiction. The little bit of
11 harvest that did occur in Carroll Creek though was up
12 above the actual tidal flat within constrained waters.
13 You saw the pictures of Carroll Creek that I showed this
14 year, it was in waters like that so that would have been
15 potentially Federal jurisdiction.

16

17 CHAIRMAN ADAMS: Follow up.

18

19 MR. DOUVILLE: So that is in perhaps
20 State water then, but my next question is, is the State
21 taken any action to -- not to stop the harvest but to be
22 able to issue permits -- what I'm understanding is you
23 don't even need a permit, you could just go fish personal
24 use without a permit; is the State doing anything to --
25 as far as regulation, permitting, or anything like that?

26

27 MR. REEVES: Mr. Chairman. Mr. Douville.
28 That, I really don't know what the State's intent is and,
29 you know, perhaps Jennifer could elaborate on that. I
30 know there was a Board of Fish cycle that occurred
31 between last year and this year but I know nothing was
32 submitted that I know of to turn it into -- you know, to
33 make it a permitted fishery. But I'm hoping maybe
34 Jennifer could elaborate more what their Staff feels.

35

36 CHAIRMAN ADAMS: Okay, thank you.

37

38 Mr. Wright.

39

40 MR. WRIGHT: Thank you, Mr. Chairman.
41 There was a report sometime this -- I forget, sometime
42 today or something talking about there was eulachon that
43 were coming back but no one knows why. There was a big
44 stock that came in and no one knows why. I was just
45 wondering, you know, I'm a salmon fisherman and, you
46 know, and Department of Fish and Game always does
47 monitoring on the rivers to determine if there's enough
48 escapement and I think you said earlier that there was
49 more -- in some of the systems that there was more
50 eulachon coming back than other ones, is this how it's

1 monitored. You know, like if there's a lot of eulachon
2 in the river you know that there's going to be something
3 coming back in a few years.

4
5 MR. REEVES: Mr. Chairman. Mr. Wright.
6 Our typical monitoring strategy over the last few years
7 has been -- obviously you can see on the map there's a
8 number of eulachon systems. Prior to last year with
9 Carroll Inlet, everything on East Behm Canal there, we
10 would at least fly over look for, you know, predator
11 activity and all that. If activity was revealed from the
12 aerial surveys then we would do our best to get on the
13 grounds to try to get a grasp as to what was going on.
14 For the most part, like the Chickamin and Blossom and
15 Klahini, prior to last year really no activity was noted
16 and obviously not much in the Unuk and Eulachon River.
17 Last year what was seen at Carroll returning was more
18 than we saw at the Unuk, but by the time we were able to
19 get on the grounds at the Unuk, it was the tail end and
20 so what we saw low was just a handful of fish where --
21 but we found out later that there was actually a group of
22 fish that were seen up by the -- the State has a smolt
23 project, I believe, farther up the river and they had
24 seen them, and when we got the estimation of what they
25 seen and compared it to like Carroll it might have been
26 equivalent to what we knew had shown into Carroll or
27 slightly higher. This year based on what we saw it
28 seemed like there was probably more eulachon in the Unuk
29 and the Eulachon River than there were down in Carroll,
30 but like I said there was fish in both places. The
31 Prince of Wales situation, that one definitely we got no
32 clue why. But that was, like I said, to only see four
33 fish, I mean they could have just been four strays, we
34 don't know.

35
36 So it does appear, is that, between last
37 year and this year definitely more eulachon returned to
38 the area. And it seemed like probably more did show up
39 to the Unuk than Carroll this year, last year they're
40 thinking it might have been about the same based on the
41 descriptions. And so, you know, and we've been trying to
42 work on obviously other ways to get notification sooner
43 to try to get on the grounds sooner, you know, because
44 with access by boat or plane, you know, one, we're
45 limited, but, two, if we know there they're there and the
46 weather's bad, again, you know, we can't really
47 effectively get there to do it.

48
49 So like this year we think there was
50 activity on the Chickamin and the Klahini but we couldn't

1 really get a good grasp on it, we did see some predator
2 activity between the aerial surveys but it was really
3 hard, you know, we didn't get the same conditions like
4 they saw that first aerial survey where -- I mean they
5 were able to see fish from the area.

6

7 CHAIRMAN ADAMS: Mr. Wright.

8

9 MR. WRIGHT: Nothing.

10

11 CHAIRMAN ADAMS: Anyone else.

12

13 (No comments)

14

15 CHAIRMAN ADAMS: Hearing none, thank you.

16 Thank you, Mr. Reeves.

17

18 Next.

19

20 MS. YUHAS: Thank you, Mr. Chairman.

21 Jennifer Yuhas with the State of Alaska comments.

22

23 The State does support this proposal. I
24 think there's been general agreement between everyone
25 we've heard from that there needs to be active
26 conservation on this stock but you have a few options on
27 how to do that. On Page 129 of your Board book is yet
28 another option. The Department took a stab at trying to
29 write the mechanics in a way that we think makes it
30 easiest to reopen the fishery when there's a return
31 that's sustainable. We've had ours closed on our side
32 for several years. As you can see on Page 120 there's a
33 brief outline of the regulatory history that was asked
34 about, there have been no new openings at the Board of
35 Fish on this. I can't speak to whether or not they
36 debated it, but they -- we don't have any record of any
37 new openings since 2005, when it was closed.

38

39 And Mr. Larson actually just offered to
40 assist me in part of our State comments, he has some
41 intricate knowledge of some of the mechanics between the
42 subsistence and the labeled, commercial fishery, there
43 that he would like to explain for us, as part of the
44 State explanation.

45

46 *****

47 STATE OFFICIAL WRITTEN COMMENTS

48 *****

49

50 Alaska Department of Fish and Game

1 Comments to the Regional Advisory Council
2
3 Alaska Department of Fish and Game
4 Updated 11/30/2010 Comments to Federal Subsistence Board
5
6 Fisheries Proposal FP11-18:
7
8 Close Southeast Alaska fisheries Sections
9 1-C and 1-D to the federal subsistence harvest of
10 eulachon.
11
12 Introduction:
13
14 The Southeast Regional Advisory Council
15 proposed to close federal subsistence fisheries for
16 eulachon in all drainages of Sections 1-C and 1-D in
17 Southeast Alaska to provide clear direction that the
18 eulachon fisheries are closed due to recent stock trends
19 in the area.
20
21 Impact on Subsistence Users:
22
23 If adopted, federal and state subsistence
24 users could not harvest eulachon in the drainages of
25 Sections 1-C and 1-D until stocks rebuild and the fishery
26 is reopened. In recent years, the federal and state
27 fisheries for eulachon in Sections 1-C and 1-D have been
28 closed to all users by special actions due to low
29 returns.
30
31 Impact on Other Users:
32
33 None noted at this time.
34
35 Opportunity Provided by State:
36
37 The state commercial eulachon fisheries
38 in Sections 1-C and 1-D have been closed by emergency
39 order since 2001 due to conservation concerns. The state
40 subsistence and personal use eulachon fisheries in
41 Sections 1-C and 1-D have been closed since 2006 due to
42 conservation concerns.
43
44 Conservation Issues:
45
46 Many eulachon spawning runs throughout
47 the Pacific Coast, including Southeast Alaska, have had
48 marked declines in recent years. From 2001 to 2004,
49 minimal eulachon returns to the Burroughs Bay and Behm
50 Canal areas caused concerns that these stocks were at

1 critical low levels. Returns in 2011 and 2012 increased
2 in both of these sections and in Section 1-F, however it
3 is unclear if moderate returns will continue or if stocks
4 can handle even limited harvest. The personal use,
5 commercial, and subsistence fisheries have been closed
6 for several years to protect and rebuild these eulachon
7 stocks. Stock status information for each of the above
8 areas is limited, and a conservative approach is
9 necessary for sustaining the health of these stocks.

10

11 Enforcement Issues:

12

13 None noted at this time.

14

15 Jurisdiction Issues:

16

17 While standing on state and private land
18 (including state-owned submerged lands and shorelands),
19 persons must comply with state laws and regulations
20 regarding subsistence harvest. The department requests
21 federal subsistence administrators provide detailed maps
22 that depict land ownership and specific boundaries of
23 areas where federal regulations are claimed to apply.

24

25 Other Issues:

26

27 Eulachon frequently mill in estuarial
28 areas of a system, moving in and out of the water body
29 with the tide. A fishery closure to all users in waters
30 claimed under federal subsistence jurisdiction exposes
31 participants in an open state fishery to enforcement
32 actions by federal officers. Determining exact locations
33 of the mean high tide boundary of the Tongass National
34 Forest would be challenging while fishing from a boat.

35

36 Recommendation:

37

38 Support with modification to be no
39 federal season for the harvest of eulachon in Sections
40 1-C and 1-D. This modification would remove the
41 procedural burden of opening a closed fishery when
42 eulachon numbers rebound in these sections. Because the
43 waters in which eulachon move include intermixture of
44 state waters with waters where federal regulations are
45 claimed to apply, it would be less onerous for federal
46 subsistence users if the modification read:

47 __.27(i)(13)(xxii) All drainages of fishing Sections 1-C
48 and 1-D No federal season for eulachon. Thus, if
49 eulachon numbers rebound sufficiently that the state is
50 able to open a subsistence fishery, opportunity to all

1 subsistence users could occur without a delay to the
2 process necessary to reopen areas closed to
3 federally-qualified and non-federally qualified users.
4 If the waters are closed where federal jurisdiction is
5 claimed and the state opens a fishery, all fishermen
6 would need to assure they are fishing in state waters
7 (i.e., below mean high tide).

8

9 CHAIRMAN ADAMS: Go ahead, Mr. Larson.

10

11 MR. LARSON: Thank you, Mr. Chair. I
12 think going back to Mr. Ackerman's question regarding the
13 role of the commercial fishery and what it was, that,
14 it's important for everybody to understand how we got to
15 be where we are in this relationship of the commercial
16 fishery and now the subsistence fishery.

17

18 You have to remember that prior to 2001
19 there was no Federal subsistence fishery, it did not
20 exist, that program didn't exist. And under State rules
21 the harvest of eulachons under a subsistence fishery
22 couldn't be shared or couldn't be sold, it was the
23 interest of those people both harvesting and receiving
24 these eulachons. So under the State rules for a
25 subsistence harvest that relationship, that process
26 couldn't move forward. It did move forward through the
27 commercial fishing rules because in that case you could
28 harvest and share, sell and it would be -- the harvest
29 would be accounted for. But it's important to remember
30 that it's -- there's a long history of the same family,
31 it's Louie Wagner, we've heard his testimony before,
32 before him, it was his uncle and, you know, we're talking
33 about a span of decades here, where this person, under
34 these other rules was essentially doing the same thing
35 that he was doing under Federal subsistence fishing
36 rules.

37

38 So that's how we got here.

39

40 So once the stock was on a decline and
41 the State closed the commercial fishery then it switched
42 because it was about the same time that we initiated the
43 program for a Federal subsistence fishing option.

44

45 Thanks.

46

47 CHAIRMAN ADAMS: Thank you. Is your
48 testimony completed?

49

50 MS. YUHAS: The only thing I would like

1 to clarify, Mr. Chairman, is that as you're weighing your
2 options for how to write the language, that the intent of
3 the language the State wrote was to make it easiest to
4 reopen. We understand there's some mechanics with the
5 different phraseology that you had in the original
6 proposal and from the OSM recommendations, and so a lot
7 of things can be read different ways, but our intent was
8 to make it easy to reopen.

9

10 CHAIRMAN ADAMS: Okay, thank you. So
11 before we let her go, do Council members have a question
12 for her.

13

14 Mr. Bangs, please.

15

16 VICE CHAIR BANGS: Thank you, Mr.
17 Chairman.

18

19 I just want to get this clear in my mind.
20 The State would not give the subsistence fishery priority
21 if it did open, they can't give the subsistence fishery
22 priority over the commercial fishery; is that right?

23

24 MS. YUHAS: Through the Chair. We often
25 argue that we always do give priority to subsistence
26 uses, the mechanics of them both being open at the same
27 time I think is what you're speaking to.

28

29 CHAIRMAN ADAMS: Any more questions.

30

31 Mr. Wright.

32

33 MR. WRIGHT: Thank you, Mr. Chairman. So
34 subsistence and commercial could be open at the same time
35 because -- right?

36

37 MS. YUHAS: Through the Chair. They
38 could be and that's at the discretion of the manager and
39 he's not here, and so without -- with all the
40 hypotheticals, you know, without a puzzle before you I
41 don't know what the answer would be in the moment to a
42 certain situation, you know, what the numbers are that
43 are reported and what's available to be open and what
44 decision that manager will make in the moment of opening
45 it. I can't speak to the hypothetical of what will be
46 opened, but, the mechanics exist, that is correct.

47

48 CHAIRMAN ADAMS: Anyone else for Ms.
49 Yuhas.

50

(No comments)

1 CHAIRMAN ADAMS: Thank you, Madame. Next
2 are there any Federal agencies that want to come forth
3 and testify.
4
5 (No comments)
6
7 CHAIRMAN ADAMS: Native or tribal.
8
9 (No comments)
10
11 CHAIRMAN ADAMS: Village.
12
13 (No comments)
14
15 CHAIRMAN ADAMS: InterAgency Staff
16 comments.
17
18 (No comments)
19
20 CHAIRMAN ADAMS: As usual Mr. Kessler
21 says no, he made that clear at the beginning.
22
23 Neighboring Advisory Councils.
24
25 What's going on, are you going to
26 represent a Native community?
27
28 MS. MARVIN: (Away from mic)
29
30 CHAIRMAN ADAMS: Okay, come on down. I'm
31 sorry I didn't see you up there, the light was shining in
32 the doorway there and you were invisible.
33
34 MS. MARVIN: Gunalcheesh, Chair, for your
35 time.
36
37 My name is (In Tlingit). I was born and
38 raised in Akwe territory.
39
40 (In Tlingit)
41
42 My family comes form the Sockeye House.
43 My grandpa's name is Henry Marvin, great-grandfather, we
44 descend from Glacier Bay. My grandfather is John Marvin.
45 Henry Marvin is (In Tlingit)
46
47 Subsistence is our way of life, gathering
48 seal -- se -- seagull eggs, fish, deer, seaweed, berries,
49 et cetera. The other wild habitat is up to spawn in our
50 rivers, lakes, terrain of land letting our people gather

1 as they have for centuries before.
2
3 Others came to this land, we gather as we
4 have for centuries, subsistence.
5
6 Gunalcheesh.
7
8 Howa.
9
10 (In Tlingit)
11
12 Thank you.
13
14 CHAIRMAN ADAMS: Gunalcheesh. Does
15 anyone have any questions of the young lady?
16
17 (No comments)
18
19 CHAIRMAN ADAMS: No, okay, thank you.
20 Let's go local Fish and Game Advisory Committees.
21
22 (No comments)
23
24 CHAIRMAN ADAMS: National Park Service.
25
26 (No comments)
27
28 CHAIRMAN ADAMS: Do we have any written
29 comments, Mr. Larson.
30
31 MR. LARSON: Yes, Mr. Chair, there are no
32 written public comments that are in the regulation book.
33 I'd like to remind you that Mr. Thomas Lang, Sr.,
34 provided written comments in a distribution that
35 accompanied his oral testimony this morning. We also
36 have written comments that were mailed -- provided to me
37 from Louie Wagner. He is unable to attend, he's in
38 Anchorage. But he would like the Council to be aware
39 that he opposes the original proposal FP11-18 but he does
40 support the OSM preliminary conclusion to modify that
41 regulation to require a permit for harvesting eulachons
42 in District 1.
43
44 Thank you.
45
46 CHAIRMAN ADAMS: Thank you, Mr. Larson.
47 Public testimony, do we have anyone from the public who
48 would like to testify.
49
50 (No comments)

1 CHAIRMAN ADAMS: Okay, we are now in
2 Council deliberations so what's the wish of the Council
3 on this proposal.
4
5 Mr. Bangs.
6
7 VICE CHAIR BANGS: Thank you, Mr.
8 Chairman. I move to adopt FP11-18 as modified by OSM.
9
10 CHAIRMAN ADAMS: Thank you for that, Mr.
11 Bangs. Do you have a justification you want to share
12 with us right now or do you want to wait.....
13
14 MS. NEEDHAM: I'll second.
15
16 CHAIRMAN ADAMS:after it's
17 seconded.
18
19 MS. NEEDHAM: I'll second nit.
20
21 CHAIRMAN ADAMS: Okay. Do you have a
22 justification.
23
24 VICE CHAIR BANGS: Well, after hearing
25 testimony, Mr. Chairman, I think that this makes more
26 sense than the original proposal. It does make it easier
27 for Federal regulators to open it up rather than to have
28 to go through a regulation change to open up the fishery
29 if the stocks rebound.
30
31 Thank you.
32
33 CHAIRMAN ADAMS: Thank you, Mr. Bangs.
34 Anyone else.
35
36 Mr. Ackerman, please.
37
38 MR. ACKERMAN: Yes, I would just like to
39 make a quick observation. In the cycle of the eulachon
40 we notice that as soon as nightfall comes, the second
41 wave comes in on that tide, and the mass can be a pretty
42 good size, but they'll come into the river and spawn and
43 then before daylight they'll all exit the area and the
44 river will just have a few in there, it's just an
45 observation that in the possibility that there is the
46 nighttime run that is unobserved in that area would be
47 good.
48
49 So, thanks.
50

1 CHAIRMAN ADAMS: Thank you for that
2 information, Tim. Anyone else.

3
4 Merle, go ahead.

5
6 MS. HAWKINS: Yeah, I would support this.
7 Since I heard from our fish getter, Mr. Louie Wagner, and
8 that family that has generations of history harvesting
9 that salmon [sic] for that community of Ketchikan and
10 Metlakatla and the surrounding areas.

11
12 CHAIRMAN ADAMS: Anyone else.

13
14 (No comments)

15
16 VICE CHAIR BANGS: Question.

17
18 CHAIRMAN ADAMS: All in favor of the
19 motion please say yea.

20
21 IN UNISON; Yea.

22
23 CHAIRMAN ADAMS: Opposed, nay.

24
25 (No opposing votes)

26
27 CHAIRMAN ADAMS: Motion carries, thank
28 you, Council. The next one is, is it No. 20, okay, Mr.
29 Reeves, you again, uh.

30
31 (Laughter)

32
33 MR. REEVES: Thank you, Mr. Chairman,
34 yes, and you'll probably see me again the next one, too.

35
36 (Laughter)

37
38 MR. REEVES: You can find the executive
39 summary for FP13-20 on Page 76, the analysis is on Page
40 77.

41
42 This proposal was submitted by Stephan
43 Huffine requesting that the legal -- a limitation to the
44 legal gear types within the Federal subsistence eulachon
45 fishery that in the waters of -- or excuse me -- that the
46 gear types -- let me repeat it -- limit the legal gear
47 types within the Federal subsistence eulachon fishery in
48 the freshwater drainages of Burroughs Bay to dipnet, hoop
49 net and cast net. The waters -- the affected waters that
50 he identified would include the Unuk River, the Eulachon,

1 the Klahini River and Grant Creek.

2

3 The eulachon populations in this area, as
4 I mentioned in the last one, had been at critical low
5 levels since about 2006 and the proponent believed that
6 the previous commercial and subsistence fishing effort in
7 the area caused the collapse. Since 2011, following five
8 years of closures, eulachons started returning to the
9 area and the proponent is seeking the proposed change to
10 allow for a conservative subsistence fishery to resume
11 once the stocks are at a level that could support a
12 limited subsistence harvest.

13

14 It must be known that the hoop net is not
15 currently listed as a legal fishing gear within Federal
16 regulations. The proponent was contacted and clarified
17 that he actually meant what's defined as a ring net,
18 which is a round framed net that would be left on the
19 bottom and then either pulled by hand horizontally or
20 vertically through the water column when fish were
21 directly over the net. Although the gear is legal under
22 State regulation ring nets are not a legal gear type for
23 fin fish in Federal regulations. It is, however, a legal
24 gear for shellfish under Federal regulations, therefore,
25 it would require -- ring nets would require a formal
26 proposal submission to the Federal Subsistence Board to
27 be considered a legal gear type.

28

29 The above mentioned -- or the drainages
30 mentioned by the proponent all flow into Section 1D, and
31 if you need to, you can refer back to your map on Page
32 121. Although the proponent is only seeking a definition
33 of legal fishing gear within those drainages, there are
34 other drainages in the fishing district that have had
35 documented returns on the eulachon and on the map that
36 would be the Chickamin, the Wilson, the Blossom, Carroll
37 Inlet and Carroll Creek, so this action might -- it might
38 be highly pertinent to expand the scope of his requested
39 action to the entirety of the district.

40

41 The proposal could easily be addressed
42 within the terms and conditions of the Federal
43 subsistence fishing permit for eulachon in Sections 1C
44 and 1D. The Ketchikan district ranger is delegated as
45 the Federal in-season manager for the fishery and has
46 been given the authority to implement special
47 restrictions within the fishery. The in-season manager,
48 however, would be unable to authorize the use of a hoop
49 or a ring net as it's not included within the current
50 code of Federal regulations.

1 The proposal limits allowable gear for
2 subsistence eulachon fishing in Federal waters in the
3 Burroughs Bay area. Currently Federally-qualified
4 subsistence users may list those gear types as listed in
5 the general provisions of the Federal subsistence fishing
6 regulations to harvest eulachon. The proposal requests
7 one gear type which is not currently legal under Federal
8 regulation, thus a separate proposal would be necessary
9 to the Federal Subsistence Board for that gear.

10
11 Harvest of eulachon in the Burroughs Bay
12 area has been closed annually since 2006 because of
13 conservation concerns and should returns improve enough
14 to allow for subsistence fishing the proposal would allow
15 for a conservative fishery to occur if it was to reopen.
16 Again, because of the nature of eulachon that spawn in
17 the lower portions of streams, eulachon may be available
18 for harvest under overlapping jurisdictions, meaning
19 marine waters under State jurisdiction and above the high
20 tide line for Federal jurisdiction. So this action would
21 not affect any action that would occur down in State
22 jurisdiction.

23
24 The preliminary conclusion is to oppose
25 the proposal as there's no need to define allowable gear
26 types in regulation for the Burroughs Bay area.
27 Applicable gear types, except hoop nets could be listed
28 as terms and conditions of the permit by the Federal in-
29 season manager to provide for conservation in the future
30 should subsistence fishing effort return.

31
32 This concludes my presentation and I'll
33 answer any questions if you have them.

34
35 CHAIRMAN ADAMS: Thank you, Mr. Reeves.
36 Questions anyone.

37
38 Go ahead, Donald.

39
40 MR. HERNANDEZ: Thank you. Jeff, the
41 proponent kind of contends that seining within the river
42 itself can damage the spawning beds. Is there any other,
43 other than his contention that it does, is there any
44 other evidence that in stream seining damages the
45 spawning beds for eulachon?

46
47 MR. REEVES: Mr. Chairman. Mr.
48 Hernandez. There was the Moody thesis that was done back
49 in 2008 in Canada where there was concern brought by some
50 tribes down there that switching to seine nets did affect

1 the populations of eulachon. In the analysis for 18 it
2 is cited in there where the Nuxault people believe like
3 the Bellacula was overfished because of seine nets and
4 has not recovered since. I want to say that it's the
5 Klahini River, which I'm not sure where in BC that is,
6 the folks there noticed a decline and after switching
7 back to like conical nets from seine nets they noticed
8 that there is some belief, I know down in BC according to
9 literature that seine nets, either -- that they harvested
10 -- were taking too many fish but the other thought was
11 that the lead line dragging across the bottom might have
12 been killing the eggs that were deposited.

13

14 CHAIRMAN ADAMS: Okay. Any more.

15

16 (No comments)

17

18 CHAIRMAN ADAMS: No one else. I have a
19 couple. I'd kind of like to know a little bit about the
20 background of the proponent of this proposal and, you
21 know, I think it's important that other people become
22 aware of, particularly individuals who come forth with
23 proposals, and if there was any, you know, public
24 hearings or such, you know, that might have been held on
25 this.

26

27 MR. REEVES: Mr. Chairman. I wish the
28 proponent could be here to give you that. What he has
29 told me is he has maintained a presence on the Unuk
30 River, he has a property and a cabin that he basically
31 built there at some point in the 1980s. He has indicated
32 that the area there is basically his second love of his
33 life, second to his wife and his daughter so it is a very
34 important area to the proponent. His wife does work and
35 live in Ketchikan. His indication to me has been that
36 once she retires that the Unuk River would definitely be
37 the primary residence of choice for him. So anything
38 other than that you'd have to ask the proponent themself.

39

40 CHAIRMAN ADAMS: Thank you. Any public
41 hearings or anything like that that might have happened
42 that other people might be aware of this proposal.

43

44 MR. REEVES: Mr. Chairman. There hasn't
45 been any hearings specific to this proposal.

46

47 CHAIRMAN ADAMS: Okay, thank you.

48

49 Cathy, go ahead.

50

1 MS. NEEDHAM: Thank you, Mr. Chair.
2 Along those lines, Jeff, do you know if the proponent is
3 a subsistence user?

4
5 MR. REEVES: Mr. Chairman. Ms. Needham.
6 He has indicated to me that he believes he is a Federal
7 subsistence user, that he qualifies, and he believes that
8 his residence on the Unuk River is his primary residence
9 so that that makes him a qualified user. But, again,
10 like I said, I wish he was here to tell his story.

11
12 CHAIRMAN ADAMS: Thank you. Anyone else.

13
14 (No comments)

15
16 CHAIRMAN ADAMS: Thank you, Jeff. Next.

17
18 MS. YUHAS: Thank you, Mr. Chairman.
19 Jennifer Yuhas, Alaska Department of Fish and Game.

20
21 The Department supports this proposal and
22 we heard some testimony this morning about what the
23 causes of decline might be for this area but regardless
24 of the original cause of the decline we know there is a
25 decline and the State has had the area closed to
26 subsistence take for the last six years, commercial take
27 for the last 12 years, and we simply see this as a
28 conservation measure that hopefully would leave some fish
29 for some people's grandchildren the way they testified
30 this morning. That's the intent behind the support here.

31
32 *****
33 STATE OFFICIAL WRITTEN COMMENTS
34 *****

35
36 Alaska Department of Fish and Game
37 Comments to the Regional Advisory Council

38
39 Fisheries Proposal FP13-20, 21: Both
40 proposals seek to limit eulachon harvests in Burroughs
41 Bay river systems.

42
43 Introduction:

44
45 FP13-20, submitted by area resident
46 Stephen W. Huffine of Unuk River, would limit the harvest
47 of eulachon on Burroughs Bay river systems (e.g., Unuk
48 River, Klahini River, Eulachon River, and Grant Creek) by
49 restricting the types of legal gear for harvesting
50 eulachon to dip nets, hoop nets, or casting nets.

1 FP13-21, also submitted by area resident
2 Stephen W. Huffine of Unuk River, would limit the harvest
3 of eulachon on Burroughs Bay river systems (e.g., Unuk
4 River, Klahini River, Eulachon River, and Grant Creek) by
5 establishing an annual limit of one five-gallon bucket of
6 eulachon (approximately 35 pounds) per person.

7

8

Impact on Subsistence Users:

9

10

If these proposals are adopted, federal
11 subsistence users who fish for eulachon in Burroughs Bay
12 river systems could only use dip nets, hoop nets, or
13 casting nets, and their annual take will be limited to
14 one five-gallon bucket (approximately 35 pounds) per
15 person. These changes would limit the annual supply of
16 eulachon available from this area for domestic
17 consumption and food. However, the proponent hopes that
18 these changes will help rebuild these depressed eulachon
19 runs and produce dependable future returns of eulachon
20 for subsistence users.

21

22

Impact on Other Users:

23

24

Divergent regulations could be confusing
25 to users. Passage of this proposal would likely
26 conserve the resource for future use by all users.

27

28

Opportunity Provided by State:

29

30

Eulachon has been closed in recent years
31 due to conservation concerns. State commercial harvest
32 has been closed for twelve years, and personal use and
33 subsistence fisheries have been closed for six years.
34 Eulachon may be harvested for subsistence under state
35 regulations in Southeast Alaska sections 1-C and 1-D and
36 in waters of districts 7 and 8. Fish may be taken by
37 gear listed in 5 AAC 01.010(a), except as may be
38 restricted under the terms of a subsistence fishing
39 permit. Eulachon in Unuk River may only be taken under
40 authority of a subsistence fishing permit. Under state
41 regulations, subsistence is the designated priority
42 consumptive use. State subsistence fishing opportunity
43 is directly linked to abundance and is not restricted
44 unless poor run-size dictates that management actions
45 must be taken to sustain yield of the stock. State
46 managers are currently considering limitations similar to
47 those proposed here should state-managed seasons be
48 reopened.

49

50

Conservation Issues:

1 The state is currently concerned for the
2 long-term sustainability of this resource as it is
3 currently managed. Beach seine activity under federal
4 permits is currently responsible for large quantities of
5 harvest placing stress upon this eulachon population.
6 The present management system used by the federal program
7 presents potential for overharvest in small river
8 systems. On February 2, 2012 the Alaska Department of
9 Fish and Game, Division of Commercial Fisheries,
10 in Ketchikan issued a news release regarding emergency
11 order (EO) EO 1H02121 which closed all waters in District
12 1 (includes Unuk, Klahini, Chickamin rivers, and all
13 drainages on Revillagigedo Island, and drainages that
14 flow into Behm Canal, including those in Smeaton Arm) to
15 commercial, personal use, and subsistence eulachon
16 fishing. This EO also closed commercial eulachon fishing
17 at Stikine River, and commercial and subsistence eulachon
18 fishing at Bradfield Canal. Justification for the
19 eulachon fishery closures stated Many eulachon spawning
20 runs throughout the Pacific coast, including Southeast
21 Alaska, have had marked declines in recent years.
22 Eulachon returned to several rivers in southern Southeast
23 Alaska in 2011 for the first time in recent years; last
24 year was the first observed return to Unuk River since
25 2004. Stock status information for each of the above
26 areas is limited and the department feels a conservative
27 approach is necessary for sustaining the health of these
28 stocks and to allow for potential future harvests.

29
30 The U.S. Forest Service (USFS), announced
31 a simultaneous closure² of all federal waters draining
32 into Southeast Alaska District 1 to the taking of
33 eulachon by all users from February 26 through April 25,
34 2012. Justifications included Few eulachon have
35 returned to the Burroughs Bay area since 2003. The
36 Federal subsistence fishery for eulachon in the Burroughs
37 Bay area has been closed annually since 2006 to protect
38 these stocks and rebuild populations for the future.

39
40 Enforcement Issues:

41
42 While passage of this proposal creates
43 divergent federal and state regulations which are
44 difficult for enforcement and a burden to users, the
45 conservation benefit to the resource, in this instance,
46 far outweighs the possible rare inconvenience which may
47 be experienced by the users.

48
49 Jurisdiction Issues:

50

1 The federal board does not have authority
2 to supersede to state commercial, subsistence, or
3 personal use fisheries regulations unless a full closure
4 is required for conservation purposes within waters of
5 claimed federal jurisdiction. Changes to state
6 commercial and subsistence fisheries must be submitted to
7 the Alaska Board of Fisheries for coordination and public
8 comment.

9
10 The Federal Subsistence Board does not
11 have the authority to regulate the nonfederally-
12 qualified users participating in fisheries on waters
13 outside of federal subsistence jurisdiction.

14
15 Other Issues:

16
17 All harvest on Unuk River is currently
18 closed. Should this fishery be reopened controls must be
19 in place to preserve long-term sustainability.

20
21 Recommendation: Support.

22
23 CHAIRMAN ADAMS: Questions for Ms. Yuhas.

24
25 (No comments)

26
27 CHAIRMAN ADAMS: Thank you, Jennifer.
28 Okay, let me see, any agency comments, Federal agencies.

29
30 (No comments)

31
32 CHAIRMAN ADAMS: I'll go down the list
33 here. Native, tribal.

34
35 (No comments)

36
37 CHAIRMAN ADAMS: Village.

38
39 (No comments)

40
41 CHAIRMAN ADAMS: InterAgency Staff
42 comments.

43
44 (No comments)

45
46 CHAIRMAN ADAMS: Advisory groups such as
47 neighboring Regional Advisory Councils, local Fish and
48 Game.

49
50 (No comments)

1 CHAIRMAN ADAMS: National Park Service.
2
3 (No comments)
4
5 CHAIRMAN ADAMS: Nope. Okay, Mr. Larson,
6 are there any written comments.
7
8 MR. LARSON: Yes, Mr. Chairman, there are
9 three written public comments. They're listed on Page 83
10 of your Council book.
11
12 One is from Louie Wagner, the other is
13 from Victor Wellington, the Mayor of the Metlakatla
14 Indian Community, and the other is from Thomas Lang, Sr.,
15 who provided you oral testimony this morning. Mr. Lang
16 provided you with supplemental materials after his
17 presentation.
18
19 I think that's all we have.
20
21 We have a note from Mr. Wagner that he
22 still supports his previous written testimony.
23
24 CHAIRMAN ADAMS: Okay, thank you. Now,
25 we're in Council deliberation, we're up for discussion.
26 We need a motion and second and then we'll go from there.
27
28 Mr. Bangs.
29
30 VICE CHAIR BANGS: I move to take no
31 action on Proposal FP13-20.
32
33 CHAIRMAN ADAMS: Thank you, sir, is there
34 a second.
35
36 MR. KITKA: I'll second.
37
38 CHAIRMAN ADAMS: Seconded by Mr. Kitka.
39 Any discussion.
40
41 MR. LARSON: There's some risk -- Mr.
42 Chair.
43
44 CHAIRMAN ADAMS: Mr. Larson.
45
46 MR. LARSON: The Subsistence Board would
47 very much like a recommendation from the Council on this
48 issue. I do know that -- you can do what you wish, but
49 I do know that they would like to have a recommendation,
50 either, you know, to support or to oppose.

1 Thank you.

2

3 CHAIRMAN ADAMS: Mr. Bangs.

4

5 VICE CHAIR BANGS: I will rescind my
6 motion if Harvey would rescind his second.

7

8 MR. KITKA: Mr. Chair, I'll rescind my
9 second.

10

11 CHAIRMAN ADAMS: Alrighty, we'll accept
12 that. Go ahead.

13

14 VICE CHAIR BANGS: I move to adopt
15 Proposal FP13-20 as written on Page 76.

16

17 CHAIRMAN ADAMS: Thank you, Mr. Bangs.
18 Do I hear a second.

19

20 MR. KITKA: I'll second, Mr. Chair.

21

22 CHAIRMAN ADAMS: Alrighty. Discussion.

23

24 Mr. Douville.

25

26 MR. DOUVILLE: I do not support this
27 proposal. We've had testimony here that is strongly
28 opposed to it. And it would take the efficiency of
29 getting subsistence eulachon away. I mean some of these
30 people fish for multiple families or villages and for
31 them to try to do with means other than a hand beach
32 seine, which is the most popular type of gear just does
33 not make sense to me. I mean it takes a lot of fuel,
34 time, effort and I don't support anything that makes
35 subsistence less efficient and this would clearly do
36 that.

37

38 CHAIRMAN ADAMS: Thank you, Mike. Any
39 more comments.

40

41 Mr. Hernandez.

42

43 MR. HERNANDEZ: Thank you, Mr. Chairman.
44 I think I'm also going to vote against this proposal
45 with a recommendation, though, if we're allowed to make
46 recommendations on how we would proceed.

47

48 Because I think there is an obvious
49 conservation concern, we've certainly heard enough
50 testimony about that. This question of the reason for

1 the proposal in the first place is, in my mind, whether
2 or not, you know, seining does do harm to the spawning
3 grounds, and Jeff's answer to that question what they've
4 been studying down in Canada still leaves a lot of
5 questions in my mind as to whether or not given the
6 decline of those stocks, if that is a factor. I guess I'm
7 a little nervous about how to proceed here with this
8 fishery but if we do have the latitude to maintain this
9 in-season management and if one of the options in that
10 in-season management is to regulate the gear types, you
11 know, appropriately, I think I would be comfortable with
12 that to recommend that, you know, in-season management
13 continue and not have any closures, not have any gear
14 restrictions, if both of those factors can be part of the
15 in-season manager's decision.

16

17 So if we can make part of our action on
18 this, you know, the recommendation that in-season
19 managers also consider what gear types are appropriate as
20 the stocks recover, I would feel comfortable with that
21 and vote against the proposal, though.

22

23 CHAIRMAN ADAMS: Any more comments.

24

25 MS. HAWKINS: Bert.

26

27 CHAIRMAN ADAMS: Go ahead, Merle.

28

29 MS. HAWKINS: Yeah, I would oppose this
30 proposal. I think it's kind of ridiculous to think that
31 people are going up there and use this type of gear to
32 harvest their eulachon when, for hundreds of years, at
33 least I know from my own lifetime, that we've always
34 depended upon the Wagners to -- and it does say in
35 Louie's written comments on Page 83:

36

37 My fishing gear is a small and shallow
38 beach seine set by hand and pulled by
39 hand from a skiff

40

41 I know that the way he fishes is very
42 respectful and to think that this recommendation would be
43 better is kind of ridiculous, that people are going to go
44 up there and dipnet their own fish, it's not even
45 realistic in my mind because I've gone down to the dock.
46 We used to take our own buckets, I still have the barrel
47 that we salted our eulachon and our herrings in and it's
48 just the way we've done things. And so I would just
49 oppose this proposal for those reasons.

50

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you, Merle.

4 Anyone else want to make a comment.

5

6 Go ahead, Donald.

7

8 MR. HERNANDEZ: Yeah, thank you, Mr.

9 Chairman.

10

11 Just thinking a little further on this,
12 something else that was mentioned that is happening now
13 and I believe it was mentioned is how we would proceed.
14 Jeff said that any reinstitutions of this fishery here in
15 the future when stocks do recover enough, would take
16 place with consultation of the affected users, with the
17 tribes and people most affected, and I think that would
18 be probably the way to proceed, is just to make sure that
19 there is close cooperation with the users on how this
20 fishery would commence again.

21

22 CHAIRMAN ADAMS: Thank you. Are you ready
23 to vote. Do you want to say something.

24

25 (Laughter)

26

27 CHAIRMAN ADAMS: I'll let you.

28

29 MR. DOUVILLE: I would be interested in
30 seeing any of the Canadian studies that relate to beach
31 seine, but I will say that this subsistence fishery went
32 on for a long time without any problem until the
33 commercial fishery was started on the Unuk and you can
34 see by this -- by how much fish was taken. And when you
35 overfish the fishery the end result is what we have today
36 and I'm not so sure that that might relate to what the
37 Canadians -- what happened in Canada, but certainly I
38 believe that it happened here, but I believe if you use
39 good sense and you have a good return without a
40 commercial fishery, I've never seen a good honest
41 subsistence fishery do harm to whatever you're catching
42 or subsisting on.

43

44 CHAIRMAN ADAMS: Okay, thank you.

45

46 Mr. Wright.

47

48 MR. WRIGHT: Thank you, Mr. Chair. You
49 know, when you look at the numbers of the number of
50 people that use the eulachon, you know, and we have a

1 person going out and getting it and sharing it with
2 people you know that it's going to good use. You know,
3 another thing was that I believe was in the last round,
4 I think Metlakatla was in support of the closure, so it
5 isn't that the people that are using the eulachon are
6 going to go and take everything when they know that there
7 is a shortage and they had agreed with a decision that we
8 had made, so if I'm wrong then please correct me, but
9 people were looking after themselves by doing the support
10 of one of the proposals that we had before. So -- and I,
11 you know, for someone to go up into the river and do what
12 they do as a community and help support the people, I
13 agree.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Thank you, Mr. Wright.

18

19 Anyone else.

20

21 (No comments)

22

23 VICE CHAIR BANGS: Question.

24

25 MS. HAWKINS: Question.

26

27 CHAIRMAN ADAMS: Somebody call for the
28 question, Mr. Bangs, okay.

29

30 MS. HAWKINS: Question.

31

32 CHAIRMAN ADAMS: Mr. Bangs called for the
33 question. All in favor please signify by saying yea.

34

35 (No yea votes)

36

37 CHAIRMAN ADAMS: All opposed, nay.

38

39 IN UNISON: Nay.

40

41 CHAIRMAN ADAMS: Okay, the motion is
42 defeated. Thank you. Let's go on to the next one, which
43 is going to be Proposal FP13-21. Let's go to 21. You
44 again.

45

46 MR. REEVES: Yes, Mr. Chairman, it is.
47 It would have been really nice had these two proposals
48 been submitted on the same piece of paper so they could
49 have been done on the same analysis because a lot of this
50 is going to be identical so I'll try to quickly just

1 summarize.

2

3 The executive summary for Proposal 13-21
4 is on Page 85, the analysis begins on Page 86.

5

6 This proposal also was submitted by Mr.
7 Huffine, and this one is requesting an annual harvest
8 limit of five gallons of eulachon, which is approximately
9 35 pounds be allowed per person -- or could be harvested
10 by Federally-qualified users in the freshwater drainages
11 of Burroughs Bay and he also listed the same drainages
12 that were listed in the previous proposal, so it's the
13 Unuk River, the Eulachon River, the Klahini River and
14 Grant Creek.

15

16 Again, this is a result that he'd seen
17 populations drop. Believed it was because of the past
18 fisheries that had no limit and would like to see this in
19 place should fisheries resume. If you need to look back
20 the map is on Page 121, and it shows those areas. And,
21 again, we've addressed the analysis that because of
22 eulachon in other areas it may pertinent to look at it
23 and not just apply this to those specific drainages he
24 identified but this might need to be applied to the
25 entirety of District 1.

26

27 So as with the previous one, this could
28 easily be addressed through the terms and conditions of
29 the subsistence fishing permit. And that could be given
30 -- could be determined by the in-season manager as
31 delegated to him by the Federal Subsistence Board.

32

33 The proposal will institute harvest
34 limits so it would definitely be a reduction in what
35 people could take. And that definitely could affect the
36 ability of some qualified users to practice some cultural
37 activities such as eulachon grease production as it does
38 require a large number of fish to produce a large amount
39 of oil, or grease.

40

41 The conclusion on this proposal is to
42 oppose it. Again, as there's no need to define harvest
43 limits in regulation as the in-season manager has the
44 ability to do it through the terms and conditions of the
45 permit. So should the fish stocks -- or eulachon stocks
46 get to a level of fishing -- or being able to have levels
47 that could sustain fishing effort, that would be the
48 better way to deal with it.

49

50 So I will conclude my presentation and be

1 open for questions.
2
3 CHAIRMAN ADAMS: Questions for Jeff.
4
5 (No comments)
6
7 CHAIRMAN ADAMS: You're right, it would
8 have been easier for us to take them both together. I
9 can see where this is going already.
10
11 (Laughter)
12
13 CHAIRMAN ADAMS: Thank you.
14
15 (Laughter)
16
17 MR. REEVES: He just likes looking at my
18 face.
19
20 (Laughter)
21
22 CHAIRMAN ADAMS: Next.
23
24 MS. YUHAS: Thank you, Mr. Chairman.
25 Jennifer Yuhas, Alaska Department of Fish and Game. The
26 Department supports Proposal 21 for the same reasons I
27 stated for Proposal 20.
28
29 CHAIRMAN ADAMS: Thank you. Any
30 questions for Jennifer.
31
32 (No comments)
33
34 CHAIRMAN ADAMS: Thank you, ma'am. Any
35 Federal agencies.
36
37 (No comments)
38
39 CHAIRMAN ADAMS: Okay. Native or tribal
40 organizations.
41
42 (No comments)
43
44 CHAIRMAN ADAMS: Village or other people.
45
46 (No comments)
47
48 CHAIRMAN ADAMS: InterAgency Staff.
49
50 (No comments)

1 CHAIRMAN ADAMS: Neighboring Regional
2 Advisory Councils.
3
4 (No comments)
5
6 CHAIRMAN ADAMS: Local Fish and Game
7 Advisory Committees.
8
9 (No comments)
10
11 CHAIRMAN ADAMS: National Park Service.
12
13 (No comments)
14
15 CHAIRMAN ADAMS: Nope. Do we have a
16 summary of written comments, Mr. Larson.
17
18 MR. LARSON: Mr. Chair. The same
19 comments that I provided for Proposal 20 are applicable
20 to Proposal 21.
21
22 Thank you.
23
24 CHAIRMAN ADAMS: Thank you. There's also
25 an opportunity for public testimony if there's anyone
26 from the audience who would like to make a comment about
27 this proposal you're welcome to do so at this time.
28
29 (No comments)
30
31 CHAIRMAN ADAMS: Hearing none, we're
32 going to go into Council deliberation. What's the wish
33 of the Council.
34
35 (Pause)
36
37 CHAIRMAN ADAMS: Who's going to do it
38 first.
39
40 Mr. Bangs.
41
42 VICE CHAIR BANGS: Thank you, Mr. Chair.
43 I move to adopt FP13-21 as written on Page 85.
44
45 CHAIRMAN ADAMS: Is there a second.
46
47 MR. KITKA: I'll second.
48
49 CHAIRMAN ADAMS: What's the wish of the
50 Council. Discussion.

1 Merle.

2

3 MS. HAWKINS: Yeah, I'm going to vote
4 against this for the same reasons as before, it would
5 affect thousands of years of tribal history and of how
6 we've done things and we've never brought harm to this
7 fishery and eulachon grease production is very important
8 to Native folks and as they get harder to get the price
9 keeps going up. I think it's up to \$60 a quart now so I
10 would oppose this.

11

12 CHAIRMAN ADAMS: Thank you, Merle.

13 Anyone else.

14

15 Mike.

16

17 MR. DOUVILLE: I do not support the
18 proposal. As Mr. Reeves stated there is already tools in
19 place to regulate the amount with the in-season manager
20 and I believe should the stocks return to healthier
21 levels that you would put an unnecessary restriction on
22 a subsistence user by adopting this proposal.

23

24 CHAIRMAN ADAMS: Okay, thank you, Mike.

25 Anyone else like to make a comment.

26

27 Mr. Ackerman.

28

29 MR. ACKERMAN: In our eulachon fishery a
30 five gallon bucket is about 500 eulachon so we usually do
31 two five gallon buckets and half of another one for two
32 people in smoking these eulachon. So I think they're a
33 little bit less than what is actually necessary for this
34 so I wouldn't support it.

35

36 CHAIRMAN ADAMS: Thank you, Mr. Ackerman.

37 Anyone else.

38

39 MR. WRIGHT: Thank you, Mr. Chair. I,
40 too, oppose this proposal. Because, you know, when you
41 go out and subsist, you go out to get what you can get
42 and you don't limit yourself because the amount of cost
43 of fuel to go get one five gallon bucket is kind of
44 crazy, why would you waste all your money and hoping
45 you're going to get it and then you get there and there's
46 no eulachon there and then you've wasted your whole day.

47

48 Thank you.

49

50 CHAIRMAN ADAMS: Thank you, Mr. Wright.

1 Anybody else.

2

3 MR. KITKA: Just one little comment.

4

5 CHAIRMAN ADAMS: You do.

6

7 MR. KITKA: Yes.

8

9 CHAIRMAN ADAMS: Go ahead, Mr. Kitka.

10

11 MR. KITKA: Thank you, Mr. Chair. It
12 doesn't make a whole lot of sense for a regulation like
13 this to go into effect if you're only allowed a five
14 gallon bucket. What you're doing is making a lot of
15 people go out and get a five gallon bucket and that
16 doesn't make sense. That would cost a lot of people a
17 lot of time and a lot of money and it just doesn't make
18 sense to do something like that. It would make a
19 burdensome restriction on the subsistence person.

20

21 Thank you.

22

23 CHAIRMAN ADAMS: All right, any more
24 comments.

25

26 MS. NEEDHAM: Question.

27

28 CHAIRMAN ADAMS: Question's been called
29 for. All in favor, please say yea -- oh, is there a
30 public comment.

31

32 MR. SANDERSON: Yeah, Mr. Chair.

33

34 CHAIRMAN ADAMS: All right, come on down
35 Mr. Sanderson. Sorry, you, too, were in the light up
36 there and I couldn't see you. I apologize.

37

38 MR. SANDERSON: Thank you, Mr. Chair.
39 Rob Sanderson, Central Council.

40

41 Mr. Chair.

42

43 CHAIRMAN ADAMS: Oh, we're past the
44 comments already, Mr. Sanderson.

45

46 MR. SANDERSON: Oh, yeah, I understand
47 that but I just wanted to clarify, the comments that --
48 the testimony that myself and Mr. Lang brought forth this
49 morning, that stands as what is being talked about right
50 now.

1 CHAIRMAN ADAMS: And we understand that.
2
3 MR. SANDERSON: Okay. I just wanted to
4 make very clear that that's in the record.
5
6 CHAIRMAN ADAMS: It's in the record and
7 we are taking that under consideration, so thank you.
8
9 MR. SANDERSON: Okay, thank you.
10
11 CHAIRMAN ADAMS: Uh-huh. All in favor
12 please say aye.
13
14 (No aye votes)
15
16 CHAIRMAN ADAMS: Opposed, say nay.
17
18 IN UNISON: Nay.
19
20 CHAIRMAN ADAMS: All right. Let's move
21 here to the next one, it's 22. Oh boy a different face
22 up there.
23
24 MR. CASIPIT: Thank you, Mr. Chair. For
25 the record my name is Calvin Casipit, I'm the subsistence
26 Staff biologist for the Forest Service in Juneau.
27
28 The executive summary for this proposal
29 begins on Page 89, and the analysis begins on the
30 following page on Page 90.
31
32 Proposal FP13-22 was submitted by Mr.
33 Mike Jackson of the Organized Village of Kake and it
34 requests that unless noted on a Federal fishing permit
35 that there be no harvest limits for salmon harvested by
36 residents of Kake.
37
38 The proponent believes that having no
39 limits on salmon better recognizes a subsistence priority
40 for the residents of Kake. The proponent, again, asked
41 to modify this proposal after it was published so that no
42 harvest limits would apply for salmon for residents of
43 Kake, whether listed in regulation or on Federal
44 subsistence fishing permits. Again, this analysis is
45 confined to the proposal as published.
46
47 I do want to review the customary and
48 traditional use determination for residents of Kake. It
49 does -- there's some important points that I'll make
50 later based on this customary and traditional use

1 determination.

2

3

4 But, anyway, residents of Kake are
5 included in the customary and traditional use
6 determination for salmon within District 5, north of a
7 line from Point Berry to Boulder Point, District 6 and
8 waters draining into that district, District 7 and waters
9 draining into that district, District 9, Sections 9A and
10 9B, and Districts 10 west of a line from Pinta Point to
11 False Point Pybus and the remainder of Alaska where there
12 are no specific customary and traditional use
13 determination. If folks are interested, as well, we have
14 a copy at the back of the room of a customary and
15 traditional use determination map that shows these areas,
16 and if you want to we can go back and look at that or we
17 can talk about it some more.

17

18

19 This is real similar to the last proposal
20 I discussed with you. But this basically would -- this,
21 again, is requesting no limit for the residents of Kake
22 for salmon.

22

23

24 I'll go over some of the regulatory
25 history and it's kind of a repeat of what I had provided
26 in the previous FP13-17, however, if you look at Table 1
27 that shows the sockeye salmon limits on our 2012 permits
28 for residents of Kake. As far as harvest history, our
29 Federal subsistence permit database from 2002 to 2011
30 shows a resident of Kake harvested 20 sockeye salmon from
31 Kutlaku Lake in 2005 with a gillnet. And, in addition,
32 six pink salmon reported harvested on Prince of Wales
33 Island by a resident who later moved to Kake. So
34 basically for comparison purposes, if you compare that
35 year 2005, basically under Federal permits in 2005 we had
36 20 sockeye salmon harvested, in the same year 2005 under
37 State permits Kake residents harvested over 1,600 sockeye
38 salmon, so that gives you an idea of the relative level
39 of take between State subsistence permits and Federal
40 subsistence permits in the community of Kake.

40

41

42 Provide a cultural background section
43 thanks to Pippa Kenner, who is on the phone, I thank her
44 for doing a very good job of outlining the cultural
45 issues with this. Table 2 shows the harvest and use of
46 wild resources based on household surveys in the
47 community of Kake.

47

48

49 The effect of this proposal. I'm going
50 to talk about this customary and traditional use
51 determination again here real quick. In Districts 5, 9

1 and 10, Kake has an exclusive customary and traditional
2 use determination. Under ANILCA, an unlimited salmon
3 harvest may be established by the Board for only Kake
4 residents for only those fisheries in those parts of the
5 Districts 5, 9 and 10 since Kake has an exclusive C&T use
6 determination for those areas, that can be done by the
7 Board based on a recommendation from this Council.
8 However, the determination -- Kake's customary and
9 traditional use determinations for Districts 6 and 7 and
10 areas with no specific determination are shared with
11 other communities and it is not exclusive. By extension
12 the Board cannot provide a harvest limit to residents of
13 one community with C&T that is higher than the harvest
14 limits for residents of other communities with the same
15 C&T unless that area has been closed to non-Federally-
16 qualified subsistence users first and the Board has made
17 findings pursuant to ANILCA, Section .804. So that's an
18 issue that needs to be worked through as well.

19
20 If this proposal is adopted it would have
21 no effect on harvest limits in the Kake C&T area for
22 chinook, pink and chum salmon since there are no limits
23 for those species in regulation -- in Federal regulation
24 or on Federal permits.

25
26 Additionally, if adopted, this proposal
27 would have no effect on most sockeye systems since those
28 limits are listed on Federal permits. It would affect
29 the sockeye salmon systems that do not have limits listed
30 on a permit because that is covered by that general
31 regulation that I talked of before of 10 sockeye salmon
32 with an annual limit of 20 for systems not specified on
33 permits. It would have an affect on coho salmon harvest
34 limits because we do specify coho salmon harvest limits
35 in regulation.

36
37 And then I'm going to -- if adopted this
38 proposal could result in a shift from fishing in State
39 waters to Federal jurisdiction for Kake residents. This
40 may or may not happen since the location of harvest is
41 controlled more by where fish are efficiently harvested
42 and where the harvest limit is. Because of efficiency
43 considerations most salmon in the Southeast Alaska area
44 are harvested in State jurisdiction, marine waters, and
45 under State regulation. If shift in use does not happen
46 the proposal would have little or no effect since the
47 vast majority of salmon taken by Kake residents are taken
48 in waters under State jurisdiction where harvest limits
49 are listed on State permits.

50

1 There are some systems where unlimited
2 harvest could create conservation concerns resulting in
3 more in-season actions and restrictions to users.

4
5 Our preliminary conclusion is to oppose
6 the proposal. Again, there are no closures to non-
7 Federally-qualified users within the customary and
8 traditional use areas for Kake and that's, you know,
9 Districts 5, 6, 7, 9 and 10 in the areas with no specific
10 determinations. Some of these same areas are also within
11 the customary and traditional use areas of other rural
12 communities and changes to harvest limits in these areas
13 cannot be considered without first closing the area to
14 non-Federally-qualified users under Section .815(3) and
15 then conducting an .804 analysis to provide a greater
16 priority to residents of Kake. The proposed regulation
17 would only affect coho and sockeye salmon harvest limits
18 listed in regulation since there are no limits for
19 chinook, pink and chum salmon in regulation. Only 20
20 sockeye and no coho salmon have been reported taken by
21 residents of Kake under the Federal permit and Kake
22 residents do not appear to be restricted by current
23 Federal harvest limits. Because of efficiency
24 considerations Kake residents prefer to harvest coho and
25 sockeye salmon in this area in marine waters which are
26 under State jurisdiction and regulation.

27
28 And that concludes my analysis and be
29 happy to answer any questions.

30
31 CHAIRMAN ADAMS: Thank you, Cal. We're
32 going to take questions, I think, more like tomorrow. We
33 got the extraterritorial jurisdiction and our MOU that we
34 have to go through this afternoon. And, you know, if we
35 get those out of those way, you know, before 5:00 o'clock
36 we'll sure continue on with this but for Council member's
37 information, I think we need to just wait to finish off
38 this proposal later on.

39
40 Thank you, Cal, I really appreciate it.

41
42 MR. CASIPIT: At the Chair's pleasure,
43 sir, thank you.

44
45 CHAIRMAN ADAMS: Okay. And you're not
46 going anywhere.

47
48 MR. CASIPIT: No, sir.

49
50 CHAIRMAN ADAMS: I hope not. Okay, we're

1 going to take a break here and then after that,
2 extraterritorial jurisdiction issue will be discussed and
3 so I'll let you know when to come back.

4
5 Thank you.

6
7 (Off record)

8
9 (On record)

10
11 CHAIRMAN ADAMS: If you could settle
12 yourself down, we're going to reconvene here.

13
14 Okay. Here's how we are going to deal
15 with this issue, ladies and gentlemen. We are going to
16 listen to a presentation that will be given by Steve
17 Kessler and Beth Pendleton will be there with him. And
18 after we have listened to their presentation, then we'll
19 take public comments. So we'll go ahead, you know,
20 Steve, with your presentation right now.

21
22 Thank you.

23
24 MR. KESSLER: Thank you, Mr. Chairman and
25 members of the Council. Steve Kessler.

26
27 CHAIRMAN ADAMS: Before we go any
28 further, though, Steve, I need to make this little
29 comment.

30
31 The Council on this issue has done its
32 job, you know, we had this meeting way back in March and,
33 you know, we worked long and hard on this particular
34 issue. In fact, we were up until midnight trying to come
35 up with a recommendation. And it wasn't a very easy
36 thing to do, you know. And so I just need to say that we
37 have done our part, and so we're going to listen to some
38 updates right now and if public testimony has new
39 information for us to consider, you know, we will listen
40 to that.

41
42 But I also need to emphasize that we need
43 to stay within a certain period. I don't like to put
44 time limits on testimonies and so forth, but we have a
45 lot of work to do before we adjourn here tomorrow, if we
46 adjourn here tomorrow. And if it means going until
47 midnight again, you know, we might have to do that. I'm
48 just joking. But anyhow -- maybe I won't be?

49
50 (Laughter)

1 CHAIRMAN ADAMS: But, you know, please
2 respect our time and, you know, to people who do their
3 testimonies as well, you know, we are here to listen and
4 we want to take care of that right now, so, Steve, why
5 don't you go ahead.

6
7 Thank you.

8
9 MR. KESSLER: Thank you, Mr. Chairman,
10 members of the Council. Steve Kessler with the U.S.
11 Forest Service. And with me is Beth Pendleton, the
12 regional forester for the Alaska Region. And I don't
13 think we've introduced her yet, but here she is and
14 she'll make a few opening comments.

15
16 MS. PENDLETON: Mr. Chairman and the
17 Council, my name is Beth Pendleton. I'm the regional
18 forester for the U.S. Forest Service, Alaska Region.

19
20 I also sit in that capacity and on behalf
21 of the Secretary of Agriculture, Secretary Vilsack, on
22 the Federal Subsistence Board, which I see as a
23 tremendous honor, and I have learned a lot over the last
24 several years in that role. I've also come to greatly
25 appreciate the role and responsibility that each of you
26 around the table fulfill. And to see you in action today
27 as you take into consideration some very difficult
28 proposals has really been quite an experience, and I do
29 appreciate each of you in your engagement in this
30 critical role on the Southeast Regional Advisory Council
31 for Southeast Alaska.

32
33 I just wanted to acknowledge, I'm going
34 to ask Steve to, and I believe that in your packet you do
35 have a briefing from Steve that talks about the
36 extraterritorial jurisdiction issues in the waters around
37 Angoon and the most recent response from both Secretary
38 Vilsack as well as Secretary Salazar from the Department
39 of Interior and direction that they have laid out and
40 expectations for how we move forward with, as the
41 Chairman has said, a very, very difficult issue.

42
43 So I'm going to turn it over to Steve to
44 go over a very, very brief chronology, and then go over
45 some of the specific recommendations and next steps
46 forward in this process.

47
48 Thank you, Mr. Chair.

49
50 MR. KESSLER: Thank you, Beth.

1 First of all, I do want to make sure that
2 everyone received a copy that was distributed yesterday
3 at about noon at each of your places, just a one-page --
4 well, in fact, forward and back here. There are for the
5 -- everyone in the audience, there should be extra copies
6 up on the table up above. There's also in your Council
7 book, starting on Page 222, the letter from Secretary
8 Vilsack to the Council which has as an attachment a copy
9 of the letter to the petitioner, as well as your
10 recommendation which was an attachment to that letter,
11 and your recommendation that you developed on March 22nd.

12
13 So I know a lot of you are very familiar
14 with the chronology here, so I don't think that there's
15 a good reason to go into a lot of detail. There's a
16 little bit of detail on this hand-out here.

17
18 But the letters were signed by the
19 Secretaries of Agriculture and the Interior on August
20 23rd, and conveyed to Kootznoowoo, and as recommended by
21 the Council and the Board, there was a deferred decision
22 on the Kootznoowoo petition for up to three years to
23 facilitate a locally-developed solution. A letter to the
24 Council was also sent on August 23rd, that's what in your
25 book, with a copy.

26
27 So what I would like to do is go over a
28 few of the key aspects of the Secretary's letter, and
29 some of those aspects are quite to your recommendation,
30 but there are a few highlights.

31
32 First, it recognizes the key participants
33 did express the desire to work cooperatively, and to
34 avoid the need for the Secretaries to exert
35 extraterritorial jurisdiction, that the different parties
36 would get together to work this out. It recognizes that
37 the Board's and Council's recommendations are similar,
38 and agree that the issue should be addressed within about
39 a three-year period. But it does express concern that
40 three years is a long time to wait for the resolution of
41 this issue with is so important to Angoon and the people
42 of Angoon and their customary and traditional uses.

43
44 It says that the Secretary will be
45 monitoring the work of the stakeholders, including the
46 actions that were identified by the Council on Page 4 of
47 your recommendation. And to remind you what that is in
48 your Council book on Page 229 I believe it is. So it
49 doesn't say to adopt all those, but that those should be
50 part of the discussion.

1 It requests that the Board provide a
2 twice yearly report on the progress, which is a little
3 different from your request, which only requested a once
4 a year report.

5
6 It agrees with the Board's recommendation
7 to engage professional mediators to assist with this
8 process.

9
10 And in the final paragraph in the letter
11 to the Council, it thanks you for your diligence in
12 developing this recommendation.

13
14 So that's just sort of just a quick
15 summary of what's in the letter. And let me just stop
16 there and see if there are questions, and then we can go
17 on to what the next steps are and where we're heading.

18
19
20 CHAIRMAN ADAMS: So, Steve, where were
21 you? I'm sorry, I got distracted here.

22
23 MR. KESSLER: Well, what I did was I just
24 went a little bit through the letter, and just some of
25 the key areas of the letter, and I was curious whether
26 there were any questions about the letter before we go
27 into next steps of what we're doing.

28
29 CHAIRMAN ADAMS: So that letter is on
30 Page 222, you say?

31 MR. KESSLER: That letter is on Page 222
32 with the attachment, the letter to the petitioner
33 starting on Page 224.

34
35 CHAIRMAN ADAMS: Okay. So, Council
36 members, want to address anything pertaining to that
37 letter. Mr. Hernandez, go ahead.

38
39 MR. HERNANDEZ: Thank you, Mr. Chairman.
40 Mr. Kessler.

41
42 Yeah, there was one statement in the
43 letter I was kind of curious about. It says, in the
44 event that we do not see demonstrable progress, we may
45 take appropriate alternative measures within the three-
46 year period. Did the Secretaries give any indication of
47 what the alternative measures they might take?

48
49 MR. KESSLER: No, Mr. Hernandez, the
50 Secretaries did not provide what those alternative

1 measures would be, but the Secretary was concerned about
2 this three-year period, that that's a long time to wait,
3 and the Secretary wants to see action. He doesn't want
4 -- the Secretary does not want two years to go by and
5 then something starting to happen. The Secretary wants
6 action starting right away. And that's essentially what
7 we understood from the Secretary.

8

9 CHAIRMAN ADAMS: Go ahead for the follow
10 up.

11

12 MR. HERNANDEZ: Just to follow up there.
13 Would you say his alternatives are pretty much limited to
14 either granting the petition?

15

16 MR. KESSLER: I wouldn't go that far at
17 all. And certainly the Secretary would like to see this
18 locally-developed solution, and I think until there's a
19 real try to develop, you know, a local solution that
20 responds to, you know, the people of Angoon's customary
21 and traditional uses of salmon, of sockeye, there's not
22 a reason for the Secretary to figure out at this point
23 what the Secretary will do.

24

25 MS. PENDLETON: Yeah. I think I would
26 just add that what became very evident is the period of
27 time and really wanting to see some measurable
28 improvement and action on the part of stakeholders
29 locally. And I think that was very indicative of upping
30 the reports and the communications with the joint
31 Secretaries office on our progress.

32

33 CHAIRMAN ADAMS: Okay. Mr. Douville.

34

35 MR. DOUVILLE: There was some cooperation
36 offered by the State which included removing the barrier
37 rock at Kanalku and they did say that, committing money.
38 And also there was an offer of sockeye enhancement,
39 taking stocks from Kanalku and raising them at Snettisham
40 and replanting them.

41

42 I guess my question would be have they
43 been contacted to see if it all worked.

44

45 The other was I believe that there was
46 going to be some stock assessment from the fisheries in
47 Chatham Straits to see where they originate. I mean,
48 those things I think are real important to get moving,
49 and not wait for a couple years to implement these
50 things, like, you know, the offer was there, and it

1 looked like things could happen rapidly rather than to
2 plan for a couple years, because if you're going to raise
3 fish or anything like that, it needs to, you know, happen
4 sooner than later.

5
6 Thank you.

7
8 CHAIRMAN ADAMS: Any more questions.

9
10 (No comments)

11
12 CHAIRMAN ADAMS: I have one for you,
13 Steve and maybe Beth.

14
15 MR. DOUVILLE: Mr. Chair. I'd like an
16 answer

17
18 CHAIRMAN ADAMS: Pardon?

19
20 MR. DOUVILLE: That was a question.

21
22 CHAIRMAN ADAMS: That was a question?
23 Oh, answer. Sorry.

24
25 MR. KESSLER: Thank you, Mr. Chairman.
26 Mr. Douville. We have not specifically -- we as the
27 Forest Service, have not specifically taken any actions
28 on those items yet. I can't speak for the State. I
29 don't know where they are. I do know that there are
30 activities associated with Kanalku, and probably Mr.
31 Suminski might have, or someone else probably knows
32 better where we are in the process of dealing with the
33 Kanalku Falls.

34
35 But as far as the other actions with the
36 Alaska Department of Fish and Game, I have no knowledge
37 of what they've done.

38
39 CHAIRMAN ADAMS: Follow up.

40
41 MR. DOUVILLE: It's my impression that
42 this is in Federal hands and not the State, is the one to
43 take action. So anything -- it seems to me, maybe I'm
44 wrong, that the State is going to have to initiate
45 forward movement on this issue. Did I say that right?
46 That the Forest Service or Feds will have to initiate
47 forward movement.

48
49 MS. PENDLETON: Mr. Chair. Mr. Douville.
50 I think it might be helpful if we move into an overview

1 of kind of the next steps in bringing parties together.
2 Certainly the recommendations of the Council here, some
3 of the things that you're also speaking to right now, are
4 considerations that could come in to this locally-
5 developed solution.

6

7 So I think if we might, Mr. Chair, just
8 move into this next point and talk about so what are we
9 going to do next to bring and convene and bring people
10 together to work on this locally-driven decision, which
11 certainly needs to look at and evaluate some of the very
12 things that you're bringing up.

13

14 CHAIRMAN ADAMS: By all means let's do
15 that.

16

17 MR. KESSLER: Thank you, Mr. Chairman.

18

19 So the next steps is on the back page of
20 the piece of paper that was distributed.

21

22 So as directed by the Secretaries, we
23 have actually engaged professional mediators to assist
24 us. There's a organization called the U.S. Institute for
25 Environmental Conflict resolution. It was an
26 organization that was created by Congress, and it's
27 actually part of what's called the Udall Institute. And
28 they're I think what I'd call a quasi-governmental
29 organization. They're independent, third-party, neutral.
30 They have been used throughout the country for issues
31 that have been fairly contentious, including among
32 Federal parties, State parties, and particularly with
33 tribes.

34

35 Funds for Phase I -- and I'll talk about
36 the two phases of the study in a moment. Funds for Phase
37 I of this agreement with the U.S. Institute have been
38 generously provided by the Bureau of Indian Affairs. Two
39 managers from the U.S. Institute have already been
40 assigned as listed on the sheet.

41

42 We worked with them to develop a scope of
43 work and I'll talk a little bit about what's in that
44 scope of work.

45

46 So there are two key phases to the scope.
47 One is, the first one being the situation assessment,
48 which is described in a little bit more detail on this
49 page. And then the second step is the collaborative
50 issue resolution where we attempt to come, have all the

1 parties come together and to figure out what that locally
2 developed solution will be. And there's a number of
3 different options about how that might occur, and those
4 will all be figured out, discussed, and considered with
5 the different parties by the institute.

6

7 So Phase I is funded and Phase I will
8 determine how Phase II would be implemented.

9

10 The tasks are scheduled to be completed
11 between November 1st and March 31st. And these are the
12 actual five tasks that are in their scope of work.

13

14 The first one is to review the background
15 materials. That's to get them up to speed so they
16 understand what this issue is all about.

17

18 Then the second one is essentially some
19 pre-work for some interviews that they will do to try and
20 set up what will become, you know, the Phase II part of
21 the collaborative issue resolution. So in task number 2
22 they'll figure out, working with us, what the
23 expectations and goals are. They'll coordinate with
24 Federal Staff on the issues, and coordinate with some of
25 the key stakeholders. And by the end of that task 2,
26 we'll figure out who will be interviewed and a strategy
27 for implementing the interviews and moving forward.

28

29 Task three, interviewing the
30 stakeholders.

31

32 Task four, prepare the written assessment
33 and some recommendations on how to move forward.

34

35 And then task five, if you remember, the
36 Secretaries directed that there should be a twice yearly
37 report to them of how things are going, and they will be
38 preparing that first briefing paper for the Board to
39 submit to the Secretaries' offices.

40

41 So that's where we're headed, and again
42 that this should be completed by sometime in the spring
43 of 2013, and then we don't have a timeline yet for Phase
44 II.

45

46 CHAIRMAN ADAMS: Questions from anyone.

47

48 (No comments)

49

50 CHAIRMAN ADAMS: Hearing none, we thank

1 you.

2

3

Mr. Hernandez, go ahead.

4

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MR. HERNANDEZ: One more question just out of -- what happens, should there be a change of Administration, do decisions by the Secretary go away in a change of Secretaries, or is this project going to continue forward regardless.

MS. PENDLETON: A good question. They would continue. We would be expected to continue with this process unless there was, you know, separate direction that would come under a new administration, but at this point we continue on this process.

MR. HERNANDEZ: Okay.

CHAIRMAN ADAMS: Okay. Anyone else.

Steve.

MR. KESSLER: I might add one more thing. There has been some consternation that we go through this Phase I and through Phase I we don't have anyone talking to each other; we just have the U.S. Institute for Environmental Conflict Resolution, this neutral party, talking to various people. And so there is a little bit of a concern that we just don't start engaging right away. And the process that the Institute has found is that nationwide, not necessarily Alaska, but nationwide that it helps sort of to -- it helps to understand all the issues, talk to all the potential participants and stakeholders, and then develop a process rather than just jumping right in. So they -- this is a tried and true method that they've used in many different places, and it seems like it's well worth the time of having that completed by March 31st of this coming year.

I think one other item I would like to mention is that given the timing, and we don't really know how the Council might be included. The Council has done their work as far as their recommendation to the Secretaries, but it could be that the U.S. Institute might want to talk with a member or two of the Council. Perhaps the Council could consider whether there's somebody who they would like to represent them if there are discussions during this period between November 1 and March 31. I think that your next Council meeting is sort of in mid March at some point, and hopefully all of this has been pretty well worked out, this Phase I, by the

1 time of your next meeting.

2

3 So if there's someone that you would like
4 to, you know, maybe, Mr. Chairman, yourself or the Vice
5 Chair or whoever you would like to make available to the
6 Institute, that probably would be helpful to the process.

7

8 Thank you.

9

10 CHAIRMAN ADAMS: Okay. Thank you. I
11 guess it would depend on where the meetings will be held,
12 you know, on this issue here, whether it would be myself
13 or our Vice Chair or someone from the Council. But we
14 can talk about that.

15

16 Go ahead.

17

18 MR. KESSLER: Yeah. We've talked about
19 that a little bit, and there will be some in-person
20 meetings, but we also expect that there might be some
21 phone calls or some video teleconference.

22

23 CHAIRMAN ADAMS: Between now and then?

24

25 MR. KESSLER: During this period as the
26 U.S. Institute is going through this process of doing the
27 Phase I assessment.

28

29 CHAIRMAN ADAMS: Cathy, go ahead.

30

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

32

33 I have just maybe a point of
34 clarification or question. And it kind of goes back to
35 what Mr. Douville was asking earlier. So we're engaging
36 in, or you're engaging into this Phase I which is
37 estimated to take six months of the first -- of the three
38 years that is on the timeline, but I'm not quite making
39 the link of how some of these recommended action items
40 that the Council put forth to the Secretaries that
41 actually had time limits, sort of in and of themselves on
42 it anyway. One was the -- how that fits into the Phase
43 I process.

44

45 For instance, you know, one of the
46 recommendations was to close the commercial seine
47 fishery, and that one of the reasons why the three-year
48 period was put on there is because that was the fish
49 cycle, in order to bring that proposal before the Board
50 of Fish. And the other one was implementing the genetic

1 stocks studies which at the time when we met regarding
2 the issue, according to the State of Alaska it would take
3 about three years to implement it based on how funding
4 was coming in there.

5
6 And so how are those action items fitting
7 into the Phase I process, the first six months of things
8 that are occurring now?

9
10 MR. KESSLER: In developing the scope of
11 work for the U.S. Institute, we specifically identified
12 these areas on -- well, what's here on Page 229 of your
13 Council book, and said these are some items that need to
14 be part of the discussions early on so we can sort of get
15 a sense for the -- how all the different parties are
16 ready to move forward on these recommendations from the
17 Council, but is there a separate process to just start
18 doing these? We have not gone there at this point.

19
20 CHAIRMAN ADAMS: Mr. Kookesh, did you
21 have something.

22
23 MR. KOOKESH: Yeah.

24
25 CHAIRMAN ADAMS: I'm sorry that I didn't
26 see you first, but she winked at me.

27
28 MR. KOOKESH: I know.

29
30 (Laughter)

31
32 MR. KOOKESH: Kinder, too.

33
34 I was just noting that when we were
35 looking at this process that when Mr. Kessler starting
36 talking about it, he was talking about a mediation
37 process we don't even know of yet, in which he was trying
38 to engage us. We're already engage regardless. So we're
39 just as good as stakeholders. And this mediation
40 process, I don't even where it's at yet, and I don't
41 think -- I believe, I'm speculating, but that was just my
42 take on what I heard him -- when I heard him talk.

43
44 CHAIRMAN ADAMS: Thank you, Floyd. Got
45 a response to that.

46
47 MS. PENDLETON: The word mediation -- Mr.
48 Chairman, Mr. Kookesh, the word mediation has a lot of
49 different meanings, and there's a lot of different ways
50 to go about a mediation. And the Institute will help the

1 various stakeholders navigate that. And through this
2 initial phase, Phase I, the assessment will help to
3 identify based on everything that they learn, they hear,
4 the willingness of parties to come together in good
5 faith, and work on a locally-developed solution, they
6 will help to recommend some next steps around mediation
7 and the form that that mediation might take.

8

9 CHAIRMAN ADAMS: Okay. Thank you. Any
10 more questions.

11

12 (No comments)

13

14 CHAIRMAN ADAMS: I do have one. You
15 know, you've got it looks like your plan pretty well
16 outlined here, and how is the State cooperating with you
17 in this process? I know they've got their job set out,
18 too, but is there going to be any kind of coordination
19 between the Feds and the State on this?

20

21 MS. PENDLETON: Mr. Chair. I think as we
22 look at certainly the testimony that was brought forward
23 in March when we heard the petition and listened to
24 public as well as the Sate testimony, a willingness to
25 come as a stakeholder. The State has certainly indicated
26 that willingness. There have been some very broad
27 discussions that have occurred to date, and that
28 willingness is, you know, certainly there. So they will
29 be as part of this initial phase one, one of the
30 stakeholders that the facilitator will meet with.

31

32 CHAIRMAN ADAMS: Okay. Thank you. More
33 questions, anyone. Merle.

34

35 MS. HAWKINS: Yeah. As part of this
36 process, I've had pressure from both sides, from the
37 residents of Angoon to protect their fishery, but also
38 from the seiners who catch salmon that are haded that
39 way. So I just want to make sure that both sides of
40 those stakeholders are going to be involved in this
41 process and contacted and have the opportunity for input.

42

43 MS. PENDLETON: Mr. Chair and Ms.
44 Henderson [sic]. Certainly the facilitators will reach
45 out to all potential stakeholders. I would certainly
46 anticipate that they will reach out to not only the
47 State, but to the tribe, of course, to the petitioner,
48 and to the various commercial interests as well.

49

50 CHAIRMAN ADAMS: Okay. Just before I let

1 you go, I just want to say, I want to thank Angoon, you
2 know, for bringing this petition forward, because when we
3 had our meeting in March, I never saw so many people who
4 wanted to come together and cooperate and to make this
5 happen along with the Feds and the State. And I just
6 hope that really does happen. It's really critical, you
7 know.

8

9 So thank you, Beth and Steve. Appreciate
10 it.

11

12 Mr. Naoroz, you're on.

13

14 MR. NAOROZ: Thank you, Mr. Chairman. My
15 name is Peter Naoroz. I'm the general manager for
16 Kootznoowoo, the petitioner. And I appreciate you
17 bringing this matter up under old business. I know that
18 some of you worked late into the night and we'd like for
19 this, you know, to be behind us, but I think I'm here to
20 deliver a very different message and ask for each of the
21 Council members to help me in this regard, because as you
22 just said, I think it's really important that we all get
23 together. And defining the role of the Council is in
24 large part why I'm here today.

25

26 Some people have told me that this
27 process was remarkable because we had two Cabinet
28 Secretaries sign the letter. I think this process is
29 remarkable because you gentlemen and ladies sitting
30 around the table have set a whole set of new rules for
31 how we protect our fishery in Angoon. It didn't come
32 from Washington, D.C. It came from you all late at
33 night. And we have some of the questions -- we have some
34 questions of what you were thinking about then, and
35 they're intended to be helpful. And some of that we've
36 been discussing in the last few minutes.

37

38 But each of you have done more for
39 bringing attention to subsistence in Southeast Alaska,
40 and maybe the state of Alaska, than any bureaucrat or
41 secretary in Washington, D.C.'s going to do. Your
42 recommendation was well thought out. It called for
43 cooperation. It looked at timelines, and I would say, au
44 contraire, instead of your work being done, it's just
45 begun. And I think that's going to be how the
46 Secretaries measure it. That's what they said in their
47 letter.

48

49 So I really appreciate, Mr. Chairman, you
50 allowing us to speak today, because I think what we are

1 here to do is really applaud the work that has gone on so
2 far. For 10 years we worked with State managers, using
3 the State laws and the State process to move forward.
4 Now we have engaged the Federal stewardship into this
5 question.

6
7 So I'd like to go to a series of
8 handouts, or there's actually two pages and I think you
9 have it on one page, back and forth, and it starts off
10 with a slide, and I noticed there wasn't a screen, so
11 bear with me while I try to work through these. My eyes
12 aren't as good as they used to be.

13
14 But today's Council meeting is historic
15 in many ways. But I'd like to share some observations
16 and thoughts. And those are primarily based on the
17 Secretary's letter which included your recommendations.

18
19 For us, it's the beginning of the
20 dialogue. Earlier this week Kootznoowoo had a board
21 meeting at which time we reviewed the Secretary's letter
22 with the board. And so I was able to talk to each of the
23 board members and get their feedback and kind of
24 understand where they would like to see this to go.

25
26 So I'm here to tell you that Kootznoowoo
27 is going to cooperate and work in every way possible to
28 get this prosecuted correctly. We also look forward very
29 much to the Regional -- to meeting with the Regional
30 Forester as its called for and her leadership in this
31 regard.

32
33 But I think we all have some different
34 operating assumptions from some of the things I heard.
35 There was some comment or remark made earlier, well,
36 isn't this the Federal Government? Don't they need to
37 take the next steps, and why are you waiting? Well,
38 yeah, there were some recommendations made in that
39 regard, and I'll speak to them directly right now.

40
41 The Federal Government has finished the
42 environmental work on the fish passage issue. They're
43 looking for someone who can dynamite a plunge hole in
44 front of that fish passage, and that person was not
45 available this year, so they're planning that for the
46 first part of next year. We expect that to happen and
47 cross our fingers that we don't lose our creek in that
48 plunge hole. There's a fair amount of karst in the area.
49 So there's good attention going to it.

50

1 There's also -- we have received a phone
2 call, telephonic phone calls from ADF&G with regard to
3 doing some survey work coming up in terms of amounts
4 needed for subsistence, so there's ANS working happening.
5 I feel like the funding's going on there.

6
7 I should not be reporting this to you.
8 You should have this in your report, because this was
9 your recommendation, and it should be in front of all of
10 us.

11
12 This year we had 1200 fish, plus or
13 minus, return to Kanalku. We were hoping for closer to
14 4,000. And as I will talk about it later, there was no
15 meaningful fishing effort by the commercial or the sports
16 -- well, of course, on the sports, but by the commercial
17 fleet this year. Only Point Augusta was open. All of
18 Icy and all of Chatham was closed. So we have, you know,
19 maybe an average year if we're lucky, but no fishing
20 pressures on the outside. That's a remarkable fact, and
21 that should be in front of you today.

22
23 We're burning daylight, days are getting
24 shorter. This time limit's getting shorter, and we need
25 to have full engagement on this issue. I was delighted
26 to hear from the Regional Forester that we have a
27 mediator picked. And really, does it matter who that
28 party is? Or does it matter that the people who are
29 going to work with that mediator want to work on it?
30 That's the real question here.

31
32 Throughout and in the letter we talk
33 about key participants. We're a participant, because
34 we're a petitioner, but we went to the State of Alaska
35 through their normal process and we worked with the
36 industry in 2000. So we have gone -- and this is a 10-
37 year process, plus the three years that you recommend.
38 A 13-year process. And we have gotten nowhere, and
39 that's why we went this additional step for the ETJ. So
40 the process is very long for us.

41
42 Are we a party? Yeah, we're the
43 petitioner, but we're not really who's responsible to
44 manage this fishery. It has been the State of Alaska up
45 to now. And now we're bringing the Feds in so I would
46 say another day has turned -- another chapter has turned.

47
48
49 And another word that's used here
50 throughout this letter is the Federal subsistence

1 process. What is that if it's not you all? If it's not
2 people coming to you all and expressing, you know, their
3 concerns and working through the system?

4
5 Now, one of the recommendations you made
6 is that the Council respects -- or requests the
7 Secretary provide annual progress reports. Okay. That
8 was mentioned earlier. But let me jump up, I'm missing
9 the line.

10
11 The Federal Subsistence Program contact
12 and cooperate with Kootznoowoo, Inc. concerning
13 application of ANILCA. And I don't know if that's coming
14 from Mr. Larson, if that's coming from someone at the
15 Federal Subsistence Board, if that's coming from the
16 Regional Forester who has line authority. I just don't
17 know who it is. So one of the questions I'm asking, and
18 now don't -- you know, it sounds like I'm making this big
19 speech, but I'm really trying to encourage, you know,
20 thought provoking, you know, thoughts here and dialogue.
21 Who is the Federal subsistence process? Could I ask the
22 gentleman to my left, Mr. Hernandez? I mean, when you
23 read that in a letter, what do you suggest?

24
25 MR. HERNANDEZ: The Federal Subsistence
26 process?

27
28 MR. NAOROS: I believe it was you that
29 added that language, if I can recall that evening.

30
31 MR. HERNANDEZ: Well, it's hard to recall
32 specifically who said what at that meeting, but who is
33 the Federal -- obviously us and I would say Office of
34 Subsistence Management obviously. And now, as you say,
35 we've involved the Regional Forester. Yeah, it's all of
36 those for sure.

37
38 MR. NAOROS: And I really don't mean to
39 put anybody on the spot, you know, but I think you're
40 right, it's all those things, but what we're doing is
41 creating a new -- Mr. Chairman.

42
43 CHAIRMAN ADAMS: (Indiscernible -
44 microphone not on)

45
46 REPORTER: Bert.

47
48 CHAIRMAN ADAMS:to the Council at
49 this time, you know. Like you said, you don't want to
50 put them on a spot, so we won't allow that to happen.

1 Okay.

2

3 I think all of this stuff here is going
4 to iron out, you know, eventually. And it's good that,
5 you know, you're making your points there. We'll have
6 that recorded so that we can consider them in the future.
7 So if you'd just, you know, avoid doing that, I'd sure
8 appreciate it.

9

10 MR. NAOROS: Mr. Chairman, I'll conduct
11 myself any way the Board, the Council wishes, and I
12 appreciate your guidance.

13

14 CHAIRMAN ADAMS: Mr. Kookesh. Go ahead,
15 Floyd. Go ahead.

16

17 MR. KOOKESH: Mr. Chairman. It's my
18 understanding that we're not treading old ground. We're
19 doing something new. That we have a responsibility here
20 and that we should be answering. That no one is picking
21 on anybody, but we should be receptive and open. That's
22 what this process is. Just my observation that if --
23 we're all grown adults here. We can defend ourselves.
24 We don't need you to do it for us. I don't know what
25 Robert's Rules says, but he's just doing a presentation,
26 asked a kind question. Let's just be open to this
27 process, that's what we need. We don't need to be closed
28 in this process. You can see what it's gotten us
29 already. It's gotten us to this point.

30

31 Thank you.

32

33 CHAIRMAN ADAMS: Thank you, Floyd. But
34 I really feel strongly, you know, about that.

35

36 Go ahead.

37

38 MR. NAOROS: Mr. Chairman. I'll follow
39 your guidance here. I won't direct questions to any of
40 your Council members. But if they feel like they would
41 like to jump in, please do.

42

43 CHAIRMAN ADAMS: Sure. There will be a
44 period after your presentation when that can happen, but
45 I wouldn't do that right now.

46

47 MR. NAOROS: Another -- so trying to
48 identify who the participants are I think is an unclear
49 area. But I'm here to tell you that we're going to try
50 to -- we're going to work, you know, to the fullest

1 extent of our ability to cooperate and solve this
2 problem.

3
4 So the letter also said in that regard
5 that, you know, the parties want to, participants wanted
6 to avoid ETJ. Well, I'd just like to go on record,
7 members of the council, that that's what we're asking
8 for. So we're not trying to avoid it. What we're trying
9 to do is invoke it so that we could protect our
10 subsistence priority, because we feel like that's the
11 only what that it can happen. However, at the March
12 meeting we did hear from the ADF&G a lot of interest in
13 working with us. So maybe times have changed, so I think
14 that's the reason that Kootznoowoo is interested in
15 committing time and energy to this process, because maybe
16 it ends up better for all of us.

17
18 And, you know, the RAC has always been a
19 place where people could talk candidly, and we're
20 abruptly cut off. And some of the State process could
21 improve that regard. So, you know, I think we should all
22 try, you know, to do the best job we can here to really
23 solve this problem.

24
25 Again, we talked briefly about three
26 years, and we agree with the Secretaries, it's too long.
27 However, I'll bring another perspective to the table for
28 one moment. The very minute the press started to
29 announce what was happening in March, I heard from one of
30 the senior if you will leaders of the industry say, well,
31 what happens after three years? Well, I think in order
32 to have to answer that question in a negative way, we
33 need to start thinking about right now.

34
35 There's a few things that we'd add to the
36 chronology that I've already touched on, and I'm just
37 going to leave it in my notes, and if that could be in
38 the record, Mr. Chairman.

39
40 But one thing I think we're missing what
41 I call the basics. And this is State law. You know, you
42 have to manage for conservation. You have to manage for
43 that escapement first. And there is really no allocation
44 to subsistence if you will. And once you've done that,
45 then you're left with the Board of Fish to deal with the
46 commercial and the sport harvests. We really don't want
47 to jump into the middle of that. I mean, what we want to
48 do is start the process and follow the State law so that
49 if we have to go ETJ, at some point we can go back,
50 because we're following State law in this regard.

1 And there was a comment made in the night
2 of our -- that we put this together, and it was later
3 retracted, I'll acknowledge that right now, that the Feds
4 had only one option and that was to close the fisheries.
5 And I just so -- you know, I want to jump up and I
6 probably did say something, but I mean to really deal
7 with that, because the Feds have so much more. They
8 could work with the state and do something. What we're
9 talking about now is ultimately the responsibility -- the
10 current policy -- previous policy makers have not upheld
11 the responsibility to make sure that the preference and
12 priority is met before they do the allocation. So
13 there's a lot of homework that needs to happen on these
14 streams. There's a lot of homework that needs to happen
15 in the communities.

16
17 And also one thing about your
18 recommendation that I think is just most outstanding is
19 the local focus, the willingness to go to the local
20 communities and get the local stakeholders involved. And
21 we're not waiting for a Board of Fish cycle. So let's
22 make that part of Alaska's future management plan. We're
23 hearing the State saying that they -- we're hearing
24 overtures. We have confidence in this Commissioner that
25 is responsible for this management.

26
27 Mediation. We think the State of Alaska
28 is the main party to, you know, come to the table. And
29 I think the comment about, well, what, you know, isn't
30 this the Feds responsibility to take care of the
31 subsistence? No. It's the State's responsibility as
32 long as you defer this action. Under State law, that's
33 who's managing this, because we're dealing with a low
34 tide, below high tide situation. That's an entirely
35 different discussion that I'd like to have with this
36 Council at some other time.

37
38 But, you know, we have tools in our
39 toolbox in Angoon to help this Council move good policy
40 forward, and we stan read to do that.

41
42 But I think each member needs to
43 understand what the State law requires. If you look at
44 some of our petitions, some of our proposals to the Board
45 of Fish, we were asking the State to follow State law.
46 What we heard back was the attorney, the Department of
47 Law said we were going down a slippery slope. Well, I'm
48 suggesting that this Council could make that slippery
49 slope a reality, you know, to get down, climb down or
50 climb up, however you want to see it, for our people to

1 get their subsistence priority and preference.

2

3 So the current system has to change. And
4 it's not working. We can't just punt. for a while, and
5 maybe this is an overstatement, but I'll try to make this
6 my last couple words, Mr. Chairman, there was a -- I like
7 to think
8 in analogies and metaphors, but the one I really hate is
9 football, but this is the only one I can tell you. In
10 2002 there was a fumble near the end zone, and Angoon was
11 protecting that ozone. Thankfully we jumped on the ball,
12 so we got possession. Ten years we move the ball all the
13 way up field to the one yard line where we could stop
14 this reverse priority if you will. So we were ready to
15 go into the end zone. And what we did is we didn't go
16 for seven -- six points. We didn't go for three points.
17 We punted. And I want to make sure that when we punted
18 that ball, you know, and said, let's wait three years,
19 until we make the best of it. I don't know how we --
20 they're on the 20 yards again and moving forward. This
21 Council has the responsibility and that's outlined in
22 ANILCA, and I'm telling you Kootznoowoo is here to work
23 with each one of you, and as a team, to move that ball
24 back to our end zone.

25

26 Mr. Chairman. That concludes my remarks.
27 And I'm ready to take any questions.

28

29 CHAIRMAN ADAMS: Thank you, Pete. Any
30 questions from the Council.

31

32 (No comments)

33

34 CHAIRMAN ADAMS: None. Thank you, Pete.

35

36 MR. DOUVILLE: I have a question.

37

38 CHAIRMAN ADAMS: Okay.

39

40 MR. DOUVILLE: A comment or a question.

41

42 CHAIRMAN ADAMS: A question.

43

44 MR. DOUVILLE: I have no question.

45

46 CHAIRMAN ADAMS: No questions. Okay.
47 You can make comments, you know, later on when we talk
48 about this more.

49

50 Thank you, Pete. Well, you know, I

1 sympathize with everything that you said there in your
2 testimony, and I think all I can say is that this Council
3 is prepared, you know, to assist, you know, in this
4 process in whatever way we can, but it has to, you know,
5 be -- like.....

6

7 Oh, you said something that kind of
8 touched my attention here when you said that we were
9 done. Well, I disagree, you know. Maybe you made that
10 comment that we were done with this issue, but we are not
11 done with this issue. We have done our work, you know,
12 as far as we possibly could, and now it is kind of out of
13 our hands until we see this process begin to take place.
14 Okay?

15

16 MR. NAOROZ: Mr. I hear what you're
17 saying. I would respectfully disagree. I would say that
18 you were done on the night of March, that the Secretary
19 -- the 20th of March you were done. You had done your
20 assignment. But then the Secretary's letter came out and
21 said, the Federal subsistence process is going to meet
22 with Kootznوو, the Federal subsistence process is
23 going to do this, the Federal subsistence process is
24 going to -- I mean, just when we first got notice of this
25 meeting, we tried to get on the agenda. We're pushing to
26 get this process going and not feel like we -- and every
27 single rural subsistence user is an important part of the
28 process, and we're here to make sure it works.

29

30 CHAIRMAN ADAMS: Thank you. And I, for
31 one, and I think the Council is in agreement, are glad
32 that you're here to help with the process.

33

34 Mr. Kookesh, you had a couple questions.

35

36 MR. KOOKESH: Yeah, Mr. Chairman.

37

38 One of the things I was looking for, Mr.
39 Naoroz, was -- you're looking to make sure that,
40 hopefully Beth had echoed it, too, but that we -- that
41 the ETJ issue goes on the agenda every six months. Is
42 that right?

43

44 MR. NAOROZ: Thank you, Mr. Kookesh.
45 Through the Chair. Yes. I think that's what the
46 Secretaries are asking for. And how much of a deal you
47 make out of it is, you know, entirely up to the Council.
48 And it really depends on what your role is.

49

50 CHAIRMAN ADAMS: Another question?

1 MR. KOOKESH: Yes.

2

3 CHAIRMAN ADAMS: Go ahead.

4

5 MR. KOOKESH: And the other one was just
6 off the top of your head, do you have an idea of what
7 you view as stakeholders in this process?

8

9 MR. NAOROZ: Mr. Kookesh, through the
10 Chair, the stakeholders in my mind the beneficial owners,
11 or people who have that priority, the subsistence
12 priority and preference. Those are the stakeholders.
13 And they can be represented in a number of ways. The
14 Alaska Native Brotherhood, through the community, you
15 know, through their corporations. We're here in that
16 regard, but we're formally a petitioner here.

17

18 In terms of what we're looking for, which
19 was the management of the purse seine fishery, the
20 stakeholders is a different group. And I would think the
21 number 1 stakeholder in that regard, and that's what my
22 notes reflect, is the State of Alaska, ADF&G. Now, the
23 Secretary has ultimate -- the Secretaries have ultimate
24 authority as we found out through our, you know, research
25 on ETJ. And then as we developed that, if you will, that
26 process, we found out the RAC was the one who actually
27 came up with the recommendations that was important to
28 the -- so I think, you know, it is a shared
29 responsibility, but I think if you're looking primarily
30 let's say the Federal subsistence process, whatever that
31 is, and then the State of Alaska. Those are really the
32 folks that are going to be managing what's at hand here.

33

34 And Kootznoowoo, you know, and I don't
35 want to say all we did, but, you know, we have been
36 steadily trying to work whatever process is out there to
37 get a remedy or relief here. So it's, you know, Mr.
38 Kookesh, you know, I hate to be long winded, but the
39 process is really what's, you know, this unique thing
40 that we have here in Alaska. And, you know, how we
41 define that. And that's why I'm looking at you gentlemen
42 and ladies. You know, I know what State system, how it
43 works right now, and that's what we're trying to change
44 or avoid or, you know, it's not working. So if they're
45 ready to, you know, to engage in what I would consider a
46 meaningful dialogue with the Federal managers and those
47 who have oversight responsibilities.

48

49 I think we all move forward.

50

1 CHAIRMAN ADAMS: Okay. Cathy.

2

3 MS. NEEDHAM: Thank you, Mr. Chairman.

4

5 It's kind of unclear to me what you're
6 asking for us to do given the limitations of the fact
7 that, you know, we've already been through a big portion
8 of this process and have come out with a very big
9 deliverable. And one thing that jumps to mind that I'm
10 wondering if this actually address what you're trying to
11 ask us, is if we take into consideration Mr. Kessler's
12 recommendation of appointing a representative from this
13 Council to participate in this mediation that's going on
14 over the next six months, or that, you know, assign
15 someone who may be contacted by that. That is something
16 that would engage this body again. And would that help
17 and start -- because I kind of get the feeling you're
18 asking us to be involved in something, but at this point
19 and juncture, I don't see where our involvement is,
20 because we've actually done quite a bit of work already.

21

22 MR. NAOROZ: Ms. Needham, thank you.
23 Through the Chair. You know, I applaud that work that
24 you've done, and I think that going forward that you're
25 going to see that there's more work to be done. And
26 that's up to you all how you manage it.

27

28 I mean -- but one thing I do believe is
29 that one of -- that you all could look at is review of
30 the budget that's in regard to this. I mean, the timing,
31 the travel, this and that. And I don't think there's
32 nearly enough money set aside from the rumors I've heard,
33 and I want to say that, before I answer your question,
34 you know, seriously, I'd like to, you know, have a chance
35 to sit down with Regional Forester Pendleton, because as
36 the letter describes, she's going to be point. She's
37 going to be leading this effort. And she'll know, you
38 know, what she can do and how far, you know, and where
39 she wants her leadership to take us.

40

41 But I think that given the fact that you
42 all are meeting here, that a couple of things needed to
43 be said, all of which I said. I'm sure I didn't cover
44 everything. But then a good thank you and a gunalcheesh
45 for the work that you've done. I mean, that was late
46 into the night, you know. I never -- for instance the
47 three years, I never heard how that evolved. It was
48 explained a little bit earlier to me, but I know it was
49 on the original memo, but how, you know, was that
50 debated? How was that discussed, you know, where did it

1 come from?

2

3 So I think, you know, no matter what
4 happens here, we're going to have to be more transparent.
5 We're going to have to do more explaining. There's going
6 to be more money required.

7

8 You know, there was a suggestion also
9 made that, oh, well, someone offered us a seine fishery,
10 or gillnet fishery. We're not asking for that type of
11 stuff. What we're asking for is giving this chance -- if
12 this is what you all believe really is what we need to
13 do, a chance to work. And that means attending to it.
14 Keeping it on the schedule, knowing who's doing what, and
15 making sure that you're satisfied with the process,
16 because I'll come back. But, you know, these are your
17 communities, these are your people that you're
18 representing, and they're relying on you.

19

20 CHAIRMAN ADAMS: Thank you. And, you
21 know, we'd be happy to receive updates every six months
22 or so, whenever we have a meeting, you know. So I think
23 that's appropriate.

24

25 Question.

26

27 MR. HERNANDEZ: Yeah. One last question.
28 So you want a very -- you want to see a very good design
29 outcome other than, as Tim said earlier, just don't leave
30 it broken or don't leave it deferred?

31

32 MR. NAOROZ: I would like to see everyone
33 pitch in. If it's broken -- you know, I read the
34 Secretary's letter. I think there is going to be some --
35 the marines say one thing, you know, you prepare for the
36 worse. Right? But you pray for the best. And I'm here
37 today praying for the best, but I'm telling you where
38 the worst is. The worst is neglect.

39

40 CHAIRMAN ADAMS: all right. Thank you,
41 Mr. -- Donald, go ahead.

42

43 MR. HERNANDEZ: Thank you, Mr. Chairman.
44 Mr. Naoroz. Thinking it over a little bit, you know, I
45 think we do need to be, you know, part of this ongoing
46 process. I think we essentially got the ball rolling
47 with a pretty significant finding, if you will, that the
48 Council came up with. And that was basically that we
49 agreed with the premise of your petition, that, yes, it
50 did -- your subsistence priority was not being met, and

1 we gave the Secretaries the underlying foundation for
2 granting the petition if necessary or mediating the
3 situation. And I think what the Council needs to do in
4 the future is just make sure that we stand by that
5 underlying finding that we had that, yes, you have
6 grounds for this action. And we shouldn't back down from
7 that without -- I mean, that's your leverage. Without
8 that finding, we didn't have leverage. And we gave you
9 the leverage to make this happen and I think we have to
10 stand by that regardless of, you know, what may come out
11 of some of this mediation process. But I think that's
12 going to be significant for us in the future going
13 forward here.

14

15 MR. NAOROZ: And through the Chair, Mr.
16 Hernandez, thank you.

17

18 CHAIRMAN ADAMS: One last comment. Okay.
19 Thank you, Mr. Naoroz, we appreciate your being here and
20 the comments you have made. Gunalcheesh.

21

22 We want to give the State an opportunity
23 to address this issue at this point, too, so, Ms. Yuhás,
24 you are in the hot seat.

25

26 MS. YUHÁS: Thank you. Do I get to quote
27 the Chairman and say just don't ask me any hard
28 questions? I appreciate the opportunity.

29

30 CHAIRMAN ADAMS: That's my policy.

31

32 MS. YUHÁS: I appreciate the opportunity
33 and I did heard some questions of the RAC members when I
34 was in my seat, and I have some answers there that others
35 were unable to provide, because they aren't the State.
36 And I'll speak up for Member Needham here.

37

38 At your last meeting the State reported
39 to the Board and to the RAC, and you saw a PowerPoint
40 presentation on things we had identified to be addressing
41 the situation, regardless of whether the petition moved
42 forward or not. And we made commitments that regardless
43 of what happened with the petition, or how long things
44 took with the petition processes, that we would be moving
45 forward. Not to do so in our opinion would be
46 irresponsible. If we see a solution, we should be
47 enacting as quickly as we can.

48

49 And to update you on some of the things
50 that we discussed, one was the genetic stock

1 identification. We have in fact begun to collect genetic
2 samples of the DE-12 purse seine fisheries, but there was
3 little commercial fishing this year, so our samples were
4 small. But we did move forward and collected at least a
5 baseline sample there. So we had 130 samples from
6 Hasselborg, 115 from Eva, and 90 from Pavlov, 82 from
7 Kanalku, and 84 from Kook Lake, and we had some others
8 from Point Augusta, match scales and tissues for 1,079,
9 Hawk Inlet test fishery, 376 matched, and Lynn Canal
10 gillnet, 5400.

11
12 We have been reviewing the ANS and
13 Subsistence Division put in an AKSSF proposal to review
14 and update the Angoon and Hoonah ANS. And results should
15 be ready for presentation at the next Southeast Board of
16 Fisheries meeting.

17
18 So we don't have all the answers in front
19 of you, but I do have, you know, status reports on things
20 we said we'd move forward with regardless.

21
22 The Kanalku Falls modification, we have
23 been working to improve the fish passages and that's
24 slated for 2013. We conducted a pilot study in 2012 that
25 showed only 45 percent of the run was able to ascend the
26 falls, and that's pretty significant given, you know, the
27 small return. 45 percent of that run not being able to
28 make that up is a pretty big deal. Average spawning
29 escapement from 2001 to 2011 was only 1270 fish.

30
31 But those are a portion of the things
32 that we've been working on, and you had a full PowerPoint
33 before you. We fully expect to be giving reports the
34 same way we would whether there was a petition or not.
35 Not to diminish anything, because we're happy to
36 participate, but it would be irresponsible to wait three
37 years to find out if someone else wanted to say, yeah,
38 you should move forward on that. We know we can have
39 some results now, we need to move forward now. And we
40 committed that previously regardless of the petition.

41
42 CHAIRMAN ADAMS: Thank you, Jennifer.
43 Questions for Jennifer.

44
45 (No comments)

46
47 CHAIRMAN ADAMS: Thank you, ma'am.

48
49 MS. YUHAS: I would like to commend the
50 Region X Forestry Office for their ability to be working

1 with us over the last six months, previously as well.
2 But in case anyone is asking how things are going as far
3 as the coordination, we have had early and often
4 communication. We may not always have the same viewpoint
5 on things, but we're communicating very often with the
6 Region X office and being very transparent in
7 acknowledging what's happening.

8
9 CHAIRMAN ADAMS: Gunalcheesh. Thank you.
10 Got a question.

11
12 MR. DOUVILLE: Not a question. I'm going
13 to do a comment. You know, I appreciate the State's
14 effort in moving forward.

15
16 MS. YUHAS: Thank you.

17
18 CHAIRMAN ADAMS: Any more questions or --
19 you can make a comment, too, if you want. Yes.

20
21 MR. WRIGHT: I, too, would like to thank
22 the State for moving forward on the genetic study,
23 because I was wondering where that was at, because that
24 was one of the things that we had asked for, and
25 gunalcheesh.

26
27 CHAIRMAN ADAMS: Okay. Thank you,
28 Jennifer.

29
30 We are going to take other public
31 comments now. And if you don't have one of these, you
32 aren't going to be called to testify, so if you want to
33 testify on this particular issue, we'll take that --
34 we'll start that right now.

35
36 Let me just reemphasize what I said at
37 the beginning of this particular session was that, you
38 know, we would ask you to respect, you know, our time and
39 make your comments -- you know, be as thorough as you
40 can, but we also want to be able to move on with our
41 other agenda items, you know, before tomorrow afternoon
42 anyhow.

43
44 So, Mr. Bob Loescher, are you prepared to
45 make your comments.

46
47 MR. LOESCHER: Yes, sir, Mr. Chairman.
48 And I have an assistant from the U.S. Forest Service to
49 help me in my presentation. I'm handicapped, because I'm
50 blind, legally blind, so I want to make my presentation

1 as clear as I can and as concise as I can. I have asked
2 that my testimony be presented to the RAC Board, and
3 there are copies for the public here if they want copies,
4 and I'd like to ask you if you could consider entering
5 that into the record as well.

6

7 CHAIRMAN ADAMS: So it will be done, Mr.
8 Loescher. Thank you.

9

10 MR. LOESCHER: Thank you very much. Mr.
11 Chairman, I represent the Alaska Native Brotherhood Grand
12 Camp. I'm also a member of the Tlingit-Haida Tribal
13 Assembly. And I've been involved in Native affairs for
14 almost 50 years in business, in tribal government, and in
15 non-profit corporations, and, you know, dealing with the
16 government, both State, Federal, and tribal throughout
17 America.

18

19 And I'd like to speak on the letters from
20 the Secretaries of Interior and Agriculture. Personally
21 in my career I find it extraordinary that we received a
22 signed letter in response to a petition from Alaska
23 Natives in working with the issues that we are confronted
24 with. I just think it's unprecedented, and it's very
25 much welcomed.

26

27 The Angoon people did not get exactly
28 what they requested in their petition was the exercise of
29 the authority of extraterritorial jurisdiction beyond
30 Federal lands and waters, but I think the Secretaries
31 made it very clear that they did recognize that there is
32 a problem here in terms the preference and priority, and
33 that there's a problem here in terms of the conservation
34 management of sockeye salmon, and that there is possibly
35 over-fishing by the commercial fishing industry that's
36 impacting the escapement that's necessary for
37 conservation of the fishery and also for the
38 implementation of Title XIII of ANILCA subsistence. And
39 that the Secretaries are very -- have reserved the right
40 to exercise their authority if they don't see any
41 progress in this regard in terms of satisfying the
42 concerns expressed by Angoon in their petition over the
43 next 36 months.

44

45 And I think, you know, again where does
46 that bring us? We can be successful in trying to find
47 solutions, initiate mitigation measures to deal with this
48 issue, or we can be back here before the RAC advising the
49 RAC that the Angoon people and others may again petition
50 the Secretary to exercise his authority, or we may be

1 looking at other means of doing so.

2

3 And the Native community is watching
4 very, very carefully at how this process takes place
5 going forward with Angoon, because in other parts of our
6 region and other parts of Alaska this same situation is
7 occurring given the news of the last couple months and
8 the disaster declarations that have been promulgated by
9 both the Governor and the Federal Government on fisheries
10 and subsistence issues across Alaska.

11

12 And so again that's -- it's very
13 significant, the letters that we received from the
14 Secretaries of Interior and Agriculture, and it's very
15 much welcomed.

16

17 What is the role of the Regional Advisory
18 Council, the Regional Advisory Council for Southeastern
19 Alaska. And I'd like to ask my helper here if he could
20 read for me a very short part of Title VIII which
21 outlines that, and then I'll speak for a moment and then
22 recognize a portion of the Secretaries' letter and the
23 attachment paragraph.

24

25 Go ahead.

26

27 MR. SUMINSKI: Section .805 of ANILCA,
28 except as otherwise provided in subsection (d) of this
29 section, one year after the date of enactment of this
30 Act, the Secretary in consultation with the State shall
31 establish (1) at least 6 Alaska subsistence resource
32 regions which taken together include all public lands.
33 The number and boundaries of the regions shall be
34 sufficient to assure that regional differences in
35 subsistence uses are adequately accommodated. Number
36 (2), such local advisory committees within each region as
37 he finds necessary at such time as he may determine after
38 notice and hearing, that the existing State fish and game
39 advisory committees do not adequately perform the
40 functions of a local committee system set forth in
41 paragraph (3)(d) for the subsection, and, number (3), a
42 Regional Advisory Council in each subsistence resource
43 region -- each Regional Advisory Council shall be
44 composed of residents of a region and shall have the
45 following authority. (A) The review and evaluation of
46 proposals for regulations, policies, management plans and
47 other matter relating to subsistence uses of fish and
48 wildlife within the region; (B) the provision of a forum
49 for the expression of opinions and recommendations by
50 persons interested in any matter related to subsistence

1 uses of fish and wildlife within the region; (C) the
2 encouragement of local and regional participation
3 pursuant to the provisions of this title in the decision-
4 making process affecting the taking of fish and wildlife
5 on the public lands within the region for subsistence
6 uses; (D) the preparation of an annual report to the
7 Secretary which shall contain (i) an identification of
8 current and anticipated subsistence uses of fish and
9 wildlife populations within the region; (ii) an
10 evaluation of current and anticipated subsistence needs
11 for fish and wildlife populations within the region;
12 (iii) a recommended strategy for the management of fish
13 and wildlife populations within the region to accommodate
14 such subsistence uses and needs; and (iv) recommendations
15 concerning policies, standards, guidelines and
16 regulations to implement the strategy. The State fish
17 and game advisory committees or such local advisory
18 committees as the Secretary may establish pursuant to
19 paragraph (2) of this subsection may provide advice to
20 and assist the Regional Advisory Councils in carrying out
21 the functions set forth in this paragraph.

22

23 Oh, one more.

24

25 MR. LOESCHER: All right.

26

27 MR. SUMINSKI: (B) The secretary shall
28 assign adequate qualified Staff to the Regional Advisory
29 Councils and make timely distribution of all available
30 relevant, technical and scientific support data to the
31 Regional Advisory Councils and the State fish and game
32 advisory committees, or such local advisory committees as
33 the Secretary may establish pursuant to paragraph (2) of
34 subsection (A).

35

36 MR. LOESCHER: Mr. Chairman. The things
37 outlined in statute certainly overlap what has happened
38 in the Secretary's letter, and certainly you know of the
39 planning and the changes in plans, the changes in
40 possible regulations and statutes, the issue of science
41 and those kinds of things are certainly going to not only
42 focus on what's happened in Chatham Straits and Icy
43 Straits and Peril Straits and Admiralty Island situation,
44 but also are going to precedent setting for the future
45 and will affect the decisions of this Council and their
46 recommendations to the Federal Subsistence Board.

47

48 The Secretary also in his letter, and I
49 hope you read the letter and the attachment, there was
50 significant language in the letter which I'd like to ask

1 to be read, which bear on the role of the RAC and what
2 goes on here.

3

4 MR. SUMINSKI: Defer extending Federal
5 jurisdiction into waters of Chatham Straits as the
6 Council believes these actions will address the issue
7 raised by Kootznoowoo, Inc., and facilitate a solution
8 developed at the local level.

9

10 Amend the Northern Southeast Alaska Seine
11 Fisheries Management Plan and the Hidden Falls Hatchery
12 Management Plan to include accommodations for the State
13 and Federal subsistence fisheries.

14

15 Close the commercial seine fishery areas
16 in regulation that would have been closed by State
17 emergency order near Basket Bay and Kootznoowoo Inlet.

18

19 The Federal subsistence program and the
20 Alaska Department of Fish and Game will assist the
21 community of Angoon in developing a regulatory proposal
22 for the State Board of Fish at the next regular cycle to
23 change the amounts necessary for subsistence finding to
24 a community level rather than a Juneau management area
25 designation.

26

27 It is advantageous for evaluation of the success of the
28 management plan if the escapement goals for Kanalku,
29 Kook, Sitkoh, Hasselborg, and Eva Lakes are developed.
30 Genetic stock identification programs and escapement goal
31 studies by the State of Alaska in cooperation with the
32 Federal Subsistence Management Program will be
33 implemented within three years.

34

35 The Federal subsistence program contact
36 and cooperate with Kootznoowoo, Inc. concerning the
37 application of ANILCA.

38

39 MR. LOESCHER: Mr. Chairman and members
40 of the Council. The words of the Secretary as attached
41 in those recommendations attached to the letters are the
42 words of the Secretary, but also I remember that they're
43 your words. This RAC made those words up and submitted
44 them as recommendations to the Federal Subsistence Board
45 and to the Secretary. And so, Mr. Chairman, I believe
46 that this RAC is very necessary to the process of going
47 forward, not only the process that the Regional Forester
48 is the point leader on as outlined by the Secretary, but
49 the RAC has a definite role. And I would like to urge
50 the Council to consider appointing one, two or three

1 members of the Council to participate in the working
2 group or whatever group the Regional Forester decides to
3 bring together, and under whatever circumstances she does
4 to participate. So they will understand the interactions
5 of the stakeholders and the parties of concern here, and
6 the people of Angoon. And I think that is a very
7 important thing that the RAC should consider to be a
8 party and a participant to this.

9
10 The other thing is I believe that
11 whatever the process the Regional Forester comes up with,
12 and what the working group comes up with, I believe that
13 this Council receive at least quarterly reports on the
14 progress so that they -- the full Council understands how
15 this thing is going forward, and also to be aware and
16 alert of the matters that need to come before the
17 Council's calendar so that it can be done in a timely
18 way, because the 36-month's process is not going to be a
19 static process. It's going to be an interactive process
20 and there will be actions and activities going on during
21 that time frame that certainly that the Council will need
22 to support and enact and enter recommendations to the
23 Federal Subsistence Board and to whatever process and
24 regulatory scheme that needs to accompany this exercise.

25
26 So I urge your consideration of our
27 request that the Council, the Regional Advisory Council
28 become a participant in this process at least to the
29 extent that they send a couple representatives to the
30 working group and receive at least quarterly reports.

31
32 Mr. Chairman. I have a couple other
33 rhetorical questions that I'd like to try to discuss.
34 What is the role of the mediator? I've been involved in
35 business as I said for almost 50 years. I've negotiated
36 all kinds of transactions in all kinds of different
37 forums, mediation, arbitration, courtrooms, town hall
38 meetings, you know, various commissions and councils.
39 And the most important thing I found in all those years
40 of my experience is the necessity of bringing unlikely
41 interested parties to the table, to a common table, and
42 so that they can look each other -- look at each other,
43 hear each other, understand each other, debate each other
44 and try to come to reasonable conclusions that will
45 benefit each of their interests and the community at
46 large. That has been my experience.

47
48 Now, there are all kinds of permutations
49 of how you resolve concerns. I like to call this a
50 controversy. Some people are calling it a conflict. The

1 Secretary's letter and the recommendation of the RAC, the
2 analysis paper of the Office of Subsistence Management,
3 and the recommendation by the Federal Subsistence Board
4 to the Secretary and the Secretary's decision have
5 already defined the direction that we need to go. They
6 have found that a preference and priority has not been
7 met. They have found that the conservation management,
8 you know, and the commercial fisheries catch, you know,
9 has not been helpful to escapement and subsistence.
10 That's already been found. The Secretary in his
11 attachment has outlined areas that need to be addressed
12 by the Regional Forester and the stakeholders.

13

14 And so I'm kind of puzzled about this
15 business of mediation. There's mediation that can take
16 on a very legal context and work to define and narrow
17 what is to be dealt with in the future. I don't think
18 that's what we need here.

19

20 And I'm concerned about the choice of the
21 mediation group. It's a quasi-governmental entity and
22 it's called Environmental Conflict Mediation something
23 Institute. Even that name is going to turn off parties
24 that need to be at the table, and among the fishermen's
25 group, the environmental groups, the Native groups and
26 whatnot. Just that name.

27

28 Then it surprises it's financed by the
29 BIA without consultation with Natives. That's
30 interesting.

31

32 And so I just, you know, wonder about
33 this direction.

34

35 The other thing is, you know, I've been
36 involved in Native affairs with the Tlingit-Haida Tribe.
37 I serve on the judiciary committee of the tribe, and an
38 advisor to that group from time to time. And we have
39 been working on Indian child welfare and child support
40 issues with our tribe and the State of Alaska. About a
41 year and a half, two years ago, we tried to bring in a
42 mediator from the U.S. Health and Social Services, and
43 two -- the mediator came to Alaska, the Federal mediator
44 came to Alaska, tried to meet with the Governor's Office
45 and the Attorney General and the agency, and were
46 rebuffed twice by the Governor. He said, we do not want
47 Federal mediation in any of our business.

48

49 So I pose the question, you know, is the
50 State of Alaska going to join this process with a Federal

1 mediator involved? That's a good question, because in
2 dealing with other Native matters across the state and in
3 our region, they have declined. And so we are interested
4 in how this is to be dealt with.

5
6 The other thing is this. We are
7 Alaskans. You know, when we decide to deal with a
8 matter, we come to the table, we look each other in the
9 eye, we listen to each other, and we try to find the
10 answers. Most of the time we do. Sometimes we don't.
11 But that's been my experience, you know, since before
12 statehood.

13
14 Now, this -- I received an email from Mr.
15 Kessler announcing the mediation group and what its
16 charge was and a Phase I and a Phase II. And Phase I
17 says that they -- the mediator group will interview
18 stakeholder groups and outline what they find and put it
19 into a report, and then they'll decide whether or not
20 they need to move into a Phase II, which is -- hopefully
21 it's an implementation and action-oriented presentation.

22
23 But I looked at this and said to myself,
24 hmm, they want to divide the Natives from the fishermen,
25 from the State of Alaska, from the hatchery guys, and
26 from the Forest Service. And I said, we don't need to be
27 divided. We need to be put together and we need to work
28 with the Regional Forester and her Staff since she is
29 appointed by the Secretary to be the point leader, and
30 sit down and review the public record, which is
31 extensive, conducted by this RAC and the Federal
32 Subsistence Board, look at the recommendation of the
33 Office of Subsistence Management, look at what the
34 Secretary's letter said, and the attachments say, look at
35 what Angoon people said in their two letters, and they
36 were required to outline mitigation measures, which they
37 really probably didn't didn't want to do, and then ask if
38 there are any other mitigation measures that any of the
39 other groups want to add, and sit down and have a
40 conversation. And deal with issues and a timely manner,
41 because there are only 36 months to do this, and
42 certainly some of the action items need to be implemented
43 or have already been implemented almost immediately.

44
45 And so I struggle, Mr. Chairman, with the
46 Regional Forester's approach. And I think it needs to
47 have public discussion. But if it's already a done deal,
48 you know, we're going to waste six months talking to
49 somebody who we don't know, who doesn't know us, and
50 they're going to sit down and write down what we already

1 know, and which we've already put into the public record.
2 And certainly we could supplement with a brief additions
3 from the stakeholder groups that are party to.

4

5 So I raise this to you, to the RAC, you
6 know. I really believe that the RAC should look at this
7 question, and also maybe consider recommending to the
8 Regional Forester that she should appoint somebody from
9 her own Staff to be the leader and to bring the parties
10 together and let's have a conversation and move forward
11 and get some action-oriented solutions to what we have
12 found here in Angoon's petition.

13

14 The next question I had was what's next?
15 What's next? What could we do next? And the Alaska
16 Native Brotherhood has taken a look at this and has some
17 very general next steps. And I'd like to ask my able
18 helper if he could outline what we have. There's only
19 five or six points.

20

21 MR. SUMINSKI: A plan to achieve
22 demonstrable progress by establishing a calendar ending
23 March 19th, 2015 of milestones; agreement on project
24 facilitator; agreement on essential research data and
25 science; agreement on mitigation measures; essential
26 parties' budget and funding sources, as well as achieving
27 the goals.

28

29 MR. LOESCHER: Mr. Chairman. Our outline
30 is very simple at this time, but I think it needs to be
31 fleshed out, and I think we -- between the State of
32 Alaska, the Regional Forester's office, the stakeholders,
33 I think we could consider this short outline, and maybe
34 there's some points that need to be added, and come up
35 with a plan to create an action-oriented plan over the
36 next 36 months, and having that action start before
37 spring of this forthcoming year, because I look at the 36
38 months not as a calendar of 36 months, but actually 3
39 fishery seasons, both commercial fishing and subsistence.
40 And I think we ought to look at the Secretary's 36 months
41 on a three season going forward basis.

42

43 But I urge you, Mr. Chairman and members
44 of the RAC, if you could weigh in and look at this and
45 advise the Regional Forester and contribute to the
46 direction of what needs to happen next, I think you would
47 be an awesome force for advancing subsistence for Alaska
48 Native people and rural residents.

49

50 So I appreciate you allowing me to speak

1 here today. The Alaska Native Brotherhood greets you
2 well, greets your meeting. Hopefully it has a successful
3 conclusion. And if any of you can stay for next week, we
4 are going to celebrate our 100th anniversary as America's
5 foremost Alaska Native civil rights organization.

6

7 Thank you.

8

9 CHAIRMAN ADAMS: Thank you, Mr. Loescher.
10 That is a lot of stuff that you have put into our heads
11 here, and, you know, I'll try to just, you know, respond
12 to some of the things that you addressed here. We can't
13 answer all of your questions at this point. We have no
14 idea, and I don't know if any Council member has an idea
15 what the role of a mediator will be. I think that will
16 come forth, you know, when that person, you know, is
17 identified. And so we're as curious as you are as far as
18 that is concerned.

19

20 But also asked that this Council appoint,
21 you know, some members from the Council, you know, to be
22 involved in the process. This will be taken -- well,
23 I'll bring this forth, you know, toward the end of our
24 meeting and see what the Council has to say about that.

25

26 But we do appreciate, you know, your
27 comments, Mr. Loescher, and everything that you have
28 said, you know, is on the record and we will take them
29 into serious consideration as we move forward.

30

31 So gunalcheesh.

32

33 Is there anyone on line that would like
34 to testify at this time.

35

36 (No comments)

37

38 CHAIRMAN ADAMS: Hearing none, Mr. John
39 Martin.

40

41 (In Tlingit)

42

43 UNIDENTIFIED VOICE: (Indiscernible) and
44 I'd ask the people that are talking to please use the
45 mic, because we're missing the whole meeting here.
46 There's a lot of echo in here and we can hear some people
47 real good and some not, I don't know if all the mics work
48 though. Please use the mic for.....

49

50 CHAIRMAN ADAMS: Yeah. Thank you.

1 (In Tlingit)

2

3 Mr. Martin.

4

5 (In Tlingit)

6

7 MR. MARTIN: Mr. Chairman. Council
8 members. Good afternoon. My name is (In Tlingit). I'm
9 from the (In Tlingit) clan. Clan leader for the Sockeye
10 House. My Tlingit name is (In Tlingit). I'm of the
11 Raven moiety. I'm (In Tlingit) grandchild. (In Tlingit)
12 My father was (In Tlingit).

13

14 I'd like to say, using my grandfather's
15 words, (In Tlingit). That means our forefathers in the
16 Tlingit nation have schooled us and say we replicate our
17 ways. We have found the right path. So they're telling
18 the children the kinship, the grandchildren to say, we
19 must have been doing something right for 10,000 years or
20 longer. So stay on the path. It's hard to and difficult
21 to understand this process if you cannot speak the
22 language or understand the culture.

23

24 So today I don't have copies made, but
25 they're available to you. I'll leave it with the
26 Chairman to share with the Council.

27

28 Before I begin my statement I'd like to
29 go on record that Tenakee is the last sovereign tribe
30 that exists in Southeast Alaska. The President of the
31 United States issued an Executive Order 7179, 1935,
32 President Roosevelt. The reason why Department of
33 Interior and Secretary of Interior, Secretary of State
34 does not have our agenda relating to the executive order
35 is because Tenakee was given the executive order long
36 before they U.S. Forest Service came into existence.
37 What the President explained to us was our (In Tlingit)
38 couldn't speak English, so they identified and related to
39 our people this is skookum paper, which means it's a
40 trade language of our people in Southeast. There's no
41 stronger paper that your tribe, your land in Tenakee will
42 exist in perpetuity. Don't let anyone bamboozle you.
43 That executive order as far as our tribe in Tenakee is
44 concerned, it is as good that it was written.

45

46 So I want to begin that I thought -- I
47 don't like the term subsistence. It is like a handout.
48 An afterthought. But nevertheless I acknowledge the law,
49 the regulations that is facing our people. I think that
50 the Tenakee Tribe, actually the question I ask, since

1 Tenakee has not been compensation under Tlingit and Haida
2 court of claims, or Alaska Native Claims Settlement Act,
3 that all the rights are intact.

4

5 But today I plead with each and every one
6 of you, including the Federal Government, the U.S. Forest
7 Service and such, with all respect, please be kind to my
8 words. I ask myself the question, who's leading the
9 Tenakee Tribe along with the (In Tlingit), that we're
10 part of the Angoon family.

11

12 Before I continue, I'm here to support
13 the Angoon petition. Those words are valid and they're
14 strong like our skookum paper.

15

16 The quandary that I find myself in is if
17 we are actually cited for wrongdoing any commercial fish
18 or subsistence, since our agenda has not been
19 compensated, where do we stand on that agenda? Bearing
20 that in mind, I'd still like to make my remarks on behalf
21 of our people. We are not Alaska Natives. We are not
22 rural Natives. We are not urban Natives. We are
23 Tlingit. What does Tlingit mean? It means real human.

24

25 I'm here, I'm one of the voices that want
26 to give a solid statement on behalf of the clan. The
27 clan is not visible to make remarks to subsistence
28 issues. What I hear is we've been left out. The voices
29 of the clan that are deserving to make comments in
30 regards to our livelihood, to exist, those voices are not
31 being heard, so today I'm here and visible.

32

33 (In Tlingit)

34

35 This is how our elders felt when we first
36 had the new visitors into the Tlingit country. They
37 couldn't speak a stitch of English or even capture the
38 tone sounds of what was being said in our environment.
39 I have empathy, because I understand.

40

41 But I do want to say one thing. These
42 fish belong to the Tlingit people. They only go on
43 vacation when they go out in the Gulf of Alaska, and they
44 return back to our communities. This is what I heard one
45 of the elders say. We're not asking, we're not pleading.
46 But we thank you today for having, to hear the cries of
47 our elders, to be able to understand.

48

49 I wish to speak to you about a few of our
50 concerns with regard to this subsistence and economic

1 zone issue. We as the Tlingit people should be
2 considered as equal when we come to the table. We are
3 not your enemy. We have similar concern when it comes to
4 renewable resource, including salmon, crab, clams,
5 cockles and so forth. We've always been good stewards of
6 the land. I would like to see more clans involved
7 identifying the key issues and stakeholders. Just
8 because our people live in an urban area, it doesn't mean
9 they should be deprived of their traditional values.

10

11 Our people, the Tlingits, had the concept
12 of limited entry for over 10,000 years or longer. We
13 woke up one day, one morning, and the clan no longer had
14 any say, no voice on our resource management. Our
15 smokehouses were burned down. We are in a quandary. We
16 need to be categorized as equals. We need to be rid of
17 all the negative stereotyping and come to the table as
18 equals on all renewable resources, and especially the
19 economic zone issues.

20

21 The commercial fishery openings should be
22 set simultaneously to avoid depletion of stock in any one
23 area. I think the key word is simultaneously. If the
24 Feds are working with the State enforcement, we need to
25 understand what they're telling the State. Both State and
26 Federal entities have put us on the back burner, on the
27 outside looking in. They should interpret the CFR regs
28 that are -- that we can understand and the reasoning
29 behind these issues. They include the clans and
30 villages.

31

32 We need to look at the other side of the
33 law as interpreted for the Tlingit people. Our attitude
34 is to work with the State and not to be argumentative, or
35 be responsible for wrong interpretations. It is not our
36 intent to be competitive with other stakeholders.

37

38 ANILCA tells us what we cannot do. It
39 should tell us what we can do.

40

41 The State and Federal Government should
42 understand that the tribes', clans' main concern is their
43 economic zone and its corridors.

44

45 My remarks are no meant to stifle
46 progress, but to bring about equality to the table.

47

48

49 I know these remarks are short and brief,
50 but to the point. I believe that the clan elders can

1 work with the Federal Government as well as the State and
2 the Chairman and your Council members. But we have not
3 seen any visibility of clans. We have not read the
4 clans' involvement. We need to hear the voices. Why.
5 The majority of the communities are having as difficult
6 a time today, having to meet their budget relating to the
7 cost of electricity, the cost of fuel, the cost of the
8 rentals on our housing. These are the people that I'm
9 sure the clan will agree with me, the tribal members will
10 agree with me. Those are the ones that these subsistence
11 way of life is very important.

12
13 It took a lot of contemplation to come
14 before you to be heard. But I understand our culture and
15 tradition and the ways of our people. And I truly
16 embrace our elders' words (In Tlingit). Listen to us and
17 our people. The change will come gradually, but you need
18 to listen to our voices of our clans. The clans that
19 exist within their tribe. Our civilization, we never
20 divorced ourself from our civilization. It was
21 disrupted. It's difficult to understand the attitude of
22 being domesticated. Assimilated. Genocided.

23
24 I don't agree with Tlingit-Haida Central
25 Council's thoughts about peace party. It seems that the
26 issue is settled. But rather than peace parties, I think
27 that we should continue to support co-management with the
28 Federal Government and State Government. Our Tlingit
29 people are afraid of the big guns. That we feel that
30 we're intimidated to go out and harvest our food. But if
31 the State and Federal Government can deal with these
32 issues that face our clan, and saying that we can abide
33 by the law and still be cordial. Working together in
34 management, to entertain some of the thoughts of our
35 Tlingit elders is all I plead for today. I will be glad
36 to answer some questions.

37
38 Thank you.

39
40 CHAIRMAN ADAMS: Gunalcheesh. Questions
41 anyone of Mr. Martin. Tim, go ahead.

42
43 MR. ACKERMAN: Mr. Chairman. A comment
44 is included?

45
46 CHAIRMAN ADAMS: Also comment is
47 appropriate. Comment go ahead,

48
49 MR. ACKERMAN: Okay. Mr. Martin, in the
50 history of the State of Alaska all the clans north and

1 south, east and west, when ANCSA was first initiated
2 through Congress, imposed upon the people of Southeast
3 here, what that in fact did was it broke down the social
4 structure of the Tlingit and Haida people that they had
5 in place. Exactly as you speak, you never hear from the
6 true (In Tlingit) of all the clans. What we have now in
7 place instead of (In Tlingit) is a political party
8 basically you could say. It's amazing to hear this. We
9 were just discussing this up north in the Haines area
10 there of how the Tlingit social structure was taken away
11 and replaced with the ANCSA corporation and basically the
12 clans' voices have been silenced.

13

14 Thank you, Mr. Bob Martin, for mentioning
15 that. I'd like to talk to you again there. Thank you.

16

17 MR. MARTIN: This question, Mr. Chairman,
18 this is what I pleaded with the Council and the Chairman,
19 is to be kind to my remarks.

20

21 I feel that ANCSA was not a treaty. We
22 never heard the voices of the elders in relationship to
23 the negotiations. That is why subsistence, ANILCA is an
24 afterthought. We never initially came to the table. If
25 it's truly the best interests of the clan, they would
26 have been involved and the fishing rights and renewable
27 resource and non-renewable resource could have been
28 entertained in this settlement. And still the clan would
29 be respectable.

30

31 The reason why I put the emphasis on clan
32 in court and the IRAs, we don't need IRAs or BIA to tell
33 us who we are. It's called Indian Reorganization Act,
34 and saying that, okay, you're Federally-recognized
35 Indians. We knew who we were. We didn't need that
36 stereotype and being called Indians. It's not applicable
37 to Tlingits.

38

39 We lost our identity. We were given
40 missionary names. We were told not to potlatch any more.
41 That's why I pleaded with the Council and the Chairman
42 that we should continue the identities of the clan,
43 especially the Tenakee Nation, because we're the last
44 remnants. We don't want to hang onto the issues that
45 face us, that we want to follow the right path of our
46 grandfathers, to be able to say that we're Tlingits, to
47 hang onto our indigenous names that were taken away from
48 us.

49

50 They didn't want us smoking fish any more

1 in our rivers. They didn't want us to talk about the
2 water corridors and following the migration of the salmon
3 into our streams. When our smokehouses were burned down,
4 we said, the Federal Government doesn't want us to smoke
5 fish any more.

6

7 Thank you for the question.

8

9 I could say more, but to me, I think the
10 most important remarks is saying most of the village now
11 have to live with the law of ANILCA Title VIII. Tenakee
12 is sovereign, but yet I plead with the Council to be kind
13 to our Tlingit people that are deserving to have food
14 year around on their table.

15

16 I heard about the resolution and remarks
17 earlier. The resolution saying that if it's not going to
18 be customary trade, there should be no limit for salmon
19 to go in the smokehouses for winter survival.

20

21 Next question.

22

23 CHAIRMAN ADAMS: Any more questions.

24

25 (No comments)

26

27 CHAIRMAN ADAMS: I guess not, Martin.
28 Gunalcheesh. Gunalcheesh.

29

30 MR. MARTIN: Okay. Thank you. Thank you
31 each and every one of you. Gunalcheesh.

32

33 CHAIRMAN ADAMS: Okay. We have two more
34 people to testify here. And, Steve, I'm not even going
35 to try to pronounce your name. You can do that when you
36 get to the mic. And.....

37

38 MR. REIFENSTUHL: Well, that must be me
39 then if you can't pronounce it.

40

41 (Laughter)

42

43 CHAIRMAN ADAMS: So, you know, we're
44 going to try to get into the next one. It's going to
45 take us into the evening. So we'd appreciate your
46 indulgence in, you know, how you.....

47

48 MR. REIFENSTUHL: Be short.

49

50 CHAIRMAN ADAMS: Okay. Thank you.

1 MR. REIFENSTUHL: I will. My name's
2 Steve Reifenstuh, representing fishermen, Northern
3 Southeast Regional Aquaculture Association.

4
5 Three years is a long time, but it's not
6 a long time in the life cycle of a sockeye salmon. And
7 one of the issues I see here is that given three years,
8 anything that is done to the Barrier Falls or to the lake
9 to improve productivity or escapement into the lake will
10 have no effect in three years. What happens in thee
11 years is already out in the ocean, and those fish will be
12 returning regardless of what happens to the Barrier Falls
13 or the lake in the next three years. So in that sense,
14 it's actually a short period of time.

15
16 I would like to reiterate my testimony at
17 the Federal Subsistence Board that NSRAA stands by to
18 come over and work with Angoon, Kootznoowoo to evaluate
19 the lake or help evaluate the lake to see what is needed
20 there. One of the big problems right now as I understand
21 it, having read through the Keening's model and the work
22 they did at the lake back in the 80s is that the
23 productivity of the lake is really not defined. And so
24 it's difficult to know how many fish that lake can truly
25 support.

26
27 One thing, I agree with what Peter said
28 earlier, is that in this year there were roughly -- or
29 not roughly, I got the exact number, was 1,123 fish got
30 into the lake, whereas the camera that was down at the
31 base of the Barrier Falls estimated 2,012 fish. So
32 roughly I think the Department said 45 percent, roughly
33 50 percent of the fish are dying before they even get in
34 the lake, and you can't have production if the fish
35 aren't getting in the lake.

36
37 Looking a year back, in 2011, was the
38 largest pink salmon escapement and catch in Northern
39 Southeast in the history of the State management of the
40 fishery. During that year the escapement to Kanalku Lake
41 was 728 fish. So in the face of a massive fishery, there
42 was still, you know, a reasonable number of fish getting
43 into the lake. And again you still had the Barrier
44 Falls.

45
46 It's interesting that when I was a fish
47 biologist working for the Forest Service in 1979, I was
48 sent over to look at Kanalku Outlet. And at that time we
49 identified that the barrier was likely a problem for a
50 lot of sockeye being able to access. I mean, you have

1 the hydro dynamics that are an important issue, and so at
2 certain times of the year with the right velocity coming
3 out of the lake and down the falls, they can get in, but
4 other times they can't.

5
6 So that's -- you're talking about a long
7 period of time, '79 until now, and we still haven't
8 really solved that issue with the Barrier Falls.

9
10 One last example here in Sitka, Redoubt
11 Lake, which is the largest lake on the island of Baranof,
12 one of the largest island lakes in Southeast Alaska, and
13 the escapement there with no fishery on it, there hasn't
14 been a fishery on it for decades, you know, varies from
15 10,000 to 100,000 fish. And the point being that the
16 fresh water production in concert with salt water
17 survival really delivers a wide variety of survivals and
18 returns to the lake. And the same thing is happening
19 undoubtedly at Kanalku. It's not just the factor of
20 fisheries, but also ocean productivity, lake
21 productivity, escapement into the lake and the things you
22 know about.

23
24 So, again, I would like to thank you. I
25 know this is a very difficult job, a difficult issue, and
26 I am standing by to be part of the solution and expect to
27 see you again.

28
29 Thank you very much.

30
31 CHAIRMAN ADAMS: Thank you very much,
32 Steve.

33
34 A question from Mr. Hernandez.

35
36 MR. HERNANDEZ: Yeah, a quick question.
37 In the petition Hidden Falls Hatchery was mentioned as
38 one of the factors in the Kanalku sockeye. Were you
39 contacted? As Northern Southeast Regional Aquaculture
40 Association, were you contacted as a stakeholder in this
41 process?

42
43 MR. REIFENSTUHL: No, I haven't been
44 contacted. I was hoping that we would. I have checked
45 in with the Department on a couple of occasions, and I
46 know that the Commissioner's Office has representatives
47 that are working with the community of Angoon, but I
48 personally have not been. And again that's why I sit
49 before you today to offer whatever I can as part of the
50 solution.

1 CHAIRMAN ADAMS: And thank you. We
2 appreciate that. Any more questions.

3
4 (No comments)

5
6 CHAIRMAN ADAMS: Well, than you, Steve.

7
8 Last, but not least, Mr. Bob Sanderson.

9
10 MR. SANDERSON: Thank you, Mr. Chair.
11 I'll keep this brief, brief as possible. First of all,
12 Rob Sanderson, Tlingit and Haida Central Council, second
13 vice president.

14
15 I'm going to go on record, we do support
16 the Angoon petition. President Thomas spoke about that
17 at the last subsistence board meeting.

18
19 I'm going to just speak a little bit
20 about how I feel, the things that I've been thinking
21 about tie into this petition and where we're at today.
22 And I think we're missing the boat on a lot of issues
23 there.

24
25 The main one would be the salmon bycatch
26 in the Gulf of Alaska. We are in dire straits out there.
27 We all need to do our homework on this here. What I
28 believe is -- well, it is a Federal issue. They control
29 these draggers out there. The North Pacific Fisheries
30 Management Council, NMFS, NOAA, take your pick.

31
32 I, in my opinion, believe the State of
33 Alaska has a duty to their citizens in this state to
34 engage with the Federal Government on what's happening in
35 our waters out there. They are raping our seas out
36 there. Literally raping them. But we're in -- one of
37 our people here in Southeast Alaska get one, two, three,
38 four fish over the limit, we're cited. We're going to
39 court.

40
41 Now you tell me, when you're pretty close
42 to at least 85,000 Chinook salmon kicked over the side in
43 bycatch, wanton waste, wouldn't you consider that a
44 crime? Would anybody here consider that a crime? I
45 would think so.

46
47 And, you know, that's -- and those -- the
48 sockeye, we don't have an accurate datum on what's being
49 caught and kicked over the side in our fishery. We do
50 know that there's tens of thousand -- I mean, there's

1 thousands of tons of halibut being kicked over the side
2 in the halibut bycatch.

3
4 And I'm just going to let you know where
5 I'm going with this here and how it ties into Angoon. I
6 believe every community should have a right to go after
7 what they feel that is theirs. The Central Council feels
8 the same way. You can't blame Angoon for not wanting to
9 go -- what they -- go after what they feel is rightfully
10 theirs. Any community can go after that.

11
12 When you have that many fish taken out of
13 our seas, out of our oceans, kicked over the side,
14 there's going to be terrible reactions to what is
15 happening out there. In 20 years we won't have nothing
16 to fight about or talk about if this keeps up. And if
17 you go out and do your homework, pretty much every viable
18 fishery in this world has been raped by trawlers. The
19 Gulf of Alaska is next. Look at what happened to the red
20 king crab fishery. It didn't take too long to take that
21 down and put it out.

22
23 The Federal Government is allowing the
24 rape of these oceans or Gulf of Alaska for a lower grade
25 fish, what they call imitation crab, pollack. That's
26 wrong. I can't even fathom that many fish going over the
27 side of the boat. You know, we don't know, like I said,
28 what's going on with the sockeye because there's no data
29 on that. At least I have not seen any. And if there's
30 anybody that knows, please let me know.

31
32 Our commercial fishermen, our sport
33 fishermen, our traditional use and customary trade
34 takers. We should be outraged at what's going on here.
35 The State of Alaska should be stepping in and working
36 with the Federal Government on what's going on in the
37 trawl industry. You know, at this rate, they're really
38 having a hard time getting caps on a lot of this -- on
39 our Chinooks out there. I believe they're probably going
40 take final action maybe at the December meeting, that
41 council in Anchorage.

42
43 So, you know, that's really what we
44 should be looking at, you know. We won't have nothing to
45 fight over in about 20 years time.

46
47 King salmon are getting scarcer and
48 scarcer, you know, and it's not going to take too much
49 longer for that fishery to go down the drain period. If
50 I was a permit holder, a trawl permit holder, I'd be

1 outraged. I'd be up there talking to the people. All
2 you see is men in suits. Lawyers. You know, I don't
3 barely see anybody from Southeast Alaska up there
4 representing what they feel that is theirs. I see a lot
5 of people from Western Alaska up there doing what they
6 can to protect their fisheries. Look at what's happening
7 in the Y-K Delta right now. They're not getting nothing,
8 and that's because of the trawl fishery bycatch in the
9 Bering Sea. And our Native people up there in the Yukon
10 and the Kuskokwim, you know, Chief Ivan Ivan, Akiak, they
11 put -- they told their people to go out and go fishing.
12 Break the law if you have to. You have to have food to
13 put on your table. When does this end?

14
15 So, you know, just -- I'm sure -- I'm not
16 going to any further. You know, this one here causes me
17 a lot of heartburn, you know. And the numbers I threw
18 out, they may be actually low, you know, we really don't
19 know what the true number of bycatch is in the Gulf of
20 Alaska and the Bering Sea, but I do know one thing. A
21 lot of that fish should be coming our way for our
22 commercial fishermen, our sport fishermen and our
23 traditional use of that salmon, halibut.

24
25 So those are my comments, Mr. Chairman.
26 I think you for your time.

27
28 CHAIRMAN ADAMS: Thank you, Robert. You
29 know, we have been concerned about this for years and
30 years. We've brought it up and discussed it over and
31 over and tried to get it, you know, addressed, you know,
32 and the powers that be. And I understand right now that
33 the -- I don't know whether it's implemented or not, or
34 approved, but there is a recommendation to put a ap on
35 the trawlers for particularly the king salmon bycatch,
36 you know, of about 28,000 or so. So, you know, we are
37 trying from this body to address that issue.

38
39 MR. SANDERSON: I believe it's like
40 pretty close to 24, 28,000, something like that, but, you
41 know, no matter what kind of cap they put on it, it's
42 always going to run over in my book. There is science
43 out there to help these trawlers avoid these salmon
44 migrations in different parts of the Gulf, but the
45 technology, I'm not a technical person, I couldn't even
46 tell you, but -- and that's just from reading. Hopefully
47 sooner than later that they'll start implementing these
48 technologies to protect the Chinook, sockeye, the whole
49 nine yards.

50

1 CHAIRMAN ADAMS: Yeah. That's the issue
2 that we're trying to deal with right now, that we're
3 trying to see, and it's how to implement that, you know,
4 right now.
5
6 MR. SANDERSON: Uh-huh. Yeah. Well,
7 anyway, I thank you, Mr. Chairman and members of the
8 Council for your time.
9
10 CHAIRMAN ADAMS: Well, have a nice
11 evening, Bob.
12
13 MR. SANDERSON: Thank you.
14
15 CHAIRMAN ADAMS: Okay. Why don't we take
16 a break and then we'll reconvene here in five minutes to
17 do the MOU. Okay.
18
19 UNIDENTIFIED VOICE: (Indiscernible -
20 away from microphones)
21
22 CHAIRMAN ADAMS: Pardon?
23
24 UNIDENTIFIED VOICE: (Indiscernible -
25 away from microphones)
26
27 CHAIRMAN ADAMS: Is it about this? We're
28 going to take other testimonies tomorrow. Right now
29 we're dealing with this particular issue, okay? So if
30 you can come in tomorrow morning, we'll give you your
31 opportunity.
32
33 Okay. Why don't we go ahead and
34 just.....
35
36 (Off record)
37
38 (On record)
39
40 CHAIRMAN ADAMS: Back into session.
41 Okay, folks, we are now on the MOU, and we are going to
42 let Steve and Jennifer, you know, address it at this
43 point. And then we'll go from there.
44
45 What we're kind of thinking is maybe
46 dividing -- for the sake of time, if we could, you know,
47 they have committed themselves to maybe taking about 20
48 minutes to do their presentation, and then we'll reserve
49 some time for maybe, you know, public comments and so
50 forth, and then we want to take maybe no more than 30

1 minutes, you know, discussing among ourselves. We
2 probably won't do that, take it that long. It depends on
3 you guys. But we hope maybe we a be out of here within
4 50 minutes or an hour with your indulgence, with your
5 help. Okay?

6

7 Go ahead, Steve and Jennifer. Who's
8 going to be first?

9

10 MS. YUHAS: After you, Mr. Kessler.

11

12 MR. KESSLER: Why thank you. I think
13 it's now good evening. Good evening, Mr. Chairman and
14 Council members. My name is Steve Kessler. I'm with the
15 U.S. Forest Service, on the InterAgency Staff Committee,
16 and with me is Jennifer Yuhas.

17

18 And we'll be doing this presentation
19 jointly. I'll do most of the talking, Jennifer will
20 answer all the questions. Is that how it works?

21

22 (Laughter)

23

24 MS. YUHAS: That's not what he said at
25 the break, Mr. Chairman.

26

27 (Laughter)

28

29 CHAIRMAN ADAMS: But she has developed
30 the same policy that I do, she doesn't answer our
31 questions.

32

33 MR. KESSLER: I know. I'm worried about
34 that.

35

36 (Laughter)

37

38 MR. KESSLER: So the first thing I ask
39 you to do is in your Council Book, please look at Page
40 156. So the briefing begins on Page 154, but, ah-ha, I
41 want you to look at 156 first. And that's where the
42 action item is. So this is an action item where we are
43 requesting that you develop and provide to the Board and
44 to the working group you Regional Advisory Council
45 comments concerning this draft revised MOU. We would
46 like you to have enough time to invite the public,
47 tribes, or ANCSA corporations to provide comments on this
48 MOU.

49

50 There was a news release that went out

1 probably a few weeks ago that was broadly distributed
2 that said that all the Regional Advisory Councils would
3 be covering this topic, and that people would be able to
4 testify at these meetings concerning this revised MOU.

5
6 So now let's jump back to Page 154 at the
7 beginning of the briefing. This is the draft memorandum
8 of understanding for coordinated interagency fish and
9 wildlife management for subsistence uses on Federal
10 public lands in Alaska. The review of this MOU was one
11 of the items discussed in the 2009 Federal Subsistence
12 Program review, and to quote, Secretary Salazar said,
13 review, with Regional Advisory Council input, the
14 December 2008 memorandum of understanding with the State
15 to determine either the need for the MOU or the need for
16 potential changes to clarify Federal authorities in
17 regard to the subsistence program.

18
19 And I don't want to go into much history
20 here, but just a little bit was that there was previously
21 a memorandum of understanding that was initialled between
22 the Federal program and the State, and that was replaced
23 with this December 2008 memorandum of understanding which
24 we are now looking at.

25
26 MS. YUHAS: It was a memorandum of
27 agreement.

28
29 MR. KESSLER: I did say that.

30
31 MS. YUHAS: No, you said understanding.

32
33 MR. KESSLER: Oh, okay. The original one
34 was a memorandum of agreement that was initialled.

35
36 The 2008 MOU was distributed to the RACs
37 during the winter of 2011 with a request for comment.
38 The summary documents of all the comments received starts
39 on Page 157 of your book.

40
41 The Federal Subsistence Board requested
42 that a Federal/State working group be formed to review
43 the comments and provide recommendations for changes to
44 the MOU. The State and Federal MOU working group
45 members, who are listed on the bottom of Page 154, so you
46 have two of them in front of you right now, met twice
47 over the winter 2011/2012 to review the comments and to
48 develop this proposed changed MOU. The revised version
49 has been prepared for our review with the rationale for
50 each of the changes. And that's in your Council book

1 starting on Page 160.

2

3 There are a number of sort of what we
4 called here noteworthy changes, and they are listed on
5 Page 154 and Page 155.

6

7 Several Councils requested that we use
8 plain language in the MOU. A few changes were made.
9 Some of these were identified in the comments in the
10 draft that's in front of you, and we would welcome any
11 additional changes or locations where you say, that's not
12 plain language. We need something that's easier to
13 understand.

14

15 We did some re-ordering of the MOU. It's
16 reformatted to consistently place the Federal language
17 before the State language as the focus on the Federal
18 Subsistence Program and Federal Public lands that is the
19 subject of this MOU, and because there was just a lot of
20 inconsistency in the document.

21

22 There was some discussion about having a
23 glossary, and definition of terms, but rather than
24 creating a glossary or defining terms, we tried to use
25 plain language and keep the sort of definitions directly
26 within the MOU.

27

28 On the top of Page 155, traditional
29 ecological knowledge, multiple Councils asked that TEK be
30 added wherever scientific information was used, the words
31 scientific information. We considered that and we
32 responded by adopting ANILCA terminology, which is
33 customary and traditional uses, in a number of areas, and
34 I'll identify some of those for you.

35

36 As far as predator management, there a
37 number of comments specific to active management, and
38 although some of the Regional Advisory Councils probably
39 wanted something different, we did include the language
40 from the Board's predator management policy on predator
41 management.

42

43 State management plans, the current MOU
44 states that State fish and wildlife management plans will
45 be used as the initial basis for management actions.
46 That's been revised as you'll see as we go through this.
47 And I believe that was a comment that came from the
48 Southeast RAC.

49

50 There was a request for an evaluation of

1 the MOU, sort of a monitoring of how it is going. That
2 is a comment that came from the Southeast RAC, and you'll
3 find that now in this proposed revised memorandum of
4 understanding.

5
6 And then multiple Councils asked for
7 review of some of the existing protocols, and that's not
8 in here, but it is shown as a commitment for further
9 action of the signatories.

10
11 Go ahead.

12
13 MS. YUHAS: As we're wrapping up this
14 section, I just want to point out that I am on the
15 committee and agreed to the language that you see before
16 you, but I have been asked to place on the record at this
17 meeting, the same way I did in the May meeting for the
18 Federal Subsistence Board, the State does have some
19 concerns with item 7, not that we don't want it opened
20 up, but that the idea of placing an annual cycle into
21 this seems to confuse folks. Before the directed review
22 was asked for by AFN in 2008, it's always been open, and
23 since we initiated this directed review, people want to
24 know, well, when will it be opened again. It's always
25 been open. At any point in time in a process, any
26 member, any public person could petition the RAC or the
27 Board to say, we'd like something added or taken out of
28 the MOU, and the Board would have to address that. So I
29 think there's some confusion with this initiating an
30 annual cycle that there will be a beginning and an end,
31 and it was always open before, why do we need that. So
32 we have a few concerns with perception on that.

33
34 But with regards to how is it working, I
35 am prepared to answer those questions to the RAC at the
36 end of our presentation, because the State does have some
37 comments.

38
39 CHAIRMAN ADAMS: Thank you.

40
41 MR. KESSLER: Thank you, Jennifer.

42
43 Next what I would like to do is take a
44 look at the language, proposed revised language of the
45 MOU, particularly in context with your letter that you
46 sent that's dated April 15th, 2011. And a copy of that
47 was placed in front of each of you on the table. Those
48 comments that you provided were summarized on Page 159 of
49 the Board book where all the Council comments were
50 included. But what I want to do is go through your

1 letter, the exact letter that you sent in and I want you
2 to be able to see where each one of your comments was
3 actually addressed.

4
5 So the way I read your letter, there were
6 essentially seven items that you were concerned with, and
7 each of those were addressed in the revised MOU, the
8 draft revised MOU in some way.

9
10 Now, I have one magnifying glass, and we
11 apologize for the size of the type on this draft revised
12 MOU, and especially what we were trying to do is to get
13 where the comments were bigger, because they're really
14 small. So I have one magnifying glass. Does anybody
15 want to claim it?

16
17 (No comments)

18
19 MR. KESSLER: Nobody wants to claim it.
20 Well, it's here if you need it.

21
22 CHAIRMAN ADAMS: You should have had one
23 for all of us.

24
25 (Laughter)

26
27 MR. KESSLER: I agree. I agree. And
28 when I was preparing, leaving Anchorage for this meeting,
29 I saw this, and I went, this is what we need. I only had
30 one of them, so I apologize. But I actually thought we
31 could cut it into seven pieces.

32
33 (Laughter)

34
35 MR. KESSLER: So as you look through the
36 revision starting on Page 160, let me just quickly go
37 through the comments, and every change is represented
38 with a comment. Okay. And there's a rationale for each
39 one of those changes that's included here.

40
41 So, for instance, SPR2 is using plain
42 English, and we made a couple word changes which
43 hopefully are a little plainer English. You'll see that
44 comment about plain English a number of times through
45 here. We struggled with this recommendation of a number
46 of Councils to write this in plain English, because we
47 had a lot of difficulty saying, well, what doesn't
48 somebody understand the way it's written, and how could
49 we write it in a better way, but still have not changed
50 the meaning and context.

1 SPR3 responds to your fourth comment
2 about -- which was the wording and tone of the agreement
3 appears to highlight the role of the State in how the
4 Federal Subsistence Board manages subsistence and
5 minimizes the role of the Councils. And this in part --
6 there were a number of places that we made some small
7 changes, but one of the big changes we did do is we made
8 sure that when we talked about Federal and State, we were
9 careful to talk about it first as Federal, as a Federal
10 program, and this added a certain level of consistency to
11 the document also.

12
13 On the bottom of Page 161, SBR9, that, in
14 addition, helps to address that same issue I just
15 mentioned. These changes clarify that Federal management
16 under Title VIII differs from the State mandate. And
17 this change was made to address your Council's concern
18 regarding the relationship between the Federal and
19 subsistence program.

20
21 Page 162. You remember I talked just a
22 moment about predator management and how we added some
23 language in here. So on near the top of Page 162, SPR11,
24 the words that start with recognize that and then it's a
25 quote that comes from the predator management policy.

26
27 The next item, SPR3, had to do with the
28 wording about traditional ecological knowledge. And we
29 modified that language to better mimic the words of
30 ANILCA, and also recognizing that traditional ecological
31 knowledge means different things to different people. So
32 we thought to solve that problem, go to ANILCA, what does
33 ANILCA say, and it talks about knowledge of customary and
34 traditional uses. And so those are the words we used.
35 And that you can find in a number of places in here,
36 including SPR14 also responds to that.

37
38 SPR15 responds to an issue on the top of
39 the second page of your letter, which was specific to
40 delete the reference to Alaska State statutes. The
41 Council rejects the reasonable opportunity standards
42 specified in State statute. A couple of things in there.
43 And we made some changes. There's still reference to
44 Alaska State statute, but the wording was changed so that
45 it now reads to recognize a Federal priority for rural
46 residents on Federal public lands for subsistence uses of
47 fish and wildlife resources; additionally to allow for
48 other resource -- other uses of fish and wildlife
49 resources when harvestable surpluses are sufficient.

50

1 So it did change the language around.
2 We'll be interested to hear if that modification is what
3 you were looking for.

4
5 On Page 163, near the bottom, SPR19, it's
6 about management plans. And this responds to the second
7 item on the back page of your letter. And originally
8 this talked about using State management plans as the --
9 how is it -- let's see, State management plans as the
10 initial basis for any management actions. Well, it
11 recognizes that there's just not State management plans.
12 There's Federal management plans, cooperative management
13 plans, and so this was in response again to your
14 recommendation.

15
16 On Page 164 there's SPR23. That responds
17 to your issue. The Council has heard testimony that the
18 information sharing protocol has not been working as
19 intended, and that document should also be reviewed. And
20 so here in particular there's a note that says, we have
21 this commitment for future action to review these
22 protocols.

23
24 At the bottom of that page, SPR25, that
25 responds to your item talking about -- that's at the
26 bottom of Page 1 of your letter where you said, is there
27 a process of monitoring and evaluating how the
28 information sharing protocol is working. And so this
29 language was added that the Regional Advisory Councils
30 and State advisory committees will be asked annually to
31 provide comments to the signatories concerning Federal/
32 State coordination of the MOU, and then at the annual
33 meeting of the signatories that the signatories would be
34 able to -- would consider those comments. So this --
35 they will be asked annually to provide comments, how
36 things are going, but you don't necessarily -- I mean, if
37 you don't want to have it on your agenda, you don't have
38 to, but the Board would be looking -- and the Board and
39 the State would be looking for your input. We don't want
40 to make this onerous, but at the same time we want to
41 make sure that this is a living document.

42
43 So those are the main changes. It
44 addresses I believe every one of the changes, the
45 recommendations in your letter.

46
47 And, Jennifer, do you have some
48 additions?

49
50 MS. YUHAS: I do not have additions to

1 the language. I have other subject matter.

2

3 CHAIRMAN ADAMS: Well, thank you, Steve
4 and Jennifer.

5

6 So questions or comments from the Council
7 regards to how this MOU is put together in response to
8 the letter that we submitted way back in April of 2011.

9

10

11 Mr. Wright? No? You were going like
12 this. Oh.

13

14 Comments anyone. Questions.

15

16 (No comments)

17

18 CHAIRMAN ADAMS: Thank you, sir and
19 madame.

20

21 MS. YUHAS: Mr. Chairman. So the -- if
22 there's no questions or comments on the language, I
23 should probably address that our presentation was on the
24 language within the document, and that is one portion of
25 the MOU review process. And I have agreed to all of the
26 language here.

27

28 I also have been asked and cannot
29 withhold from the RAC that I have been asked about other
30 portions of what it will take to enact the MOU. And
31 enacting the MOU is dependant on more than agreement to
32 the language.

33

34 One item that is of note is that the MOU
35 was signed after the Office of Subsistence Management
36 began funding the liaison office within Fish and Game.
37 So there's an obligation to relate back to the Board, and
38 part of that's depending on the funding. That funding is
39 currently in jeopardy, and so that is a factor in
40 enacting the MOU.

41

42 Another item which is not lengthy but is
43 weighty, and so I will be concise in my testimony, but I
44 have to say it's a little bit difficult that I do have to
45 put this on the record, because I have been asked within
46 my own agency how things are working with the MOU. I
47 think that I work with very good, well-intended people
48 with whom I have a high degree of rapport, who mean
49 nothing malicious when they forget to relate to the
50 State, but we have had several instances over the last

1 eight months that have posed complications to the process
2 as well as hardships to the users on the State side.

3
4 Some of those examples are simple
5 forgetting to copy the liaison office on data requests.
6 And the liaison is not copied in our protocol out of any
7 control measure, but it's an effort to assist, to make
8 sure that data is being returned to the questioner on a
9 routine basis. And I can't assist with that if the
10 liaison office is not copied.

11
12 Doing so, circumventing the liaison
13 office in some of these requests has posed major
14 complications to other regions in the format that one
15 data request we satisfied was not copied through the
16 liaison office. The very next week we were asked for
17 State comments on a wildlife special action. I let my
18 counterpart at OSM know we would need a little more time,
19 this was a complicated matter. I was told I could have
20 more time, and my email in-box shortly included a
21 communication to the full Board saying that the ISC
22 recommendation was to support the wildlife special
23 action, and I said, hey, remember, you guys are waiting
24 on the State comments. They said, oh, we have them. I
25 said, what? I said, no, that's the data request, and the
26 same biologist that told you there wasn't a conservation
27 concern would not like to approve this wildlife special
28 action for other reasons. You don't have the State
29 comments yet. And so it was cumbersome to have to do a
30 follow up with the Board and say, you don't really have
31 our comments yet, and here they are, and this might
32 change things, rather than giving them all the
33 information at once.

34
35 I also, not out of any malicious intent,
36 but there was a distinct pattern leaving the State
37 liaison off the ISC meeting notification invitation for
38 several months. I received apologies and it's nothing
39 personal, but it did pose complications. We were unable
40 to give our State position on several matters. One of
41 those manifested in having to write a separate letter to
42 the Board for the May meeting to indicate you're in
43 possession of something that says there's a unanimous ISC
44 recommendation, and I joked a little, and said, was that
45 the internal Staff Committee meeting, because it wasn't
46 the InterAgency Staff Committee meeting I'm supposed to
47 be a member of. And we had to give a separate report
48 saying the State doesn't agree with the recommendation.
49 That was cumbersome. It didn't work too well.

50

1 Speaking of ISC meetings, our annual
2 meeting to review the fisheries proposals was changed,
3 but the State wasn't notified. This posed a hardship to
4 us on several levels. We were done with our comments a
5 month early, so that was great for us, but what that also
6 meant was that I was pestering field biologists in the
7 middle of their field season to contribute data to our
8 comments so that we could evaluate things. They really
9 had another month. They might not have had to stop what
10 they were doing to get the answer to me when we had a
11 whole another month to do our comments. I didn't find
12 out the meeting had been changed until the Friday before
13 the Monday meeting.

14
15 On a personal level, I changed my jury
16 duty for that meeting. I have now been assigned the week
17 between Christmas and New Year's, so I won't be visiting
18 my aging parents.

19
20 And it's trivial, because we're here to
21 discuss professional things, but there have been several
22 consequences to not following the MOU and the protocol.
23 And we are having those internal discussions. The
24 document only has value if we agree to the language and
25 we follow it. If we're not following it, the value is
26 decreased on the State side. And I can't withhold that
27 information from you as you're moving forward to discuss
28 the MOU.

29
30 I do have a great deal of respect for my
31 Federal counterparts and appreciate them and find them
32 very nice, well-intended people, but there have been
33 several missteps and it has affected the professional
34 relationship.

35
36 CHAIRMAN ADAMS: Thank you, Jennifer.

37
38 I think what the Council needs to do is
39 consider, you know, whether this draft here, you know,
40 addresses all of our concerns in the letter that we
41 submitted. So were you able to capture that when they
42 were doing their presentation? Okay. They're asking for
43 an action item, some action on this MOU.

44
45 Mr. Kookesh, go ahead.

46
47 MR. KOOKESH: Since this is a work in
48 progress, I really value Patty Phillips' input in this.
49 And I'd like us to wait until we hear what she has to
50 say. Because if I know Patty, she's reading this

1 material and she's absorbing it pretty good. And I'd say
2 we'd be premature to give them a -- you want an answer
3 real fast, the answer is no. I'd wait for Patty's -- to
4 get a response from Patty just out of respect for Patty
5 and her process.

6

7 Thank you.

8

9 CHAIRMAN ADAMS: Thank you. So does the
10 Council feel the same way. Cathy.

11

12 MS. NEEDHAM: I mean I agree Patty brings
13 a good perspective to this particular type of thing and
14 has an intricate knowledge of, you know, ANILCA and how
15 its served. But I'd also wonder if we would have a
16 discussion with the original subcommittee that was
17 assigned to this topic during the 2011. If the question
18 on the table is to determine whether or not our original
19 comments were addressed, I think that that subcommittee
20 would probably be the best entity that could answer that,
21 and we could still have -- I mean, I guess I'm just
22 asking is that our only action item is to make sure that
23 our original comments were addressed, or are we trying to
24 come up with additional comments and recommended changes
25 to the document as it's amended. I'm not sure what
26 we're doing

27

28 CHAIRMAN ADAMS: Here's what they're
29 asking for, an action is to -- you can find it on Page
30 156. Okay? It says, lease develop and provide to the
31 Board and working group your Regional Advisory Council
32 comments concerning this draft revised MOU. If the
33 public, tribes or ANCSA corporations wish to provide
34 comments for your consideration, please allow for that
35 during the time on your agenda for this topic. Thank
36 you.

37

38 We haven't had an opportunity to hear
39 comments from tribes or ANCSA corporations or other
40 public people, so -- yeah. So, you know, that's a
41 concern here.

42

43 Is there anyone on line here that would
44 like to make a comment on this issue.

45

46 (No comments)

47

48 CHAIRMAN ADAMS: I keep forgetting
49 there's people on the other side. Maybe they went home
50 for dinner. Okay.

1 Pardon? They went to bed. That's where
2 I would go.

3
4 So what's the wish of the Council. You
5 know, there's some who want to wait until we get the full
6 Council here to make comments. Is there any real issue
7 that this needs to be coming forth from us, you know,
8 promptly?

9
10 MS. YUHAS: I don't know about the
11 promptness, but before the Federal Subsistence Board
12 takes action I'm sure they would like to know whether
13 you're happy with the document or you have items to add
14 to the discussion before they have to take it up.

15
16 CHAIRMAN ADAMS: Yeah, and that's going
17 to be in January. We're not going to meet between now
18 and then.

19
20 Mr. Kessler.

21
22 MR. KESSLER: Thank you, Mr. Chairman.
23 I didn't go over it, but on the bottom of Page 155 and
24 the top of Page 156 there's a timeline that we are
25 currently working under. So by the end of the Regional
26 Advisory Council cycle, which we're in right now, which
27 is essentially the end of October, we need everybody's
28 comments so that we can go forward with the next step.

29
30 One thing that I would like to say is I
31 think in response to Ms. Needham is that it's open, you
32 know. You have this MOU, you don't just have to see if
33 your comments were addressed, because there were other
34 changes that were made. There were some changes that
35 were made, a few changes, like the predator management
36 policy addition, that really responded in a backwards way
37 to one of -- or a couple of the Councils. So it's really
38 open what have -- you know, as far as providing comments.

39
40 CHAIRMAN ADAMS: So does that answer our
41 question as to whether we need to respond right now? You
42 said sometime in October is when they're expecting
43 responses from all of the Council members, RACs. Go
44 ahead.

45
46 MR. KESSLER: Well, you would need to
47 meet in public session between now and then if you were
48 not to provide the comments at this session.

49
50 CHAIRMAN ADAMS: Yeah.

1 MR. KESSLER: At least that's the way
2 that I see it.
3
4 CHAIRMAN ADAMS: So the time.....
5
6 MR. KESSLER: I do want to mention that
7 Ms. Yuhas will be here today, but not tomorrow, so if
8 there are some questions that you would like to address
9 to the State on this draft revised MOU, it will need to
10 be today.
11
12 MS. YUHAS: I will be available by
13 telephone after 9:00 a.m. tomorrow morning, and am happy
14 to answer questions. I have to go to something that
15 would allow me to take a phone call tomorrow.
16
17 CHAIRMAN ADAMS: Cathy, help us out.
18
19 MS. NEEDHAM: I'm not going to be any
20 help. Is this something that we can have our original --
21 we had a subcommittee for this at the meeting we
22 originally looked at the MOU, giving RAC input, and it
23 sounds like it's open again to make sure (a) our issues,
24 our original issues were address, and now to look at the
25 revised draft MOU and determine whether or not we're
26 satisfied with it. Can that subcommittee reconvene and
27 work on it and give the Council as a whole direction
28 again, or do we want to sit here and each try to absorb
29 and put together the parts and pieces ourselves.
30
31 CHAIRMAN ADAMS: Could you do something
32 by 10 minutes after you meet?
33
34 (Laughter)
35
36 MS. NEEDHAM: I wasn't on the original
37 subcommittee. I have other work group responsibilities
38 that I still need to attend to.
39
40 CHAIRMAN ADAMS: Yeah. Who was on that
41 work group? Do you have something to add?
42
43 MS. NEEDHAM: Nobody's going to claim it.
44
45 CHAIRMAN ADAMS: No one wants to claim
46 it.
47
48 MR. LARSON: Mr. Chair, the -- personally
49 I think the work of this -- of the MOU subgroup is
50 passed. What you see before us is an action of the

1 Council, and that's the important document that we have
2 to remember, is that it's only the work of the Council
3 that has relevance here. So this letter is what was the
4 end result of previous work by other work groups and
5 individuals, but it's the letter that is the work
6 product, and that is the formal position of the Council.

7

8 CHAIRMAN ADAMS: Go ahead, Cathy.

9

10 MS. NEEDHAM: Okay. I guess with that
11 being said, I kind of do have a question for the State.
12 I heard your concerns and I'm wondering if you had
13 recommendations on how the MOU would address our
14 concerns. Or recommended changes yourself, how you think
15 that would be put forth.

16

17 CHAIRMAN ADAMS: Mike, did you have a
18 comment.

19

20 MR. DOUVILLE: I would think that we
21 could provide comment to this before the end of the
22 meeting. Right now might not be the best time and get
23 the best comments.

24

25 CHAIRMAN ADAMS: You think maybe we can
26 do that, come up with a comment tomorrow before we end
27 this meeting tomorrow? It might be a good idea to think
28 about it, you know, and see how you feel. I don't know.
29 Do we have access -- yes, I know. Do we have access to
30 Patty's -- can we get her on the phone tonight and get
31 her impressions of it, you know?

32

33 What do you think.

34

35 (No comments)

36

37 CHAIRMAN ADAMS: Go ahead.

38

39 VICE CHAIR BANGS: Thank you, Mr. Chair.
40 I agree with Mr. Douville, but I also would like to hear
41 any questions to the State, because she won't be here
42 tomorrow. So if we could come up with any questions to
43 ask her right now, then that's the best we could do at
44 this point. And I really don't think we could go through
45 this this evening and have any kind of coherent answers.

46

47 Thank you.

48

49 CHAIRMAN ADAMS: Okay. We can, you know,
50 come up with the recommendation tomorrow, but if you have

1 any questions for the State right now, now is the time
2 to take it, because she's going to be gone tomorrow.
3 Yes.

4
5 MS. NEEDHAM: I still have a question on
6 the table. If she can answer it, that would be great.

7
8 CHAIRMAN ADAMS: Go ahead.

9
10 MS. YUHAS: Through the Chair. The
11 answer is, no, I do not have recommendations to the
12 language. And that's what I was trying to segregate for
13 you is that the language in the document in your packet
14 is as the language should be.

15
16 There are issues surrounding enactment of
17 the language that are complicated by other matters that
18 are not written. We can write anything we want to. If
19 we're not going to follow it, the document doesn't have
20 value was the point. And so that refers to the mechanics
21 and that I don't want anyone to be surprised that they
22 had never heard this before if the State has to bring
23 that up at future meeting in a larger venue. And we're
24 currently weighing the value of the document.

25
26 MS. NEEDHAM: So then just as a quick
27 follow up and to confirm. It's still -- it's probable
28 that the State might not -- I mean, there is a
29 possibility that the State might not even enter into the
30 MOU as written.

31
32 MS. YUHAS: Thank you, Mr. Chairman. And
33 that has always been on the table. It has never been a
34 threat, it has never even been misused, but even in some
35 of our committee meetings, a gentle reminder that
36 signature is not guaranteed elicited some incited
37 members, and I said, I'm just saying signature is not
38 guaranteed. We don't even know what the final language
39 will look like. Until we have final language to bring
40 back to my commissioner, I can't guarantee her signature.

41
42 What I've placed on the table today is
43 that the language is not the only factor. That does not
44 mean we're anticipating not signing an MOU today. It's
45 just that we have a long way to go.

46
47 CHAIRMAN ADAMS: Okay. Do you know how
48 to get ahold of Patty?

49
50 MR. LARSON: Well, I think that I've got

1 a missed call from here just a few minutes ago, but to
2 the best of my knowledge, she was scheduled to arrive
3 here a few minute before 5:00 o'clock, and she would be,
4 you know, with us tomorrow. That was the last I'd spoken
5 to her.

6

7 CHAIRMAN ADAMS: Oh, tomorrow. Do you
8 feel comfortable with just waiting for tomorrow morning
9 when Patty might be here to talk about this some more.
10 Go ahead.

11

12 MS. NEEDHAM: Mr. Adams, I got a text
13 from Ms. Phillips, and she is in Sitka, so she will be
14 here.

15

16 CHAIRMAN ADAMS: She is here.

17

18 MS. NEEDHAM: Uh-huh. (Affirmative)

19

20 CHAIRMAN ADAMS: Okay. So we'll see her
21 tomorrow. Yes, ma'am.

22

23 MS. YUHAS: Mr. Chair. I'd also just to
24 like to make it available that I know that you cannot
25 convene a meeting because there are public meeting rules,
26 but I am in Sitka. I am available to any individual RAC
27 member who needs to ask me a question by telephone or in
28 person this evening if that would add to your discussion
29 tomorrow. And so, you know, that resource is available.
30 I'm happy to answer anyone's questions this evening or
31 tomorrow by telephone.

32

33 CHAIRMAN ADAMS: Okay. So does Robert
34 have your telephone number.

35

36 MS. YUHAS: He does, and we will make
37 that available.

38

39 CHAIRMAN ADAMS: Okay. So why don't we
40 do that then, folks, is wait and take this up first thing
41 in the morning, and then Patty will be here. Of course,
42 you'll be gone, but you'll be available through telephone
43 if need be, except for when you're flying on the plane,
44 right? So when is that going to be?

45

46 MS. YUHAS: 0600 to 0930.

47

48 CHAIRMAN ADAMS: From 6:00 to 9:30, okay.
49 All right. Good. Thanks.

50

1 So that's what we'll do then. We'll
2 continue with this tomorrow morning. Good. And, you
3 know, think about it tonight, and see how you feel in the
4 morning.

5
6 Steve.

7
8 MR. KESSLER: Thank you, Mr. Chairman.
9 Just a suggestion for your. You might consider whether
10 you could do the public tribes or ANCSA corporation
11 comments now, and you wouldn't have to do that in the
12 morning.

13
14 CHAIRMAN ADAMS: Yeah. We can do that
15 right now.

16
17 MR. KESSLER: That would be great.

18
19 CHAIRMAN ADAMS: Uh-huh. Thanks. So
20 we'll open it up for -- thank you, Steve and Jennifer.
21 We'll open it up for comments by tribes or ANCSA
22 corporations. Up there. (In Tlingit) This is in regard
23 to this MOU we've been talking about. Would you turn
24 your microphone on, please.

25
26 MS. MARTIN: Gunalcheesh to the Chair and
27 the Board. It's about balance, you know, whether it's a
28 State entity, Federal entity, we as the indigenous people
29 request that we be brought -- that everything should be
30 brought to the table to each of the leaders throughout
31 the nation. It isn't about tax cuts, it isn't about who
32 owns what. We were here first, and there are many laws
33 and each of the entities were -- as for instance, minor
34 children adoption throughout the Lower 48.

35
36 We as the people need to keep our people
37 within Alaska. I've been meeting people that have been
38 adopted out. I have family members that were adopted out
39 in Florida, Texas.

40
41 I have a young girl that calls me, and
42 she looks up to me as her mother. Her mother's no longer
43 with her any more. They put her on prescription drugs.
44 They put her in a psychiatric ward as a minor. We all
45 know what the side effects are.

46
47 Tourism. Tourism is dumping their waste
48 in our waters, contaminating. Oil spills. Our streams.
49 Our creeks. Who gives you permission to block our
50 creeks? Who manages the land?

1 When do our Native people get it at hand
2 about the tsunami? I met a fisherman from the Aleutian
3 Chain. He said the sirens came off in 10 days within the
4 tsunami.

5
6 Now we're contaminated. Waste
7 management. I don't agree. I don't agree for one
8 minute.

9
10 Immunization shots, I don't agree with
11 the people that come in and off -- when our Native, when
12 our indigenous people could have jobs. I've gone into
13 the homeless shelters. I've gone into the system. I
14 work for the courthouse. It's time. It's time that we
15 as the people stand up for our rights. Civil rights
16 under Federal law.

17
18 I've been in three car accidents. I
19 don't recall a State Trooper coming into my hospital at
20 Bartlett. I shattered a windshield. Not one great cop
21 did I see from the State Troopers in Juneau, Alaska.

22
23 My mother was in a car accident. I was
24 out of the country. When I woke up, I was crying. I
25 called my aunt in Seattle, Washington. I couldn't stop
26 crying. I asked, what's wrong? What's wrong? And they
27 said, you have an airplane ticket. Your mom's been in a
28 bad accident. This gentleman had a brand new vehicle.
29 My mom had a Chevy Chevette. She was pushed clear to the
30 other side, working for the State of Alaska, Department
31 of Revenue. My family worked for Alaska Coastal Alaska
32 Airlines, the State of Alaska.

33
34 We as the people need to understand that
35 whether or not you come from here, you live here. When
36 I go down to the boats at Auke Bay, you need to regulate
37 the halibut. People are taking chicken halibut home.
38 Something's wrong with that picture.

39
40 And then you're going to smear people's
41 names all over the newspapers, and you have no idea
42 there's a privacy act.

43
44 We were here first. Not last. It's not
45 the last frontier, we were here first.

46
47 Gunalcheesh. Thank you.

48
49 CHAIRMAN ADAMS: Gunalcheesh. Thank you.
50 Any other tribal or ANCSA corporation members like to

1 make a comment.

2

3

(No comments)

4

5 CHAIRMAN ADAMS: Okay. That's it. Why

6 don't we adjourn. Tomorrow let's do it at 8:30, okay?

7 We'll recess and then reconvene at 8:30 tomorrow so we

8 can be assured of getting done with our agenda. Thank

9 you.

10

11

(Off record)

12

13

(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 91 through 287 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL, VOLUME II, taken electronically by our firm on the 27th day of September 2012, in Sitka, Alaska;

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

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

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

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